

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE RULES COMMITTEE PRINT FOR H.R. 5
OFFERED BY MR. SCOTT OF VIRGINIA**

Strike the text and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Student Success Act”.

3 SEC. 2. REFERENCES.

4 Except as otherwise expressly provided, whenever in
5 this Act an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

10 SEC. 3. TABLE OF CONTENTS.

11 The table of contents for this Act is as follows:

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1 **TITLE I—IMPROVING THE ACA-**
2 **DEMIC ACHIEVEMENT OF THE**
3 **DISADVANTAGED**

4 **SEC. 101. STATEMENT OF PURPOSE.**

5 Section 1001 (20 U.S.C. 6301) is amended to read
6 as follows:

7 **“SEC. 1001. STATEMENT OF PURPOSE.**

8 “The purpose of this title is to ensure that all chil-
9 dren have a fair, equal, and significant opportunity to ob-
10 tain a high-quality education and to graduate ready to
11 succeed in college and the workforce by—

12 “(1) meeting the educational needs of low-
13 achieving children in our Nation’s highest-poverty
14 schools, English learners, migrant children, children
15 with disabilities, Indian children, and neglected or
16 delinquent children;

17 “(2) ensuring high-quality college and career
18 ready standards, academic assessments, account-
19 ability systems, teacher and school leader prepara-
20 tion and training, curriculum, and instructional ma-
21 terials are developed and implemented to prepare
22 students to compete in the global economy;

23 “(3) closing the achievement gap between high-
24 and low-performing children, especially between mi-
25 nority and nonminority students and between dis-

1 advantaged children and their more advantaged
2 peers;

3 “(4) holding schools, local educational agencies,
4 and States accountable for improving the academic
5 achievement for all students including the mastery
6 of content knowledge and the ability to think criti-
7 cally, solve problems, and communicate effectively,
8 ensuring all students graduate ready to succeed in
9 college and the workforce;

10 “(5) distributing and targeting resources to
11 support local educational agencies and schools with
12 the greatest needs to close the educational oppor-
13 tunity gap between low-income students and their
14 more affluent peers;

15 “(6) improving and maintaining accountability
16 for student achievement, graduation rates, and re-
17 source equity while increasing local flexibility and
18 authority to improve schools; and

19 “(7) ensuring parents have substantial and
20 meaningful opportunities to participate in the edu-
21 cation of their children.”.

22 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 1002 (20 U.S.C. 6302) is amended—

24 (1) by amending subsection (a) to read as fol-
25 lows:

1 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
2 the purpose of carrying out part A, there are authorized
3 to be appropriated \$30,000,000,000 for fiscal year 2016
4 and such sums as may be necessary for each of the 5 suc-
5 ceeding fiscal years.”;

6 (2) in subsection (c)—

7 (A) by striking “\$410,000,000” and in-
8 serting “\$500,000,000”; and

9 (B) by striking “2002” and inserting
10 “2016”; and

11 (3) in subsection (d)—

12 (A) by striking “\$50,000,000” and insert-
13 ing “\$55,000,000”; and

14 (B) by striking “2002” and inserting
15 “2016”.

16 **SEC. 103. STATE PLANS.**

17 Section 1111 (20 U.S.C. 6311) is amended to read
18 as follows:

19 **“SEC. 1111. STATE PLAN.**

20 “(a) PLANS REQUIRED.—

21 “(1) IN GENERAL.—For any State desiring to
22 receive a grant under this part, the State edu-
23 cational agency shall submit to the Secretary a plan,
24 developed by the State educational agency, in con-
25 sultation with representatives of local educational

1 agencies, teachers, school leaders, specialized in-
2 structional support personnel, early childhood edu-
3 cation providers, parents, community organizations,
4 communities representing underserved populations,
5 and Indian tribes, that satisfies the requirements of
6 this section, and that is coordinated with other pro-
7 grams of this Act, the Individuals with Disabilities
8 Education Act, the Carl D. Perkins Career and
9 Technical Education Act of 2006, the Head Start
10 Act, the Adult Education and Family Literacy Act,
11 and the McKinney-Vento Homeless Assistance Act.

12 “(2) CONSOLIDATED PLAN.—A State plan sub-
13 mitted under paragraph (1) may be submitted as a
14 part of a consolidated plan under section 9302.

15 “(b) COLLEGE AND CAREER READY CONTENT
16 STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STAND-
17 ARDS.—

18 “(1) GENERAL REQUIREMENTS.—Each State
19 plan shall include evidence that the State’s college
20 and career ready content standards, assessments,
21 and achievement standards under this subsection
22 are—

23 “(A) vertically aligned from kindergarten
24 through grade 12; and

1 “(B) developed and implemented to ensure
2 that proficiency in the content standards will
3 signify that a student is on-track to graduate
4 prepared for—

5 “(i) according to written affirmation
6 from the State’s public institutions of high-
7 er education, placement in credit-bearing,
8 nonremedial courses at the 2-and 4-year
9 public institutions of higher education in
10 the State; and

11 “(ii) success on relevant State career
12 and technical education standards.

13 “(2) COLLEGE AND CAREER READY CONTENT
14 STANDARDS.—

15 “(A) IN GENERAL.—Each State plan shall
16 demonstrate that, not later than the 2015–2016
17 school year the State educational agency will
18 adopt and implement high-quality, college and
19 career ready content standards that comply
20 with this paragraph.

21 “(B) SUBJECTS.—The State educational
22 agency shall have such high-quality, academic
23 content standards for students in kindergarten
24 through grade 12 for, at a minimum, English
25 language arts, math, and science.

1 “(C) ELEMENTS.—College and career
2 ready content standards under this paragraph
3 shall—

4 “(i) be developed through participa-
5 tion in a State-led process that engages—

6 “(I) kindergarten through-grade-
7 12 education experts (including teach-
8 ers and school leaders); and

9 “(II) representatives of institu-
10 tions of higher education, the business
11 community, and the early learning
12 community;

13 “(ii) be rigorous, internationally
14 benchmarked, and evidence-based, requir-
15 ing students to demonstrate the ability to
16 think critically, solve problems, and com-
17 municate effectively;

18 “(iii) be either—

19 “(I) validated, including through
20 written affirmation from the State’s
21 public institutions of higher education,
22 to ensure that proficiency in the con-
23 tent standards will signify that a stu-
24 dent is on-track to graduate prepared
25 for—

1 “(aa) placement in credit-
2 bearing, nonremedial courses at
3 the 2-and 4-year public institu-
4 tions of higher education in the
5 State; and

6 “(bb) success on relevant
7 State career and technical edu-
8 cation standards; or

9 “(II) State-developed and volun-
10 tarily adopted by a significant number
11 of States;

12 “(iv) for standards from kindergarten
13 through grade 3, reflect progression in how
14 children develop and learn the requisite
15 skills and content from earlier grades (in-
16 cluding preschool) to later grades; and

17 “(v) apply to all schools and students
18 in the State.

19 “(D) ENGLISH LANGUAGE PROFICIENCY
20 STANDARDS.—Each State educational agency
21 shall develop and implement statewide, high-
22 quality English language proficiency standards
23 that—

24 “(i) are aligned with the State’s aca-
25 demic content standards;

1 “(ii) reflect the academic language
2 that is required for success on the State
3 educational agency’s academic content as-
4 sessments;

5 “(iii) predict success on the applicable
6 grade level English language arts content
7 assessment;

8 “(iv) ensure proficiency in each of the
9 domains of speaking, listening, reading,
10 and writing in the appropriate amount of
11 time; and

12 “(v) address the different proficiency
13 levels of English learners.

14 “(E) EARLY LEARNING STANDARDS.—The
15 State educational agency shall, in collaboration
16 with the State agencies responsible for over-
17 seeing early care and education programs and
18 the State early care and education advisory
19 council, develop and implement early learning
20 standards across all major domains of develop-
21 ment for preschoolers that—

22 “(i) demonstrate alignment with the
23 State academic content standards;

24 “(ii) are implemented through dis-
25 semination, training, and other means to

1 applicable early care and education pro-
2 grams;

3 “(iii) reflect research and evidence-
4 based developmental and learning expecta-
5 tions;

6 “(iv) inform teaching practices and
7 professional development and services; and

8 “(v) for preschool age children, appro-
9 priately assist in the transition to kinder-
10 garten.

11 “(F) ASSURANCE.—Each State plan shall
12 include an assurance that the State has imple-
13 mented the same content standards for all stu-
14 dents in the same grade and does not have a
15 policy of using different content standards for
16 any student subgroup.

17 “(3) HIGH-QUALITY ASSESSMENTS.—

18 “(A) IN GENERAL.—Each State plan shall
19 demonstrate that the State educational agency
20 will adopt and implement high-quality assess-
21 ments in English language arts, math, and
22 science not later than the 2016–2017 school
23 year that comply with this paragraph.

24 “(B) ELEMENTS.—Such assessments
25 shall—

1 “(i) be valid, reliable, appropriate, and
2 of adequate technical quality for each pur-
3 pose required under this Act, and be con-
4 sistent with relevant, nationally recognized
5 professional and technical standards;

6 “(ii) measure the knowledge and skills
7 necessary to demonstrate proficiency in the
8 academic content standards under para-
9 graph (2) for the grade in which the stu-
10 dent is enrolled;

11 “(iii) be developed as part of a system
12 of assessments providing data (including
13 individual student achievement data and
14 individual student growth data), that shall
15 be used to improve teaching, learning, and
16 program outcomes;

17 “(iv) be used in determining the per-
18 formance of each local educational agency
19 and school in the State in accordance with
20 the State’s accountability system under
21 subsection (c);

22 “(v) provide an accurate measure of—

23 “(I) student achievement at all
24 levels of student performance; and

25 “(II) student academic growth;

1 “(vi) allow for complex demonstra-
2 tions or applications of knowledge and
3 skills including the ability to think criti-
4 cally, solve problems, and communicate ef-
5 fectively;

6 “(vii) be accessible for all students, in-
7 cluding students with disabilities and
8 English learners, by—

9 “(I) incorporating principles of
10 universal design as defined by section
11 3(a) of the Assistive Technology Act
12 of 1998 (29 U.S.C. 3002(a)); and

13 “(II) being interoperable when
14 using any digital assessment, such as
15 computer-based and online assess-
16 ments;

17 “(viii) provide for accommodations,
18 including for computer-based and online
19 assessments, for students with disabilities
20 and English learners to provide a valid and
21 reliable measure of such students’ achieve-
22 ment;

23 “(ix) produce individual student inter-
24 pretive, descriptive, and diagnostic reports
25 that allow parents, teachers, and school

1 leaders to understand and address the spe-
2 cific academic needs of students, and in-
3 clude information regarding achievement
4 on academic assessments, and that are
5 provided to parents, teachers, and school
6 leaders, as soon as is practicable after the
7 assessment is given, in an understandable
8 and uniform format, and to the extent
9 practicable, in a language that parents can
10 understand; and

11 “(x) may be partially delivered in the
12 form of portfolios, projects, or extended
13 performance tasks as long as such assess-
14 ments meet the requirements of this sub-
15 section.

16 “(C) ADMINISTRATION.—Such assessments
17 shall—

18 “(i) be administered to all students,
19 including all subgroups described in sub-
20 section (c)(3)(A), in the same grade level
21 for each content area assessed, except as
22 provided under subparagraph (E),
23 through—

24 “(I) a single summative assess-
25 ment each school year; or

1 “(II) multiple statewide assess-
2 ments over the course of the school
3 year that result in a single summative
4 score that provides valid, reliable, and
5 transparent information on student
6 achievement for each tested content
7 area in each grade level;

8 “(ii) for English language arts and
9 math—

10 “(I) be administered annually, at
11 a minimum, for students in grade 3
12 through grade 8; and

13 “(II) be administered at least
14 once, but not earlier than 11th grade
15 for students in grades 9 through
16 grade 12; and

17 “(iii) for science, be administered at
18 least once during grades 3 through 5,
19 grades 6 through 8, and grades 9 through
20 12.

21 “(D) NATIVE LANGUAGE ASSESSMENTS.—
22 Each State educational agency with at least
23 10,000 English learners, at least 25 percent of
24 which speak the same language that is not
25 English, shall adopt and implement native lan-

1 guage assessments for that language consistent
2 with State law. Such assessments shall be for
3 students—

4 “(i) for whom the academic assess-
5 ment in the student’s native language
6 would likely yield more accurate and reli-
7 able information about such student’s con-
8 tent knowledge;

9 “(ii) who are literate in the native lan-
10 guage and have received formal education
11 in such language; or

12 “(iii) who are enrolled in a bilingual
13 or dual language program and the native
14 language assessment is consistent with
15 such program’s language of instruction.

16 “(E) ALTERNATE ASSESSMENTS FOR STU-
17 DENTS WITH THE MOST SIGNIFICANT COG-
18 NITIVE DISABILITIES.—In the case of a State
19 educational agency that adopts alternate
20 achievement standards for students with the
21 most significant cognitive disabilities described
22 in paragraph (4)(D), the State shall adopt and
23 implement high-quality statewide alternate as-
24 sessments aligned to such alternate achievement
25 standards that meet the requirements of sub-

1 paragraphs (B) and (C), so long as the State
2 ensures that in the State the total number of
3 students in each grade level assessed in each
4 subject does not exceed the cap established
5 under subsection (c)(3)(E)(iii)(II).

6 “(F) ENGLISH LANGUAGE PROFICIENCY
7 ASSESSMENTS.—Each State educational agency
8 shall adopt and implement statewide English
9 language proficiency assessments that—

10 “(i) are administered annually and
11 aligned with the State’s English language
12 proficiency standards and academic con-
13 tent standards;

14 “(ii) are accessible, valid, and reliable;

15 “(iii) measure proficiency in reading,
16 listening, speaking, and writing in English
17 both individually and collectively;

18 “(iv) assess progress and growth on
19 language and content acquisition; and

20 “(v) allow for the local educational
21 agency to retest a student in the individual
22 domain areas that the student did not
23 pass, unless the student is newly entering
24 a school in the State, or is in the third,
25 fifth, or eighth grades.

1 “(G) SPECIAL RULE WITH RESPECT TO
2 BUREAU FUNDED SCHOOLS.—In determining
3 the assessments to be used by each school oper-
4 ated or funded by the Department of the Inte-
5 rior’s Bureau of Indian Education receiving
6 funds under this part, the following shall apply:

7 “(i) Each such school that is accred-
8 ited by the State in which it is operating
9 shall use the assessments the State has de-
10 veloped and implemented to meet the re-
11 quirements of this section, or such other
12 appropriate assessment as approved by the
13 Secretary of the Interior.

14 “(ii) Each such school that is accred-
15 ited by a regional accrediting organization
16 shall adopt an appropriate assessment, in
17 consultation with and with the approval of,
18 the Secretary of the Interior and consistent
19 with assessments adopted by other schools
20 in the same State or region, that meets the
21 requirements of this section.

22 “(iii) Each such school that is accred-
23 ited by a tribal accrediting agency or tribal
24 division of education shall use an assess-
25 ment developed by such agency or division,

1 except that the Secretary of the Interior
2 shall ensure that such assessment meets
3 the requirements of this section.

4 “(H) ASSURANCE.—Each State plan shall
5 include an assurance that the State educational
6 agency will take steps to ensure that the State
7 assessment system, which includes all statewide
8 assessments and local assessments is coordi-
9 nated and streamlined to eliminate duplication
10 of assessment purposes, practices, and use.

11 “(I) ACCOMMODATIONS.—Each State plan
12 shall—

13 “(i) describe the accommodations for
14 English learners and students with disabil-
15 ities on the assessments used by the State
16 which may include accommodations such
17 as text-to-speech technology or read aloud,
18 braille, large print, calculator, speech-to-
19 text technology or scribe, extended time,
20 and frequent breaks;

21 “(ii) include evidence of the effective-
22 ness of such accommodations in maintain-
23 ing valid results for the appropriate popu-
24 lation; and

1 “(iii) include evidence that such ac-
2 commodations do not change the construct
3 intended to be measured by the assessment
4 or the meaning of the resulting scores.

5 “(J) ADAPTIVE ASSESSMENTS.—In the
6 case of a State educational agency that develops
7 and administers computer adaptive assess-
8 ments, such assessments shall meet the require-
9 ments of this paragraph, and must measure, at
10 a minimum, each student’s academic proficiency
11 against the State’s content standards as de-
12 scribed in paragraph (2) for the grade in which
13 the student is enrolled.

14 “(4) COLLEGE AND CAREER READY ACHIEVE-
15 MENT AND GROWTH STANDARDS.—

16 “(A) IN GENERAL.—Each State plan shall
17 demonstrate that the State will adopt and im-
18 plement college and career ready achievement
19 standards in English language arts, math, and
20 science by the 2015–2016 school year that com-
21 ply with this paragraph.

22 “(B) ELEMENTS.—Such academic achieve-
23 ment standards shall establish at a minimum, 3
24 levels of student achievement that describe how
25 well a student is demonstrating proficiency in

1 the State’s academic content standards that dif-
2 ferentiate levels of performance to—

3 “(i) describe 2 levels of high achieve-
4 ment (on-target and advanced) that indi-
5 cate, at a minimum, that a student is pro-
6 ficient in the academic content standards
7 under paragraph (2) as measured by the
8 performance on assessments under para-
9 graph (3); and

10 “(ii) describe a third level of achieve-
11 ment (catch-up) that provides information
12 about the progress of a student toward be-
13 coming proficient in the academic content
14 standards under paragraph (2) as meas-
15 ured by the performance on assessments
16 under paragraph (3).

17 “(C) VERTICAL ALIGNMENT.—Such
18 achievement standards are vertically aligned to
19 ensure a student who achieves at the on-target
20 or advanced levels under subparagraph (B)(i)
21 signifies that student is on-track to graduate
22 prepared for—

23 “(i) placement in credit-bearing, non-
24 remedial courses at the 2- and 4-year pub-

1 lic institutions of higher education in the
2 State; and

3 “(ii) success on relevant State career
4 and technical education standards.

5 “(D) ALTERNATE ACHIEVEMENT STAND-
6 ARDS.—If a State educational agency adopts al-
7 ternate achievement standards for students with
8 the most significant cognitive disabilities, such
9 academic achievement standards shall establish,
10 at a minimum, 3 levels of student achievement
11 that describe how well a student is dem-
12 onstrating proficiency in the State’s academic
13 content standards that—

14 “(i) are aligned to the State’s college
15 and career ready content standards under
16 paragraph (2);

17 “(ii) are vertically aligned to ensure
18 that a student who achieves at the on-tar-
19 get or advanced level under clause (v)(I)
20 signifies that the student is on-track to ac-
21 cess a postsecondary education or competi-
22 tive integrated employment;

23 “(ii) reflect concepts and skills that
24 students should know and understand for
25 each grade;

1 “(iv) are supported by evidence-based
2 learning progressions to age and grade-
3 level performance; and

4 “(v) establish, at a minimum—

5 “(I) 2 levels of high achievement
6 (on-target and advanced) that indi-
7 cate, at a minimum, that a student
8 with the most significant cognitive
9 disabilities is proficient in the aca-
10 ademic content standards under para-
11 graph (2) as measured by the per-
12 formance on assessments under para-
13 graph (3)(E); and

14 “(II) a third level of achievement
15 (catch-up) that provides information
16 about the progress of a student with
17 the most significant cognitive disabili-
18 ties toward becoming proficient in the
19 academic content standards under
20 paragraph (2) as measured by the
21 performance on assessments under
22 paragraph (3)(E).

23 “(E) STUDENT GROWTH STANDARDS.—

24 Each State plan shall demonstrate that the
25 State will adopt and implement student growth

1 standards for students in the assessed grades
2 that comply with this subparagraph, as follows:

3 “(i) ON-TARGET AND ADVANCED LEV-
4 ELS.—For a student who is achieving at
5 the on-target or advanced level of achieve-
6 ment, the student growth standard is not
7 less than the rate of academic growth nec-
8 essary for the student to remain at that
9 level of student achievement for not less
10 than 3 years.

11 “(ii) CATCH-UP LEVEL.—For a stu-
12 dent who is achieving at the catch-up level
13 of achievement, the student growth stand-
14 ard is not less than the rate of academic
15 growth necessary for the student to achieve
16 an on-target level of achievement within 3
17 or 4 years, as determined by the State.

18 “(F) PROHIBITION.—A State may not es-
19 tablish alternate or modified achievement stand-
20 ards for any subgroup of students, except as
21 provided under subparagraph (D).

22 “(5) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (3) shall be construed to prescribe the
24 use of the academic assessments established pursu-

1 ant to such paragraph for student promotion or
2 graduation purposes.

3 “(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT
4 SYSTEM.—The State plan shall demonstrate that not later
5 than the 2016 – 2017 school year, the State educational
6 agency, in consultation with representatives of local edu-
7 cational agencies, teachers, school leaders, parents, com-
8 munity organizations, communities representing under-
9 served populations and Indian tribes, has developed a sin-
10 gle statewide accountability and school improvement sys-
11 tem (in this subsection known as the ‘accountability sys-
12 tem’) that ensures all students have the knowledge and
13 skills to successfully enter the workforce or postsecondary
14 education without the need for remediation by complying
15 with this subsection as follows:

16 “(1) ELEMENTS.—Each State accountability
17 system shall, at a minimum—

18 “(A) annually measure academic achieve-
19 ment for all students, including each subgroup
20 described in paragraph (3)(A), in each public
21 school, including each charter school, in the
22 State, including—

23 “(i) student academic achievement in
24 accordance with the academic achievement
25 standards described in subsection (b)(4);

1 “(ii) student growth in accordance
2 with the student growth standards de-
3 scribed in subsection (b)(4)(E); and

4 “(iii) graduation rates in diploma
5 granting schools;

6 “(B) set clear performance and growth
7 targets in accordance with paragraph (2) to im-
8 prove the academic achievement of all students
9 as measured under subparagraph (A) of this
10 paragraph and to close achievement gaps so
11 that all students graduate ready for postsec-
12 ondary education and the workforce;

13 “(C) establish equity indicators to diagnose
14 school challenges and measure school progress
15 within the improvement system described in
16 section 1116, including factors to measure, for
17 all students and each subgroup described in
18 paragraph (3)(A)—

19 “(i) academic learning, such as—

20 “(I) percentage of students suc-
21 cessfully completing rigorous
22 coursework that aligns with college
23 and career ready standards described
24 under subsection (b)(2) such as dual
25 enrollment, Advanced Placement (AP)

1 or International Baccalaureate (IB)
2 courses;

3 “(II) percentage of students en-
4 rolled in music and the arts courses;

5 “(III) student success on State
6 or local educational agency end-of
7 course examinations; and

8 “(IV) student success on per-
9 formance-based assessments that are
10 valid, reliable and comparable across a
11 local educational agency and meet the
12 requirements of paragraph (3)(B);

13 “(ii) student engagement, such as—

14 “(I) student attendance rates;

15 “(II) student discipline data, in-
16 cluding suspension and expulsion
17 rates;

18 “(III) incidents of bullying and
19 harassment; and

20 “(IV) surveys of student engage-
21 ment and satisfaction;

22 “(iii) student advancement, such as—

23 “(I) student on-time promotion
24 rates;

1 “(II) on-time credit accumulation
2 rates;

3 “(III) course failure rates; and

4 “(IV) post-secondary and work-
5 force entry rates;

6 “(iv) student health and wellness;

7 “(v) student access to instructional
8 quality, such as—

9 “(I) number of qualified teachers
10 and paraprofessionals;

11 “(II) number of specialized in-
12 structional support personnel;

13 “(III) instructional personnel at-
14 tendance, vacancies, and turnover;
15 and

16 “(IV) rates of effective teachers
17 and principals, as determined by the
18 State or local educational agency;

19 “(vi) school climate and conditions for
20 student success, such as—

21 “(I) the availability of up-to-date
22 instructional materials, technology,
23 and supplies;

24 “(II) measures of school safety;
25 and

1 “(III) the condition of school fa-
2 cilities; including accounting for well-
3 equipped instructional spaces; and

4 “(vii) family and community engage-
5 ment in education;

6 “(D) annually differentiate all public
7 schools, including public charter schools, based
8 on—

9 “(i) the achievement measured under
10 subparagraph (A);

11 “(ii) whether the school meets the
12 performance and growth targets set under
13 paragraph (2); and

14 “(iii) to a lesser extent than each of
15 the factors described in clauses (i) and (ii),
16 data on the State-established equity indica-
17 tors, as described in subparagraph (C);
18 and

19 “(E) identify, after using the differentia-
20 tion described in subparagraph (D), for the
21 purposes under section 1116—

22 “(i) high priority schools that—

23 “(I) according to the State-estab-
24 lished parameters described in
25 1116(a)(2), have the lowest perform-

1 ance in the local educational agency
2 and the State using current and prior
3 year academic achievement, growth,
4 and graduation rate data as described
5 in subparagraph (A) and data on the
6 state-established equity indicators de-
7 scribed in subparagraph (C); or

8 “**(II)** as of the date of enactment
9 of the Student Success Act, have been
10 identified under 1003(g); and

11 “(ii) schools in need of support that—

12 “**(I)** have not met one or more of
13 the performance targets set under
14 paragraph (2) for any subgroup de-
15 scribed in paragraph (3)(A) in the
16 same grade level and subject, for two
17 consecutive years; or

18 “**(II)** at the discretion of the
19 State, are identified for support using
20 data on equity indicators established
21 under paragraph (1)(C); and

22 “(iii) distinguished schools that
23 have—

24 “**(I)** the highest performance in
25 the State for all students and student

1 subgroups described in paragraph
2 (3)(A); or

3 “(II) made the most progress
4 over at least the most recent 2-year
5 period in the State in increasing stu-
6 dent academic achievement and grad-
7 uation rates for all students and stu-
8 dent subgroups described in para-
9 graph (3)(A); and

10 “(III) made significant progress
11 in overcoming school challenges identi-
12 fied using the State-established equity
13 indicators, as described in subpara-
14 graph (C).

15 “(2) GOALS AND TARGETS.—

16 “(A) IN GENERAL.—Each State edu-
17 cational agency shall establish goals and targets
18 for the State accountability and school improve-
19 ment system that comply with this paragraph.
20 Such targets shall be established separately for
21 all elementary school and secondary school stu-
22 dents, economically disadvantaged students,
23 students from major racial and ethnic groups,
24 students with disabilities, and English learners
25 and expect accelerated academic gains from

1 subgroups who are the farthest away from col-
2 lege and career-readiness as determined by an-
3 nual academic achievement measures described
4 in paragraph (1)(A).

5 “(B) ACHIEVEMENT GOALS.—Each State
6 educational agency shall set multi-year goals
7 that are consistent with the academic and
8 growth achievement standards under subsection
9 (b)(4) to ensure that all students graduate pre-
10 pared to enter the workforce or postsecondary
11 education without the need for remediation.

12 “(C) PERFORMANCE TARGETS.—Each
13 State educational agency shall set ambitious,
14 but achievable annual performance targets sep-
15 arately for each subgroup of students described
16 in paragraph (3)(A), for local educational agen-
17 cies and schools, for each grade level and in
18 English language arts and math that reflect the
19 progress required for all students and each sub-
20 group of students described in paragraph
21 (3)(A) to meet the State-determined goals as
22 required under subparagraph (B), as approved
23 by the Secretary.

1 “(D) GROWTH TARGETS.—Each State edu-
2 cational agency shall set ambitious but achiev-
3 able growth targets that—

4 “(i) assist the State in achieving the
5 academic achievement goals described in
6 subparagraph (B); and

7 “(ii) include targets that ensure all
8 students, including subgroups of students
9 described in paragraph (3)(A), meet the
10 growth standards described in subsection
11 (b)(4)(E).

12 “(E) GRADUATION RATE GOALS AND TAR-
13 GETS.—

14 “(i) GRADUATION RATE GOALS.—
15 Each State educational agency shall set a
16 graduation rate goal of not less than 90
17 percent.

18 “(ii) GRADUATION RATE TARGETS.—
19 Each State educational agency shall estab-
20 lish graduation rate targets which shall not
21 be less rigorous than the targets approved
22 under section 200.19 of title 34, Code of
23 Federal Regulations (or a successor regula-
24 tion) and shall be designed to meet the
25 goal described in clause (i).

1 “(iii) EXTENDED-YEAR GRADUATION
2 RATE TARGETS.—In the case of a State
3 that chooses to use an extended year grad-
4 uation rate in the accountability and school
5 improvement system described under this
6 subsection, the State shall set extended
7 year graduation rate targets that are more
8 rigorous than the targets set under clause
9 (ii) and, if applicable, are not less rigorous
10 than the targets approved under section
11 200.19 of title 34, Code of Federal Regula-
12 tions (or a successor regulation).

13 “(3) FAIR ACCOUNTABILITY.—Each State edu-
14 cational agency shall establish fair and appropriate
15 policies and practices, as a component of the ac-
16 countability system established under this sub-
17 section, to measure school, local educational agency,
18 and State performance under the accountability sys-
19 tem that, at a minimum, comply with this paragraph
20 as follows:

21 “(A) DISAGGREGATE.—Each State edu-
22 cational agency shall disaggregate student
23 achievement data in a manner that complies
24 with the State’s group size requirements under
25 subparagraph (B) for the school’s, local edu-

1 cational agency’s, and the State’s performance
2 on its goals and performance targets established
3 under paragraph (2), by each content area and
4 each grade level for which such goals and tar-
5 gets are established, and, if applicable, by im-
6 provement indicators described in paragraph
7 (1)(D) for each of the following groups:

8 “(i) All public elementary and sec-
9 ondary school students.

10 “(ii) Economically disadvantaged stu-
11 dents.

12 “(iii) Students from major racial and
13 ethnic groups.

14 “(iv) Students with disabilities.

15 “(v) English learners.

16 “(B) SUBGROUP SIZE.—Each State edu-
17 cational agency shall establish group size re-
18 quirements for performance measurement and
19 reporting under the accountability system
20 that—

21 “(i) is the same for all subgroups de-
22 scribed in subparagraph (A);

23 “(ii) does not exceed 15 students;

24 “(iii) yields statistically reliable infor-
25 mation; and

1 “(iv) does not reveal personally identi-
2 fiable information about an individual stu-
3 dent.

4 “(C) PARTICIPATION.—Each State edu-
5 cational agency shall ensure that—

6 “(i) not less than 95 percent of the
7 students in each subgroup described sub-
8 paragraph (A) take the State’s assess-
9 ments under subsection (b)(2); and

10 “(ii) any school or local educational
11 agency that does not comply with the re-
12 quirement described in clause (i) of this
13 subparagraph may not be considered to
14 have met its goals or performance targets
15 under paragraph (2).

16 “(D) AVERAGING.—Each State educational
17 agency may average achievement data with the
18 year immediately preceding that school year for
19 the purpose of determining whether schools,
20 local educational agencies, and the State have
21 met their performance targets under paragraph
22 (2).

23 “(E) STUDENTS WITH THE MOST SIGNIFI-
24 CANT COGNITIVE DISABILITIES.—

1 “(i) IN GENERAL.—In calculating the
2 percentage of students scoring at the on-
3 target levels of achievement and the grad-
4 uation rate for the purpose of determining
5 whether schools, local educational agencies,
6 and the State have met their performance
7 targets under paragraph (2), a State shall
8 include all students with disabilities, even
9 those students with the most significant
10 cognitive disabilities, and—

11 “(I) may include the on-target
12 and advanced scores of students with
13 the most significant cognitive disabili-
14 ties taking alternate assessments
15 under subsection (b)(3)(E) provided
16 that the number and percentage of
17 such students who score at the on-tar-
18 get or advanced level on such alter-
19 nate assessments at the local edu-
20 cational agency and the State levels,
21 respectively, does not exceed the cap
22 established by the Secretary under
23 clause (iii) in the grades assessed and
24 subjects used under the accountability

1 system established under this sub-
2 section; and

3 “(II) solely for the purposes of
4 calculating graduation rates, may in-
5 clude students with the most signifi-
6 cant cognitive disabilities, who are as-
7 sessed using alternate assessments de-
8 scribed in subsection (b)(3)(E) and
9 who receive a State-defined standards-
10 based alternate diploma aligned with
11 the State requirements for regular
12 secondary school diploma and who
13 have completed a free and appropriate
14 public education under the Individuals
15 with Disabilities Education Act, as
16 graduating with a regular secondary
17 school diploma, provided that the
18 number and percentage of those stu-
19 dents who receive such a State-defined
20 standards-based alternate diploma at
21 the local educational agency and the
22 State levels, respectively, does not ex-
23 ceed the cap established by the Sec-
24 retary under clause (iii).

1 “(ii) STATE REQUIREMENTS.—If the
2 number and percentage of students taking
3 alternate assessments or receiving a State-
4 defined standards-based alternate diploma
5 exceeds the cap under clause (iii) at the
6 local educational agency or State level, the
7 State educational agency, in determining
8 whether the local educational agency or
9 State, respectively, has met its perform-
10 ance targets under paragraph (2), shall—

11 “(I) include all students with the
12 most significant cognitive disabilities;

13 “(II) count at the catch-up level
14 of achievement or as not graduating
15 such students who exceed the cap;

16 “(III) include such students at
17 the catch-up level of achievement or
18 as not graduating in each applicable
19 subgroup at the school, local edu-
20 cational agency, and State level; and

21 “(IV) ensure that parents are in-
22 formed of the actual academic
23 achievement levels and graduation sta-
24 tus of their children with the most
25 significant cognitive disabilities.

1 “(iii) SECRETARIAL DUTIES.—The
2 Secretary shall establish a cap for the pur-
3 poses of this subparagraph which—

4 “(I) shall be based on the most
5 recently available data on—

6 “(aa) the incidence of stu-
7 dents with the most significant
8 cognitive disabilities;

9 “(bb) the participation
10 rates, including by disability cat-
11 egory, on alternate assessments
12 using alternate achievement
13 standards pursuant to subsection
14 (b)(3)(E);

15 “(cc) the percentage of stu-
16 dents, including by disability cat-
17 egory, scoring at each achieve-
18 ment level on such alternate as-
19 sessments; and

20 “(dd) other factors the Sec-
21 retary deems necessary; and

22 “(II) may not exceed 1 percent of
23 all students in the combined grades
24 assessed.

25 “(4) TRANSITION PROVISIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 take such steps as necessary to provide for the
3 orderly transition to the new accountability and
4 school improvement systems required under this
5 subsection from prior accountability and school
6 improvement systems in existence on the day
7 before the date of enactment of the Student
8 Success Act.

9 “(B) TRANSITION.—To enable the success-
10 ful transition described in this paragraph, each
11 State educational agency receiving funds under
12 this part shall—

13 “(i) administer assessments that were
14 in existence on the day before the date of
15 enactment of the Student Success Act and
16 beginning not later than the 2016–2017
17 school year, administer high-quality assess-
18 ments described in subsection (b)(3);

19 “(ii) report student performance on
20 the assessments described in subparagraph
21 (I), consistent with the requirements under
22 this title;

23 “(iii) set a new baseline for perform-
24 ance targets, as described in paragraph
25 (2)(C) and (2)(D), once new high-quality

1 assessments described in subsection (b)(3)
2 are implemented;

3 “(iv) implement the accountability
4 and school improvement requirements of
5 sections 1111 and 1116, except—

6 “(I) the State shall not be re-
7 quired to identify new persistently low
8 achieving schools or schools in need of
9 improvement under section 1116 for 1
10 year after high-quality assessments
11 described in subsection (b)(3) have
12 been implemented; and

13 “(II) shall continue to implement
14 school improvement requirements of
15 section 1116 in persistently low
16 achieving schools and schools in need
17 of improvement that were identified as
18 such in the year prior to implementa-
19 tion of new high-quality assessments;
20 and

21 “(v) assist local educational agencies
22 in providing training and professional de-
23 velopment on the implementation of new
24 college and career ready standards and
25 high-quality assessments.

1 “(C) END OF TRANSITION.—The transition
2 described in this paragraph shall be completed
3 by no later than 2 years from the date of enact-
4 ment of the Student Success Act.

5 “(d) OTHER PROVISIONS TO SUPPORT TEACHING
6 AND LEARNING.—Each State plan shall contain the fol-
7 lowing:

8 “(1) DESCRIPTIONS.—A description of—

9 “(A) how the State educational agency will
10 carry out the responsibilities of the State under
11 section 1116;

12 “(B) a plan to identify and reduce inequi-
13 ties in the allocation of State and local re-
14 sources, including nonpersonnel and personnel
15 resources consistent with the requirements of
16 section 1120A, between schools that are receiv-
17 ing funds under this title and schools that are
18 not receiving such funds under this title, includ-
19 ing—

20 “(i) a description of how the State
21 will support local educational agencies in
22 meeting the requirements of section
23 1120A; and

24 “(ii) a description of how the State
25 will support local educational agencies to

1 align plans under subparagraph (A), ef-
2 forts to improve educator supports and
3 working conditions described in section
4 2112(b)(3), and efforts to improve the eq-
5 uitable distribution of teachers and prin-
6 cipals described in section 2112(b)(5), with
7 efforts to improve the equitable allocation
8 of resources as described in this sub-
9 section;

10 “(C) how the State educational agency will
11 ensure that the results of the State assessments
12 described in subsection (b)(3) and the school
13 identifications described in subsection (c)(1), re-
14 spectively, will be provided to local educational
15 agencies, schools, teachers, and parents prompt-
16 ly, but not later than before the beginning of
17 the school year following the school year in
18 which such assessments, other indicators, or
19 evaluations are taken or completed, and in a
20 manner that is clear and easy to understand;

21 “(D) how the State educational agency will
22 meet the diverse learning needs of students
23 by—

24 “(i) identifying and addressing State-
25 level barriers to implementation of uni-

1 versal design for learning, as described in
2 section 5429(b)(21), and multi-tier system
3 of supports; and

4 “(ii) developing and making available
5 to local educational agencies technical as-
6 sistance for implementing universal design
7 for learning, as described in section
8 5429(b)(21), and multi-tier system of sup-
9 ports;

10 “(E) for a State educational agency that
11 adopts alternate achievement standards for stu-
12 dents with the most significant cognitive dis-
13 abilities under subsection (b)(4)(D)—

14 “(i) the clear and appropriate guide-
15 lines for individualized education program
16 teams to apply in determining when a stu-
17 dent’s significant cognitive disability justi-
18 fies alternate assessment based on alter-
19 nate achievement standards, which shall
20 include guidelines to ensure—

21 “(I) students with the most sig-
22 nificant cognitive disabilities have ac-
23 cess to the general education cur-
24 riculum for the grade in which the
25 student is enrolled;

1 “(II) participation in an alternate
2 assessment does not influence a stu-
3 dent’s placement in the least restric-
4 tive environment;

5 “(III) determinations are made
6 separately for each subject and are re-
7 determined each year during the an-
8 nual individualized education program
9 team meeting;

10 “(IV) the student’s mode of com-
11 munication has been identified to the
12 extent possible and accommodated;
13 and

14 “(V) parents of such students—

15 “(aa) give informed consent
16 that their child’s achievement be
17 measured against alternate
18 achievement standards; and

19 “(bb) are informed of any
20 effects of State and local policies
21 on the student’s education result-
22 ing from participating in this al-
23 ternate assessment; and

24 “(VI) students with the most sig-
25 nificant cognitive disabilities are not

1 precluded from attempting to com-
2 plete the requirements for a regular
3 secondary school diploma; and

4 “(ii) the procedures the State edu-
5 cational agency will use to ensure and
6 monitor that individualized education pro-
7 gram teams implement the requirements of
8 clause (i); and

9 “(iii) the plan to disseminate informa-
10 tion on and promote use of appropriate ac-
11 commodations to increase the number of
12 students with the most significant cog-
13 nitive disabilities who are assessed using
14 achievement standards described in sub-
15 paragraphs (B) and (C) of subsection
16 (b)(4);

17 “(F) how the State educational agency will
18 meet the needs of English learners, including—

19 “(i) the method for identifying an
20 English learner that shall be used by all
21 local educational agencies in the State;

22 “(ii) the entrance and exit require-
23 ments for students enrolled in limited
24 English proficient classes, which shall—

1 “(I) be based on rigorous English
2 language standards; and

3 “(II) prepare such students to
4 successfully complete the State’s as-
5 sessments; and

6 “(iii) timelines and targets for moving
7 students from the lowest levels of English
8 language proficiency to the State-defined
9 English proficient level, including an assur-
10 ance that—

11 “(I) such targets will be based on
12 student’s initial language proficiency
13 level when first identified as limited
14 English proficient and grade; and

15 “(II) such timelines will ensure
16 students achieve English proficiency
17 by 18 years of age, unless the State
18 has obtained prior approval by the
19 Secretary;

20 “(G) how the State educational agency will
21 assist local educational agencies in improving
22 instruction in all core academic subjects;

23 “(H) how the State educational agency will
24 develop and improve the capacity of local edu-

1 cational agencies to use technology to improve
2 instruction; and

3 “(I) how any State educational agency
4 with a charter school law will support high-
5 quality public charter schools that receive funds
6 under this title by—

7 “(i) ensuring the quality of the au-
8 thorized public chartering agencies in the
9 State by establishing—

10 “(I) a system of periodic evalua-
11 tion and certification of public char-
12 tering agencies using nationally-recog-
13 nized professional standards; or

14 “(II) a statewide, independent
15 chartering agency that meets nation-
16 ally-recognized professional standards;

17 “(ii) including in the procedure estab-
18 lished pursuant to clause (i) requirements
19 for—

20 “(I) the annual filing and public
21 reporting of independently audited fi-
22 nancial statements including disclo-
23 sure of amount and duration of any
24 nonpublic financial and in-kind con-
25 tributions of support, by each public

1 chartering agency, for each school au-
2 thorized by such agency, and by each
3 local educational agency and the
4 State;

5 “(II) the adoption and enforce-
6 ment of school employee compensation
7 and conflict of interest guidelines for
8 all schools authorized, which shall in-
9 clude disclosure of executive pay and
10 affiliated parties with financial inter-
11 est in the management operations, or
12 contractual obligations of the school;

13 “(III) a legally binding charter or
14 performance contract between each
15 charter school and the school’s au-
16 thorized public chartering agency
17 that—

18 “(aa) describes the rights,
19 duties, and remedies of the
20 school and the public chartering
21 agency; and

22 “(bb) bases charter renewal
23 and revocation decisions on an
24 agreed-to school accountability
25 plan which includes financial and

1 organizational indicators, with
2 significant weight given to the
3 student achievement on the
4 achievement goals, performance
5 targets, and growth targets es-
6 tablished pursuant to subpara-
7 graphs (B), (C), and (D) of sub-
8 section (c)(2), respectively, for
9 each student subgroup described
10 in subsection (c)(3)(A), as well as

11 “(iii) developing and implementing, in
12 consultation and coordination with local
13 educational agencies, a system of interven-
14 tion, revocation, or closure for charter
15 schools and public chartering agencies fail-
16 ing to meet the requirements and stand-
17 ards described in clauses (i) and (ii),
18 which, at a minimum provides for—

19 “(I) initial and regular review, no
20 less than once every 3 years, of each
21 public chartering agency; and

22 “(II) intervention, revocation, or
23 closure of any charter school identi-
24 fied for school improvement under
25 section 1116.

1 “(2) ASSURANCES.—Assurances that—

2 “(A) the State educational agency will par-
3 ticipate in biennial State academic assessments
4 of 4th, 8th, and 12th grade reading, mathe-
5 matics, and science under the National Assess-
6 ment of Educational Progress carried out under
7 section 303(b)(2) of the National Assessment of
8 Educational Progress Authorization Act, if the
9 Secretary pays the costs of administering such
10 assessments;

11 “(B) the State educational agency will—

12 “(i) notify local educational agencies
13 and the public of the content and student
14 academic achievement standards and aca-
15 demic assessments developed under this
16 section, and of the authority to operate
17 schoolwide programs; and

18 “(ii) fulfill the State educational agen-
19 cy’s responsibilities regarding local edu-
20 cational agency and school improvement
21 under section 1116;

22 “(C) the State educational agency will en-
23 courage local educational agencies to consoli-
24 date funds from other Federal, State, and local
25 sources for school improvement activities under

1 1116 and for schoolwide programs under sec-
2 tion 1114;

3 “(D) the State educational agency has
4 modified or eliminated State fiscal and account-
5 ing barriers so that schools can easily consoli-
6 date funds from other Federal, State, and local
7 sources for schoolwide programs under section
8 1114;

9 “(E) that State educational agency will co-
10 ordinate data collection efforts to fulfill the re-
11 quirements of this Act and reduce the duplica-
12 tion of data collection to the extent practicable;

13 “(F) the State educational agency will pro-
14 vide the least restrictive and burdensome regu-
15 lations for local educational agencies and indi-
16 vidual schools participating in a program as-
17 sisted under this part;

18 “(G) the State educational agency will in-
19 form local educational agencies in the State of
20 the local educational agency’s authority—

21 “(i) to transfer funds under title VI;

22 “(ii) to obtain waivers under part D
23 of title IX; and

24 “(iii) if the State is an Ed-Flex Part-
25 nership State, to obtain waivers under the

1 Education Flexibility Partnership Act of
2 1999;

3 “(H) the State educational agency will
4 work with other agencies, including educational
5 service agencies or other local consortia and
6 comprehensive centers established under the
7 Educational Technical Assistance Act of 2002,
8 and institutions to provide professional develop-
9 ment and technical assistance to local edu-
10 cational agencies and schools;

11 “(I) the State educational agency will en-
12 sure that local educational agencies in the State
13 comply with the requirements of subtitle B of
14 title VII of the McKinney-Vento Homeless As-
15 sistance Act (42 U.S.C. 1117); and

16 “(J) the State educational agency has en-
17 gaged in timely and meaningful consultation
18 with representatives of Indian tribes located in
19 the State in the development of the State plan
20 to serve local educational agencies under its ju-
21 risdiction in order to—

22 “(i) improve the coordination of ac-
23 tivities under this Act;

24 “(ii) meet the purpose of this title;
25 and

1 “(iii) meet the unique cultural, lan-
2 guage, and educational needs of Indian
3 students.

4 “(e) FAMILY ENGAGEMENT.—Each State plan shall
5 include a plan for strengthening family engagement in
6 education. Each such plan shall, at a minimum, include—

7 “(1) a description of the State’s criteria and
8 schedule for review and approval of local educational
9 agency engagement policies and practices pursuant
10 to section 1112(e)(3);

11 “(2) a description of the State’s system and
12 process for assessing local educational agency imple-
13 mentation of section 1118 responsibilities;

14 “(3) a description of the State’s criteria for
15 identifying local educational agencies that would
16 benefit from training and support related to family
17 engagement in education;

18 “(4) a description of the State’s statewide sys-
19 tem of capacity-building and technical assistance for
20 local educational agencies and schools on effectively
21 implementing family engagement in education prac-
22 tices and policies to increase student achievement;

23 “(5) an assurance that the State will refer to
24 Statewide Family Engagement Centers, as described
25 in section 5702, those local educational agencies that

1 would benefit from training and support related to
2 family engagement in education; and

3 “(6) a description of the relationship between
4 the State educational agency and Statewide Family
5 Engagement Centers, parent training and informa-
6 tion centers, and community parent resource centers
7 in the State established under sections 671 and 672
8 of the Individuals with Disabilities Education Act.

9 “(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

10 “(1) SECRETARIAL DUTIES.—The Secretary
11 shall—

12 “(A) establish a peer-review process to as-
13 sist in the review of State plans;

14 “(B) appoint individuals to the peer-review
15 process who are representative of parents,
16 teachers, State educational agencies, local edu-
17 cational agencies, and experts and who are fa-
18 miliar with educational standards, assessments,
19 accountability, the needs of low-performing
20 schools, and other educational needs of stu-
21 dents;

22 “(C) approve a State plan within 120 days
23 of its submission unless the Secretary deter-
24 mines that the plan does not meet the require-
25 ments of this section;

1 “(D) if the Secretary determines that the
2 State plan does not meet the requirements of
3 this section immediately notify the State of
4 such determination and the reasons for such de-
5 termination;

6 “(E) not decline to approve a State’s plan
7 before—

8 “(i) offering the State an opportunity
9 to revise its plan;

10 “(ii) providing technical assistance in
11 order to assist the State to meet the re-
12 quirements of this section; and

13 “(iii) providing a hearing; and

14 “(F) have the authority to disapprove a
15 State plan for not meeting the requirements of
16 this part, but shall not have the authority to re-
17 quire a State, as a condition of approval of the
18 State plan, to include in, or delete from, such
19 plan one or more specific elements of the
20 State’s academic content standards or to use
21 specific academic assessment instruments or
22 items.

23 “(2) STATE REVISIONS.—A State plan shall be
24 revised by the State educational agency if the revi-

1 sion is necessary to satisfy the requirements of this
2 section.

3 “(3) PUBLIC REVIEW.—Notifications under this
4 subsection shall be made available to the public
5 through the website of the Department, including—

6 “(A) State plans submitted or resubmitted
7 by a State;

8 “(B) peer review comments;

9 “(C) State plan determinations by the Sec-
10 retary, including approvals or disapprovals;

11 “(D) amendments or changes to State
12 plans; and

13 “(E) hearings.

14 “(g) DURATION OF THE PLAN.—

15 “(1) IN GENERAL.—Each State plan shall—

16 “(A) remain in effect for the duration of
17 the State’s participation under this part or 4
18 years, whichever is shorter; and

19 “(B) be periodically reviewed and revised
20 as necessary by the State educational agency to
21 reflect changes in the State’s strategies and
22 programs under this part, including information
23 on the progress the State has made in fulfilling
24 the requirements of this section.

1 “(2) RENEWAL.—A State educational agency
2 that desires to continue participation under this part
3 shall submit a renewed plan every 4 years, including
4 information on progress the State has made in—

5 “(A) implementing college- and career-
6 ready content and achievement standards and
7 high-quality assessments described in paragraph
8 (b);

9 “(B) meeting its goals and performance
10 targets described in subsection (c)(2); and

11 “(C) improving the capacity and skills of
12 teachers and school leaders as described in sec-
13 tion 2112.

14 “(2) ADDITIONAL INFORMATION.—If significant
15 changes are made to a State’s plan, such as the
16 adoption of new State academic content standards
17 and State student achievement standards, new aca-
18 demic assessments, or new performance goals or tar-
19 get, growth goals or targets, or graduation rate
20 goals or targets, such information shall be submitted
21 to the Secretary for approval.

22 “(h) FAILURE TO MEET REQUIREMENTS.—If a State
23 fails to meet any of the requirements of this section, the
24 Secretary may withhold funds for State administration

1 under this part until the Secretary determines that the
2 State has fulfilled those requirements.

3 “(i) REPORTS.—

4 “(1) ANNUAL STATE REPORT CARD.—

5 “(A) IN GENERAL.—A State that receives
6 assistance under this part shall prepare and
7 disseminate an annual State report card. Such
8 dissemination shall include, at a minimum, pub-
9 licly posting the report card on the home page
10 of the State educational agency’s website.

11 “(B) IMPLEMENTATION.—The State report
12 card shall be—

13 “(i) concise; and

14 “(ii) presented in an understandable
15 and uniform format and, to the extent
16 practicable, provided in a language that
17 the parents can understand.

18 “(C) REQUIRED INFORMATION.—The
19 State shall include in its annual State report
20 card—

21 “(i) information, in the aggregate,
22 and disaggregated and cross-tabulated by
23 the same major groups as the decennial
24 census of the population, ethnicity, gender,
25 disability status, migrant status, English

1 proficiency, and status as economically dis-
2 advantaged, except that such
3 disaggregation and cross-tabulation shall
4 not be required in a case in which the
5 number of students in a category is insuffi-
6 cient to yield statistically reliable informa-
7 tion or the results would reveal personally
8 identifiable information about an individual
9 student on—

10 “(I) student achievement at each
11 achievement level on the State aca-
12 demic assessments described in sub-
13 section (b)(3), including the most re-
14 cent 2-year trend;

15 “(II) student growth on the State
16 academic assessments described in
17 subsection (b)(3), including the most-
18 recent 2-year trend;

19 “(III) the four-year adjusted co-
20 hort rate, the extended-year gradua-
21 tion rate (where applicable), and the
22 graduation rate by type of diploma,
23 including the most recent 2-year
24 trend;

1 “(IV) data on the State estab-
2 lished equity indicators under sub-
3 section (c)(1)(C);

4 “(V) the percentage of students
5 who did not take the State assess-
6 ments; and

7 “(VI) the most recent 2-year
8 trend in student achievement and stu-
9 dent growth in each subject area and
10 for each grade level, for which assess-
11 ments under this section are required;

12 “(ii) information that provides a com-
13 parison between the actual achievement
14 levels and growth of each group of stu-
15 dents described in subsection (c)(3)(A) and
16 the performance targets and growth tar-
17 gets in subsection (c)(2) for each such
18 group of students on each of the academic
19 assessments and for graduation rates re-
20 quired under this part;

21 “(iii) if a State adopts alternate
22 achievement standards for students with
23 the most significant cognitive disabilities,
24 the number and percentage of students
25 taking the alternate assessments and infor-

1 mation on student achievement at each
2 achievement level and student growth, by
3 grade and subject;

4 “(iv) the number of students who are
5 English learners, and the performance of
6 such students, on the State’s English lan-
7 guage proficiency assessments, including
8 the students’ attainment of, and progress
9 toward, higher levels of English language
10 proficiency;

11 “(v) information on the performance
12 of local educational agencies in the State
13 regarding school improvement, including
14 the number and names of each school iden-
15 tified for school improvement under section
16 1116 and information on the outcomes of
17 the equity indicators outlined in section
18 1111(e)(1)(C);

19 “(vi) the professional qualifications of
20 teachers in the State, the percentage of
21 such teachers teaching with emergency or
22 provisional credentials, and the percentage
23 of classes in the State not taught by quali-
24 fied teachers, in the aggregate and
25 disaggregated by high-poverty compared to

1 low-poverty schools which, for the purpose
2 of this clause, means schools in the top
3 quartile of poverty and the bottom quartile
4 of poverty in the State;

5 “(vii) information on teacher effective-
6 ness, as determined by the State, in the
7 aggregate and disaggregated by high-pov-
8 erty compared to low-poverty schools
9 which, for the purpose of this clause,
10 means schools in the top quartile of pov-
11 erty and the bottom quartile of poverty in
12 the State;

13 “(viii) a clear and concise description
14 of the State’s accountability system, in-
15 cluding a description of the criteria by
16 which the State educational agency evalu-
17 ates school performance consistent with
18 subsection (c), and the criteria that the
19 State educational agency has established,
20 consistent with section 1116(a), to deter-
21 mine the status of schools with respect to
22 school improvement; and

23 “(ix) outcomes related to quality char-
24 ter authorizing standards as described in
25 subsection (d)(1)(I), including, at a min-

1 imum, annual filing as described in sub-
2 section (d)(1)(I)(ii)(I).

3 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
4 REPORT CARDS.—

5 “(A) REPORT CARDS.—A local educational
6 agency that receives assistance under this part
7 shall prepare and disseminate an annual local
8 educational agency report card.

9 “(B) MINIMUM REQUIREMENTS.—The
10 State educational agency shall ensure that each
11 local educational agency collects appropriate
12 data and includes in the local educational agen-
13 cy’s annual report the information described in
14 paragraph (1)(C) as applied to the local edu-
15 cational agency and each school served by the
16 local educational agency, and—

17 “(i) in the case of a local educational
18 agency—

19 “(I) the number and percentage
20 of schools identified for school im-
21 provement under section 1116 and
22 how long the schools have been so
23 identified; and

24 “(II) information that shows how
25 students served by the local edu-

1 cational agency achieved on the state-
2 wide academic assessment compared
3 to students in the State as a whole;

4 “(III) per-pupil expenditures
5 from Federal, State, and local
6 sources, including personnel and non-
7 personnel resources, for each school in
8 the local educational agency, con-
9 sistent with the requirements under
10 section 1120A;

11 “(IV) the number and percentage
12 of secondary school students who have
13 been removed from the 4-year ad-
14 justed cohort by leaver code, and the
15 number and percentage of students
16 from each adjusted cohort that have
17 been enrolled in high school for more
18 than 4 years but have not graduated
19 with a regular diploma; and

20 “(V) information on the number
21 of military-connected students (stu-
22 dents who are a dependent of a mem-
23 ber of the Armed Forces, including re-
24 serve components thereof) served by
25 the local educational agency and how

1 such military-dependent students
2 achieved on the statewide academic
3 assessment compared to all students
4 served by the local educational agency;
5 and

6 “(ii) in the case of a school—

7 “(I) whether the school has been
8 identified for school improvement; and

9 “(II) information that shows how
10 the school’s students achievement on
11 the statewide academic assessments
12 and other improvement indicators
13 compared to students in the local edu-
14 cational agency and the State as a
15 whole.

16 “(C) OTHER INFORMATION.—A local edu-
17 cational agency may include in its annual local
18 educational agency report card any other appro-
19 priate information, whether or not such infor-
20 mation is included in the annual State report
21 card.

22 “(D) DATA.—A local educational agency
23 or school shall only include in its annual local
24 educational agency report card data that are
25 sufficient to yield statistically reliable informa-

1 tion, as determined by the State, and that do
2 not reveal personally identifiable information
3 about an individual student.

4 “(E) PUBLIC DISSEMINATION.—The local
5 educational agency shall publicly disseminate
6 the report cards described in this paragraph to
7 all schools in the school district served by the
8 local educational agency and to all parents of
9 students attending those schools in an acces-
10 sible, understandable, and uniform format and,
11 to the extent practicable, provided in a lan-
12 guage that the parents can understand, and
13 make the information widely available through
14 public means, such as posting on the Internet,
15 distribution to the media, and distribution
16 through public agencies.

17 “(3) PREEXISTING REPORT CARDS.—A State
18 educational agency or local educational agency that
19 was providing public report cards on the perform-
20 ance of students, schools, local educational agencies,
21 or the State prior to the date of enactment of the
22 Student Success Act may use those report cards for
23 the purpose of this subsection, so long as any such
24 report card is modified, as may be needed, to con-
25 tain the information required by this subsection.

1 “(4) COST REDUCTION.—Each State edu-
2 cational agency and local educational agency receiv-
3 ing assistance under this part shall, wherever pos-
4 sible, take steps to reduce data collection costs and
5 duplication of effort by obtaining the information re-
6 quired under this subsection through existing data
7 collection efforts.

8 “(5) ANNUAL STATE REPORT TO THE SEC-
9 RETARY.—Each State educational agency receiving
10 assistance under this part shall report annually to
11 the Secretary, and make widely available within the
12 State—

13 “(A) information on the State’s progress in
14 developing and implementing

15 “(i) the college and career ready
16 standards described in subsection (b)(2);

17 “(ii) the academic assessments de-
18 scribed in subsection (b)(3); and

19 “(iii) the accountability and school im-
20 provement system described in subsection
21 (c); and

22 “(B) the annual State report card under
23 paragraph (1).

24 “(6) REPORT TO CONGRESS.—The Secretary
25 shall transmit annually to the Committee on Edu-

1 cation and the Workforce of the House of Rep-
2 resentatives and the Committee on Health, Edu-
3 cation, Labor, and Pensions of the Senate a report
4 that provides national and State-level data on the in-
5 formation collected under paragraph (5).

6 “(7) PARENTS RIGHT-TO-KNOW.—

7 “(A) ACHIEVEMENT INFORMATION.—At
8 the beginning of each school year, a school that
9 receives funds under this subpart shall provide
10 to each individual parent—

11 “(i) information on the level of
12 achievement and growth of the parent’s
13 child on each of the State academic assess-
14 ments and, as appropriate, other improve-
15 ment indicators adopted in accordance with
16 this subpart; and

17 “(ii) timely notice that the parent’s
18 child has been assigned, or has been
19 taught for four or more consecutive weeks
20 by, a teacher who is not qualified or has
21 been found to be ineffective, as determined
22 by the State or local educational agency.

23 “(B) QUALIFICATIONS.—At the beginning
24 of each school year, a local educational agency
25 that receives funds under this part shall notify

1 the parents of each student attending any
2 school receiving funds under this part, informa-
3 tion regarding the professional qualifications of
4 the student's classroom teachers, including, at a
5 minimum, the following:

6 “(i) Whether the teacher has met
7 State qualification and licensing criteria
8 for the grade levels and subject areas in
9 which the teacher provides instruction.

10 “(ii) Whether the teacher is teaching
11 under emergency or other provisional sta-
12 tus through which State qualification or li-
13 censing criteria have been waived.

14 “(iii) Whether the teacher is currently
15 enrolled in an alternative certification pro-
16 gram.

17 “(iv) Whether the child is provided
18 services by paraprofessionals or specialized
19 instructional support personnel and, if so,
20 their qualifications.

21 “(C) ACCESS TO EDUCATIONAL RE-
22 SOURCES.—At the beginning of each school
23 year, a local educational agency that receives
24 funds under this part shall notify the parents of
25 each student attending any school receiving

1 funds under this part, of information regarding
2 whether and to what extent schools are meeting
3 the equity indicators described in subsection
4 (c)(1)(C), including whether such schools are
5 meeting the needs of subgroups of students.

6 “(D) FORMAT.—The notice and informa-
7 tion provided to parents under this paragraph
8 shall be in an understandable and uniform for-
9 mat and, to the extent practicable, provided in
10 a language that the parents can understand.

11 “(j) PRIVACY.—Information collected under this sec-
12 tion shall be collected and disseminated in a manner that
13 protects the privacy of individuals.

14 “(k) TECHNICAL ASSISTANCE.—The Secretary shall
15 provide a State educational agency, at the State edu-
16 cational agency’s request, technical assistance in meeting
17 the requirements of this section, including the provision
18 of advice by experts in the development of college and ca-
19 reer ready standards, high-quality academic assessments,
20 and goals and targets that are valid and reliable, and other
21 relevant areas.

22 “(l) VOLUNTARY PARTNERSHIPS.—A State may
23 enter into a voluntary partnership with another State to
24 develop and implement the academic assessments and
25 standards required under this section.

1 “(m) DEFINITIONS.—In this section:

2 “(1) ADJUSTED COHORT; EXTENDED-YEAR; EN-
3 TERING COHORT; TRANSFERRED INTO; TRANS-
4 FERRED OUT.—

5 “(A) ADJUSTED COHORT.—Subject to sub-
6 paragraph (D)(ii) through (G), the term ‘ad-
7 justed cohort’ means the difference of—

8 “(i) the sum of—

9 “(I) the entering cohort; plus

10 “(II) any students that trans-
11 ferred into the cohort in any of grades
12 9 through 12; minus

13 “(ii) any students that are removed
14 from the cohort as described in subpara-
15 graph (E).

16 “(B) EXTENDED YEAR.—The term ‘ex-
17 tended year’ when used with respect to a grad-
18 uation rate, means the fifth or sixth year after
19 the school year in which the entering cohort, as
20 described in subparagraph (C), is established
21 for the purpose of calculating the adjusted co-
22 hort.

23 “(C) ENTERING COHORT.—The term ‘en-
24 tering cohort’ means the number of first-time
25 9th graders enrolled in a secondary school 1

1 month after the start of the secondary school's
2 academic year.

3 “(D) TRANSFERRED INTO.—The term
4 ‘transferred into’ when used with respect to a
5 secondary school student, means a student
6 who—

7 “(i) was a first-time 9th grader dur-
8 ing the same school year as the entering
9 cohort; and

10 “(ii) enrolls after the entering cohort
11 is calculated as described in subparagraph
12 (B).

13 “(E) TRANSFERRED OUT.—

14 “(i) IN GENERAL.—The term ‘trans-
15 ferred out’ when used with respect to a
16 secondary school student, means a student
17 who the secondary school or local edu-
18 cational agency has confirmed has trans-
19 ferred to another—

20 “(I) school from which the stu-
21 dent is expected to receive a regular
22 secondary school diploma; or

23 “(II) educational program from
24 which the student is expected to re-

1 ceive a regular secondary school di-
2 ploma.

3 “(ii) CONFIRMATION REQUIRE-
4 MENTS.—

5 “(I) DOCUMENTATION RE-
6 QUIRED.—The confirmation of a stu-
7 dent’s transfer to another school or
8 educational program described in
9 clause (i) requires documentation
10 from the receiving school or program
11 that the student enrolled in the receiv-
12 ing school or program.

13 “(II) LACK OF CONFIRMATION.—
14 A student who was enrolled, but for
15 whom there is no confirmation of the
16 student having transferred out, shall
17 remain in the cohort as a non-grad-
18 uate for reporting and accountability
19 purposes under this section.

20 “(iii) PROGRAMS NOT PROVIDING
21 CREDIT.—A student enrolled in a GED or
22 other alternative educational program that
23 does not issue or provide credit toward the
24 issuance of a regular secondary school di-

1 ploma shall not be considered transferred
2 out.

3 “(F) COHORT REMOVAL.—To remove a
4 student from a cohort, a school or local edu-
5 cational agency shall require documentation to
6 confirm that the student has transferred out,
7 emigrated to another country, or is deceased.

8 “(G) TREATMENT OF OTHER LEAVERS
9 AND WITHDRAWALS.—A student who was re-
10 tained in a grade, enrolled in a GED program,
11 aged-out of a secondary school or secondary
12 school program, or left secondary school for any
13 other reason, including expulsion, shall not be
14 considered transferred out, and shall remain in
15 the adjusted cohort.

16 “(H) SPECIAL RULE.—For those sec-
17 ondary schools that start after grade 9, the en-
18 tering cohort shall be calculated 1 month after
19 the start of the secondary school’s academic
20 year in the earliest secondary school grade at
21 the secondary school.

22 “(2) 4-YEAR ADJUSTED COHORT GRADUATION
23 RATE.—The term ‘4-year adjusted cohort graduation
24 rate’ means the percent obtained by calculating the
25 product of—

1 “(A) the result of—

2 “(i) the number of students who—

3 “(I) formed the adjusted cohort 4
4 years earlier; and

5 “(II) graduate in 4 years or less
6 with a regular secondary school di-
7 ploma; divided by

8 “(ii) the number of students who
9 formed the adjusted cohort for that year’s
10 graduating class 4 years earlier; multiplied
11 by

12 “(B) 100.

13 “(3) EXTENDED-YEAR GRADUATION RATE.—

14 The term ‘extended-year graduation rate’ for a
15 school year is defined as the percent obtained by cal-
16 culating the product of the result of—

17 “(A) the sum of—

18 “(i) the number of students who—

19 “(I) form the adjusted cohort for
20 that year’s graduating class; and

21 “(II) graduate in an extended
22 year with a regular secondary school
23 diploma; or

24 “(III) graduate before exceeding
25 the age for eligibility for a free appro-

1 prate public education (as defined in
2 section 602 of the Individuals with
3 Disabilities Education Act) under
4 State law; divided by

5 “(ii) the result of—

6 “(I) the number of students who
7 form the adjusted cohort for that
8 year’s graduating class; plus

9 “(II) the number of students who
10 transferred in during the extended
11 year defined in paragraph (1)(B),
12 minus

13 “(III) students who transferred
14 out, emigrated, or died during the ex-
15 tended year defined in paragraph
16 (1)(B); multiplied by

17 “(B) 100.

18 “(4) LEAVER CODE.—The term ‘leaver code’
19 means a number or series of numbers and letters as-
20 signed to a categorical reason for why a student left
21 the high school from which she or he is enrolled
22 without having earned a regular high school di-
23 ploma, except that—

24 “(A) an individual student with either a
25 duplicative code or whom has not been assigned

1 a leaver code shall not be removed from the co-
2 hort assigned for the purpose of calculating the
3 adjusted cohort graduation rate; and

4 “(B) the number of students with either a
5 duplicative leaver code or who have not been as-
6 signed a leaver code shall be included in report-
7 ing requirements for the leaver code.

8 “(5) MULTI-TIER SYSTEM OF SUPPORTS.—The
9 term ‘multi-tier system of supports’ means a com-
10 prehensive system of differentiated supports that in-
11 cludes evidence-based instruction, universal screen-
12 ing, progress monitoring, formative assessment, and
13 research-based interventions matched to student
14 needs, and educational decision-making using stu-
15 dent outcome data.

16 “(6) GRADUATION RATE.—The term ‘gradua-
17 tion rate’ means a 4-year adjusted cohort graduation
18 rate and the extended-year graduation rate.

19 “(7) REGULAR SECONDARY SCHOOL DI-
20 PLOMA.—

21 “(A) The term ‘regular secondary school
22 diploma’ means standard secondary school di-
23 ploma awarded to the preponderance of stu-
24 dents in the State that is fully aligned with the
25 State’s college and career ready achievement

1 standards as described under subsection (b)(4),
2 or a higher diploma. Such term shall not in-
3 clude GED's, certificates of attendance, or any
4 lesser diploma awards.

5 “(B) If a State adopts different paths to
6 the regular secondary school diploma, such dif-
7 ferent paths shall—

8 “(i) be available to all students in the
9 State;

10 “(ii) be equally rigorous in their re-
11 quirements; and

12 “(iii) signify that a student is pre-
13 pared for college or a career without the
14 need for remediation.”.

15 **SEC. 104. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

16 Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amend-
17 ed to read as follows:

18 “(3) RESERVATION.—

19 “(A) IN GENERAL.—A local educational
20 agency shall reserve such funds as are nec-
21 essary under this part to provide services com-
22 parable to those provided to children in schools
23 funded under this part to serve—

24 “(i) homeless children who are attend-
25 ing any public school served by the local

1 educational agency, including providing
2 educationally related support services to
3 children in shelters and other locations
4 where children may live;

5 “(ii) children in local institutions for
6 neglected children;

7 “(iii) if appropriate, children in local
8 institutions for delinquent children, and
9 neglected or delinquent children in commu-
10 nity day school programs; and

11 “(iv) children in foster care (as de-
12 fined by section 1442(1)), including pro-
13 viding points of contact (as described in
14 section 1441(d)) in local educational
15 agencies for child welfare agencies and chil-
16 dren in foster care.

17 “(B) RESERVATION OF FUNDS.—Notwith-
18 standing the requirements of subsections (b)
19 and (c) of section 1120A, funds reserved under
20 subparagraph (A) may be used to provide
21 homeless children and youths with services not
22 ordinarily provided to other students under this
23 part, including providing transportation pursu-
24 ant to section 722(g)(1)(J)(iii) of such Act.

1 “(C) AMOUNT RESERVED.—The amount of
2 funds reserved under subparagraph (A)(i) shall
3 be determined by an assessment of the numbers
4 and the needs of homeless children and youths
5 in the local educational agency.”.

6 **SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDU-**
7 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
8 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

9 Section 1116 (20 U.S.C. 6316) is amended to read
10 as follows:

11 **“SEC. 1116. SCHOOL IMPROVEMENT.**

12 “(a) LOCAL REVIEW.—

13 “(1) IN GENERAL.—Each local educational
14 agency receiving funds under this part shall—

15 “(A) use the State academic assessments,
16 including measures of student growth and grad-
17 uation rates, and data on the state-established
18 equity indicators described in section
19 1111(c)(1)(C) and the differentiation described
20 in section 1111(e)(1)(D) to review, annually,
21 the progress of each school served under this
22 part, and consistent with the parameters de-
23 scribed in paragraph (2), to assist the State in
24 determining whether the school is—

1 “(i) meeting performance targets,
2 growth targets, and graduation rate tar-
3 gets established under section 1111(c)(2);
4 and

5 “(ii) making progress to address
6 school challenges identified using the state-
7 established equity indicators described in
8 section 1111(c)(1)(C);

9 “(B) based on the review conducted under
10 subparagraph (A), assist the State in deter-
11 mining whether a school served under this part
12 is—

13 “(i) in need of support as described
14 under section 1111(c)(1)(E)(ii); or

15 “(ii) a high priority school that meets
16 the State-established parameters under
17 paragraph (2);

18 “(C) publicize and disseminate the results
19 of the local annual review described in subpara-
20 graph (A) to parents, teachers, principals,
21 schools, and the community so that the teach-
22 ers, principals, other staff, and schools can im-
23 prove instruction to help all children served
24 under this part meet the college and career

1 ready achievement standards established under
2 section 1111(b); and

3 “(D) use the equity indicators established
4 under section 1111(c)(1)(C) to diagnose school
5 challenges and measure school progress in car-
6 rying out the school improvement activities
7 under this section.

8 “(2) HIGH PRIORITY SCHOOLS.—The State
9 educational agency shall establish parameters to
10 identify high priority schools within the local edu-
11 cational agency that—

12 “(A) for elementary schools—

13 “(i) shall use student achievement on
14 the assessments required under section
15 1111(b)(3), including prior year data;

16 “(ii) shall use student growth data on
17 the assessments under section 1111(b)(3),
18 including prior year data; and

19 “(iii) shall use, to a lesser extent than
20 each of the parameters established in
21 clauses (i) and (ii), data on the equity indi-
22 cators established under section
23 1111(c)(1)(C); and

24 “(B) for secondary schools—

1 “(i) shall use student achievement on
2 the assessments required under section
3 1111(b)(3), including prior year data;

4 “(ii) shall use student growth data on
5 the assessments under section 1111(b)(3),
6 including prior year data;

7 “(iii) shall use graduation rate data,
8 including prior year data; and

9 “(iv) shall use, to a lesser extent than
10 each of the parameters established in
11 clauses (i) through clause (iii), data on the
12 equity indicators established under section
13 1111(c)(1)(C); or

14 “(v) shall include schools with 4-year
15 adjusted cohort graduation rates below 67
16 percent as high priority schools.

17 “(b) SCHOOL IMPROVEMENT.—

18 “(1) IN GENERAL.—Each school served under
19 this part determined to be a school in need of sup-
20 port pursuant to section 1111(c)(1)(C)(ii) or a high-
21 priority school pursuant to 1111(c)(1)(C)(i), shall
22 form a school improvement team described in para-
23 graph (2) to develop and implement a school im-
24 provement plan described in paragraph (3) to im-

1 prove educational outcomes for all students and ad-
2 dress existing resource inequities.

3 “(2) SCHOOL IMPROVEMENT TEAM.—

4 “(A) IN GENERAL.—Each school described
5 in paragraph (1) shall form a school improve-
6 ment team, which shall include school leaders,
7 teachers, parents, community members, and
8 specialized instructional support personnel.

9 “(B) SCHOOLS IN NEED OF SUPPORT.—

10 Each school improvement team for a school in
11 need of support may include an external part-
12 ner and representatives of the local educational
13 agency and the State educational agency.

14 “(C) HIGH-PRIORITY SCHOOLS.—Each

15 school improvement team for a high-priority
16 school shall include an external partner and
17 representatives of the local educational agency
18 and the State educational agency.

19 “(3) SCHOOL IMPROVEMENT PLAN.—

20 “(A) IN GENERAL.—A school improvement
21 team shall develop, implement, and make pub-
22 licly available a school improvement plan that
23 uses information available under the account-
24 ability and school improvement system estab-
25 lished under section 1111(c), data available

1 under the early warning indicator system estab-
2 lished under subsection (c)(5), data on the im-
3 provement indicators established under section
4 1111(c)(1)(D), and other relevant data to iden-
5 tify—

6 “(i) each area in which the school
7 needs support for improvement;

8 “(ii) the type of support required;

9 “(iii) how the school plans to use com-
10 prehensive, evidence-based strategies to ad-
11 dress such needs;

12 “(iv) how the school will measure
13 progress in addressing such needs using
14 the goals and targets and improvement in-
15 dicators established under paragraphs (2)
16 and (1)(D) of section 1111(c), respectively,
17 and identify which of the goals and targets
18 are not currently being met by the school;
19 and

20 “(v) how the school will review its
21 progress and make adjustments and cor-
22 rections to ensure continuous improvement.

23 “(B) PLANNING PERIOD.—The school im-
24 provement team may use a planning period,
25 which shall not be longer than one school year

1 to develop and prepare to implement the school
2 improvement plan.

3 “(C) PLAN REQUIREMENTS.—Each school
4 improvement plan shall describe the following:

5 “(i) PLANNING AND PREPARATION.—
6 The activities during the planning period,
7 including—

8 “(I) the preparation activities
9 conducted to effectively implement the
10 budgeting, staffing, curriculum, and
11 instruction changes described in the
12 plan; and

13 “(II) how the school improve-
14 ment team engaged parents and com-
15 munity organizations.

16 “(ii) TARGETS.—The performance,
17 growth, and graduation rate targets that
18 contributed to the school’s status as a
19 school in need of support or high-priority
20 school, and the school challenges identified
21 by the school improvement indicators
22 under section 1111(e)(1)(D).

23 “(iii) EVIDENCE-BASED, SCHOOL IM-
24 PROVED STRATEGIES.—Evidence-
25 based, school improvement strategies to

1 address the factors and challenges de-
2 scribed in clause (ii), to improve instruc-
3 tion, including in all core academic sub-
4 jects, to improve the achievement of all
5 students and address the needs of students
6 identified at the catch-up level of achieve-
7 ment.

8 “(iv) NEEDS AND CAPACITY ANAL-
9 YSIS.—A description and analysis of the
10 school’s ability and the resources necessary
11 to implement the evidence-based, school
12 improvement strategies identified under
13 clause (iii), including an analysis of—

14 “(I) staffing resources, such as
15 the number, experience, training level,
16 effectiveness as determined by the
17 State or local educational agency, re-
18 sponsibilities, and stability of existing
19 administrative, instructional, and non-
20 instructional staff;

21 “(II) budget resources, including
22 how Federal, State, and local funds
23 are being spent for instruction and
24 operations to determine how existing

1 resources can be aligned and used to
2 support improvement;

3 “(III) the school curriculum;

4 “(IV) the use of time, such as
5 the school’s schedule and use of addi-
6 tional learning time; and

7 “(V) any additional resources
8 and staff necessary to effectively im-
9 plement the school improvement ac-
10 tivities identified in the school im-
11 provement plan.

12 “(v) IDENTIFYING ROLES.—The roles
13 and responsibilities of the State edu-
14 cational agency, the local educational agen-
15 cy, the school and, if applicable, the exter-
16 nal partner in the school improvement ac-
17 tivities, including providing interventions,
18 support, and resources necessary to imple-
19 ment improvements.

20 “(vi) PLAN FOR EVALUATION.—The
21 plan for continuous evaluation of the evi-
22 dence-based, school improvement strate-
23 gies, including implementation of and fidel-
24 ity to the school improvement plan, that

1 includes at least quarterly reviews of the
2 effectiveness of such activities.

3 “(D) ADDITIONAL REQUIREMENTS FOR
4 HIGH-PRIORITY SCHOOLS.—For a persistently-
5 low achieving school, the school improvement
6 plan shall, in addition to the requirements de-
7 scribed in subparagraph (B), describe how the
8 school will—

9 “(i) address school-wide factors to im-
10 prove student achievement, including—

11 “(I) establishing high expecta-
12 tions for all students, which at a min-
13 imum, align with the achievement
14 standards and growth standards
15 under section 1111(b)(4);

16 “(II) improving school climate,
17 including student attendance and
18 school discipline, through the use of
19 school-wide positive behavioral sup-
20 ports and interventions and other evi-
21 dence based approaches to improving
22 school climate;

23 “(III) ensuring that the staff
24 charged with implementing the school

1 improvement plan are engaged in the
2 plan and the school turnaround effort;
3 “(IV) establishing clear—
4 “(aa) benchmarks for imple-
5 mentation of the plan; and
6 “(bb) targets for improve-
7 ment on the equity indicators
8 under section 1111(c)(1)(C);
9 “(ii) organize the school to improve
10 teaching and learning, including through—
11 “(I) strategic use of time, such
12 as—
13 “(aa) establishing common
14 planning time for teachers and
15 interdisciplinary teams who share
16 common groups of students;
17 “(bb) redesigning the school
18 calendar year or day, such as
19 through block scheduling, sum-
20 mer learning programs, or in-
21 creasing the number of hours or
22 days, in order to create addi-
23 tional learning time; or
24 “(cc) creating a flexible
25 school period to address specific

1 student academic needs and in-
2 terests such as credit recovery,
3 electives, enrichment activities, or
4 service learning; and

5 “(II) alignment of resources to
6 improvement goals, such as through
7 ensuring that students in transition
8 grades are taught by teachers pre-
9 pared to meet their specific learning
10 needs;

11 “(iii) increase teacher and school lead-
12 er effectiveness, as determined by the State
13 or local educational agency, including
14 through—

15 “(I) demonstrating the principal
16 has the skills, capacity, and record of
17 success to significantly improve stu-
18 dent achievement and lead a school
19 turnaround, which may include replac-
20 ing the principal;

21 “(II) improving the recruitment
22 and retention of qualified and effec-
23 tive teachers and school leaders, as
24 determined by the State or local edu-
25 cational agency, to work in the school;

1 “(III) professional development
2 activities that respond to student and
3 school-wide needs aligned with the
4 school improvement plan, such as—

5 “(aa) training teachers,
6 school leaders, and other admin-
7 istrators together with staff from
8 schools making achievement goals
9 and performance targets under
10 the accountability system under
11 section 1111(c) that serve similar
12 populations and in such schools;

13 “(bb) establishing peer
14 learning and coaching among
15 teachers; or

16 “(cc) facilitating collabora-
17 tion, including through profes-
18 sional communities across subject
19 area and interdisciplinary groups
20 and similar schools;

21 “(IV) appropriately identifying
22 teachers for each grade and course;
23 and

24 “(V) the development of effective
25 leadership structures, supports, and

1 clear decision making processes, such
2 as through developing distributive
3 leadership and leadership teams;

4 “(iv) improve curriculum and instruc-
5 tion, including through—

6 “(I) demonstrating the relevance
7 of the curriculum and learning for all
8 students, including instruction in all
9 core academic subjects, and may in-
10 clude the use of online course-work as
11 long as such course-work meets stand-
12 ards of quality and best practices for
13 online education;

14 “(II) increasing access to rig-
15 orous and advanced course-work, in-
16 cluding adoption and implementation
17 of a college- and career-ready cur-
18 riculum, and evidence-based, engaging
19 instructional materials aligned with
20 such a curriculum, for all students;

21 “(III) increasing access to
22 contextualized learning opportunities
23 aligned with readiness for postsec-
24 ondary education and the workforce,
25 such as providing—

1 “(aa) work-based, project-
2 based, and service-learning op-
3 portunities; or

4 “(bb) a high-quality, college
5 preparatory curriculum in the
6 context of a rigorous career and
7 technical education core;

8 “(IV) regularly collecting and
9 using data to inform instruction, such
10 as—

11 “(aa) through use of forma-
12 tive assessments;

13 “(bb) creating and using
14 common grading rubrics; or

15 “(cc) identifying effective in-
16 structional approaches to meet
17 student needs; and

18 “(V) emphasizing core skills in-
19 struction, such as literacy, across con-
20 tent areas;

21 “(v) provide students with academic
22 and social support to address individual
23 student learning needs, including
24 through—

1 “(I) ensuring access to services
2 and expertise of specialized instruc-
3 tional support personnel;

4 “(II) supporting students at the
5 catch-up level of achievement who
6 need intensive intervention;

7 “(III) increasing personalization
8 of the school experience through
9 learning structures that facilitate the
10 development of student and staff rela-
11 tionships;

12 “(IV) offering extended-learning,
13 credit recovery, mentoring, or tutoring
14 options of sufficient scale to meet stu-
15 dent needs;

16 “(V) providing evidence-based,
17 accelerated learning for students with
18 academic skill levels below grade level;

19 “(VI) coordinating and increas-
20 ing access to integrated services, such
21 as providing specialized instructional
22 support personnel;

23 “(VII) providing transitional sup-
24 port between grade-spans, including
25 postsecondary planning.

1 “(VIII) meeting the diverse
2 learning needs of all students through
3 strategies such as a multi-tier system
4 of supports and universal design for
5 learning, as described in section
6 5429(b)(21); and

7 “(IX) engaging families and com-
8 munity partners, including commu-
9 nity-based organizations, organiza-
10 tions representing underserved popu-
11 lations, Indian tribes (as appropriate),
12 organizations assisting parent involve-
13 ment, institutions of higher education,
14 and businesses, in school improvement
15 activities through evidence-based
16 strategies.

17 “(E) SUBMISSION AND APPROVAL.—The
18 school improvement team shall submit the
19 school improvement plan to the local edu-
20 cational agency or the State educational agency,
21 as determined by the State educational agency
22 based on the local educational agency’s ability
23 to effectively monitor and support the school
24 improvement activities. Upon receiving the plan,

1 the local educational agency or the State edu-
2 cational agency, as appropriate, shall—

3 “(i) establish a peer review process to
4 assist with review of the school improve-
5 ment plan; and

6 “(ii) promptly review the plan, work
7 with the school improvement team as nec-
8 essary, and approve the plan if the plan
9 meets the requirements of this paragraph.

10 “(F) REVISION OF PLAN.—A school im-
11 provement team may revise the school improve-
12 ment plan as additional information and data is
13 available.

14 “(G) IMPLEMENTATION.—A school with
15 the support and assistance of the local edu-
16 cational agency shall implement the school im-
17 provement plan expeditiously, but not later than
18 the beginning of the next full school year after
19 identification for improvement.

20 “(4) EVALUATION OF SCHOOL IMPROVE-
21 MENT.—

22 “(A) IN GENERAL.—

23 “(i) REVIEW.—The State educational
24 agency or local educational agency, as de-
25 termined by the State in accordance with

1 paragraph (3)(D) shall, annually, review
2 data with respect to each school in need of
3 support and each high-priority school to
4 set clear benchmarks for progress, to guide
5 adjustments and corrections, to evaluate
6 whether the supports and interventions
7 identified within the school improvement
8 plan are effective and the school is meeting
9 the targets for improvement established
10 under its such plan, and to specify what
11 actions ensue for schools not making
12 progress.

13 “(ii) DATA.—In carrying out the an-
14 nual review under clause (i), the school,
15 the local educational agency, or State edu-
16 cational agency shall measure progress
17 on—

18 “(I) student achievement, stu-
19 dent growth, and graduation rates
20 against the goals and targets estab-
21 lished under section 1111(c)(2); and

22 “(II) equity indicators as estab-
23 lished under section 1111(c)(1)(C).

24 “(B) SCHOOLS IN NEED OF SUPPORT.—If,
25 after 3 years of implementing its school im-

1 provement plan, a school in need of support
2 does not meet the goals and targets under sec-
3 tion 1111(c)(2) that were identified under the
4 school improvement plan as not being met by
5 the school and the equity indicators established
6 under section 1111(c)(1)(C), then—

7 “(i) the local educational agency shall
8 evaluate school performance and other
9 data, and provide intensive assistance to
10 that school in order to improve the effec-
11 tiveness of the interventions; and

12 “(ii) the State educational agency or
13 the local educational agency, as determined
14 by the State, shall determine whether the
15 school shall partner with an external part-
16 ner—

17 “(I) to revise the school improve-
18 ment plan; and

19 “(II) to improve, and as appro-
20 priate, revise, school improvement
21 strategies that meet the requirements
22 of paragraph (3)(B)(iii).

23 “(C) HIGH PRIORITY SCHOOLS.—If, after
24 3 years of implementing its school improvement
25 plan, a high priority school does not dem-

1 onstrate progress on the goals and targets
2 under section 1111(c)(2) that were identified
3 under the school improvement plan as not being
4 met by the school or the equity indicators estab-
5 lished under section 1111(c)(1)(C), then the
6 local educational agency, in collaboration with
7 the State educational agency, will take steps to
8 ensure more rigorous evidence-based interven-
9 tions are implemented, which may include
10 partnering with an external partner with dem-
11 onstrated results improving schools.

12 “(D) HIGH PRIORITY SCHOOL.—If, after 5
13 years of implementing its school improvement
14 plan, a high priority school does not dem-
15 onstrate progress on the goals and targets
16 under section 1111(c)(2) that were identified
17 under the school improvement plan as not being
18 met by the school and the equity indicators es-
19 tablished under section 1111(c)(1)(C), then—

20 “(i) the local educational agency, in
21 collaboration with the State educational
22 agency, shall determine actionable next
23 steps which may include school closure, re-
24 placement, or State take-over of such

1 school, shall provide all students enrolled
2 with new high-quality educational options;

3 “(ii) the local educational agency, and
4 as appropriate the State educational agen-
5 cy, shall develop and implement a plan to
6 assist with any resulting transition of the
7 school under clause (i) that—

8 “(I) is developed in consultation
9 with parents and the community;

10 “(II) addresses the needs of the
11 students at the school by considering
12 strategies such as—

13 “(aa) opening a new school;

14 “(bb) graduating out cur-
15 rent students and closing the
16 school in stages; and

17 “(cc) enrolling the students
18 who attended the school in other
19 schools in the local educational
20 agency that are higher achieving,
21 provided the other schools are
22 within reasonable proximity to
23 the closed school and ensures re-
24 ceiving schools have the capacity
25 to enroll incoming students; and

1 “(III) provides information about
2 high-quality educational options and
3 transition and support services to stu-
4 dents who attended that school and
5 their parents.

6 “(c) LOCAL EDUCATIONAL AGENCY RESPONSIBIL-
7 ITIES.—A local educational agency served by this part, in
8 supporting the schools identified as a school in need of
9 support or a high-priority school served by the agency,
10 shall—

11 “(1) address resource inequities to improve stu-
12 dent achievement by—

13 “(A) targeting resources and support to
14 those schools identified as high priority or as in
15 need of support, including additional resources
16 and staff necessary to implement the school im-
17 provement plan, as described in subsection
18 (b)(3)(C)(iv)(V), and

19 “(B) ensuring the local educational agency
20 budget calendar is aligned with school staff and
21 budgeting needs;

22 “(2) address local educational agency-wide fac-
23 tors to improve student achievement by—

24 “(A) supporting the use of data to improve
25 teaching and learning through—

1 “(i) improving longitudinal data sys-
2 tems;

3 “(ii) regularly analyzing and dissemi-
4 nating usable data to educators, parents,
5 and students;

6 “(iii) building the data and assess-
7 ment literacy of teachers and principals;
8 and

9 “(iv) evaluating at kindergarten entry
10 the kindergarten readiness of children and
11 addressing the educational and develop-
12 ment needs determined by such evaluation;

13 “(B) addressing school transition needs of
14 the local educational agency by—

15 “(i) using kindergarten readiness data
16 to consider improving access to high-qual-
17 ity early education opportunities; and

18 “(ii) providing targeted research-
19 based interventions to middle schools that
20 feed into high schools identified for school
21 improvement under this section;

22 “(C) supporting human capital systems
23 that ensure there is a sufficient pool of quali-
24 fied and effective teachers and school leaders,
25 as determined by the State or local educational

1 agency, to work in schools served by the local
2 educational agency;

3 “(D) developing support for school im-
4 provement plans among key stakeholders such
5 as parents and families, community groups rep-
6 resenting underserved populations, Indian tribes
7 (as appropriate), educators, and teachers;

8 “(E) carrying out administrative duties
9 under this section, including evaluation for
10 school improvement and technical assistance for
11 schools; and

12 “(F) coordinating activities under this sec-
13 tion with other relevant State and local agen-
14 cies, as appropriate;

15 “(3) supporting professional development activi-
16 ties for teachers, school leaders, and specialized in-
17 structional support personnel aligned to school im-
18 provement activities;

19 “(4) address curriculum and instruction factors
20 to improve student achievement by—

21 “(A) ensuring curriculum alignment with
22 the State’s early learning standards and post-
23 secondary education programs;

24 “(B) providing academically rigorous edu-
25 cation options such as—

1 “(i) effective dropout prevention, cred-
2 it and dropout recovery and recuperative
3 education programs for disconnected youth
4 and students who are not making suffi-
5 cient progress to graduate high school in
6 the standard number of years or who have
7 dropped out of high school;

8 “(ii) providing students with postsec-
9 ondary learning opportunities, such as
10 through access to a relevant curriculum or
11 course of study that enables a student to
12 earn a secondary school diploma and—

13 “(I) an associate’s degree; or

14 “(II) not more than 2 years of
15 transferable credit toward a postsec-
16 ondary degree or credential;

17 “(iii) integrating rigorous academic
18 education with career training, including
19 training that leads to postsecondary cre-
20 dentials for students;

21 “(iv) increasing access to Advanced
22 Placement or International Baccalaureate
23 courses and examinations; or

24 “(v) developing and utilizing innova-
25 tive, high quality distance learning strate-

1 gies to improve student academic achieve-
2 ment; and

3 “(C) considering how technology can be
4 used to support school improvement activities;

5 “(5) address student support factors to improve
6 student achievement by—

7 “(A) establishing an early warning indi-
8 cator system to identify students who are at
9 risk of dropping out of high school and to guide
10 preventive and recuperative school improvement
11 strategies, including—

12 “(i) identifying and analyzing the aca-
13 demic risk factors that most reliably pre-
14 dict dropouts by using longitudinal data of
15 past cohorts of students;

16 “(ii) identifying specific indicators of
17 student progress and performance, such as
18 attendance, academic performance in core
19 courses, and credit accumulation, to guide
20 decision making;

21 “(iii) identifying or developing a
22 mechanism for regularly collecting and
23 analyzing data about the impact of inter-
24 ventions on the indicators of student
25 progress and performance; and

1 “(iv) analyzing academic indicators to
2 determine whether students are on track to
3 graduate secondary school in the standard
4 numbers of years; and

5 “(B) identifying and implementing strate-
6 gies for pairing academic support with inte-
7 grated student services and case-managed inter-
8 ventions for students requiring intensive sup-
9 ports which may include partnerships with
10 other external partners;

11 “(6) promote family outreach and engagement
12 in school improvement activities, including those re-
13 quired by section 1118, to improve student achieve-
14 ment;

15 “(7) for each school identified for school im-
16 provement, ensure the provision of technical assist-
17 ance as the school develops and implements the
18 school improvement plan throughout the plan’s du-
19 ration; and

20 “(8) identify school improvement strategies that
21 are consistently improving student outcomes and dis-
22 seminate those strategies so that all schools can im-
23 plement them.

24 “(d) STATE EDUCATIONAL AGENCY RESPONSIBIL-
25 ITIES.—A State educational agency served by this part,

1 in supporting schools identified as a school in need of sup-
2 port or a high-priority school and the local educational
3 agencies serving such schools, shall—

4 “(1) assess and address local capacity con-
5 straints to ensure that its local educational agencies
6 can meet the requirements of this section;

7 “(2) target resources and support to those
8 schools in the State that are identified as a school
9 in need of support or a high-priority school and to
10 local educational agencies serving such schools, in-
11 cluding additional resources necessary to implement
12 the school improvement plan as described in sub-
13 section (b)(3)(C)(iv)(V);

14 “(3) provide support and technical assistance,
15 including assistance to school leaders, teachers, and
16 other staff, to assist local educational agencies and
17 schools in using data to support school equity and
18 in addressing the equity indicators described in sec-
19 tion 1111(c)(1)(C);

20 “(4) identify school improvement strategies that
21 are consistently improving student outcomes and dis-
22 seminate those strategies so that all schools can im-
23 plement them;

24 “(5) leverage resources from other funding
25 sources, such as school improvement funds, tech-

1 nology funds, and professional development funds to
2 support school improvement activities;

3 “(6) provide a statewide system of support, in-
4 cluding regional support services, to improve teach-
5 ing, learning, and student outcomes;

6 “(7) assist local educational agencies in devel-
7 oping early warning indicator systems;

8 “(8) with respect to schools that will work with
9 external partners to improve student achievement—

10 “(A) develop and apply objective criteria to
11 potential external partners that are based on a
12 demonstrated record of effectiveness in school
13 improvement;

14 “(B) maintain an updated list of approved
15 external partners across the State;

16 “(C) develop, implement, and publicly re-
17 port on standards and techniques for moni-
18 toring the quality and effectiveness of the serv-
19 ices offered by approved external partners, and
20 for withdrawing approval from external part-
21 ners that fail to improve high-priority schools;
22 and

23 “(D) may identify external partners as ap-
24 proved, consistent with the requirements under
25 paragraph (7), who agree to provide services on

1 the basis of receiving payments only when stu-
2 dent achievement has increased at an appro-
3 priate level as determined by the State edu-
4 cational agency and school improvement team
5 under subsection (b)(2); and

6 “(9) carry out administrative duties under this
7 section, including providing monitoring and technical
8 assistance to local educational agencies and schools.

9 “(e) RULES OF CONSTRUCTION.—Nothing in this
10 section shall be construed—

11 “(1) to alter or otherwise affect the rights, rem-
12 edies, and procedures afforded school or local edu-
13 cational agency employees under Federal, State, or
14 local laws (including applicable regulations or court
15 orders) or under the terms of collective bargaining
16 agreements, memoranda of understanding, or other
17 agreements between such employees and their em-
18 ployers;

19 “(2) to require a child to participate in an early
20 learning program; or

21 “(3) to deny entry to kindergarten for any indi-
22 vidual if the individual is legally eligible, as defined
23 by State or local law.

24 “(f) DEFINITION.—In this section, the term ‘external
25 partner’ means an entity—

1 “(1) that is an organization such as a nonprofit
2 organization, community-based organization, local
3 education fund, service organization, educational
4 service agency, or institution of higher education;
5 and

6 “(2) that has demonstrated expertise, effective-
7 ness, and a record of success in providing evidence-
8 based strategies and targeted support such as data
9 analysis, professional development, or provision of
10 nonacademic support and integrated student services
11 to local educational agencies, schools, or students
12 that leads to improved teaching, learning, and out-
13 comes for students.”.

14 **SEC. 106. PARENTAL INVOLVEMENT.**

15 (a) PARENTAL INVOLVEMENT.—Section 1118 (20
16 U.S.C. 6318) is amended—

17 (1) by redesignating subsections (a) through (h)
18 as subsections (b) through (i), respectively; and

19 (2) by inserting before subsection (b), as redesi-
20 gnated by paragraph (1), the following:

21 “(a) IN GENERAL.—Each local educational agency
22 and each school receiving funds under this part shall de-
23 velop policies and practices for family engagement in edu-
24 cation that meet the following principles and standards for
25 family-school partnerships:

1 “(1) Welcome all families to be active partici-
2 pants in the life of the school, so that they feel val-
3 ued and connected to each other, school staff, and
4 student learning.

5 “(2) Communicate effectively by ensuring reg-
6 ular two-way, meaningful communication between
7 family members and local educational agency and
8 school staff in a manner, language, and with tech-
9 nology that family members can understand and ac-
10 cess.

11 “(3) Support student success by fostering con-
12 tinuous collaboration between family members and
13 local educational agency and school staff to support
14 student learning and healthy student development at
15 school and at home.

16 “(4) Speak up for every child and empower
17 family members to be advocates for all students
18 within the school.

19 “(5) Ensure that family members, local edu-
20 cational agencies, and school staff are equal partners
21 in family engagement in education decisionmaking.

22 “(6) Collaborate with community organizations
23 and groups to turn the school into a hub of commu-
24 nity life.

1 “(7) Create a continuum of family engagement
2 in education in student learning and development
3 from birth to young adulthood.

4 “(8) Train and support superintendents, prin-
5 cipals, teachers, and specialized instructional support
6 personnel to fully engage families in the education of
7 their children.”.

8 (b) WRITTEN POLICY.—Section 1118(b)(2), as redес-
9 ignated by subsection (a), is amended—

10 (1) in subparagraph (C), by striking “sub-
11 section (e)” and inserting “subsection (f)”;

12 (2) in subparagraph (E), by striking “and”
13 after the semicolon;

14 (3) in subparagraph (F), by striking the period
15 at the end and inserting a semicolon; and

16 (4) by adding at the end the following:

17 “(G) participate in evaluations of the effec-
18 tiveness of family engagement in education
19 strategies and policies; and

20 “(H) participate in developing rec-
21 ommendations for creating a positive school cli-
22 mate and safe and healthy schools.”.

23 (c) RESERVATION.—Section 1118(b)(3)(A), as redес-
24 ignated by subsection (a), is amended to read as follows:

1 “(A) IN GENERAL.—Each local educational
2 agency shall reserve not less than 2 percent of
3 its allocation under subpart 2 to carry out this
4 section, except that this subparagraph shall not
5 apply if 2 percent is such agency’s allocation
6 under subpart 2 for the fiscal year for which
7 the determination is made is \$10,000 or less.”.

8 (d) DISTRIBUTION.—Section 1118(b)(3)(C), as re-
9 designated by subsection (a), is amended to read as fol-
10 lows:

11 “(C) DISTRIBUTION.—Not more than 20
12 percent of the funds reserved under subpara-
13 graph (A) shall be available for local edu-
14 cational agency programming and technical as-
15 sistance to schools served under this part.”.

16 (e) RESERVED FUNDS.—Section 1118(b)(3), as re-
17 designated by subsection (a), is amended—

18 (1) by redesignating subparagraphs (B) and (c)
19 as subparagraphs (C) and (D), respectively; and

20 (2) by inserting after subparagraph (A) the fol-
21 lowing:

22 “(B) USE OF FUNDS.—Funds reserved
23 under subparagraph (A) may be used for the
24 following:

1 “(i) Increasing capacity through es-
2 tablishment of a dedicated office or dedi-
3 cated office or dedicated personnel within
4 the local educational agency or at the
5 school level for family engagement in edu-
6 cation.

7 “(ii) Supporting schools and nonprofit
8 organizations in providing professional de-
9 velopment on family engagement in edu-
10 cation for school staff, parent leadership
11 training, family literacy and numeracy pro-
12 grams, home visitation programs, family
13 volunteerism programs, and other innova-
14 tive programs that meaningfully engage
15 families.

16 “(iii) Providing technical assistance
17 and training to schools on the implementa-
18 tion and assessment of family engagement
19 in education policies and practices.

20 “(iv) Providing additional support to
21 schools that have been identified for im-
22 provement under section 1116(b) to assist
23 in the implementation of family engage-
24 ment in education programs.

1 “(v) Partnering with the Statewide
2 Family Engagement Center and local com-
3 munity-based organizations to identify
4 community resources, services, and sup-
5 ports to remove economic obstacles to fam-
6 ily engagement in education by meeting
7 families’ needs.

8 “(vi) Supporting schools and eligible
9 entities in the development and implemen-
10 tation of research-based practices and pro-
11 grams that emphasize the importance of
12 family engagement in academic success
13 and positive development by addressing
14 factors such as—

15 “(I) successful transitions from
16 early learning to kindergarten through
17 grade 12 settings;

18 “(II) improved understanding of
19 and shared responsibility for student
20 success;

21 “(III) improved understanding
22 and use of student and school data;

23 “(IV) open, effective communica-
24 tion between schools and families;

1 “(V) early warning indicators
2 that a student is at risk of not grad-
3 uating on time;

4 “(VI) improved understanding of
5 State and local accountability systems,
6 academic standards and student as-
7 sessments;

8 “(VII) parent and community ad-
9 vocacy to increase parent participa-
10 tion;

11 “(VIII) improved understanding
12 of the parents’ role in academic, so-
13 cial, and financial preparation for
14 postsecondary education, including ca-
15 reer and technical education.

16 “(vii) Assisting schools in the develop-
17 ment, implementation, and assessment of
18 family engagement in education plans.

19 “(viii) Monitoring and evaluating the
20 family engagement in education in edu-
21 cation policies and practices funded under
22 this section.

23 “(ix) Supporting other activities ap-
24 proved in the local educational agency’s

1 plan for improving family engagement in
2 education.”.

3 (f) SCHOOL PARENTAL INVOLVEMENT POLICY.—
4 Section 1118(c)(1), as redesignated by subsection (a), is
5 amended in the first sentence by striking “subsections (c)
6 through (f)” and inserting “subsections (d) through (g)”.

7 (g) SHARED RESPONSIBILITY FOR HIGH STUDENT
8 ACHIEVEMENT.—Section 1118(e), as redesignated by sub-
9 section (a), is amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “subsection (b)” and inserting “subsection
12 (c)”; and

13 (2) by striking paragraph (1) and inserting the
14 following:

15 “(1) describe the school’s responsibility to—

16 “(A) provide high-quality curriculum and
17 instruction in a supportive and effective learn-
18 ing environment that enables the children
19 served under this part to meet the State’s stu-
20 dent academic achievement standards, and the
21 ways in which parents and families will support
22 their children’s learning, such as—

23 “(i) monitoring attendance and home-
24 work completion;

1 “(ii) volunteering in their child’s
2 classroom or school; and

3 “(iii) participating, as appropriate, in
4 decisions relating to the education of their
5 children and positive use of extracurricular
6 time; and

7 “(B) engage families in the development of
8 recommendations for student attendance, expect-
9 ations, behavior, and school safety, including
10 the development of reasonable disciplinary poli-
11 cies and interventions, such as the implementa-
12 tion of school-wide positive behavior interven-
13 tions and supports and the phase-out of out-of-
14 school suspension and expulsion and to address
15 bullying and harassment; and”.

16 **SEC. 107. PARAPROFESSIONALS.**

17 Section 1119 (20 U.S.C. 6319) is amended—

18 (1) by striking subsections (e) through (g) and
19 inserting the following:

20 “(c) PARAPROFESSIONALS.—

21 “(1) IN GENERAL.—Each local educational
22 agency receiving assistance under this part shall en-
23 sure that all paraprofessionals working in a program
24 supported with funds under this part shall have—

1 “(A) completed at least 2 years of study at
2 an institution of higher education;

3 “(B) obtained an associate’s (or higher)
4 degree; or

5 “(C) met a rigorous standard of quality
6 and can demonstrate, through a formal State or
7 local academic assessment—

8 “(i) knowledge of, and the ability to
9 assist in instructing, reading, writing, and
10 mathematics; or

11 “(ii) knowledge of, and the ability to
12 assist in instructing, reading readiness,
13 writing readiness, and mathematics readi-
14 ness, as appropriate.

15 “(2) CLARIFICATION.—The receipt of a sec-
16 ondary school diploma (or its recognized equivalent)
17 shall be necessary but not sufficient to satisfy the
18 requirements of paragraph (1)(C).

19 “(d) EXCEPTION FOR TRANSLATION AND PARENTAL
20 INVOLVEMENT ACTIVITIES.—Subsection (c) shall not
21 apply to a paraprofessional—

22 “(1) who is proficient in English and a lan-
23 guage other than English and who provides services
24 primarily to enhance the participation of children in

1 programs under this part by acting as a translator;
2 or

3 “(2) whose duties consist solely of conducting
4 parental involvement activities consistent with sec-
5 tion 1118.

6 “(e) GENERAL REQUIREMENT FOR ALL PARA-
7 PROFESSIONALS.—Each local educational agency receiving
8 assistance under this part shall ensure that all paraprofes-
9 sionals working in a program supported with funds under
10 this part, regardless of the paraprofessionals’ hiring date,
11 have earned a secondary school diploma or its recognized
12 equivalent.

13 “(f) DUTIES OF PARAPROFESSIONALS.—

14 “(1) IN GENERAL.—Each local educational
15 agency receiving assistance under this part shall en-
16 sure that a paraprofessional working in a program
17 supported with funds under this part is not assigned
18 a duty inconsistent with this subsection.

19 “(2) RESPONSIBILITIES PARAPROFESSIONALS
20 MAY BE ASSIGNED.—A paraprofessional described in
21 paragraph (1) may be assigned—

22 “(A) to provide one-on-one tutoring for eli-
23 gible students, if the tutoring is scheduled at a
24 time when a student would not otherwise re-
25 ceive instruction from a teacher;

1 “(B) to assist with classroom management,
2 such as organizing instructional and other ma-
3 terials;

4 “(C) to provide assistance in a computer
5 laboratory;

6 “(D) to conduct parental involvement ac-
7 tivities;

8 “(E) to provide support in a library or
9 media center;

10 “(F) to act as a translator; or

11 “(G) to provide instructional services to
12 students in accordance with paragraph (3).

13 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-
14 sional described in paragraph (1)—

15 “(A) may not provide any instructional
16 service to a student unless the paraprofessional
17 is working under the direct supervision of a
18 teacher consistent with section 1119; and

19 “(B) may assume limited duties that are
20 assigned to similar personnel who are not work-
21 ing in a program supported with funds under
22 this part, including duties beyond classroom in-
23 struction or that do not benefit participating
24 children, so long as the amount of time spent
25 on such duties is the same proportion of total

1 work time as prevails with respect to similar
2 personnel at the same school.”.

3 **SEC. 108. COMPARABLE ALLOCATION OF EXPENDITURES.**

4 (a) AMENDMENT.—Section 1120A(c) (20 U.S.C.
5 6321(c)) is amended to read as follows:

6 “(c) COMPARABLE ALLOCATION OF EXPENDI-
7 TURES.—

8 “(1) IN GENERAL.—

9 “(A) COMPARABLE FUNDING.—Not later
10 than 5 full school years after the date of enact-
11 ment the Student Success Act, except as pro-
12 vided in paragraphs (5), (6), and (7), a local
13 educational agency may receive funds under
14 this part for a fiscal year only if, for the pre-
15 ceding fiscal year, the combined expenditure per
16 pupil of State and local funds, including per-
17 sonnel and nonpersonnel costs, in each school
18 served under this part was at least comparable
19 to the average combined expenditure per pupil
20 of State and local funds, including personnel
21 and nonpersonnel costs, across all schools
22 served by the local educational agency that are
23 not receiving funds under this part.

24 “(B) COMPARABLE FUNDING AMONG
25 TITLE I SCHOOLS.—In any case where all of the

1 schools served by a local educational agency re-
2 ceive support under this part, such agency may
3 receive funds under this part only if, for the
4 preceding fiscal year, the combined expenditure
5 per pupil of State and local funds in each high-
6 er poverty school is at least comparable to the
7 average combined expenditure per pupil of
8 State and local funds across all lower poverty
9 schools.

10 “(2) EQUIVALENCE.—A local educational agen-
11 cy shall be considered to have met the requirements
12 of paragraph (1), and to be eligible to receive funds
13 under this part, if—

14 “(A) such agency has filed annually with
15 the State educational agency a school-by-school
16 listing of per-pupil expenditures of State and
17 local funds, as described in paragraph (1), for
18 each school served by the agency for the pre-
19 ceding fiscal year; and

20 “(B) the listing described in subparagraph
21 (A) demonstrates comparable allocation of per-
22 pupil expenditures across schools as required by
23 subparagraph (A) or (B) of paragraph (1).

24 “(3) BASIS.—A local educational agency may
25 meet the requirements of paragraphs (1) or (2)

1 across all schools or among schools serving a par-
2 ticular grade span, if the local educational agency
3 compares schools within not more than three grade
4 spans.

5 “(4) REQUIREMENTS.—

6 “(A) REQUIREMENTS OF THE SEC-
7 RETARY.—The Secretary shall issue regulations
8 concerning the responsibilities of State edu-
9 cational agencies and local educational agencies
10 for meeting the requirements of this subsection.

11 “(B) REQUIREMENTS OF STATES.—Each
12 State educational agency receiving funds under
13 this part shall—

14 “(i) create and distribute to local edu-
15 cational agencies, and make available to
16 the public, regulations on the responsibil-
17 ities of local educational agencies for meet-
18 ing the requirements of this subsection;
19 and

20 “(ii) submit a plan to the Secretary,
21 required under section 1111(d)(1)(B).

22 “(C) REQUIREMENTS OF LOCAL EDU-
23 CATIONAL AGENCIES.—Not later than 18
24 months after the date of enactment of the Stu-
25 dent Success Act, each local educational agency

1 receiving funds under this part shall develop
2 and submit to the State educational agency a
3 plan, which shall be made available to the pub-
4 lic, that will ensure comparable allocation of re-
5 sources as described in paragraph (1) not later
6 than 5 full school years after the date of enact-
7 ment of the Student Success Act, including in-
8 formation on—

9 “(i) a timeline and annual bench-
10 marks for making progress toward achiev-
11 ing comparable allocation of resources; and

12 “(ii) how the local educational agency
13 is aligning school improvement efforts de-
14 scribed under section 1116(b) and (c), ef-
15 forts to improve educator supports and
16 working conditions described in section
17 2112(b)(3), and efforts to improve the eq-
18 uitable distribution of teachers and prin-
19 cipals described in section 2112(b)(5), with
20 efforts to improve the comparable alloca-
21 tion of resources as described in this sub-
22 section;

23 “(5) INAPPLICABILITY.—This subsection shall
24 not apply to a local educational agency that does not
25 have more than one building for each grade span.

1 “(6) COMPLIANCE.—For the purpose of deter-
2 mining compliance with paragraph (1), a local edu-
3 cational agency—

4 “(A) shall exclude State and local funds
5 expended for the excess costs of providing
6 English language instruction for Limited
7 English Proficient students as determined by
8 the local educational agency;

9 “(B) shall exclude State and local funds
10 expended for the excess costs of providing serv-
11 ices to children with disabilities as determined
12 by the local educational agency;

13 “(C) may exclude capital expenditures; and

14 “(D) may exclude supplemental State or
15 local funds expended in any school attendance
16 area or school for programs that meet the in-
17 tent and purpose of this part.

18 “(7) EXCLUSIONS.—A local educational agency
19 need not include unpredictable or significant changes
20 in student enrollment or personnel assignments that
21 occur after the beginning of a school year in deter-
22 mining the comparable allocation of expenditures
23 under this subsection.

24 “(8) TRANSITIONAL COMPLIANCE.—Beginning
25 on the date of enactment of Student Success Act,

1 for no more than 5 full school years a local edu-
2 cational agency shall be deemed to be in compliance
3 with paragraph (1) and paragraph (4)(C)(i) for any
4 school year, if the teachers hired to fill vacancies for
5 individual schools served under this part, and for the
6 schools not served under this part, improve the com-
7 parable allocation of combined State and local per
8 pupil expenditures compared to the preceding school
9 year.

10 “(9) WAIVER.—A local educational agency may
11 apply to the Secretary to waive the requirement of
12 paragraph (1), for not more than 1 year at a time,
13 if the Secretary determines that the failure to com-
14 ply with such requirement is due to exceptional or
15 uncontrollable circumstances, such as a natural dis-
16 aster or a precipitous and unforeseen decline in the
17 agency’s financial resources.

18 “(10) RULE OF CONSTRUCTION.—Nothing in
19 this section shall be construed to alter or otherwise
20 affect the rights, remedies, and procedures afforded
21 school or local educational agency employees under
22 Federal, State, or local laws (including applicable
23 regulations or court orders) or under the terms of
24 collective bargaining agreements, memoranda of un-

1 derstanding, or other agreements between such em-
2 ployees and their employers.

3 “(11) NO FORCED TRANSFERS.—Nothing in
4 this subsection shall be construed to require a local
5 educational agency to transfer school personnel in
6 order to comply with the requirements of this sub-
7 section.”.

8 **SEC. 109. COORDINATION REQUIREMENTS.**

9 Section 1120B (20 U.S.C. 6321(c)) is amended to
10 read as follows:

11 **“SEC. 1120B. COORDINATION REQUIREMENTS.**

12 “(a) IN GENERAL.—Each local educational agency
13 receiving assistance under this part shall—

14 “(1) coordinate, as feasible, with early child-
15 hood programs to carry out the activities described
16 in subsection (b); and

17 “(2) develop agreements with Head Start agen-
18 cies to carry out the activities described in sub-
19 section (b).

20 “(b) ACTIVITIES.—The activities referred to in sub-
21 section (a) are activities that increase coordination be-
22 tween the local educational agency and a Head Start agen-
23 cy and, if feasible, other entities carrying out early child-
24 hood development programs serving children who will at-

1 tend the schools of the local educational agency, includ-
2 ing—

3 “(1) developing and implementing a systematic
4 procedure for receiving records regarding such chil-
5 dren, transferred with parental consent from a Head
6 Start program or, where applicable, another early
7 childhood development program;

8 “(2) establishing channels of communication be-
9 tween school staff and in such Head Start agencies
10 or other entities carrying out early their counter-
11 parts (including teachers, social workers, and health
12 staff) childhood development programs, as appro-
13 priate, to facilitate coordination of programs;

14 “(3) conducting meetings involving parents,
15 kindergarten or elementary school teachers, and
16 Head Start teachers or, if appropriate, teachers
17 from other early childhood development programs, to
18 discuss the developmental and other needs of indi-
19 vidual children;

20 “(4) organizing and participating in joint tran-
21 sition-related training of school staff, Head Start
22 program staff, and, where appropriate, other early
23 childhood development program staff; and

1 “(5) linking the educational services provided
2 by such local educational agency with the services
3 provided by local Head Start agencies.

4 “(c) COORDINATION OF REGULATIONS.—The Sec-
5 retary shall work with the Secretary of Health and Human
6 Services to coordinate regulations promulgated under this
7 part with regulations promulgated under the Head Start
8 Act.”.

9 **SEC. 110. TREATMENT OF THE OUTLYING AREAS AND BU-**
10 **REAU OF INDIAN EDUCATION SCHOOLS.**

11 (a) IN GENERAL.—Section 1121 (20 U.S.C. 6331)
12 is amended—

13 (1) in the section heading, by striking “**THE**
14 **OUTLYING AREAS AND**”;

15 (2) by amending subsection (a) to read as fol-
16 lows:

17 “(a) RESERVATION OF FUNDS.—

18 “(1) IN GENERAL.—From the amount appro-
19 priated for payments to States for any fiscal year
20 under sections 1002(a) and 1125A(f), the Secretary
21 shall reserve—

22 “(A) for each fiscal year until the fiscal
23 year described in paragraph (2), .67 percent to
24 provide assistance to the Secretary of the Inte-

1 prior in the amount necessary to make payments
2 pursuant to subsection (b); and

3 “(B) for the fiscal year described in para-
4 graph (2) and each succeeding fiscal year, 0.75
5 percent to provide assistance to the Secretary of
6 the Interior in the amount necessary to make
7 payments pursuant to such subsection.

8 “(2) DESCRIPTION OF FISCAL YEAR.—A fiscal
9 year described in this paragraph is a fiscal year for
10 which the total amount allocated under this part for
11 each State, after reserving funds in accordance with
12 paragraph (1)(B), would be an amount that is not
13 less than the total amount allocated under this part
14 for such State for fiscal year 2015.”;

15 (3) by striking subsections (b) and (c);

16 (4) by redesignating subsection (d) as sub-
17 section (b); and

18 (5) in subsection (b), as so redesignated—

19 (A) by amending paragraph (1) to read as
20 follows:

21 “(1) IN GENERAL.—The amount allotted for
22 payments to the Secretary of the Interior under sub-
23 section (a) for any fiscal year shall be used to meet
24 the special educational needs of—

1 “(A) Indian children on reservations served
2 by elementary schools and secondary schools for
3 Indian children operated or supported by the
4 Department of the Interior; and

5 “(B) out-of-State Indian children in ele-
6 mentary schools and secondary schools in local
7 educational agencies under special contracts
8 with the Department of the Interior.”; and

9 (B) in paragraph (2), by striking “sub-
10 section (a)(2)” and inserting “subsection (a)”.

11 (b) ALLOCATIONS TO STATES.—Section 1122 (20
12 U.S.C. 6332) is amended by striking subsection (e).

13 (c) BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-
14 CIES.—Section 1124(d) (20 U.S.C. 6333(d)) is amend-
15 ed—

16 (1) in paragraph (2), by redesignating subpara-
17 graphs (A) and (B) as clauses (i) and (ii), respec-
18 tively, and indenting appropriately;

19 (2) by redesignating paragraphs (1) and (2) as
20 subparagraphs (A) and (B), respectively, and indent-
21 ing appropriately;

22 (3) by striking “Notwithstanding section 1122”
23 and inserting the following:

24 “(1) IN GENERAL.—Notwithstanding section
25 1122 and except as provided in paragraph (2)”;

1 (4) in paragraph (1)(B)(i) (as so redesignated),
2 by striking “calculated in paragraph (1)” and insert-
3 ing “calculated in subparagraph (A)”; and

4 (5) by adding at the end the following new
5 paragraph:

6 “(2) EXCEPTION.—American Samoa, Guam,
7 the Commonwealth of the Northern Mariana Is-
8 lands, and the United States Virgin Islands shall
9 each receive one-half of the lesser of the amounts
10 calculated for each such jurisdiction under subpara-
11 graphs (A) and (B) of paragraph (1).”.

12 (d) CONCENTRATION GRANTS TO LOCAL EDU-
13 CATIONAL AGENCIES.—Section 1124A(a)(1)(B) (20
14 U.S.C. 6334(a)(1)(B)) is amended—

15 (1) by inserting “STATE MINIMUM.—” after the
16 subparagraph enumerator;

17 (2) in clause (ii)—

18 (A) in subclause (II), by redesignating
19 items (aa) and (bb) as subitems (AA) and
20 (BB), respectively, and indenting appropriately;
21 and

22 (B) by redesignating subclauses (I) and
23 (II) as items (aa) and (bb), respectively, and in-
24 denting appropriately;

1 (3) by redesignating clauses (i) and (ii) as sub-
2 clauses (I) and (II), respectively, and indenting ap-
3 propriately;

4 (4) by striking “Notwithstanding section 1122”
5 and inserting the following:

6 “(i) IN GENERAL.—Notwithstanding
7 section 1122 and except as provided in
8 clause (ii)”;

9 (5) in clause (i)(II)(aa) (as so redesignated) by
10 striking “calculated under clause (i)” and inserting
11 “calculated under subclause (I)”; and

12 (6) by adding at the end the following new
13 clause:

14 “(ii) EXCEPTION.—American Samoa,
15 Guam, the Commonwealth of the Northern
16 Mariana Islands, and the United States
17 Virgin Islands shall each receive one-half
18 of the lesser of the amounts calculated for
19 each such jurisdiction under subclauses (I)
20 and (II) of clause (i).”.

21 (e) TARGETED GRANTS TO LOCAL EDUCATIONAL
22 AGENCIES.—Section 1125(e) (20 U.S.C. 6335(e)) is
23 amended—

1 (1) in paragraph (2), by redesignating subpara-
2 graphs (A) and (B) as clauses (i) and (ii), respec-
3 tively, and indenting appropriately;

4 (2) by redesignating paragraphs (1) and (2) as
5 subparagraphs (A) and (B), respectively, and indent-
6 ing appropriately;

7 (3) by striking “Notwithstanding any other pro-
8 vision of this section or section 1122” and inserting
9 the following:

10 “(1) IN GENERAL.—Notwithstanding section
11 1122 and except as provided in paragraph (2)”;

12 (4) by adding at the end the following new
13 paragraph:

14 “(2) EXCEPTION.—American Samoa, Guam,
15 the Commonwealth of the Northern Mariana Is-
16 lands, and the United States Virgin Islands shall
17 each receive one-half of the lesser of the amounts
18 calculated for each such jurisdiction under subpara-
19 graphs (A) and (B) of paragraph (1).”.

20 (f) EDUCATION FINANCE INCENTIVE GRANT PRO-
21 GRAM.—Section 1125A(b) (20 U.S.C. 6337(b)) is amend-
22 ed—

23 (1) in paragraph (1)(B)—

1 (A) in clause (ii), by redesignating sub-
2 clauses (I) and (II) as items (aa) and (bb), re-
3 spectively, and indenting appropriately;

4 (B) by redesignating clauses (i) and (ii) as
5 subclauses (I) and (II), respectively, and in-
6 denting appropriately;

7 (C) by striking “Notwithstanding any
8 other provision of this section or section 1122”
9 and inserting the following:

10 “(i) IN GENERAL.—Notwithstanding
11 section 1122 and except as provided in
12 clause (ii)”;

13 (D) by adding at the end the following new
14 clause:

15 “(ii) EXCEPTION.—American Samoa,
16 Guam, the Commonwealth of the Northern
17 Mariana Islands, and the United States
18 Virgin Islands shall each receive one-half
19 of the lesser of the amounts calculated for
20 each such jurisdiction under subclauses (I)
21 and (II) of clause (i).”;

22 (2) in paragraph (2)(B)—

23 (A) in the subparagraph heading, by in-
24 serting “AND CERTAIN OUTLYING AREAS” be-
25 fore the period at the end; and

1 (B) by adding after “Commonwealth of
2 Puerto Rico” the following: “, American
3 Samoa, Guam, the Commonwealth of the
4 Northern Mariana Islands, and the United
5 States Virgin Islands”.

6 (g) DEFINITION.—Section 9101(30) (20 U.S.C.
7 7801(30)) is amended by striking “section 1121(b) and
8 any other” and inserting “any”.

9 **SEC. 111. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

10 (a) AMENDMENT.—Part A of title I (20 U.S.C. 6311
11 et seq.) is amended by adding at the end the following
12 new subpart:

13 **“Subpart 3—Support for High-Quality Assessments**
14 **“SEC. 1131. GRANTS TO IMPROVE DELIVERY OF HIGH-QUAL-**
15 **ITY ASSESSMENTS AND FOR RELATED AC-**
16 **TIVITIES.**

17 “(a) IN GENERAL.—From the amount reserved
18 under section 1134(b)(5) and subject to subparagraphs
19 (A) and (B) of such section, the Secretary shall make
20 grants by allocating funds in accordance with subsection
21 (b) of this section to States to enable the States to—

22 “(1) develop, administer, and further align
23 State assessments required by section 1111(b)(3) to
24 State content standards required by section
25 1111(b)(1);

1 “(2) ensure the provision of appropriate accom-
2 modations as required by section 1111(b)(3) to stu-
3 dents with limited English proficiency and students
4 with disabilities to improve the rates of inclusion in
5 State assessments of such students;

6 “(3) develop State assessment systems aligned
7 to the State’s content standards that support sys-
8 tems of continuous improvement and meet the as-
9 surance of coordination and alignment as described
10 in section 1111(b)(3)(H);

11 “(4) support local educational agencies in iden-
12 tifying uses of assessment data, which may include
13 appropriate use of student assessment data as one
14 of multiple measures of student learning for teacher
15 and school leader performance and evaluation, where
16 applicable; and

17 “(5) carry out the activities described in the re-
18 port required under subsection (c).

19 “(b) ALLOCATION OF FUNDS.—From the amount re-
20 served under section 1134(b)(5), each State shall receive
21 an allocation for each fiscal year in an amount equal to—

22 “(1) \$4,000,000; and

23 “(2) with respect to any amounts remaining
24 after the allocation is made under paragraph (1), an
25 amount that bears the same relationship to such

1 total remaining amounts as the number of students
2 ages 5 through 17 in the State (as determined by
3 the Secretary on the basis of the most recent satis-
4 factory data) bears to the total number of such stu-
5 dents in all States.

6 “(c) STATE REPORT.—Not later than 6 months after
7 a State receives a grant under this section, the State shall,
8 in consultation with education stakeholders, prepare and
9 make publically available a report, that explains how the
10 State has used, or will use, the grant to—

11 “(1) improve the quality and use of the State’s
12 assessment system, including assessments not re-
13 quired by section 1111(b)(3), and for related activi-
14 ties;

15 “(2) ensure that all summative assessments
16 that are used for accountability purposes, including
17 accountability described in section 1111(c) are valid
18 and reliable, and consistent with relevant, nationally
19 recognized professional and technical standards; and

20 “(3) improve the use of State assessment data
21 by school leaders, educators, and parents, and for
22 related activities, such as—

23 “(A) disseminating the assessment data in
24 an accessible and understandable format for
25 educators, parents, and families;

1 “(B) decreasing time between admin-
2 istering such State assessments and releasing
3 assessment data;

4 “(C) supporting the dissemination of
5 promising practices from local educational
6 agencies that have successfully used assessment
7 data to improve individual student and overall
8 school performance;

9 “(D) identifying appropriate uses of as-
10 sessment data, which may include appropriate
11 use of student assessment data as one of mul-
12 tiple measures of student learning for teacher
13 and school leader performance and evaluation;
14 and

15 “(E) providing professional development on
16 assessment and data literacy to teachers and
17 school leaders, including on the development
18 and effective use of formative and classroom-
19 based assessments aligned with State content
20 standards.

21 **“SEC. 1132. GRANTS FOR ASSESSMENT SYSTEM ALIGN-**
22 **MENT, QUALITY, AND USE.**

23 “(a) IN GENERAL.—From the amount reserved
24 under section 1134(b)(3), the Secretary shall make grants
25 to States to—

1 “(1) in the case of a grant awarded under this
2 section to a State for the first time—

3 “(A) carry out an audit of the State as-
4 sessment system and ensure that local edu-
5 cational agencies carry out audits of local as-
6 sements under subsection (e)(1);

7 “(B) prepare and carry out the State plan
8 under subsection (e)(6); and

9 “(C) award subgrants under subsection (f);
10 and

11 “(2) in the case of a grant awarded under this
12 section to a State that has previously received a
13 grant under this section—

14 “(A) carry out the State plan on audit
15 findings under subsection (e)(6); and

16 “(B) award subgrants under subsection
17 (f).

18 “(b) MINIMUM AMOUNT.—Each State with an ap-
19 proved application shall receive a grant amount of not less
20 than \$2,000,000.

21 “(c) REALLOCATION.—If a State chooses not to apply
22 to receive a grant under this subsection, or if such State’s
23 application under subsection (d) is disapproved by the Sec-
24 retary, the Secretary shall reallocate such grant amount
25 to other States with approved applications.

1 “(d) APPLICATION.—A State desiring to receive a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and containing
4 such information as the Secretary may require.

5 “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND
6 LOCAL ASSESSMENTS.—

7 “(1) AUDIT REQUIREMENTS.—Not later than 1
8 year after a State receives a grant under this section
9 for the first time, the State shall—

10 “(A) conduct an audit of the State assess-
11 ment system;

12 “(B) ensure that each local educational
13 agency under the State’s jurisdiction and re-
14 ceiving funds under this Act—

15 “(i) conducts an audit of each local
16 assessment administered by the local edu-
17 cational agency; and

18 “(ii) submits the results of such audit
19 to the State; and

20 “(C) report the results of each State and
21 local educational agency audit conducted under
22 subparagraphs (A) and (B)—

23 “(i) in a publicly available format,
24 such as a widely accessible online platform;
25 and

1 “(ii) with appropriate accessibility
2 provisions for individuals with disabilities
3 and individuals with limited English pro-
4 ficiency.

5 “(2) RESOURCES FOR LOCAL EDUCATIONAL
6 AGENCIES.—In carrying out paragraph (1)(B), each
7 State shall develop and provide local educational
8 agencies with resources, such as guidelines and pro-
9 tocols, to assist the agencies in conducting and re-
10 porting the results of the audit required under such
11 paragraph (1)(B).

12 “(3) STATE ASSESSMENT SYSTEM DESCRIP-
13 TION.—An audit of a State assessment system con-
14 ducted under paragraph (1) shall include a descrip-
15 tion of each State assessment carried out in the
16 State, including—

17 “(A) the grade and subject matter as-
18 sessed;

19 “(B) whether the assessment is required
20 under section 1111(b)(3);

21 “(C) the annual cost to the State edu-
22 cational agency involved in developing, pur-
23 chasing, administering, and scoring the assess-
24 ment;

1 “(D) the purpose for which the assessment
2 was designed and the purpose for which the as-
3 sessment is used, including assessments de-
4 signed to contribute to systems of continuous
5 improvement of teaching and learning;

6 “(E) the time for disseminating assess-
7 ment results;

8 “(F) a description of how the assessment
9 is aligned with the State’s content standards;

10 “(G) a description of any State law or reg-
11 ulation that established the requirement for the
12 assessment;

13 “(H) the schedule and calendar for all
14 State assessments given; and

15 “(I) a description of the State’s policies for
16 inclusion of students with limited English pro-
17 ficiency and students with disabilities.

18 “(4) LOCAL ASSESSMENT DESCRIPTION.—An
19 audit of a local assessment conducted under para-
20 graph (1) shall include a description of the local as-
21 sessment carried out by the local educational agency,
22 including—

23 “(A) the descriptions listed in subpara-
24 graphs (A), (D), and (E) of paragraph (3);

1 “(B) the annual cost to the local edu-
2 cational agency of developing, purchasing, ad-
3 ministering, and scoring the assessment;

4 “(C) the extent to which the assessment is
5 aligned to the State’s content standards;

6 “(D) a description of any State or local
7 law or regulation that establishes the require-
8 ment for the assessment; and

9 “(E) in the case of a summative assess-
10 ment that is used for accountability purposes,
11 whether the assessment is valid and reliable and
12 consistent with nationally recognized profes-
13 sional and technical standards.

14 “(5) STAKEHOLDER FEEDBACK.—Each audit of
15 a State assessment system or local assessment sys-
16 tem conducted under subparagraph (A) or (B) of
17 paragraph (1) shall include feedback on such system
18 from education stakeholders, which shall cover infor-
19 mation such as—

20 “(A) how educators and administrators use
21 assessment data to improve and differentiate
22 instruction;

23 “(B) the timing of release of assessment
24 data;

1 “(C) the extent to which assessment data
2 is presented in an accessible and understand-
3 able format for educators, parents, students, if
4 appropriate, and the community;

5 “(D) the opportunities, resources, and
6 training educators and administrators are given
7 to review assessment results and make effective
8 use of assessment data;

9 “(E) the distribution of technological re-
10 sources and personnel necessary to administer
11 assessments;

12 “(F) the amount of time educators spend
13 on test preparation;

14 “(G) the assessments that administrators,
15 educators, parents, and students, if appropriate,
16 do and do not find useful;

17 “(H) the amount of time students spend
18 taking the assessments; and

19 “(I) other information as appropriate.

20 “(6) STATE PLAN ON AUDIT FINDINGS.—

21 “(A) PREPARING THE STATE PLAN ON
22 AUDIT FINDINGS.—Not later than 6 months
23 after a State conducts an audit under para-
24 graph (1) and based on the results of such
25 audit, the State shall, in coordination with the

1 local educational agencies under the jurisdiction
2 of the State, prepare and submit to the Sec-
3 retary, a plan to improve and streamline State
4 assessment systems and local assessment sys-
5 tems, including through activities such as—

6 “(i) eliminating any assessments that
7 are not required by section 1111(b)(3)
8 (such as by buying out the remainder of
9 procurement contracts with assessment de-
10 velopers) and that—

11 “(I) are low-quality;

12 “(II) not aligned to the State’s
13 content standards;

14 “(III) in the case of summative
15 assessments used for accountability
16 purposes, are not valid or reliable and
17 are inconsistent with nationally recog-
18 nized professional and technical
19 standards;

20 “(IV) do not contribute to sys-
21 tems of continuous improvement for
22 teaching and learning; or

23 “(V) are redundant;

24 “(ii) supporting the dissemination of
25 promising practices from local educational

1 agencies or other States that have success-
2 fully improved assessment quality and effi-
3 ciency to improve teaching and learning;

4 “(iii) supporting local educational
5 agencies or consortia of local educational
6 agencies to carry out efforts to streamline
7 local assessment systems and implementing
8 a regular process of review and evaluation
9 of assessment use in local educational
10 agencies;

11 “(iv) supporting appropriate uses of
12 assessment data, which may include appro-
13 priate use of student assessment data as
14 one of multiple measures of student learn-
15 ing for teacher and school leader perform-
16 ance and evaluation; and

17 “(v) providing professional develop-
18 ment to teachers and school leaders on se-
19 lecting and implementing formative assess-
20 ments, designing classroom-based assess-
21 ments, and assessment and data literacy.

22 “(B) CARRY OUT THE STATE PLAN ON
23 AUDIT FINDINGS.—A State shall carry out a
24 State plan on audit findings as soon as prac-
25 ticable after the State prepares such State plan

1 under subparagraph (A) and during each grant
2 period of a grant described in subsection (a)(2)
3 that is awarded to the State.

4 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
5 CIES.—

6 “(1) IN GENERAL.—From the amount awarded
7 to a State under this section, the State shall reserve
8 not less than 20 percent of funds to make subgrants
9 to local educational agencies in the State, or a con-
10 sortium of such local educational agencies, based on
11 demonstrated need in the agency’s or consortium’s
12 application to improve assessment quality, use, and
13 alignment with the State’s content standards.

14 “(2) LOCAL EDUCATIONAL AGENCY APPLICA-
15 TION.—Each local educational agency, or consortium
16 of local educational agencies, seeking a subgrant
17 under this subsection shall submit an application to
18 the State at such time, in such manner, and describ-
19 ing that agency’s or consortium’s needs to improve
20 assessment quality, use, and alignment (as described
21 in paragraph (1)), and such other information as de-
22 termined by the State.

23 “(3) USE OF FUNDS.—A subgrant awarded
24 under this subsection to a local educational agency
25 or consortium of such agencies may be used to—

1 “(A) conduct an audit of local assessments
2 under subsection (e)(1)(B);

3 “(B) eliminate any assessments identified
4 for elimination by such audit, such as by buying
5 out the remainder of procurement contracts
6 with assessment developers;

7 “(C) disseminate the promising practices
8 described in subsection (e)(6)(B);

9 “(D) improve the capacity of school leaders
10 and educators to disseminate assessment data
11 in an accessible and understandable format for
12 parents and families, including for individuals
13 with disabilities or individuals with limited
14 English proficiency;

15 “(E) support the appropriate use of assess-
16 ment data, which may include appropriate use
17 of student assessment data as one of multiple
18 measures of student learning for teacher and
19 school leader performance and evaluation;

20 “(F) provide professional development to,
21 and time for teacher collaboration on designing
22 classroom-based assessments and improving as-
23 sessments and data literacy for, teachers and
24 school leaders, which may include providing ad-
25 ditional planning time to analyze student and

1 team data and designing instruction based on
2 data analysis;

3 “(G) improve assessment delivery systems
4 and schedules, including by increasing access to
5 technology and exam proctors, where appro-
6 priate;

7 “(H) hire instructional coaches, or pro-
8 moting educators who may receive increased
9 compensation to serve as instructional coaches,
10 to support educators to develop classroom-based
11 assessments, interpret assessment data, and de-
12 sign instruction; and

13 “(I) provide for appropriate assessment ac-
14 commodations to maximize inclusion of students
15 with disabilities and students with limited
16 English proficiency, including by providing the
17 assessments described in section 1111(b)(6).

18 **“SEC. 1133. INNOVATIVE ASSESSMENT DEMONSTRATION**

19 **AUTHORITY.**

20 “(a) DEFINITIONS.—In this part:

21 “(1) COLLEGE AND CAREER READY STAND-
22 ARDS.—The term ‘college and career ready stand-
23 ards’ means the academic content and student aca-
24 demic achievement standards adopted by a State
25 under section 1111(b).

1 “(2) COMPETENCY EDUCATION.—The term
2 ‘competency education’ is defined, (at a minimum),
3 as a school-level framework for learning that enables
4 personalization, with the goal of students becoming
5 proficient, in which—

6 “(A) students advance upon mastery;

7 “(B) competencies are transparent, aligned
8 to State academic standards, and include ex-
9 plicit, measurable, and transferable learning ob-
10 jectives;

11 “(C) assessment improves teaching and
12 learning in real time and validates when stu-
13 dents are ready to demonstrate mastery; and

14 “(D) students receive timely, differentiated
15 support based on their individual learning
16 needs.

17 Competencies emphasize growth towards higher
18 order skills, including the application and creation of
19 knowledge and social emotional skills.

20 “(3) CORE INDICATORS.—The term ‘core indi-
21 cators’ means—

22 “(A) State academic assessments that
23 meet the requirements of section 1111(b)(3)
24 and that provide data that can be compared

1 with data regarding the State academic assess-
2 ments required under section 1111(b)(3); and

3 “(B) graduation rates.

4 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means a State educational agency or consor-
6 tium of State educational agencies.

7 “(5) MASTERY.—The term ‘mastery’ means a
8 level of knowledge or skill development demonstrated
9 by a student signifying that the student has met a
10 standard and is prepared to progress to a subse-
11 quent standard.

12 “(6) PERFORMANCE ASSESSMENT.—The term
13 ‘performance assessment’ means a multi-step assess-
14 ment that—

15 “(A) includes complex activities with clear
16 criteria, expectations, and processes that enable
17 students to interact with meaningful content;
18 and

19 “(B) measures the depth at which students
20 learn content and apply complex skills to create
21 or refine an original product or solution.

22 “(b) DEMONSTRATION AUTHORITY.—

23 “(1) IN GENERAL.—The Secretary may provide
24 eligible entities, in accordance with paragraph (3),
25 with the authority to establish State assessment sys-

1 tems that enable competency education to satisfy the
2 requirements under section 1111(c) and 1111(b)(3)
3 and use results of such competency education assess-
4 ment system for the purposes of section 1111(c) and
5 section 1116 and in accordance with an application
6 approved under subsection (c).

7 “(2) DEMONSTRATION PERIOD.—The initial
8 award of demonstration authority under this part
9 shall be for a period of 5 years. After such period,
10 if the Secretary has not withdrawn the demonstra-
11 tion authority from an eligible entity, the eligible en-
12 tity shall be permitted to operate the assessment
13 system approved under the demonstration authority
14 in lieu of the requirements under section 1111(b)(3),
15 except that the assessments required under section
16 1111(b)(3) shall be administered at a minimum of
17 once in grades 3 through 56, once in graades 6
18 through 8, and once in high school.

19 “(3) INITIAL DEMONSTRATION AUTHORITY; EX-
20 PANSION; RENEWAL.—

21 “(A) INITIAL LIMIT.—During the initial 3-
22 year period of demonstration authority under
23 this section, the Secretary may not provide
24 more than 5 eligible entities with the authority
25 described in paragraph (1).

1 “(B) EXPANSION OF DEMONSTRATION AU-
2 THORITY.—After the end of the initial dem-
3 onstration period described in subparagraph
4 (A), the Secretary may provide additional eligi-
5 ble entities with demonstration authority de-
6 scribed in paragraph (1), subject to each of the
7 requirements of this part as applicable, if the
8 Secretary determines that the demonstration
9 authority provided under this part during the
10 initial demonstration period has effectively sup-
11 ported student progress on core indicators
12 among students served by the eligible entities,
13 including subgroups of students described in
14 section 1111(e)(3)(A).

15 “(c) APPLICATIONS.—To be eligible to participate in
16 the demonstration under this part, an eligible entity shall
17 submit an application to the Secretary at such time, in
18 such manner, and containing such information as the Sec-
19 retary may require, that describes the assessment system
20 that will be used by the eligible entity to enable com-
21 petency education, including—

22 “(1) a description of the assessment system the
23 eligible entity will use (consistent with section
24 1111(b)(3)(B) and covering the subjects described in
25 section 1111(b)(3)(C)), including—

1 “(A) how the system will provide annual
2 summative student performance data gathered
3 in one of the following ways—

4 “(i) a statewide summative assess-
5 ment administered at least once annually
6 in each of grades 3 through 8 and once in
7 grades 9 through 12;

8 “(ii) a statewide summative instru-
9 ment administered at least once annually
10 in each of grades 3 through 8 and once in
11 grades 9 through 12 administered as mul-
12 tiple assessments throughout the year; or

13 “(iii) a combination of a statewide
14 summative assessment and , or in lieu of,
15 local summative assessments administered
16 at least once annually in each of grades 3
17 through 8 and once in grades 9 through
18 12, so long as—

19 “(I) the assessments provide, at
20 a minimum, annual information about
21 student performance to inform deter-
22 minations about accountability and
23 supports and interventions;

24 “(II) the statewide assessment
25 occurs at a minimum of once in ele-

1 mentary, once in middle, and once in
2 high school;

3 “(III) the assessment items are
4 aligned to college- and career-ready
5 State academic standards;

6 “(IV) the local assessment in-
7 struments produce comparable results
8 across the State that are of high tech-
9 nical quality, reliability, and validity;
10 and

11 “(V) the system of assessments
12 incorporates multiple sources of evi-
13 dence of student learning, including
14 performance-based tasks; and

15 “(B) how the system will incorporate form-
16 ative, interim, and summative assessments, in-
17 cluding the use of performance assessments and
18 other sources of evidence of student learning
19 that determine mastery of college and career
20 ready standards and competencies.

21 “(d) ASSURANCES.—The State educational agency
22 will provide assurances that—

23 “(1) the system is aligned to college and career
24 ready standards described in section 1111 and
25 State-approved competencies;

1 “(2) the system has been developed in collabo-
2 ration with stakeholders representing the interests of
3 students with disabilities, English learners, and civil
4 rights organizations in the State, as demonstrated
5 through modifications made to the assessments re-
6 sulting from such collaboration;

7 “(3) the system incorporates the principles of
8 universal design as defined in section 3(a) of the As-
9 sistive Technology Act of 1998 (29 U.S.C.14
10 3002(a));

11 “(4) the system will allow students to dem-
12 onstrate progress toward mastery of such standards
13 and State-approved competencies;

14 “(5) the assessments will assess mastery of
15 State-approved competencies when students are
16 ready to demonstrate mastery of such standards and
17 competencies;

18 “(6) the system will provide students with mul-
19 tiple opportunities to demonstrate mastery of such
20 standards and competencies;

21 “(7) the system will engage and support teach-
22 ers in scoring assessments, including the use of high
23 quality professional development, standardized and
24 calibrated scoring rubrics, and other strategies to

1 ensure inter-rater reliability and comparability of de-
2 terminations of mastery across the State;

3 “(8) the system provides educators, students,
4 and parents with real-time data to inform instruc-
5 tional practice and continuously improve student
6 performance;

7 “(9) the system will provide instructional sup-
8 port and targeted intervention to all students to en-
9 sure every student is on-track to master the State
10 approved standards and competencies by graduation;

11 “(10) the system will only utilize a student’s in-
12 dividualized education program, as defined in section
13 602 of the Individuals with Disabilities Education
14 Act, for purposes specifically allowed under such
15 Act;

16 “(11) a description of how the system will be
17 used to satisfy the accountability requirements of
18 section 1111(c);

19 “(12) the State will administer the annual
20 statewide assessment required under section
21 1111(b)(3) until the secretary removes such require-
22 ment as described under subsection (b)(2);

23 “(13) the eligible entity’s plan to—

1 “(A) ensure that all students, including
2 each student subgroup described in section
3 1111(c)(3)(A)—

4 “(i) are held to the same high stand-
5 ard;

6 “(ii) demonstrate annually, at a min-
7 imum, at least 1 year of academic growth
8 consistent with the requirement in section
9 1111(b)(4)(E); and

10 “(iii) receive the instructional support
11 needed to attain mastery of college and ca-
12 reer ready standards and State-approved
13 competencies;

14 “(B) train local educational agency and
15 school staff to implement the assessments de-
16 scribed in paragraph (2)(A);

17 “(C) acclimate students to the new assess-
18 ment and accountability systems; and

19 “(D) ensure that each local educational
20 agency has the technological infrastructure to
21 operate the accountability and assessment sys-
22 tems described in this section; and

23 “(14) a description of how instruction and pro-
24 fessional development will be enhanced to personalize
25 the educational experience for each student to en-

1 sure all students graduate college and career ready,
2 as determined in accordance with State academic
3 achievement standards under section 1111(b); and

4 “(15) a description of the local educational
5 agencies within the State that will participate in the
6 polit.

7 “(e) PEER REVIEW.—The Secretary shall—

8 “(1) implement a peer review process, which
9 shall include a review team comprised of practi-
10 tioners and experts who are knowledgeable about
11 competency education, to inform the awarding of the
12 demonstration authority under this part; and

13 “(2) make publicly available the applications
14 submitted under subsection (c) and the peer com-
15 ments and recommendations on such applications.

16 “(f) DEMONSTRATION AUTHORITY WITHDRAWN.—

17 The Secretary may withdraw the demonstration authority
18 provided to an eligible entity under this part if at any
19 point after the 3 year demonstration period described in
20 subsection (b)(2), the Secretary determines that student
21 performance for all students served by the eligible entity
22 or any student subgroup described under section
23 1111(c)(3)(A) has declined on core indicators;

24 “(g) DISSEMINATION OF BEST PRACTICES.—The
25 Secretary shall disseminate best practices on the imple-

1 mentation of accountability and assessment systems that
2 enable competency education, including on—

3 “(1) strategies that States used to accelerate
4 mastery of State standards and aligned com-
5 petencies to close achievement gaps and increase
6 readiness for college and career;

7 “(2) the effective use of formative, interim, and
8 summative assessments to inform instruction; and

9 “(4) the development of standardized and cali-
10 brated scoring rubrics, and other strategies to en-
11 sure inter-rater reliability and comparability of de-
12 terminations of mastery across the State.

13 **“SEC. 1134. FUNDING.**

14 “(a) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) NATIONAL ASSESSMENT OF EDUCATIONAL
16 PROGRESS.—For the purpose of administering the
17 State assessments under the National Assessment of
18 Educational Progress, there are authorized to be ap-
19 propriated \$72,000,000 for fiscal year 2016, and
20 such sums as may be necessary for each of the 5
21 succeeding fiscal years.

22 “(2) STATE ASSESSMENTS AND RELATED AC-
23 TIVITIES.—For the purpose of carrying out this sub-
24 part, there are authorized to be appropriated
25 \$600,000,000 for fiscal year 2016, and such sums

1 as may be necessary for each of the 5 succeeding fis-
2 cal years.

3 “(b) RESERVATION OF APPROPRIATED FUNDS.—

4 From amounts made available for each fiscal year under
5 subsection (a)(2), the Secretary shall—

6 “(1) reserve one-half of 1 percent for the Bu-
7 reau of Indian Affairs;

8 “(2) reserve one-half of 1 percent for the out-
9 lying areas;

10 “(3) reserve 20 percent to carry out section
11 1132;

12 “(4) reserve 3 percent to carry out section
13 1133; and

14 “(5) reserve the remainder (after reserving
15 funds under paragraphs (1) through (4)) to carry
16 out section 1131, except that—

17 “(A) for any fiscal year for which the
18 funds appropriated under subsection (a)(2) of
19 this section are equal to or greater than
20 \$450,000,000, each State that receives a grant
21 under section 1131 shall use the grant to carry
22 out paragraphs (1) through (5) of section
23 1131(a); and

24 “(B) for any fiscal year for which the
25 funds appropriated under subsection (a)(2) of

1 this section are less than \$450,000,000, each
2 State that receives a grant under section 1131
3 shall only be required to use the grant to carry
4 out paragraphs (1) through (3) of section
5 1131(a).

6 **“SEC. 1135. STATE DEFINED.**

7 “In this section, the term ‘State’ means each of the
8 50 States, the District of Columbia, and the Common-
9 wealth of Puerto Rico.”.

10 (b) CONFORMING AMENDMENT.—Subpart 1 of part
11 A of title VI (20 U.S.C. 7301 et seq.) is repealed.

12 **SEC. 112. STATE AGENCY PROGRAMS.**

13 Part D of title I (20 U.S.C. 6421 et seq.) is amend-
14 ed—

15 (1) in section 1414(a)(2)—

16 (A) in subparagraph (B), by striking
17 “and” at the end;

18 (B) by redesignating subparagraph (C) as
19 subparagraph (F); and

20 (C) by inserting after subparagraph (B)
21 the following:

22 “(C) contain procedures to ensure that
23 each student who has been placed in the State’s
24 juvenile justice system is promptly re-enrolled
25 in secondary school or placed in a re-entry pro-

1 gram that best meets the educational and social
2 needs of the student;

3 “(D) contain procedures for facilitating the
4 transfer of credits that such students earned
5 during placement;

6 “(E) provide that, to the extent feasible,
7 students will have the opportunity to participate
8 in higher education or career pathways; and”;

9 (2) in section 1416—

10 (A) by redesignating paragraphs (3), (4),
11 (5), (6), (7) and (8) as paragraphs (4), (5), (7),
12 (8), (9), and (10), respectively;

13 (B) by inserting after paragraph (2) the
14 following:

15 “(3) includes the development of an initial edu-
16 cation services and transition plan for each child or
17 youth served under this subpart upon entry into the
18 correctional facility, in partnership with the child or
19 youth’s family members and the local educational
20 agency that most recently provided services to the
21 child or youth;”;

22 (C) by inserting after paragraph (5), as so
23 redesignated by subparagraph (A), the fol-
24 lowing:

1 “(6) describes how the program will consult
2 with the child or youth’s local educational agency for
3 a period jointly determined necessary by the correc-
4 tional facility and the local educational agency upon
5 discharge from that facility, to coordinate edu-
6 cational services so as to minimize disruption to the
7 child’s or youth’s achievement.”;

8 (D) in paragraph (9), as so redesignated,
9 by striking “and” at the end;

10 (E) in paragraph (10), as so redesignated,
11 by striking the period at the end and inserting
12 “; and”; and

13 (F) by adding at the end the following:

14 “(11) includes an assurance that the State
15 agency will report annually on the number of chil-
16 dren and youth released from the correctional facil-
17 ity or institution who returned or did not return to
18 school, the number of children and youth obtaining
19 a secondary school diploma or its recognized equiva-
20 lent, and the number of children and youth obtain-
21 ing employment.”; and

22 (3) in section 1425—

23 (A) by redesignating paragraphs (10) and
24 (11) as paragraphs (11) and (12), respectively;
25 and

1 (B) by inserting after paragraph (9) the
2 following:

3 “(10) where feasible, coordinate with agencies
4 that provide re-entry services to adjudicated youth;”.

5 **SEC. 113. FOSTER YOUTH.**

6 (a) AMENDMENT.—Part D of title I is amended by
7 adding at the end the following:

8 **“Subpart 4—Educational Stability of Children in**
9 **Foster Care**

10 **“SEC. 1441. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
11 **TER CARE.**

12 “(a) OBLIGATIONS TO COLLABORATE WITH CHILD
13 WELFARE AGENCIES.—

14 “(1) IN GENERAL.—Each State educational
15 agency receiving assistance under part A shall col-
16 laborate with the State agency responsible for ad-
17 ministering the State plans under parts B and E of
18 title IV of the Social Security Act (42 U.S.C. 621
19 et seq., 670 et seq.) to develop and implement a plan
20 to ensure that the following occurs, for each child in
21 the State, when the child moves to a new school at-
22 tendance area as a result of being placed in foster
23 care (as described in section 1442 (1)), changing
24 foster care placements, or leaving foster care:

1 “(A) ATTENDANCE AT A SCHOOL OF ORI-
2 GIN.—

3 “(i) IN GENERAL.—The child enrolls
4 or remains in the child’s school of origin,
5 unless a determination is made that it is in
6 the child’s best interest to attend a dif-
7 ferent school.”.

8 “(ii) LIMITATION.—A child who leaves
9 foster care shall only be entitled to remain
10 in the child’s school of origin for the re-
11 mainder of the school year.

12 “(B) IMMEDIATE ENROLLMENT.—When a
13 determination is made regarding the school that
14 it is in the best interest of a child in foster care
15 to attend, the child shall be immediately en-
16 rolled in such school, even if the child is unable
17 to produce records normally required for enroll-
18 ment, such as previous academic records, im-
19 munization and medical records, a birth certifi-
20 cate, guardianship records, proof of residency,
21 or other documentation.

22 “(C) RECORDS TRANSFER.—Any records
23 ordinarily kept by a school, including records of
24 immunizations, health screenings, and other re-
25 quired health records, academic records, birth

1 certificates, evaluations for special services or
2 programs, and any individualized education pro-
3 grams (as defined in section 602 of the Individ-
4 uals with Disabilities Education Act (20 U.S.C.
5 1401)), regarding a child in foster care shall
6 be—

7 “(i) maintained so that the records in-
8 volved are available, in a timely fashion,
9 when a child in foster care enters a new
10 school; and

11 “(ii) immediately transferred to the
12 enrolling school, even if the child owes fees
13 or fines or was not withdrawn from pre-
14 vious schools in conformance with local
15 withdrawal procedures.

16 “(2) IMPLEMENTATION.—Each State edu-
17 cational agency receiving assistance under part shall
18 ensure that the plan described in paragraph (1) is
19 implemented by the local educational agencies in the
20 State.

21 “(b) CREDIT TRANSFER AND DIPLOMAS.—Each
22 State that receives assistance under part A shall have poli-
23 cies for ensuring that—

24 “(1) a child in foster care who is changing
25 schools can transfer school credits and receive par-

1 tial credits for coursework satisfactorily completed
2 while attending a prior school or educational pro-
3 gram;

4 “(2) a child in foster care is afforded opportuni-
5 ties to recover school credits lost due to placement
6 instability while in foster care; and

7 “(3) a child in foster care who has changed sec-
8 ondary schools can receive a secondary school di-
9 ploma either from one of the schools in which the
10 child was enrolled or through a State-issued sec-
11 ondary school diploma system, consistent with State
12 graduation requirements.

13 “(c) TRANSPORTATION.—

14 “(1) IN GENERAL.—The local educational agen-
15 cy and state shall collaborate with the local child
16 welfare agency to develop and within one year of en-
17 actment of this act implement clear written proce-
18 dures governing how transportation to maintain chil-
19 dren in foster care in their school of origin when in
20 their best interest will be provided, arranged, and
21 funded for the duration of the time in foster care
22 and through the remainder of the school year in
23 which the children leave foster care. The procedures
24 shall ensure that children needing transportation to
25 the school of origin will promptly receive transpor-

1 tation in a cost effective manner and in accordance
2 with section 475(1)(G)of the Social Security Act (42
3 U.S.C. 675(1)(G).

4 “(2) COST OF TRANSPORTATION-Where
5 the child in foster care remains in the school of ori-
6 gin pursuant to section 475(1)(G) of the Social Se-
7 curity Act (42 U.S.C. 675(1)(G)), and if there are
8 additional costs incurred in providing transportation
9 to maintain children in their schools of origin, the
10 local educational agency will provide transportation
11 to their school of origin if:

12 “(A) the local child welfare agency agrees
13 to reimburse the local educational agency for
14 the cost of such transportation;

15 “(B) the local educational agency agrees to
16 pay for the cost of such transportation; or

17 “(C) the local educational agency and the
18 local child welfare agency agree to share the
19 cost of such transportation; or

20 “(D) TRANSPORTATION FOR THE REMAIN-
21 DER OF THE SCHOOL YEAR.—The local edu-
22 cational agency will provide transportation for
23 the remainder of the academic year in which a
24 child leaves foster care if whomever the child is
25 returned to by the child welfare agency requests

1 transportation and remaining in the school of
2 origin is in the child's best interest.

3 “(d) POINTS OF CONTACT.—

4 “(1) LOCAL EDUCATIONAL AGENCIES.—A State
5 that receives assistance under part A shall:

6 “(A) advise each local educational agency
7 in the State of their option to designate an indi-
8 vidual employed by the agency to serve as a
9 point of contact for the child welfare agencies
10 responsible for children in foster care enrolled
11 in the local educational agency and that they
12 must designate such a point of contact if the
13 corresponding local child welfare agency pro-
14 vides written notice it has designated an indi-
15 vidual employed by that agency to serve as a
16 point of contact for the local educational agen-
17 cy;

18 “(B) ensure that local educational agency
19 points of contact oversee the implementation of
20 the local educational agency requirements under
21 this section; and

22 “(C) ensure that high needs local edu-
23 cational agencies as defined in XX do not des-
24 ignate the same individual as the point of con-
25 tact for children in foster care and the local

1 educational agency liaison under section
2 722(g)(1)(J)(ii) of the McKinney-Vento Home-
3 less Assistance Act.

4 “(2) STATE EDUCATIONAL AGENCIES.—

5 “(A) Each State educational agency receiv-
6 ing assistance under part A shall designate an
7 individual to serve as a point of contact for
8 child welfare agencies and to oversee the imple-
9 mentation of the State educational agency re-
10 quirements under this section.

11 “(B) A State educational agency’s point of
12 contact shall not be the individual designated as
13 the State’s Coordinator for Education of Home-
14 less Children and Youths under section
15 722(d)(3) of the McKinney-Vento Homeless As-
16 sistance Act.

17 **“SEC. 1442. DEFINITIONS.**

18 “(a) HEADER.—In this part:

19 “(1) CHILD IN FOSTER CARE.—The term ‘child
20 in foster care’ means a child whose care and place-
21 ment is the responsibility of the agency that admin-
22 isters a State plan under part B or E of title IV of
23 the Social Security Act (42 U.S.C. 621 et seq., 670
24 et seq.), without regard to whether foster care main-
25 tenance payments are made under section 472 of the

1 Social Security Act (42 U.S.C. 672) on behalf of the
2 child.

3 “(2) SCHOOL ATTENDANCE AREA.—The term
4 ‘school attendance area’ has the meaning given the
5 term in section 1113(a)(2).

6 “(3) SCHOOL OF ORIGIN.—The term ‘school of
7 origin’ means, with respect to a child in foster care,
8 any of the following:

9 “(A) The public school in which the child
10 was enrolled prior to entry into foster care.

11 “(B) The public school in which the child
12 is enrolled when a change in foster care place-
13 ment occurs.

14 “(C) The public school the child attended
15 when last permanently housed, as such term is
16 used in section 722(g)(3)(G) of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C.
18 11432(g)(3)(G)), if such child was eligible for
19 assistance under such Act before the child be-
20 came a child in foster care.”.

21 (b) GUIDANCE.—Not later than 90 days after the
22 date of enactment of this Act, the Secretary, in collabora-
23 tion with the Secretary of Health and Human Services,
24 is directed to issue guidance on the implementation of part
25 E of title I of this Act, including how State and local agen-

1 cies will work together to ensure that transportation for
2 children in foster care is provided to the school of origin.

3 **SEC. 114. SCHOOL DROPOUT PREVENTION.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
5 1803 (20 U.S.C. 6553) is amended by striking “2002”
6 and inserting “2016”.

7 (b) NATIONAL ACTIVITIES.—Section 1811(b)(4) (20
8 U.S.C. 6555(b)(4)) is amended—

9 (1) in the matter preceding subparagraph (A),
10 by striking “for all students”;

11 (2) in subparagraph (A)—

12 (A) by inserting “for all students” before
13 “in that”; and

14 (B) by striking “or” at the end;

15 (3) by redesignating subparagraph (B) as sub-
16 paragraph (C);

17 (4) by inserting after subparagraph (A), as so
18 amended, the following:

19 “(B) for students in one or more of the
20 subgroups described in section 1111(c)(3)(A);
21 or”;

22 (5) in subparagraph (C), as so amended, by in-
23 serting “for all students or for students in one or
24 more of the subgroups described in section

1 1111(e)(3)(A) with a higher than average dropout
2 rate” after “middle school.”

3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Section 1822(b)(1) (20 U.S.C. 6561a(b)(1)) is
5 amended—

6 (1) in subparagraph (D), by inserting before
7 the semicolon at the end the following: “, including
8 the development of early warning indicator systems
9 in middle schools, as described in section
10 1116(e)(5)(A)”;

11 (2) in subparagraph (H), by inserting before
12 the semicolon at the end the following: “, including
13 the creation of individualized student success plans”.

14 (d) APPLICATIONS.—Section 1823(b)(1)(G) (20
15 U.S.C. 6561b(b)(1)(G)) is amended—

16 (1) by striking “about” and inserting “and evi-
17 dence-based”;

18 (2) by striking “reentry” and inserting “reentry
19 programs”.

20 (e) REPORTING AND ACCOUNTABILITY.—Section
21 1830 (20 U.S.C. 6561i(a)(1)) by striking “race and eth-
22 nicity” and inserting “each subgroup described in section
23 111(e)(3)(A)”.

1 (f) PROHIBITED USES OF FUNDS.—Subpart 2 of
2 part H of title I (20 U.S.C. 6561 et seq.) is amended by
3 adding at the end the following:

4 **“SEC. 1831. PROHIBITED USES OF FUNDS.**

5 “No funds under this part may be used for—

6 “(1) the development, establishment, implemen-
7 tation, or enforcement of zero-tolerance school dis-
8 cipline policies unless otherwise required by Federal
9 law; or

10 “(2) law enforcement agencies or local police
11 departments serving a school or local educational
12 agency—

13 “(A) with substantial documented excesses
14 or racial disparities in the use of exclusionary
15 discipline;

16 “(B) operating under an open school de-
17 segregation order, whether court-ordered or vol-
18 untary;

19 “(C) operating under a pattern or practice
20 or practice consent decree for civil rights viola-
21 tions; or

22 “(D) already receiving substantial Federal
23 funds for the placement of law enforcement in
24 schools.”.

1 **TITLE II—TEACHERS AND**
2 **LEADERS**

3 **SEC. 201. GREAT TEACHERS AND LEADERS.**

4 Title II (20 U.S.C. 6601 et seq.) is amended to read
5 as follows:

6 **“TITLE II—GREAT TEACHERS**
7 **AND LEADERS**

8 **“SEC. 2001. PURPOSE.**

9 “The purpose of this title is to help States and local
10 educational agencies support teachers and school leaders
11 to improve student achievement for all students, including
12 English learners and students with disabilities, by—

13 “(1) promoting and enhancing the teaching pro-
14 fession;

15 “(2) supporting the development of qualified
16 and effective of teachers and school leaders;

17 “(3) recruiting, rewarding, and retaining effec-
18 tive teachers and other school leaders and fostering
19 excellent instructional teams, especially in high-need
20 local educational agencies, schools, fields, and sub-
21 jects;

22 “(4) providing teachers with the knowledge,
23 skills, data, support, and collaborative opportunities
24 needed to be effective in the classroom and to the
25 meet the diverse learning needs of their students;

1 “(5) providing all students with access to effective teachers and school leaders; and

2
3 “(6) improving the management of the education workforce in States and local educational agencies.

6 **“SEC. 2002. DEFINITIONS.**

7 “In this title:

8 “(1) CAREER LADDERS.—The term ‘career ladders’ means promotion and professional growth opportunities, beyond moving into administration, for effective teachers, as determined by the State or local educational agency, including teacher leaders, instructional or curriculum specialists, and teacher mentors, who help improve teaching and learning in a school or local educational agency.

16 “(2) HIGH-NEED FIELD.—The term ‘high-need field’ refers to the fields of special education, bilingual education, and English language acquisition.

19 “(3) HIGH-NEED SUBJECT.—The term ‘high-need subject’ means mathematics, science, and any other content area that is designated by a State educational agency or the Secretary as a teacher shortage area.

1 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
2 CY.—The term ‘high-need local educational agency’
3 means a local educational agency—

4 “(A)(i) that serves not fewer than 10,000
5 children from families with incomes below the
6 poverty line; or

7 “(ii) for which not less than 20 percent of
8 the children served by the agency are from fam-
9 ilies with incomes below the poverty line; and

10 “(B)(i) for which there is a high percent-
11 age of teachers not teaching in the academic
12 subjects or grade levels that the teachers were
13 trained to teach; or

14 “(ii) for which there is a high percentage
15 of teachers with emergency, provisional, or tem-
16 porary certification or licensing.

17 “(5) QUALIFIED TEACHER.—The term ‘quali-
18 fied teacher’ means a teacher who meets the min-
19 imum qualifications to teach in a State and—

20 “(A) when used with respect to a middle
21 school or high school teacher who is entering
22 the profession in a State for the first time,
23 means that the teacher—

24 “(i) holds at least a bachelor’s degree;

1 “(ii) has demonstrated to the State,
2 content knowledge in the content area that
3 the teacher will teach as determined—

4 “(I) by passing a rigorous State
5 assessment; or

6 “(II) by successful completion of
7 an academic major, a graduate de-
8 gree, or coursework equivalent to an
9 undergraduate academic major in the
10 content area that the teacher will
11 teach;

12 “(iii) if required by the State to dem-
13 onstrate teaching skills by passing a State
14 teacher performance assessment, has
15 passed such assessment; and

16 “(iv) has successfully completed a
17 teacher preparation program; or

18 “(v) at the State’s discretion, may be
19 enrolled in an alternative teacher prepara-
20 tion program, and—

21 “(I) be on track to successful
22 completion of such program; and

23 “(II) be supervised by a mentor
24 teacher;

1 “(B) when used with respect to an elemen-
2 tary school teacher who is entering the profes-
3 sion in a State for the first time, means that
4 the teacher—

5 “(i) holds at least a bachelor’s degree;

6 “(ii) has demonstrated to the State,
7 content knowledge and teaching skills in
8 reading, writing, mathematics, science, and
9 other areas of the elementary school cur-
10 riculum—

11 “(I) by passing a rigorous State
12 assessment or State-required test in
13 reading, writing, mathematics,
14 science, and other areas of the basic
15 elementary school curriculum; or

16 “(II) by successful completion of
17 an academic major, a graduate de-
18 gree, or coursework equivalent to an
19 undergraduate academic major in the
20 content areas that the teacher will
21 teach;

22 “(iii) if required by the State to dem-
23 onstrate teaching skills by passing a State
24 teacher performance assessment, has
25 passed such assessment; and

1 “(iv) has successfully completed a
2 teacher preparation program; or

3 “(v) at the State’s discretion, may be
4 enrolled in an alternative teacher prepara-
5 tion program; and

6 “(I) be on track to successful
7 completion of such program; and

8 “(II) be supervised by a mentor
9 teacher; and

10 “(C) means any teacher who is highly
11 qualified as defined in section 9101(23) or sec-
12 tion 602(10) of the Individuals with Disabilities
13 Education Act, as such section was in effect on
14 the day before the date of enactment of the
15 Student Success Act.

16 “(6) INDUCTION.—The term ‘induction’ means
17 a program for new teachers and new school leaders,
18 as appropriate, during at least their first 2 years of
19 practice, that is designed to increase effectiveness
20 and retention of new teachers and new school lead-
21 ers, and that includes—

22 “(A) high-quality mentoring;

23 “(B) development of skills and knowledge
24 in areas needed for new teachers, including,
25 content knowledge and pedagogy, instructional

1 strategies for teaching students with diverse
2 learning needs, classroom management (includ-
3 ing strategies that improve the school-wide cli-
4 mate for learning, which may include positive
5 behavioral interventions and supports), forma-
6 tive assessment of student learning, and the
7 analysis and use of student assessment data to
8 improve instruction;

9 “(C) frequent, structured time for collabo-
10 ration and professional development with teach-
11 ers and school leaders in the same field, grade,
12 or subject area, and opportunities to draw di-
13 rectly on the expertise of other school and local
14 educational agency staff, staff of high-per-
15 forming pathways, and other organizations that
16 provide high-quality induction supports;

17 “(D) regular and structured observation
18 and feedback by mentors, school leaders, or ef-
19 fective teachers, as determined by the State or
20 local educational agency; and

21 “(E) where feasible, team teaching, re-
22 duced teaching load and activities designed to
23 ensure that teachers have appropriate teaching
24 tools and instructional materials for their class-
25 room.

1 “(7) MENTORING.—The term ‘mentoring’
2 means the mentoring of new teachers and school
3 leaders, as appropriate, so as to increase the effec-
4 tiveness and retention of those teachers and school
5 leaders through a program that—

6 “(A) includes clear criteria for the selec-
7 tion of teacher and school leaders mentors that
8 take into account a candidate’s effectiveness as
9 a teacher or school leader and that individual’s
10 ability to facilitate adult learning;

11 “(B) provides high-quality training for the
12 mentors on how to support new teachers and
13 school leaders effectively;

14 “(C) provides regularly scheduled time for
15 collaboration and for examination of student
16 work and achievement data, and on-going op-
17 portunities for mentors and mentees to observe
18 each other’s practice; and

19 “(D) matches, when possible, each mentee
20 with a mentor who is in the same field, grade,
21 or subject area as the mentee.

22 “(8) PROFESSIONAL DEVELOPMENT.—The
23 term ‘professional development’ means coordinated
24 and aligned activities with evidence of increasing ef-
25 fectiveness of educators, which may include teachers,

1 principals, other school leaders, specialized instruc-
2 tional support personnel, paraprofessionals, early
3 childhood educators, and other school staff that—

4 “(A) fosters collective responsibility for im-
5 proved student performance;

6 “(B) is comprised of professional learning
7 that—

8 “(i) aligns with State academic con-
9 tent and achievement standards and early
10 learning standards, as appropriate, with
11 local educational agency and school im-
12 provement goals and plans, including those
13 identified under section 1116, and with
14 school instructional materials;

15 “(ii) is aligned to a teacher and school
16 leader evaluation system, where applicable;

17 “(iii) is conducted among educators at
18 the school and facilitated by trained school
19 leaders and school-based professional de-
20 velopment coaches, mentors, master teach-
21 ers, or other teacher leaders;

22 “(iv) supports family engagement in
23 their children’s education;

24 “(v) primarily occurs frequently and
25 during significant blocks of time among es-

1 tablISHED teams of teachers, school leaders,
2 and other instructional staff members
3 where the teams of educators engage in a
4 continuous cycle of improvement that—

5 “(I) defines a clear set of educa-
6 tor learning goals based on the rig-
7 orous analysis of data and improves
8 content knowledge, pedagogical skills,
9 and the ability to analyze and use
10 data;

11 “(II) achieves the educator learn-
12 ing goals identified under subclause
13 (I) by implementing coherent, sus-
14 tained, and evidence-based learning
15 strategies, such as lesson study and
16 the development of formative assess-
17 ments, that improve instructional ef-
18 fectiveness and student achievement;

19 “(III) provides job-embedded
20 coaching or other forms of assistance
21 to support the transfer of new knowl-
22 edge and skills to the classroom;

23 “(IV) regularly assesses the ef-
24 fectiveness of the professional develop-
25 ment in achieving identified learning

1 goals, improving teaching, and assist-
2 ing all students in meeting chal-
3 lenging State academic achievement
4 standards;

5 “(V) informs ongoing improve-
6 ments in teaching and student learn-
7 ing;

8 “(VI) may support joint profes-
9 sional development activities for
10 school staff and early childhood edu-
11 cators that address the transition to
12 elementary school, including issues re-
13 lated to school readiness across all
14 major domains of early learning; and

15 “(VII) may be supported by ex-
16 ternal assistance with relevant exper-
17 tise, including content expertise; and

18 “(C) may be supplemented by activities
19 such as courses, workshops, institutes, net-
20 works, and conferences that—

21 “(i) address the academic goals and
22 objectives established for professional de-
23 velopment by educators and school leaders
24 at the school level;

1 “(ii) advance the ongoing school-based
2 professional development; and

3 “(iii) are provided for by for-profit
4 and non-profit entities outside the school
5 such as universities, education service
6 agencies, technical assistance providers,
7 networks of content-area specialists, and
8 other education organizations and associa-
9 tions.

10 “(9) SCHOOL LEADER.—The term ‘school lead-
11 er’ means a principal, an assistant principal, admin-
12 istrator or director, or an individual who is—

13 “(A) an employee or officer of a school;
14 and

15 “(B) is responsible for managerial oper-
16 ations, instructional leadership, or inter-
17 scholastic athletic programs of that school.

18 “(10) SCHOOL LEADERSHIP TEAM.—The term
19 ‘school leadership team’ means a group that includes
20 the principal, other school leaders, and teachers at
21 a school who work together to develop school plans
22 or goals for the school.

23 “(11) STATE TEACHER PERFORMANCE ASSESS-
24 MENT.—The term ‘State-teacher performance as-
25 sessment’ means a rigorous assessment used to

1 measure teacher performance that is developed and
2 approved in collaboration with teachers, and admin-
3 istered by the State and—

4 “(A) is based on professional teaching
5 standards;

6 “(B) are aligned to State academic content
7 and achievement and early learning standards;

8 “(C) is used to document the effectiveness
9 of a teacher’s—

10 “(i) curriculum planning;

11 “(ii) instruction of students, including
12 appropriate supports for students who are
13 English learners and students who are
14 children with disabilities; and

15 “(iii) assessment of students, includ-
16 ing analysis of evidence of student learn-
17 ing;

18 “(D) is validated based on professional as-
19 sessment standards;

20 “(E) is regularly monitored to ensure the
21 quality, reliability, validity, fairness, consist-
22 ency, and objectivity of the evaluators’ deter-
23 minations;

1 “(F) is reliably scored by trained eval-
2 uators with appropriate oversight of the process
3 to ensure consistency; and

4 “(G) the results of which are used to sup-
5 port continuous improvement of educator prac-
6 tice.

7 “(12) TEACHING RESIDENCY PROGRAM.—The
8 term ‘teaching residency program’ means a school-
9 based teacher preparation program in which a pro-
10 spective teacher—

11 “(A) teaches alongside a mentor teacher,
12 who is the teacher of record, for at least one
13 year;

14 “(B) receives concurrent instruction in the
15 teaching of the content area in which the teach-
16 er will become certified or licensed;

17 “(C) receives concurrent instruction in ef-
18 fective teaching skills; and

19 “(D) attains full State teacher certification
20 or licensure, and becomes qualified prior to, or
21 upon, completion of the program.

22 “(13) EVIDENCE OF CLASSROOM PRACTICE.—
23 The term ‘evidence of classroom practice’ means evi-
24 dence gathered through multiple formats and from

1 multiple sources that demonstrate effective teaching
2 skills and—

3 “(A) shall include—

4 “(i) multiple classroom observations
5 based on rigorous teacher performance
6 standards or rubrics and conducted by
7 trained personnel;

8 “(ii) information on the teacher’s suc-
9 cessful use of data to improve instruction
10 and demonstrate evidence of student learn-
11 ing;

12 “(iii) student work, lesson plans, feed-
13 back provided to students and teacher de-
14 veloped classroom assessments;

15 “(iv) demonstration of professional re-
16 sponsibility; and

17 “(B) may include, but which shall have a
18 weight that is less than the weight assigned to
19 the requirements described in subparagraph
20 (A)—

21 “(i) videos of teacher practice;

22 “(ii) teacher portfolios; and

23 “(iii) parent, student, and peer feed-
24 back.

1 “(14) EVIDENCE OF SCHOOL LEADERSHIP.—

2 The term ‘evidence of school leadership’ means evi-
3 dence gathered through multiple formats and from
4 multiple sources that shall include an evaluation
5 of—

6 “(A) data on student learning gains, in-
7 cluding evidence of student learning;

8 “(B) gains in student achievement, includ-
9 ing passage of required exams for course pro-
10 gression, credit accumulation, completion of
11 promotion standards, and graduation rates;

12 “(C) increases in student attendance rates;

13 “(D) percentage of effective teachers on
14 staff;

15 “(E) retention rates of effective teachers
16 as determined by the State or local educational
17 agency;

18 “(F) evidence of successful alignment of
19 teacher evaluation with professional develop-
20 ment and teacher support;

21 “(G) demonstration of instructional leader-
22 ship, including use of data and assessment to
23 inform decision-making;

24 “(H) demonstration of effective fiscal man-
25 agement, where applicable;

1 “(I) evidence of effective community and
2 parent engagement;

3 “(J) improved teacher attendance rates;

4 “(K) establishment of learning commu-
5 nities where school leaders and teachers—

6 “(i) share a school mission and goals
7 with an explicit vision of quality teaching
8 and learning that guides all instructional
9 decisions;

10 “(ii) commit to improving student
11 outcomes and performances;

12 “(iii) set a continuous cycle of collec-
13 tive inquiry and improvement;

14 “(iv) foster a culture of collaboration
15 where teachers and school leaders work to-
16 gether on a regular basis to analyze and
17 improve teaching and learning; and

18 “(v) support and share leadership;
19 and

20 “(L) develop and maintain a positive
21 school culture where students, teachers and
22 other staff are motivated to collaborate and
23 work together to achieve goals.

24 “(15) EVIDENCE OF STUDENT LEARNING.—The
25 term ‘evidence of student learning’ means data that

1 shall be based on multiple, valid and reliable indica-
2 tors of student academic growth towards State con-
3 tent and achievement standards, which shall be
4 based significantly on—

5 “(A) student learning gains on the State
6 student academic assessments under section
7 1111(c) and, for grades and subjects not cov-
8 ered by the State’s student academic assess-
9 ments, another valid and reliable assessment of
10 student academic achievement, as long as the
11 assessment is used consistently by the local
12 educational agency for the grade or class for
13 which the assessment is administered; and

14 “(B) other evidence of student learning
15 that is comparable across schools within an
16 local educational agency such as—

17 “(i) formative and summative assess-
18 ments;

19 “(ii) objective performance-based as-
20 sessments; and

21 “(iii) representative samples of stu-
22 dent work, including progress towards per-
23 formance standards and evidence of stu-
24 dent growth.

1 “(16) MENTOR PRINCIPAL.—The term ‘mentor
2 principal’ means an individual with—

3 “(A) Strong instructional leadership skills
4 in an elementary school or secondary school set-
5 ting;

6 “(B) Strong verbal and written commu-
7 nication skills, which may be demonstrated by
8 performance on appropriate assessments; and

9 “(C) Knowledge and skills to—

10 “(i) establish and maintain a profes-
11 sional learning community that effectively
12 utilizes data to improve the school culture
13 and personalize instruction to increase stu-
14 dent achievement;

15 “(ii) create and maintain a learning
16 culture within the school that provides a
17 climate conducive to the development of all
18 members of the school community, includ-
19 ing one of continuous learning for adults
20 tied to student learning and other school
21 goals;

22 “(iii) engage in continuous profes-
23 sional development, utilizing a combination
24 of academic study, developmental simula-

1 tion exercises, self-reflection, mentorship
2 and internship;

3 “(iv) understand youth development
4 appropriate to the age level served by the
5 school and from this knowledge sets high
6 expectations and standards for the aca-
7 demic, social, emotional and physical devel-
8 opment of all students; and

9 “(v) actively engage the community to
10 create shared responsibility for student
11 academic performance and successful de-
12 velopment.

13 **“PART A—EFFECTIVE TEACHER AND LEADER**
14 **STATE GRANTS**

15 **“SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated
17 \$3,500,000,000 for fiscal year 2016, and such sums as
18 may be necessary for each of the 5 succeeding fiscal years,
19 to carry out this part.

20 **“Subpart 1—Grants to States**

21 **“SEC. 2111. ALLOCATIONS TO STATES.**

22 “(a) RESERVATIONS.—From the amounts made
23 available under section 2101 for this subpart for each fis-
24 cal year, the Secretary shall reserve—

1 “(1) one-half of one percent for the outlying
2 areas, to be distributed among the outlying areas on
3 the basis of their relative need, as determined by the
4 Secretary, for activities consistent with the purposes
5 of this title;

6 “(2) one-half of one percent for the Secretary
7 of the Interior, for activities, consistent with the
8 purposes of this title described in section 2001, in
9 schools operated by or funded by the Bureau of In-
10 dian Education; and

11 “(3) one-half of one percent for a competitive
12 grant program to encourage consortia of States to
13 develop instructional supports aligned to new
14 college- and career-ready standards that are made
15 widely available to all States and local educational
16 agencies.

17 “(b) ALLOTMENTS TO STATES, REDUCTIONS.—

18 “(1) IN GENERAL.—From the amounts made
19 available under section 2101 for this subpart for
20 each fiscal year that remain after the Secretary re-
21 serves funds under subsection (a) of this section, the
22 Secretary shall allot to each State with an approved
23 application under section 2112 the sum of—

24 “(A) an amount that bears the same rela-
25 tionship to 35 percent of the remaining amount

1 as the number of individuals age five through
2 17 in the State, as determined by the Secretary
3 on the basis of the most recent satisfactory
4 data, bears to the number of those individuals
5 in all such States, as so determined; and

6 “(B) an amount that bears the same rela-
7 tionship to 65 percent of the remaining amount
8 as the number of individuals age five through
9 17 from families with incomes below the pov-
10 erty line, in the State, as determined by the
11 Secretary on the basis of the most recent satis-
12 factory data, bears to the number of those indi-
13 viduals in all such States, as so determined.

14 “(2) FISCAL YEAR 2016.—Notwithstanding
15 paragraph (1), for fiscal year 2016, no State shall
16 receive less than 90 percent of the State’s allocation
17 under this part for fiscal year 2015, as such part
18 was in effect on the day before the date of enact-
19 ment of the Student Success Act.

20 “(3) SUCCEEDING FISCAL YEARS.—Notwith-
21 standing paragraph (1), for fiscal year 2016 and
22 each succeeding fiscal year, no State shall receive an
23 allotment under paragraph (1) that is less than 90
24 percent of the State’s allotment under such para-
25 graph for the preceding fiscal year.

1 “(c) RATABLE REDUCTIONS.—If the funds made
2 available to carry out paragraph (1) of subsection (b) are
3 insufficient to pay the full amounts that all States are eli-
4 gible to receive under subparagraph (2) or (3) of such sub-
5 section for any fiscal year, the Secretary shall ratably re-
6 duce each such amount for such fiscal year.

7 “(d) REALLOTMENTS.—If any State does not apply
8 for an allotment under this section, or has its application
9 disapproved by the Secretary, the Secretary shall reallot
10 the amount of that State’s allotment to the remaining
11 States that have approved applications in accordance with
12 this subpart.

13 **“SEC. 2112. STATE APPLICATIONS.**

14 “(a) IN GENERAL.—For a State to be eligible to re-
15 ceive a grant under this part, the State educational agency
16 shall submit an application to the Secretary at such time,
17 in such manner, and containing such information as the
18 Secretary may reasonably require. The Secretary shall
19 provide the State educational agency with the opportunity
20 to apply for funds under this part and part B through
21 a consolidated application.

22 “(b) CONTENTS.—Each application submitted under
23 this section shall include the following—

1 “(1) descriptions of any systems of teacher and
2 principal evaluation in the State, including whether
3 each system—

4 “(A) is designed primarily to—

5 “(i) increase student learning and im-
6 prove instruction for students;

7 “(ii) inform professional development
8 for teachers and school leaders and sup-
9 port interventions for students; and

10 “(iii) provide on-going and timely, in-
11 dividual and meaningful feedback, and
12 substantive support to the teacher or
13 school leader;

14 “(B) is developed, implemented, and
15 adopted in collaboration with teachers, school
16 leaders, and other education stakeholders;

17 “(C) includes—

18 “(i) multiple measures of teacher and
19 school leader performance, including—

20 “(I) in the case of teachers, evi-
21 dence of classroom practice; and

22 “(II) in the case of school lead-
23 ers, evidence of school leadership and
24 effective and efficient school program
25 administration;

1 “(ii) evidence of student learning;

2 “(iii) contributions to student growth
3 including higher order thinking skills, citi-
4 zenship, and social and emotional develop-
5 ment; and

6 “(iv) differentiated levels of teacher
7 and school leader performance that are
8 clearly articulated;

9 “(D) provides results that are comparable
10 and consistent across all teachers and school
11 leaders within a local educational agency con-
12 sistent with section 2301 that reflect the ages
13 and grades being taught and consistent within
14 individual grade levels and subject areas in each
15 local educational agency;

16 “(E) evaluates, annually, each teacher and
17 school leader in the local educational agency
18 and takes into consideration the experience and
19 performance level of the teacher or school lead-
20 er;

21 “(F) uses evaluation results to inform—

22 “(i) professional improvement plans
23 for teachers and school leaders, which shall
24 be developed in collaboration with teachers
25 and school leaders, that are appropriate to

1 the level of the individual being evaluated,
2 including support and timelines to carry
3 out each plan; and

4 “(ii) comprehensive support, men-
5 toring, interventions and timelines to carry
6 out each plan; and

7 “(G) establishes appropriate training for
8 evaluators and staff being evaluated includ-
9 ing—

10 “(i) a clear articulation of the evalua-
11 tion system and the process, systems, rat-
12 ings, and the implications of the results
13 provided to teachers and school leaders;

14 “(ii) how the system provides teachers
15 and principals the opportunity and assist-
16 ance to improve consistent with subpara-
17 graph (F)(i); and

18 “(iii) how to identify working condi-
19 tions that affect teaching and learning,
20 such as facilities and resources, and school
21 climate and safety, and isolating educator
22 impact on student outcomes from these
23 factors;

24 “(2) a description of how the State educational
25 agency will ensure that within 4 years of the date

1 of enactment of the Student Success Act, each local
2 educational agency in the State that receives a
3 subgrant under subpart 2 makes public the results
4 of an evaluation system if applicable;

5 “(3) a description of how, within 2 years of the
6 date of enactment of the Student Success Act, each
7 local educational agency in the State that receives a
8 subgrant under subpart 2 shall conduct an annual
9 assessment of educator support and working condi-
10 tions that—

11 “(A) evaluates supports for teachers, lead-
12 ers, and other school personnel, such as—

13 “(i) teacher and school leader percep-
14 tions of availability of high-quality profes-
15 sional development and instructional mate-
16 rials and opportunities for collaboration;

17 “(ii) timely availability of data on stu-
18 dent academic achievement and growth;

19 “(iii) the presence of high-quality in-
20 structional leadership; and

21 “(iv) opportunities for professional
22 growth such as career ladders and men-
23 toring and induction programs;

1 “(B) evaluates working conditions for
2 teachers, school leaders and other school per-
3 sonnel, such as—

4 “(i) school climate;

5 “(ii) school safety;

6 “(iii) class size;

7 “(iv) availability and use of common
8 planning time and opportunities to collabo-
9 rate; and

10 “(v) family and community engage-
11 ment;

12 “(C) is developed with teachers, school
13 leaders and other school personnel, parents,
14 students, and the community;

15 “(D) develops and implements a plan with
16 the groups described in subparagraph (C) and
17 with, at a minimum, annual benchmarks to ad-
18 dress the results of the assessment carried de-
19 scribed in this paragraph; and

20 “(E) publicly reports on the results of the
21 evaluations described in subparagraph (A) and
22 (B) and the plan described in subparagraph
23 (C);

24 “(4) a description of the educator supports the
25 State has developed to assist in the implementation

1 of new college- and career-ready standards, as de-
2 scribed in section 1111(b)(2), including the State’s
3 plan for making those supports available to its local
4 educational agencies and for prioritizing the intro-
5 duction of those supports, in conjunction with the
6 appropriate local educational agency, into the State’s
7 lowest performing schools;

8 “(5) a description of how a State will develop
9 and implement a plan for the equitable distribution
10 of teachers and principals that—

11 “(A) low-income and minority students are
12 not—

13 “(i) taught at higher rates than are
14 other students by teachers not deemed
15 qualified or who are rated in the lowest
16 evaluation categories, where applicable;
17 and

18 “(ii) assigned at higher rates than are
19 other students to schools administered by
20 principals who have been rated in the low-
21 est evaluation rating categories, where ap-
22 plicable;

23 “(B) includes—

24 “(i) percentage of effective teachers,
25 as determined by the State or local edu-

1 cational agency, for schools in the top
2 quartile of poverty against the schools in
3 the bottom quartile of poverty;

4 “(ii) percentage of effective teachers,
5 as determined by the State or local edu-
6 cational agency, for schools in the top
7 quartile in percentage of minority students
8 against the bottom quartile of percentage
9 of minority students;

10 “(iii) specific and measurable goals
11 and strategies to close gaps identified in
12 the plan; and

13 “(C) uses a combined measure of indica-
14 tors such as a composite to carry out the plan
15 described in this paragraph that—

16 “(i) shall include—

17 “(I) the percentage of first year
18 teachers; and

19 “(II) the percentage of qualified
20 teachers; and

21 “(ii) may include—

22 “(I) with respect to middle
23 schools and high schools, the percent-
24 age of core academic courses taught

1 by teachers who have met State licen-
2 sure requirements for such courses;

3 “(II) the percentage of teachers
4 whose licensure exam scores fall one
5 standard deviation above passing
6 score of teachers within the State;

7 “(III) the percent of teachers
8 with more than 10 absences over the
9 course of the school year; and

10 “(IV) the percentage of teachers
11 hired after the first day of school;

12 “(6) the State definition of teacher-of-record,
13 how local educational agencies report to the State on
14 the teacher-of-record, and how the definition is used
15 to ensure equitable distribution of effective and high-
16 ly effective teachers;

17 “(7) a description of how the State educational
18 agency will develop and implement professional de-
19 velopment that prepares teachers and school leaders
20 to support, educate, and properly implement accom-
21 modations for students with disabilities;

22 “(8) a description of how the State will estab-
23 lish and maintain a data system that within 3 years
24 after the date of enactment of the Student Success
25 Act—

1 “(A) supports data sharing among local
2 educational agencies and a teacher and school
3 leader preparation program described in section
4 200(6)(A)(IV) of the Higher Education Act of
5 1965, as amended by section 202 of the Stu-
6 dent Success Act, on the program’s graduates’
7 students’, which may include data on evidence
8 of student learning; and

9 “(B) publically reports the percentage of
10 effective teachers and school leaders, as deter-
11 mined by the State or local educational agency,
12 by preparation program;

13 “(9) a description of the State’s plan to—

14 “(A) implement the plan within the re-
15 quired timelines, including annual benchmarks
16 for implementation; and

17 “(B) report annually to the Secretary on
18 its progress implementing the plan and meeting
19 annual benchmarks outlined under subpara-
20 graph (A);

21 “(10) the State’s definition of, or standards
22 and criteria for—

23 “(A) a qualified teacher; and

24 “(B) an effective teacher;

1 “(11) a description of any performance meas-
2 ures in addition to those described in subpart 4 that
3 the State will use to measure the performance of the
4 State and of each local educational agency that re-
5 ceives a subgrant under subpart 2; and

6 “(12) a description of how the State will carry
7 out the activities outlined in section 2113.

8 “(c) COMPLIANCE AND DISAPPROVAL.—If the Sec-
9 retary finds that a State’s application does not comply in
10 whole or in part with the requirements of this subpart,
11 the Secretary shall—

12 “(1) notify the State regarding the specific pro-
13 visions in the application that do not comply with
14 the requirements of this subpart;

15 “(2) request any additional information needed
16 to determine whether the application will comply
17 with the requirements of this subpart; and

18 “(3) before disapproving the application, give
19 the State notice and an opportunity for a hearing.

20 **“SEC. 2113. STATE USES OF FUNDS.**

21 “(a) IN GENERAL.—A State that receives a grant
22 under this subpart shall use—

23 “(1) 90 percent of the grant funds to award
24 subgrants under subpart 2 to local educational agen-
25 cies with approved applications under section 2122;

1 “(2) not more than 5 percent of the grant
2 funds, to plan and administer the activities of the
3 State under this subpart, including the awarding of
4 the subgrants under subpart 2 and the monitoring
5 and enforcement of the requirements for the sub-
6 grants, including developing or improving any teach-
7 er and principal evaluation systems that are based
8 in part on evidence of student learning and other
9 measures determined by the State.

10 “(3) at least 2 percent of the grant funds to ac-
11 tivities designed to recruit, support, and retain effec-
12 tive principals for high-need and low-performing
13 schools, such as—

14 “(A) strengthening principal preparation
15 programs to ensure that they are highly selec-
16 tive, include in-depth residency for at least one
17 year or field-based experience in a high-need or
18 low-performing school, and provide induction or
19 other support for at least the first year of a
20 principal’s service, including coaching from a
21 mentor principal in instructional leadership and
22 organizational management;

23 “(B) provide training in school and per-
24 sonnel management, including management of
25 the organization, staff and resources, developing

1 a school climate and instructional program, de-
2 veloping effective relationships with community
3 and parents, and using student-level and school
4 level-data to inform decision-making;

5 “(C) training on child development, im-
6 proving instruction and closing achievement
7 gaps;

8 “(D) providing compensation incentives to
9 attract, retain, and reward effective principals
10 and other school leaders for high-need and low-
11 performing schools;

12 “(E) developing teacher career ladders
13 with a performance-based selection process that
14 distribute school leadership responsibilities and
15 develop a pipeline of individuals who gain the
16 experience necessary to become an effective
17 principal; and

18 “(F) activities to improve the effectiveness
19 of school superintendents, principal supervisors,
20 human resources directors, and other local edu-
21 cational agency managers; and

22 “(4) use any remaining funds reserved at the
23 State level to—

24 “(A) carry out any other activities de-
25 signed to help the State make progress toward

1 carrying out the purposes of this title and
2 showing improvement on the performance meas-
3 ures described in subpart 4 and any additional
4 measures described in the State’s application,
5 including activities designed to—

6 “(i) align the State’s professional
7 teaching standards, teacher and school
8 leader certification or licensure require-
9 ments, teacher-preparation programs, and
10 professional-development requirements
11 with kindergarten-through-grade-12 aca-
12 demic content and achievement standards
13 that build toward college-and-career-readi-
14 ness;

15 “(ii) reform teacher and school leader
16 compensation, including by modifying poli-
17 cies and practices and providing technical
18 assistance to local educational agencies, in
19 order to enable those agencies to recruit,
20 reward, and retain effective teachers and
21 school leaders in high-need schools, fields,
22 subjects, and areas;

23 “(iii) support the training of teachers,
24 principals, and other school leaders in
25 meeting the diverse learning needs of their

1 students, including through universal de-
2 sign for learning, as described in section
3 5429(b)(21), and multi-tiered system of
4 supports and language acquisition instruc-
5 tion;

6 “(iv) support the training of teachers,
7 principals, and other school leaders in ef-
8 fectively integrating technology (including
9 technology for students with disabilities)
10 into curricula and instruction and in how
11 to use technology for on-line communica-
12 tion and for collaboration and data anal-
13 ysis;

14 “(v) strengthen human resource sys-
15 tems in local educational agencies to re-
16 cruit, train, hire, and place individuals who
17 are or are most likely to be effective teach-
18 ers and principals, provide effective teach-
19 ers and principals with support and devel-
20 opment opportunities focused on increasing
21 student achievement, and retain effective
22 teachers and school leaders over time by
23 creating school environments that enable
24 excellent teaching including through strate-
25 gies such as distributed leadership, time

1 for collaboration and use of student data
2 for job-embedded professional development;

3 “(vi) develop and provide professional
4 development, including through joint pro-
5 fessional development opportunities, for
6 early childhood educators, teachers, prin-
7 cipals, specialized instructional support
8 personnel, and other school leaders;

9 “(vii) provide professional develop-
10 ment for teachers and school leaders in the
11 State to support, educate, and properly im-
12 plement accommodations for students with
13 disabilities;

14 “(viii) develop and implement policies
15 and practices that position the State to be
16 a competitive applicant for grants under
17 part B of this title;

18 “(ix) support the training of teachers,
19 principals, and other school leaders on how
20 to accelerate the learning of students who
21 are performing below grade level; and

22 “(x) provide professional development
23 for teachers, principals and other school
24 leaders in early elementary grades that in-
25 cludes specialized knowledge about child

1 development and learning, developmentally-
2 appropriate curricula and teaching prac-
3 tices, meaningful family engagement and
4 collaboration with early care and education
5 programs;

6 “(B) provide technical assistance, as nec-
7 essary, to each local educational agency that re-
8 ceives a subgrant under subpart 2, in order to
9 help the local educational agency improve per-
10 formance on the measures described in subpart
11 4;

12 “(C) establish policies and practices to en-
13 sure the quality of the data reported under this
14 part and the effectiveness of the methods used
15 to analyze those data; and

16 “(D) develop and disseminate the State re-
17 port card required under subpart 4, and use the
18 information in the report card to guide efforts
19 under this title.

20 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
21 ceived under this subpart shall be used to supplement, and
22 not supplant, non-Federal funds that would otherwise be
23 used for activities authorized under this subpart.

1 areas served by all such local educational agencies in
2 the State, as so determined.

3 “(b) **MINIMUM ALLOTMENTS.**—

4 “(1) **FISCAL YEAR 2016.**—For fiscal year 2016,
5 no local educational agency shall receive an alloca-
6 tion under subsection (a) that is less than 90 per-
7 cent of the allocation the local educational agency
8 received under this part for fiscal year 2015, as this
9 part was in effect on the day before the date of en-
10 actment of the Student Success Act.

11 “(2) **SUBSEQUENT FISCAL YEARS.**—For fiscal
12 year 2017 and each succeeding fiscal year, no local
13 educational agency receiving an allotment under sub-
14 section (a) shall receive less than 90 percent of the
15 allotment the local educational agency received
16 under this subpart for the preceding fiscal year.

17 “(c) **RATABLE REDUCTION.**—If the funds described
18 in subsection (a) are insufficient to pay the full amounts
19 that all local educational agencies are eligible to receive
20 under subsection (b) for any fiscal year, the State shall
21 ratably reduce such amounts for such fiscal year.

22 **“SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESS-**
23 **MENT AND APPLICATIONS.**

24 “(a) **IN GENERAL.**—To receive a subgrant under this
25 subpart a local educational agency shall—

1 “(1) submit an application to the State edu-
2 cational agency involved at such time, in such man-
3 ner, and containing such information and assurances
4 as the State educational agency may reasonably re-
5 quire; and

6 “(2) conduct, in developing its application, and
7 with the involvement of teachers, principals, and
8 other stakeholders, as applicable, an assessment of
9 educator support and working conditions consistent
10 with section 2112(b)(3), in the areas set forth under
11 the performance measures described in subpart 4,
12 identified under the school improvement plans under
13 section 1116, as applicable, and the needs of schools
14 receiving funds under title I.

15 “(b) CONTENTS.—Each application submitted under
16 this section shall include—

17 “(1) a description of—

18 “(A) the results of the needs assessment
19 conducted under subsection (a)(2);

20 “(B) the performance measures and activi-
21 ties the local educational agency will use to ad-
22 dress the needs identified under the assessment;

23 “(C) the local educational agency’s plan
24 for using the subgrant under this subpart, and
25 other local, State, and Federal funds, to ensure

1 the equitable distribution of teachers and prin-
2 cipals, within the local educational agency so
3 that low-income and minority students are
4 not—

5 “(i) taught at higher rates than are
6 other students by teachers not deemed
7 qualified and who are not effective, as de-
8 termined by the State or local educational
9 agency;

10 “(ii) assigned to schools administered
11 by principals who not effective, as deter-
12 mined by the State or local educational
13 agency, at higher rates than other students
14 within the local educational agency;

15 “(D) the local educational agency’s plan
16 for using the subgrant under this subpart to
17 support teachers in meeting the diverse learning
18 needs of all their students, including through
19 universal design for learning, as described in
20 section 5429(b)(21), and multi-tiered system of
21 supports and language acquisition; and

22 “(E) a description of the educator supports
23 the local educational agency will provide to as-
24 sist with the implementation of new college- and
25 career-ready standards and early learning

1 standards, including the local educational agen-
2 cy's plan for prioritizing the introduction of
3 those supports in its lowest performing schools;

4 “(F) a description of how the local edu-
5 cational agency will, as appropriate, involve in
6 the delivery of activities and services under this
7 part, external providers that have demonstrated
8 expertise and experience in using evidence-
9 based strategies and programs to deliver evi-
10 dence-based professional development and to
11 raise the quality of teaching and school leader-
12 ship; and

13 “(2) an assurance that, within 5 years of re-
14 ceiving a subgrant under this subpart, the local edu-
15 cational agency will—

16 “(A) conduct a second needs assessment,
17 with the involvement of teachers, principals,
18 and other stakeholders, as applicable, in the
19 areas set forth in subpart 4 and identified in
20 plans under section 1116, as applicable, par-
21 ticularly the needs of schools receiving funds
22 under title I; and

23 “(B) submit a revised application to the
24 State, consistent with the requirements of this
25 section.

1 **“SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

2 “(a) USE OF FUNDS.—Subject to the requirements
3 of the State consistent with section 2112(a), a local edu-
4 cational agency that receives a subgrant under this sub-
5 part shall, directly, or with other local educational agen-
6 cies or the State educational agency, use the subgrant
7 funds for activities designed to increase academic achieve-
8 ment for all students, including English learners and stu-
9 dents with disabilities, by increasing the number and per-
10 centage of effective teachers and principals, as determined
11 by the State or local educational agency, and to ensure
12 the equitable distribution of effective teachers and school
13 leaders through activities that—

14 “(1) develop and implement, or improve, where
15 applicable, a teacher and principal evaluation sys-
16 tem;

17 “(2) provide meaningful feedback to teachers
18 and principals on evaluation results, where applica-
19 ble, and use those results in making decisions, in-
20 cluding about professional development;

21 “(3) recruit teachers who are qualified and
22 teachers and principals who are effective, as deter-
23 mined by the State or local educational agency, espe-
24 cially teachers and principals who are needed for
25 high-need and low-performing schools and high-need

1 fields and subjects, including teachers and principals
2 who come from underrepresented backgrounds;

3 “(4) implement the assessment of educator sup-
4 port and working conditions in accordance with sec-
5 tion 2112(b)(3);

6 “(5) implement the local educational agency’s
7 plan for ensuring the equitable distribution of effec-
8 tive teachers and principals, as determined by the
9 State or local educational agency, who have been
10 rated by the teacher and principal evaluation system
11 as at least effective;

12 “(6) develop and implement an induction pro-
13 gram that is designed to increase the effectiveness of
14 new teachers and retain effective teachers, especially
15 in high-need and low-performing schools, such as a
16 program that provides reduced teaching assignments
17 for new teachers, training for instructional coaches
18 or mentors who will participate in induction activi-
19 ties, access to on-line support systems, and frequent
20 feedback to promote continuous learning and in-
21 structional improvement;

22 “(7) work toward reducing class size for kinder-
23 garten through third grade by an amount and to a
24 level consistent with what research has found to im-
25 prove student academic achievement at a minimum

1 in the schools in the lowest quartile of poverty in the
2 local educational agency;

3 “(8) improve within-school equity in the dis-
4 tribution of effective teachers, as determined by the
5 State or local educational agency, so that low-income
6 and minority students are not taught at higher rates
7 than are other students by teachers rated in one of
8 the two lowest evaluation rating categories, where
9 applicable;

10 “(9) plan and administer activities carried out
11 under this subpart, including other activities to im-
12 prove effectiveness and the equity of distribution as
13 required in accordance with the local educational
14 agency’s needs assessments under subsection (a)(2);

15 “(10) develop a plan to expand and improve the
16 capacity of the local educational agency to recruit,
17 select, train, evaluate, and develop effective staff,
18 teachers, school leaders, and school leader managers
19 to work at or with schools identified for improve-
20 ment under section 1116;

21 “(11) develop and implement professional devel-
22 opment, including to assist teachers in supporting,
23 educating, and properly implementing accommoda-
24 tions for students with different learning styles, par-

1 particularly students with disabilities, English learners,
2 and gifted and talented students;

3 “(12) develop a plan to improve the manage-
4 ment of school leaders and to address the barriers
5 in schools served by the local educational agency;

6 “(13) recruit, train, and support teacher lead-
7 ers or principals for high-need schools; and

8 “(14) provide meaningful support to principals
9 and their instructional leadership teams.

10 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
11 ceived under this subpart shall be used to supplement, and
12 not supplant, non-Federal funds that would otherwise be
13 used for activities authorized under this subpart.

14 “(c) RULE OF CONSTRUCTION.—Nothing in this sub-
15 part shall be construed to require a local educational agen-
16 cy to transfer school personnel in order to comply with
17 the requirements of this part.

18 **“Subpart 3—National Leadership Activities**

19 **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

20 “From the funds made available under section 2101
21 for this subpart for any fiscal year, the Secretary may to
22 reserve up to 3 percent for research, development, tech-
23 nical assistance, outreach, and dissemination activities,
24 carried out either directly or through grants, contracts,
25 or cooperative agreements. Such activities may include—

1 “(1) activities to strengthen teacher and prin-
2 cipal evaluation, including establishing a national
3 center to gather, provide benchmarks on, and dis-
4 seminate best practices and provide technical assist-
5 ance on teacher and principal evaluation so as to
6 support States and local educational agencies in de-
7 veloping robust and reliable evaluation systems that
8 take evidence of student learning, as defined in sec-
9 tion 2002(15) into account;

10 “(2) direct assistance to nonprofit organizations
11 to enhance their support for local educational agen-
12 cies and schools, including to community-based orga-
13 nizations that can support multiple local educational
14 agencies in strengthening their teacher and principal
15 pipelines and human-resource practices and provide
16 professional enhancement activities, including ad-
17 vanced credentialing and high-quality, sustained pro-
18 fessional development targeted to low-performing
19 schools;

20 “(3) activities to support development of a lead-
21 ership academy to train school leaders in effective
22 school management and instructional leadership,
23 with a primary focus on turning around low-per-
24 forming schools, including—

1 “(A) effective management of the organiza-
2 tion, staff, and resources;

3 “(B) developing a school climate and in-
4 structional program and related evidence-based
5 professional development aligned to the needs of
6 the students and school;

7 “(C) effective relationships with commu-
8 nity and parents; and

9 “(D) using student-level and school level-
10 data to inform decision-making;

11 “(4) activities to strengthen evaluation of su-
12 perintendents including developing model evalua-
13 tions; and

14 “(5) activities to support pay for success initia-
15 tives to meet the purposes of this part.

16 **“Subpart 4—Accountability**

17 **“SEC. 2141. EQUITY ACCOUNTABILITY.**

18 “(a) STATE REQUIREMENTS.—

19 “(1) IN GENERAL.—Each State that receives a
20 grant under subpart 1 shall—

21 “(A) in a case in which the comparisons
22 conducted under section 2112(b)(5) of the
23 State plan indicate the inequalities described in
24 paragraph (2) with respect to high-poverty and
25 high-minority local educational agencies—

1 “(i) in consultation with the local edu-
2 cational agencies in the State, established
3 2, 4 and 5 year improvement goals that
4 will substantially reduce or eliminate the
5 inequities in the schools of such high-pov-
6 erty and high-minority local educational
7 agencies; and

8 “(ii) establish a support plan to assist
9 such high-poverty and high-minority local
10 educational agencies meet such improve-
11 ment goals; and

12 “(B) in a case in which a high-poverty and
13 high-minority local educational agency has not
14 achieved the 2-year improvement goals estab-
15 lished under subparagraph (A)(i), use 2.5 per-
16 cent of the grant funds received under subpart
17 2 to carry out the activities described in sub-
18 paragraph (A).

19 “(2) INEQUALITIES.—The inequalities described
20 in this paragraph are as follows:

21 “(A) Students in high poverty and high
22 minority local educational agencies in the State
23 were being taught at higher rates by teachers
24 rated in the lowest two quartiles based on the
25 combined measure established under section

1 2112(b)(5)(C) compared to students in low pov-
2 erty and low minority local educational agencies
3 in the State.

4 “(B) Students in high poverty and high
5 minority local educational agencies are being
6 taught at higher rates by teachers who are not
7 effective as determined by the State or local
8 educational agency, as compared to students in
9 low poverty and low minority local educational
10 agencies.

11 “(b) LOCAL EDUCATIONAL AGENCY REQUIRE-
12 MENTS.—

13 “(1) IN GENERAL.—Subject to paragraph (3), a
14 high-poverty or high-minority local educational agen-
15 cy described in paragraph (2) and with respect to
16 which a State established improvement goals under
17 subsection (a)(1)(A)(i), shall—

18 “(A) in a case in which the local edu-
19 cational agency fails to meet its 2 year improve-
20 ment goals established under such subsection,
21 use all funds made available through the
22 subgrant to carry out the activities described in
23 section 2112(b)(5);

1 “(B) in a case in which the local edu-
2 cational agency fails to meet its 4 year improve-
3 ment goals established under such subsection—

4 “(i) receive a subgrant from the State
5 under subpart 2 equal to not more than 50
6 percent of the subgrant received by the
7 local educational agency in the preceding
8 year under such subpart; and

9 “(ii) make non-Federal contributions
10 in an amount equal to not less than the
11 Federal funds provided under the
12 subgrant; and

13 “(C) in a case in which the local edu-
14 cational agency fails to meet its 5 year improve-
15 ment goals established under such subsection,
16 the local educational agency shall be prohibited
17 from receiving a subgrant subpart 2.

18 “(2) DESCRIPTION OF LOCAL EDUCATIONAL
19 AGENCIES.—A local educational agency described in
20 this paragraph is a local educational agency that—

21 “(A) students in high poverty and high mi-
22 nority schools are being taught at higher rates
23 by teachers rated in the lowest two quartiles
24 based on the combined measure established
25 under section 2112(b)(5)(C) compared to stu-

1 dents in low poverty and low minority schools;
2 and

3 “(B) students in high poverty and high mi-
4 nority schools are being taught at higher rates
5 by teachers who are not effective, as determined
6 by the State or local educational agency, com-
7 pared to students in low poverty and low minor-
8 ity schools.

9 “(3) EXCEPTION.—Paragraph (1) shall not
10 apply to high poverty and high minority schools
11 where students are being taught at higher rates who
12 are not effective, as determined by the State or local
13 educational agency, compared to students in low
14 poverty and low minority schools in the local edu-
15 cational agency if the performance of the high pov-
16 erty or high minority school’s students, including
17 each group of students described in section
18 1111(b)(2)(C)(v)(II), on the State’s annual student
19 academic assessments has exceeded the statewide av-
20 erage performance for students overall in that sub-
21 ject for at least the previous 2 years.

22 “(4) INAPPLICABILITY.—This section shall not
23 apply to a local educational agency that does not
24 have more than one building for each grade span.

1 “(5) TRANSITIONAL COMPLIANCE.—Beginning
2 on the date of enactment of the Student Success
3 Act, for no more than 4 full school years a local edu-
4 cational agency shall be deemed to be in compliance
5 with this section for any school year, if the teachers
6 hired to fill vacancies in local education agencies
7 served under this part, improve the equity in dis-
8 tribution of effective teachers, as determined by the
9 State or local educational agency, between students
10 served by high poverty or high minority schools and
11 students served by low poverty or low minority
12 schools as described in paragraph (2).

13 “(6) WAIVER.—A local educational agency may
14 apply to the Secretary for a temporary waiver of the
15 requirements of this section in the case of a natural
16 disaster or unpredictable or significant personnel as-
17 signments that occur after the beginning of a school
18 year that would affect determination of compliance
19 with this section.

20 “(7) RULES OF CONSTRUCTION.—Nothing in
21 this section shall be construed to require a local edu-
22 cational agency to transfer school personnel in order
23 to comply with this section.

1 **“Subpart 5—Public Reporting**

2 **“SEC. 2151. PUBLIC REPORTING.**

3 “(a) IN GENERAL.—

4 “(1) STATE REPORT CARD.—Each State that
5 receives a grant under subpart 1 shall annually sub-
6 mit to the Secretary, and make public, a State re-
7 port card on program performance and results under
8 the grant, in a manner prescribed by the Secretary
9 and containing, analyzing, and updating the infor-
10 mation required under subsection (b).

11 “(2) LOCAL EDUCATIONAL AGENCY REPORT.—
12 Each local educational agency that receives a
13 subgrant under subpart 2 shall annually submit to
14 the State, and make public—

15 “(A) a report on the local educational
16 agency’s program performance and results
17 under the subgrant, in a manner prescribed by
18 the State or the Secretary, containing, ana-
19 lyzing, and updating the information required
20 under subsection (c); and

21 “(B) the notifications to parents described
22 in subsection (d).

23 “(3) PRIVACY.—Information required under
24 this subpart shall be collected, reported, and dis-
25 seminated in a manner that protects the privacy of
26 individuals.

1 “(b) STATE REPORT CARD REQUIREMENTS.—Each
2 State described in subsection (a)(1) shall report the fol-
3 lowing information in accordance with such subsection:

4 “(1) With respect to the State overall and for
5 each local educational agency in the State,
6 disaggregated by poverty quartile and minority quar-
7 tile—

8 “(A) the number and percentage of teach-
9 ers and principals, for each grant year, who—

10 “(i) are classified as qualified;

11 “(ii) are effective, where applicable;

12 “(iii) have taught for less than one
13 full school year; and

14 “(iv) have demonstrated content
15 knowledge in the subject or subjects the
16 teachers are assigned to teach;

17 “(B) with respect to middle and high
18 schools, the percentage of core academic
19 courses taught by teachers who have met State
20 licensure requirements for that course;

21 “(C) information required under equitable
22 distribution plans for the State and each local
23 educational agency under sections 2112(b)(5)
24 and 2123(a), respectively;

1 “(D) staff retention rates for effective
2 teachers, as determined by the State or local
3 educational agency; and

4 “(E) any other performance measures the
5 State is using to measure the performance of
6 local educational agencies that receive a
7 subgrant under subpart 2.

8 “(2) Results of the data collection reporting
9 under section 2112(b)(7).

10 “(3) Progress towards meeting the equitable
11 distribution requirements under section 2112(b)(5).

12 “(4) Results of the assessment of educator sup-
13 port and working conditions described in section
14 2112(b)(3).

15 “(5) Results of the needs assessment required
16 under subpart 2 by each school in the State and
17 compared to the rubric which was used to conduct
18 the needs assessment.

19 “(c) LOCAL EDUCATIONAL AGENCY REPORT CARD
20 REQUIREMENTS.—Each local educational described in
21 subsection (a)(2) shall report the following information,
22 for each grant year, in accordance with such subsection:

23 “(1) With respect to the local educational agen-
24 cy overall and for schools in the agency by poverty
25 quartile and minority quartile—

1 “(A) the number and percentage of teach-
2 ers and principals, for each grant year, who—

3 “(i) are classified as qualified;

4 “(ii) are effective, as determined by
5 the State or local educational agency;

6 “(iii) have taught for less than one
7 full school year; and

8 “(iv) have demonstrated content
9 knowledge in the subject or subjects the
10 teachers are assigned to teach; and

11 “(B) with respect to middle school and
12 high school, the percentage of core academic
13 courses taught by teachers who have met State
14 licensure requirements for that course.

15 “(d) PARENTS’ RIGHT TO KNOW.—Each local edu-
16 cational agency that receives a subgrant under subpart 2
17 shall ensure that each school served by the local edu-
18 cational agency provides, on an annual basis and at the
19 beginning of the school year—

20 “(1) the teacher’s qualified status based on the
21 definition under section 2002(5), including whether
22 the teacher meets the status based on the require-
23 ment in subparagraph (A)(v) of such section; and

24 “(2) in local educational agencies with teacher
25 evaluation systems—

1 “(A) written notification to the parent of
2 each student who has, for 2 consecutive years,
3 been assigned an ineffective teacher, as deter-
4 mined by the State or local educational agency,
5 that such student has been so assigned; and

6 “(B) a description of—

7 “(i) the supports the school and local
8 educational agency will offer the student to
9 compensate for the teacher assignment;

10 “(ii) the local educational agency’s
11 plan for ensuring this assignment pattern
12 does not continue; and

13 “(iii) the teacher’s qualified status
14 based on the definition under section
15 2002(5), including whether the teacher
16 meets the status based on the requirement
17 in subparagraph (A)(v) of such section.

18 **“PART B—TEACHER AND LEADER INNOVATION**

19 **FUND**

20 **“SEC. 2201. TEACHER AND LEADER INNOVATION FUND.**

21 “The purpose of this part is to support States and
22 local educational agencies in improving the effectiveness
23 of their teachers and school leaders, especially those teach-
24 ers and school leaders working in high-need schools, by
25 creating the conditions needed to identify, recruit, pre-

1 pare, retain, reward, and advance effective teachers, prin-
2 cipals, and school leadership teams in such schools.

3 **“SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There are authorized to be ap-
5 propriated \$950,000,000 for fiscal year 2016 and such
6 sums as may be necessary for each of the 5 succeeding
7 fiscal years to carry out this part.

8 “(b) CONTINUATION.—From the funds made avail-
9 able under subsection (a), the Secretary may reserve funds
10 to continue funding the Teacher Incentive Fund author-
11 ized under the fourth, fifth, and sixth provisos of the ‘In-
12 novation and Improvement Account’ under title III of
13 Public Law 109–149, in accordance with the terms and
14 conditions of such Fund that were in effect on the day
15 before the enactment of the Student Success Act.

16 **“SEC. 2203. GRANTS.**

17 “(a) IN GENERAL.—From the funds made available
18 under section 2202 and not reserved under subsection (b)
19 of such section, for each fiscal year, the Secretary shall
20 award grants, on a competitive basis, to eligible entities
21 to carry out the purpose of this part.

22 “(b) ELIGIBLE ENTITY.—In this part, the term ‘eli-
23 gible entity’ means—

24 “(1) a State educational agency or a consor-
25 tium of such agencies;

1 “(2) a high-need local educational agency or a
2 consortium of such agencies;

3 “(3) one or more of the entities described in
4 paragraphs (1) and (2) in partnership with one or
5 more institutions of higher education, nonprofit or-
6 ganization, or educational service agencies; or

7 “(4) an entity described in paragraph (1) in
8 partnership with 1 or more local educational agen-
9 cies at least one of which is a high-need local edu-
10 cational agency.

11 “(c) DURATION.—The Secretary shall award a grant
12 under this part to an eligible entity for an initial period
13 of not more than 3 years, and may renew the grant for
14 up to an additional 2 years if the Secretary finds that the
15 eligible entity is achieving the objectives of the grant and
16 has shown improvement against baseline measures on per-
17 formance indicators.

18 **“SEC. 2204. APPLICATIONS.**

19 “(a) IN GENERAL.—Each eligible entity that desires
20 a grant under this part shall submit an application to the
21 Secretary at such time, in such manner, and containing
22 such information and assurances as the Secretary may
23 reasonably require.

24 “(b) CONTENTS.—Each application submitted under
25 this section shall contain—

1 “(1) a description of—

2 “(A) how the eligible entity will differen-
3 tiate levels of teacher and principal performance
4 by effectiveness, and the criteria it will use to
5 determine that differentiation, which shall in-
6 clude the use of evidence of student learning as
7 a significant factor, as well as other measures;
8 and

9 “(B) how that differentiation will be—

10 “(i) consistent with the teacher and
11 principal evaluation system described in
12 section 2112(b)(1); and

13 “(ii) used by the local educational
14 agency served by the eligible entity to
15 make decisions about professional develop-
16 ment and retention;

17 “(2) a description of the rigorous performance
18 standards that the eligible entity has established, or
19 will establish, within 2 years of the date of enact-
20 ment of Student Success Act, that will be used to
21 evaluate performance;

22 “(3) a plan, developed with appropriate stake-
23 holders, setting forth the activities to be imple-
24 mented under the grant and how those activities will
25 be aligned with the results of—

1 “(A) an analysis of workforce data (includ-
2 ing teacher and principal surveys) that identi-
3 fies strengths and weaknesses in the working
4 conditions provided to teachers, school leaders,
5 and other school personnel and the current and
6 future staffing needs within the State or local
7 educational agency;

8 “(B) a public review of any State or local
9 educational agency statutes, policies, and prac-
10 tices, including employment policies and prac-
11 tices that pose a barrier to staffing schools,
12 particularly high-need schools, with teachers
13 and principals who have been rated in the high-
14 est rating categories;

15 “(C) an analysis of the effectiveness and
16 the cost-effectiveness of applicable State or local
17 educational agency policies and practices re-
18 lated to increasing teacher and principal effec-
19 tiveness;

20 “(D) an analysis of the alignment of the
21 policies and practices reviewed and analyzed
22 under subparagraphs (B) and (C) with the goal
23 of ensuring that educators are prepared to help
24 all students achieve to college-and-career-ready
25 standards; and

1 “(E) as applicable, an analysis of the ex-
2 tent to which the local educational agency’s
3 human capital strategies, including career ad-
4 vancement opportunities, salary schedules (in-
5 cluding incentives for graduate credit and ad-
6 vanced degrees), and incentives, reward actions,
7 and strategies that improve instruction and stu-
8 dent learning; and

9 “(4) evidence of involvement and support for
10 the proposed grant activities from—

11 “(A) in the case of an application from an
12 eligible entity that includes a local educational
13 agency or a consortium of such agencies, a local
14 school board, teachers union (where there is a
15 designated exclusive representative for the pur-
16 pose of collective bargaining), teachers, prin-
17 cipals, and other stakeholders; and

18 “(B) in the case of an application from a
19 State educational agency or consortium of such
20 agencies, the State board of education, State
21 agency for higher education, any participating
22 local educational agency, and other stake-
23 holders.

24 “(c) SELECTION CRITERION.—In making grants
25 under this part, the Secretary shall consider the extent

1 to which the eligible entity's activities that are carried out
2 through a grant under part A or through State and local
3 funds are aligned with the entity's plan under subsection
4 (b)(3) and the purpose of this part.

5 “(d) PRIORITY.—The Secretary shall give priority to
6 applications that address particular needs in improving
7 the effectiveness of the education workforce in high-need
8 schools or the needs of local educational agencies to fill
9 positions in high-need fields and subjects.

10 **“SEC. 2205. USE OF FUNDS.**

11 “(a) IN GENERAL.—A eligible entity under this
12 part—

13 “(1) shall use its grant funds for activities to—

14 “(A) improve the use of teacher and prin-
15 cipal effectiveness information, which shall in-
16 clude the adoption of an evaluation system by
17 a local educational agency, as described in sec-
18 tion 2112(b)(1), and use of such evaluation re-
19 sults in consequential decisionmaking, including
20 in—

21 “(i) paying bonuses and increased sal-
22 aries, if the eligible entity uses an increas-
23 ing share of non-Federal funds to pay the
24 bonuses and increased salaries each year of

1 the grant, to highly effective teachers or
2 principals who work in high-need schools;

3 “(ii) activities under sections 2112
4 and 2122;

5 “(iii) reforming the local educational
6 agency’s system of compensating teachers
7 and principals; and

8 “(iv) developing and implementing a
9 human capital system; and

10 “(B) improve teacher and school-leader
11 compensation and career-development systems,
12 which may include instituting performance pay,
13 career advancement systems (such as career
14 ladders or incentives for assuming additional
15 roles and responsibilities intended to improve
16 student academic achievement), or market-
17 based compensation for a high-need school; and

18 “(2) may use its grant funds for activities to—

19 “(A) help ensure that high-need and low-
20 performing schools are staffed more effectively
21 and efficiently, such as through—

22 “(i) the implementation or use of ear-
23 lier hiring timelines;

1 “(ii) more effective recruitment strate-
2 gies (including strategies for recruiting
3 candidates from underrepresented groups);

4 “(iii) more selective screening; and

5 “(iv) data systems for tracking at-
6 tendance, teacher and principal evaluation
7 results, tenure decisions, participation in
8 professional development, and the results
9 of that participation;

10 “(B) recruit, prepare, support, and evalu-
11 ate principals who serve in high-need or low-
12 performing schools; and

13 “(C) recruit and retain teachers and lead-
14 ers in rural and remote areas.

15 “(b) STATE GRANTEES.—A State educational agency
16 that is a grantee under this part shall use its grant funds
17 for activities to—

18 “(1) modify State policies and practices, as
19 needed, to enable local educational agencies to carry
20 out their activities under subsection (a);

21 “(2) develop and implement improvements to
22 the State’s certification or licensure requirements,
23 which shall include using teacher and principal eval-
24 uation results in certification or licensure decisions

1 (such as by making them a significant factor in the
2 granting of a full certification or license); and

3 “(3) implement a human capital system, includ-
4 ing pre-service programs providing teachers and
5 principals to schools within the State, that increases
6 the numbers of highly effective teachers and prin-
7 cipals, particularly in high-need schools by—

8 “(A) identifying, recruiting, training, hir-
9 ing, and placing individuals who are or are
10 most likely to be highly effective teachers and
11 principals;

12 “(B) distributing highly effective teachers
13 and principals strategically to high need
14 schools;

15 “(C) providing highly effective teachers
16 and principals with support and development
17 opportunities focused on increasing student
18 achievement; and

19 “(D) retaining highly effective teachers
20 and principals over time by creating school en-
21 vironments that enable excellent teaching in-
22 cluding through strategies such as distributed
23 leadership, time for collaboration and use of
24 student data for internal professional develop-
25 ment.

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH**
3 **STATE AND LOCAL LAWS AND AGREEMENTS.**

4 “Nothing in this title shall be construed to alter or
5 otherwise affect the rights, remedies, and procedures af-
6 fforded to school or local educational agency employees
7 under Federal, State, or local laws (including applicable
8 regulations or court orders as well as requirements that
9 local educational agencies negotiate and or meet and con-
10 fer in good faith) or under the terms of collective bar-
11 gaining agreements, memoranda of understanding, or
12 other agreements between such employers and their em-
13 ployees.

14 **“SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION**
15 **SYSTEMS.**

16 “No State or local educational agency receiving fund-
17 ing under this title shall publicly report personally identifi-
18 able information included in an individual teacher or prin-
19 cipal evaluation, including information that can be used
20 to distinguish an individual’s identity when combined with
21 other personal or identifying information.

22 **“SEC. 2303. PROHIBITION.**

23 “Nothing in this title shall authorize any employee
24 of the Federal Government to mandate, direct, control, or
25 exercise any direction or supervision over the development
26 of teacher, principal, or school leader evaluation systems.”.

1 **SEC. 202. HEA CONFORMING AMENDMENTS.**

2 (a) QUALIFIED TEACHER.—The Higher Education
3 Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

4 (1) in section 200 (20 U.S.C. 1021)—

5 (A) by amending paragraph (13) to read
6 as follows:

7 “(13) QUALIFIED.—The term ‘qualified’ has
8 the meaning given the term ‘qualified teacher’ in
9 section 2002(5), as amended by section 201 of the
10 Student Success Act.

11 “(B) in paragraph (17)(B)(ii), by striking
12 ‘highly qualified’ and inserting ‘qualified’; and

13 “(C) in paragraph (22)(D)(i), by striking
14 ‘highly qualified’ and inserting ‘qualified.’”;

15 (2) in section 201(3) (20 U.S.C. 1022(3)), by
16 striking “highly qualified teachers” and inserting
17 “qualified teachers”;

18 (3) in section 202 (20 U.S.C. 1022)—

19 (A) in subsection (b)(6)(H), by striking
20 “highly qualified teachers” and inserting
21 “qualified teachers”;

22 (B) in subsection (d)—

23 (i) in paragraph (1)—

24 (I) in subparagraph (A)(i)(I), by
25 striking “highly qualified” and insert-
26 ing “qualified”; and

1 (II) in subparagraph (B)(iii), by
2 striking “highly qualified” and insert-
3 ing “qualified”; and

4 (ii) in paragraph (5), by striking
5 “highly qualified teachers” and inserting
6 “qualified teachers”; and

7 (C) in subsection (e)(2)(C)(iii)(IV), by
8 striking “highly qualified teacher, as defined in
9 section 9101,” and inserting “qualified teacher,
10 as defined in section 2002(5), as amended by
11 section 201 of the Student Success Act”;

12 (4) in section 204(a)(4) (20 U.S.C. 1022c) by
13 striking “highly qualified teachers” each place it ap-
14 pears and inserting “qualified teachers”;

15 (5) in section 205(b)(1)(I) (20 U.S.C.
16 1022d(b)(1)(I)), by striking “highly qualified teach-
17 ers” and inserting “qualified teachers”;

18 (6) in section 207(a)(1) (20 U.S.C.
19 1022f(a)(1)), by striking “highly qualified teachers”
20 and inserting “qualified teachers”;

21 (7) in section 208(b) (20 U.S.C. 1022g(b)), by
22 striking “highly qualified” each place it appears and
23 inserting “qualified”;

1 (8) in section 242(b) (20 U.S.C. 1033a), by
2 striking “highly qualified” each place it appears and
3 inserting “qualified”;

4 (9) in section 251(b) (20 U.S.C. 1034(b)), by
5 striking “highly qualified” each place it appears and
6 inserting “qualified”; and

7 (10) in section 258(d)(1) (20 U.S.C.
8 1036(d)(1)), by striking “highly qualified” and in-
9 serting “qualified”.such partner institution.

10 (c) DEFINITIONS.—Section 200 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1021) is amended—

12 (1) by amending paragraph (6) to read as fol-
13 lows:

14 “(6) ELIGIBLE PARTNERSHIP.—Except as oth-
15 erwise provided in section 251, the term ‘eligible
16 partnership’ means an entity that—

17 “(A) shall include—

18 “(i) a high-need local educational
19 agency;

20 “(ii)(I) a high-need school or a con-
21 sortium of high-need schools served by the
22 high-need local educational agency; or

23 “(II) as applicable, a high-need early
24 childhood education program; or

25 “(iii)(I) the following entities—

1 “(aa) a partner institution.

2 “(bb) a school, department, or
3 program of education within such
4 partner institution, which may include
5 an existing teacher professional devel-
6 opment program with proven out-
7 comes within a 4-year institution of
8 higher education that provides inten-
9 sive and sustained collaboration be-
10 tween faculty and local educational
11 agencies consistent with the require-
12 ments of this title; and

13 “(cc) a school or department of
14 arts and sciences within such partner
15 institution; or

16 “(II) an entity operating a program
17 that provides alternative routes to State
18 certification of teachers that has a teacher
19 preparation program—

20 “(aa) whose graduates exhibit
21 strong performance on State-deter-
22 mined qualifying assessments for new
23 teachers through demonstrating that
24 80 percent or more of the graduates
25 of the program who intend to enter

1 the field of teaching have passed all of
2 the applicable State qualification as-
3 sessments for new teachers, which
4 shall include an assessment of each
5 prospective teacher's subject matter
6 knowledge in the content area in
7 which the teacher intends to teach;
8 and

9 “(bb) that requires each student
10 in the program to meet high academic
11 standards or demonstrate a record of
12 success, as determined by the institu-
13 tion (including prior to entering and
14 being accepted into a program), and
15 participate in intensive clinical experi-
16 ence, and each student in the program
17 is preparing to become a qualified
18 teacher; and

19 “(B) may include any of the following:

20 “(i) The Governor of the State.

21 “(ii) The State educational agency.

22 “(iii) The State board of education.

23 “(iv) The State agency for higher edu-
24 cation.

25 “(v) A business.

1 “(vi) A public or private nonprofit
2 educational organization.

3 “(vii) An educational service agency.

4 “(viii) A teacher organization.

5 “(ix) A high-performing local edu-
6 cational agency, or a consortium of such
7 local educational agencies, that can serve
8 as a resource to the partnership.

9 “(x) A charter school (as defined in
10 section 5210).

11 “(xi) A school or department within a
12 partner institution that focuses on psy-
13 chology and human development.

14 “(xii) A school or department within a
15 partner institution with comparable exper-
16 tise in the disciplines of teaching, learning,
17 and child and adolescent development.

18 “(xiii) An entity operating a program
19 that provides alternative routes to State
20 certification of teachers.

21 “(xiv) A school, department, or pro-
22 gram of education within a partner institu-
23 tion.

24 “(xv) A school or department of arts
25 and sciences within a partner institution.”;

1 (2) by amending paragraph (10) to read as fol-
2 lows:

3 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
4 CY.—The term “high-need local educational agency
5 has the meaning given such term in section 2002(4),
6 as amended by section 201 of the Student Success
7 Act.”;

8 (3) by amending paragraph (14) to read as fol-
9 lows:

10 “(14) INDUCTION PROGRAM.—The term ‘induc-
11 tion program’ has the meaning given the term ‘in-
12 duction’ in section 2002(6), as amended by section
13 201 of the Student Success Act.”; and

14 (4) by amending paragraph (21) to read as fol-
15 lows:

16 “(21) TEACHER MENTORING.—The term
17 ‘teacher mentoring’ has the meaning given the term
18 ‘mentoring’ in section 2002(7), as amended by sec-
19 tion 201 of the Student Success Act.”.

20 (d) PURPOSE.—Section 201 of the Higher Education
21 Act of 1965 (20 U.S.C. 1022) is amended—

22 (1) by striking “and” at the end of paragraph
23 (3);

24 (2) by striking the period and inserting “; and”
25 at the end of paragraph (4); and

1 (3) by inserting at the end the following:

2 “(5) improve teacher effectiveness.”.

3 (e) PARTNERSHIP GRANTS.—Section 202 of the
4 Higher Education Act of 1965 (20 U.S.C. 1022a) is
5 amended—

6 (1) in subsection (b)(6)—

7 (A) in subparagraph (E)(ii), by striking
8 “student academic” and inserting “college-and-
9 career ready student academic”;

10 (B) in subparagraph (H)—

11 (i) in the matter preceding clause (i),
12 by inserting “or alternative route entity”
13 after “partner institution”;

14 (ii) in clause (i), by striking “that in-
15 corporate” and all that follows through
16 “instruction” and inserting “consistent
17 with part A of title IV of the Elementary
18 and Secondary Education Act of 1965”;

19 (iii) in clause (i), insert “and other
20 educators, including mutli-tiered systems
21 of support and universal design for learn-
22 ing, as described in section 5429(b)(21)”
23 after “secondary school teachers”;

24 (iv) in clause (ii), insert “ and writing
25 instruction” after “reading”; and

1 (v) after clause (ii) insert the fol-
2 lowing:

3 “(iii) provide high-quality professional
4 development activities to strengthen the in-
5 structional and leadership skills of elemen-
6 tary school and secondary school principals
7 and district superintendents, if the partner
8 institution has a principal preparation pro-
9 gram;”;

10 (C) by redesignating subparagraphs (I)
11 through (K) as subparagraphs (J) through (L),
12 respectively; and

13 (D) by inserting after subparagraph (H),
14 the following:

15 “(I) how the partnership will prepare
16 teachers to use data to analyze student per-
17 formance and adjust teaching practices to im-
18 prove student achievement;” and

19 (2) in subsection (d)(6)(A), by striking “that
20 incorporate the essential components of literacy in-
21 struction” and inserting “aligned with part A of title
22 IV of the Elementary and Secondary Education Act
23 of 1965”.

24 (f) ADMINISTRATIVE PROVISIONS.—Section
25 203(b)(2)(A) of the Higher Education Act of 1965 (20

1 U.S.C. 1022b(b)(2)(A)) is amended by inserting “or alter-
2 native route entity” after “institution of higher education

3 (g) ACCOUNTABILITY AND EVALUATION.—Section
4 204(a) of the Higher Education Act of 1965 (20 U.S.C.
5 1022c) is amended—

6 (1) by redesignating paragraphs (3) and (4) as
7 paragraphs (4) and (5), respectively; and

8 (2) by inserting after paragraph (2), the fol-
9 lowing:

10 “(3) effective teachers as determined by the
11 State;”.

12 (h) INFORMATION ON PREPARATION PROGRAMS.—
13 Section 205(b)(1) of the Higher Education Act of 1965
14 (20 U.S.C. 1022d(b)) is amended—

15 (1) in the matter preceding subparagraph (A),
16 by striking “teacher preparation program” and in-
17 serting “teacher and school leader preparation pro-
18 gram”; and

19 (2) by adding at the end the following:

20 “(M) Within 3 years of the date of enact-
21 ment of the Student Success Act, information
22 on the impact of each program’s graduates on
23 the evidence of student learning, as defined in
24 section 2002(15), of the students that such
25 graduates teach, if that information is available.

1 “(N) The percentage of each program’s
2 graduates who teach in a high-need school.

3 “(O) The percentage of each program’s
4 graduates who are prepared to teach a high-
5 need subject.

6 “(P) The percentage of each program’s
7 graduates who become effective and highly ef-
8 fective teachers or principals as determined by
9 the State.

10 “(Q) The 3-year retention rate of each
11 program’s graduates who become effective and
12 highly effective teachers or principals according
13 to such graduates’ ratings by such system.”.

14 **TITLE III—LANGUAGE INSTRU-**
15 **CTION FOR LIMITED ENGLISH**
16 **PROFICIENT AND IMMIGRANT**
17 **STUDENTS**

18 **SEC. 301. LANGUAGE INSTRUCTION.**

19 Title III (20 U.S.C. 6801 et seq.) is amended—

20 (1) in section 3001—

21 (A) by striking “fiscal year 2002” and in-
22 serting “fiscal year 2016” each place it ap-
23 pears; and

1 (B) in subsection (a)(1), by striking
2 “\$750,000,000” and inserting
3 “1,000,000,000”;

4 (2) by striking “No Child Left Behind Act of
5 2001” and inserting “Student Success Act” each
6 place it appears;

7 (3) in section 3244, by striking “2002 through
8 2008” and inserting “2016 through 2022”;

9 (4) by striking “adequate yearly progress” and
10 inserting “progress” each place it appears;

11 (5) in sections 3102(8)(B), 3113(b)(5)(B), and
12 3116(b)(3)(B), by striking “, as described in section
13 1111(b)(2)(B)”;

14 (6) in section 3122(a)(3)(A)(iii), by striking “as
15 described in section 1111(b)(2)(B)”;

16 (7) by repealing section 3122;

17 (8) in section 3111(b)(2)(D), by striking “an-
18 nual measurable achievement objectives pursuant to
19 section 3122” and inserting “performance targets
20 described in section 1111(c)”;

21 (9) in sections 3113(b), 3116(b), 3121(d)(3),
22 and 3302(b), by striking “annual measurable
23 achievement objectives described in section 3122”
24 and inserting “performance targets described in sec-
25 tion 1111(c)” each place it appears;

1 (10) in section 3122, by striking “annual meas-
2 urable achievement objectives” and inserting “per-
3 formance targets” each place it appears;

4 (11) by striking “section 1111(b)(7)” and in-
5 serting “section 1111(b)(3)(F)” each place it ap-
6 pears; and

7 (12) by striking “section 1111(b)(1)” and in-
8 serting “section 1111(b)(4)” each place it appears.

9 **TITLE IV—21ST CENTURY**
10 **SCHOOLS**

11 **SEC. 401. 21ST CENTURY SCHOOLS.**

12 Title IV (20 U.S.C. 7101 et seq.) is amended to read
13 as follows:

14 “TITLE IV—21ST CENTURY SCHOOLS
15 “PART A—21ST CENTURY COMMUNITY LEARNING
16 CENTERS

17 **“SEC. 4001. PURPOSE.**

18 “The purpose of this part is to provide opportunities
19 for communities to establish or expand activities through
20 learning partnerships that—

21 “(1) provide opportunities for academic enrich-
22 ment, increased academic achievement, and student
23 success in schools by providing students with addi-
24 tional learning time for more expansive, relevant and
25 rigorous learning opportunities, including opportuni-

1 ties to catch students up in their coursework, and
2 help students accelerate their learning;

3 “(2) provide a broad array of additional serv-
4 ices, programs and activities for a well-rounded edu-
5 cation, including youth development activities, music
6 and the arts, outdoor and recreation programs, tech-
7 nology education programs, dual-language programs,
8 character education, and environmental literacy pro-
9 grams that are designed to reinforce and compliment
10 the regular academic program for participating stu-
11 dents;

12 “(3) complement, not replicate, the regular
13 school day, by offering a range of activities that cap-
14 ture student interest and strengthen student engage-
15 ment in learning, promote higher class attendance,
16 improve retention, and reduce the risk for dropout,
17 and actively address the specific learning needs and
18 interests of all types of students, especially those
19 who may benefit from approaches and experiences
20 not offered in the traditional classroom setting;

21 “(4) provide teachers and staff in learning part-
22 nerships with increased opportunities to work col-
23 laboratively, and to participate in professional plan-
24 ning and professional development, within and

1 across grades and subjects to improve teaching and
2 learning;

3 “(5) provide students with safe learning envi-
4 ronments and additional resources to increase stu-
5 dent engagement in school; and

6 “(6) offer families of students served by part-
7 nerships opportunities for literacy development and
8 related educational development.

9 **“SEC. 4002. ALLOTMENT TO STATES.**

10 “(a) RESERVATION.—From the funds appropriated
11 under section 4009 for any fiscal year, the Secretary shall
12 reserve not more than 1 percent for payments to the out-
13 lying areas and the Bureau of Indian Affairs, to be allot-
14 ted in accordance with their respective needs for assistance
15 under this part, as determined by the Secretary, to enable
16 the outlying areas and the Bureau to carry out the pur-
17 pose of this part.

18 “(b) STATE ALLOTMENTS.—

19 “(1) DETERMINATION.—From the funds appro-
20 priated under section 4009 for any fiscal year and
21 remaining after the Secretary makes reservations
22 under subsection (a), the Secretary shall allot to
23 each State for the fiscal year an amount that bears
24 the same relationship to the remainder as the
25 amount the State received under subpart 2 of part

1 A of title I for the preceding fiscal year bears to the
2 amount all States received under that subpart for
3 the preceding fiscal year, except that no State shall
4 receive less than an amount equal to one-half of 1
5 percent of the total amount made available to all
6 States under this subsection.

7 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
8 State does not receive an allotment under this part
9 for a fiscal year, the Secretary shall reallocate the
10 amount of the State’s allotment to the remaining
11 States in accordance with this subsection.

12 **“SEC. 4003. STATE ACTIVITIES.**

13 “(a) IN GENERAL.—A State educational agency may
14 use not more than 5 percent of the amount made available
15 to the State under section 4002(b) for—

16 “(1) the administrative costs of carrying out its
17 responsibilities under this part; and

18 “(2) providing technical assistance as described
19 in subsection (b) to learning partnerships;

20 “(b) TECHNICAL ASSISTANCE.—

21 “(1) IN GENERAL.—The technical assistance
22 described in this paragraph includes the following:

23 “(A) Assisting learning partnerships who
24 are prioritized in section 4005(g) including
25 rural and urban schools by—

1 “(i) informing those learning partner-
2 ships that are prioritized in section
3 4005(g) that they have a priority for com-
4 peting for grants under section 4005;

5 “(ii) providing technical assistance to
6 the learning partnership for the develop-
7 ment of the applications described in sec-
8 tion 4005(b), including assisting the learn-
9 ing partnership in identifying which ele-
10 mentary schools and secondary schools to
11 serve;

12 “(iii) providing technical assistance to
13 the learning partnership if they do not re-
14 ceive a grant under section 4005 so that
15 they may re-compete in following competi-
16 tions;

17 “(B) Assisting each learning partnership
18 that receives an award under section 4005 to
19 plan and implement additional learning time
20 with such funds, including assisting the learn-
21 ing partnership in—

22 “(i) determining how to implement
23 additional learning time in the schools the
24 learning partnership intends to serve based

1 on the results of the needs assessment de-
2 scribed in section 4005(b)(2)(C)(i);

3 “(ii) identifying additional community
4 partners, which may include multicounty
5 public entities, and resources that may be
6 utilized to implement the additional learn-
7 ing time;

8 “(iii) strengthening the existing part-
9 nerships of the learning partnership, iden-
10 tifying appropriate roles for each of the
11 partners in the implementation of addi-
12 tional learning time in schools served by
13 the learning partnership, and ensuring
14 that the partnership is effective in main-
15 taining strong communication, information
16 sharing, and joint planning and implemen-
17 tation;

18 “(C) Identifying best practices for profes-
19 sional development for teachers and staff in
20 learning partnerships receiving funding under
21 this part to implement the authorized activities
22 described in section 4006.

23 “(D) Identifying best practices for using
24 additional learning time to improve academic
25 enrichment, and student academic achievement

1 in schools, and providing technical assistance to
2 the learning partnership in using such best
3 practices to implement and improve additional
4 learning time initiatives.

5 “(E) Providing guidance on how to provide
6 programs that are age appropriate and address
7 the varying needs of students in elementary (in-
8 cluding preschool), middle, and diploma grant-
9 ing schools.

10 “(F) Supporting pay for success initiatives
11 at the State or local level to meet the purposes
12 of this part.

13 “(2) SUBGRANTS FOR TECHNICAL ASSIST-
14 ANCE.—A State educational agency may use a por-
15 tion of the funds described in paragraph (1) to
16 award subgrants to entities including intermediaries,
17 educational service agencies or other public entities
18 with demonstrated expertise in additional learning
19 time capacity building, or evaluation to carry out the
20 technical assistance described in subparagraph (A).

21 **“SEC. 4004. STATE APPLICATION.**

22 “(a) IN GENERAL.—In order to receive an allotment
23 under section 4002(b) for any fiscal year, a State edu-
24 cational agency shall submit to the Secretary, at such time

1 and in such manner as the Secretary may require, an ap-
2 plication that—

3 “(1) designates the State educational agency as
4 the agency responsible for the administration and
5 supervision of programs assisted under this part;

6 “(2) describes how the State educational agency
7 will use funds received under this part, including
8 funds reserved for State-level activities;

9 “(3) contains an assurance that the State edu-
10 cational agency, in making awards under section
11 4005, will give priority to learning partnerships that
12 propose to serve—

13 “(A) students attending schools in need of
14 support and high-priority schools;

15 “(B) schools with a high number or per-
16 centage of students that are eligible for free or
17 reduced price lunch under the Richard B. Rus-
18 sell School Lunch Act (42 U.S.C. 1751 et seq.);

19 “(4) describes the peer review process as de-
20 scribed in section 4005(e) and the selection criteria
21 the State educational agency will use to evaluate ap-
22 plications from, and select, learning partnerships to
23 receive awards under section 4005;

24 “(5) describes the steps the State educational
25 agency will take to ensure that activities and pro-

1 grams carried out by learning partnerships using
2 such awards—

3 “(A) implement evidence-based strategies;
4 and

5 “(B) ensure learning partnerships have the
6 capacity to implement high-quality additional
7 learning time activities that are different from
8 methods which have been proven ineffective
9 during the regular school day;

10 “(6) describes how the State educational agency
11 will use the indicators under section 4007(a)(3) to
12 measure the performance, on an annual basis, of
13 learning partnerships, and

14 “(A) use outcomes from multiple indicators
15 and not rely on one indicator in isolation; and

16 “(B) provide ongoing technical assistance
17 and training and dissemination of promising
18 practices;

19 “(7) provides an assurance that the State edu-
20 cational agency will set up a process to allow learn-
21 ing partnerships who receive an award under section
22 4005 and who operate a proven and effective pro-
23 gram based on the measures of performance de-
24 scribed in paragraph (6) to recompete in their last

1 year of funding for an additional 5-year implementa-
2 tion cycle;

3 “(8) describes how the State educational agency
4 will, to the extent practicable, distribute funds under
5 this part equitably among geographic areas within
6 the State, including urban and rural areas;

7 “(9) includes information identifying the per-
8 pupil funding amount range the State educational
9 agency will use to ensure that awards made under
10 section 4005 are of sufficient size and scope to carry
11 out the purposes of the award,

12 “(10) includes an assurance that in determining
13 award amounts in accordance with paragraph (9),
14 the State educational agency shall take into consid-
15 eration—

16 “(A) diverse geographical areas; and

17 “(B) the quality of activities and programs
18 proposed by learning partnerships applying for
19 such awards;

20 “(11) provides an assurance that the applica-
21 tion will be developed in consultation and coordina-
22 tion with appropriate State officials, including the
23 chief State school officer, and other State agencies
24 administering additional learning time, the heads of
25 the State health and mental health agencies or their

1 designees, teachers, parents, students, the business
2 community, and community-based organizations;

3 “(12) describes how activities and programs
4 carried out by the learning partnerships under this
5 part will be coordinated with programs under this
6 Act, and other programs as appropriate;

7 “(13) describes how the State educational agen-
8 cy will provide a fair and transparent competition
9 for learning partnerships that apply for grant funds
10 under section 4005(b);

11 “(14) provides an assurance that the State edu-
12 cational agency in determining grant awards to
13 learning partnerships will award grants based solely
14 on the quality of the application in relationship to
15 the needs identified by the learning partnership
16 through the needs assessment described in section
17 4005(b)(2)(C)(i); and

18 “(15) provides for timely public notice of intent
19 to file an application and an assurance that the ap-
20 plication will be available for public review after sub-
21 mission.

22 “(b) DEEMED APPROVAL.—An application submitted
23 by a State educational agency pursuant to subsection (a)
24 shall be deemed to be approved by the Secretary unless
25 the Secretary makes a written determination, prior to the

1 expiration of the 120-day period beginning on the date on
2 which the Secretary received the application, that the ap-
3 plication is not in compliance with this part.

4 “(c) DISAPPROVAL.—The Secretary shall not finally
5 disapprove the application, except after giving the State
6 educational agency notice and opportunity for a hearing.

7 “(d) NOTIFICATION.—If the Secretary finds that the
8 application is not in compliance, in whole or in part, with
9 this part, the Secretary shall—

10 “(1) give the State educational agency notice
11 and an opportunity for a hearing; and

12 “(2) notify the State educational agency of the
13 finding of noncompliance, and, in such notification,
14 shall—

15 “(A) cite the specific provisions in the ap-
16 plication that are not in compliance; and

17 “(B) request additional information, only
18 as to the noncompliant provisions, needed to
19 make the application compliant.

20 “(e) RESPONSE.—If the State educational agency re-
21 sponds to the Secretary’s notification described in sub-
22 section (d)(2) during the 45-day period beginning on the
23 date on which the agency received the notification, and
24 resubmits the application with the requested information

1 described in subsection (d)(2)(B), the Secretary shall ap-
2 prove or disapprove such application prior to the later of—

3 “(1) the expiration of the 45-day period begin-
4 ning on the date on which the application is resub-
5 mitted; or

6 “(2) the expiration of the 120-day period de-
7 scribed in subsection (b).

8 “(f) FAILURE TO RESPOND.—If the State edu-
9 cational agency does not respond to the Secretary’s notifi-
10 cation described in subsection (d)(2) during the 45-day pe-
11 riod beginning on the date on which the agency received
12 the notification, such application shall be deemed to be
13 disapproved.

14 **“SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.**

15 “(a) IN GENERAL.—Each State that receives an al-
16 lotment under this part shall reserve not less than 95 per-
17 cent of the amount allotted to such State under section
18 4002(b), for each fiscal year for awards to learning part-
19 nerships under this section.

20 “(b) APPLICATION.—

21 “(1) IN GENERAL.—To be eligible to receive an
22 award under this part, a learning partnership shall
23 submit an application to the State educational agen-
24 cy at such time, in such manner, and including such

1 information as the State educational agency may
2 reasonably require.

3 “(2) CONTENTS.—Each application submitted
4 under paragraph (1) shall include the following:

5 “(A) IMPLEMENTATION PLAN.—A descrip-
6 tion of the planning activities that will be con-
7 ducted during the planning phase, if applicable,
8 that shall include a budget for the planning ac-
9 tivities;

10 “(B) ROLES AND RESPONSIBILITIES.—A
11 description of the learning partnership and the
12 roles and responsibilities of each of the partners
13 of the learning partnership.

14 “(C) ADDITIONAL LEARNING TIME ACTIVI-
15 TIES.—A description of—

16 “(i) the activities that will be carried
17 out by the learning partnership during the
18 additional learning time based solely on the
19 learning partnership’s determination of the
20 results of a needs assessment that con-
21 sider—

22 “(I) school-wide needs, including
23 planning time and instructional time
24 for teachers and staff in the learning
25 partnership;

1 “(II) individual student learning
2 needs;

3 “(III) school and student safety;
4 and

5 “(IV) the number of additional
6 hours (during the regular school day
7 or outside of the regular school day,
8 as applicable) needed for supervised
9 student enrichment, determined
10 through school, family, and commu-
11 nity input;

12 “(ii) a description of how the learning
13 partnership will align the activities de-
14 scribed in this subparagraph with—

15 “(I) school improvement plans
16 developed and implemented pursuant
17 to section 1116, if applicable;

18 “(II) academic instruction that
19 occurs during the regular school day
20 at the school proposed to be served by
21 the learning partnership; and

22 “(III) in the case of a learning
23 partnership implementing additional
24 learning time as described in section
25 4008(2)(B), school improvement ef-

1 forts supported by other programs
2 under this Act and other relevant
3 State and local programs;

4 “(iii) the anticipated number of hours
5 of additional learning time the average and
6 highest-need student will receive, based on
7 evidence-based attendance expectations,
8 and how the number of hours are appro-
9 priate based on the needs assessment de-
10 scribed in clause (i) and the requirements
11 of (ii);

12 “(iv) the grade or grade spans (in-
13 cluding preschool) to be served by the
14 learning partnerships using award funds;

15 “(v) how students participating in the
16 activities will travel safely to and from the
17 additional learning time center and home,
18 as applicable; and

19 “(vi) a description of how the learning
20 partnership will ensure that staff employed
21 by the learning partnership will coordinate
22 to develop and implement activities de-
23 scribed in this subparagraph using, in
24 part, the data described in subparagraph
25 (F).

1 “(D) SELECTION OF SCHOOLS.—A descrip-
2 tion of the process, considerations, and criteria
3 the learning partnership will use to select
4 schools to implement additional learning time
5 programs and activities that shall take into ac-
6 count the priorities described in section
7 4005(g);

8 “(E) FACILITY ASSURANCE.—An assur-
9 ance that the activities described in subpara-
10 graph (C) will take place in a safe and easily
11 accessible facility and a description of how the
12 learning partnership will disseminate informa-
13 tion about the facility to the parents and com-
14 munity in a manner that is understandable and
15 accessible;

16 “(F) DATA SHARING.—An assurance that
17 relevant student level data will be shared within
18 the learning partnership consistent with the re-
19 quirements of section 444 of the General Edu-
20 cation Provisions Act so that the activities de-
21 scribed in subparagraph (C)(i) are aligned ac-
22 cording to subparagraph (C)(ii).

23 “(G) PROFESSIONAL DEVELOPMENT AC-
24 TIVITIES.—A description of how the learning
25 partnership will provide professional develop-

1 ment to the staff employed by the learning
2 partnership.

3 “(H) PUBLIC RESOURCES.—An identifica-
4 tion of Federal, State, and local programs that
5 will be combined or coordinated with the addi-
6 tional learning time program to make the most
7 effective use of public resources.

8 “(I) SUPPLEMENT, NOT SUPPLANT.—An
9 assurance that funds under this section will be
10 used to increase the level of State, local, and
11 other non-Federal funds that would, in the ab-
12 sence of funds under this part, be made avail-
13 able for programs and activities authorized
14 under this part, and in no case supplant Fed-
15 eral, State, local, or non-Federal funds;

16 “(J) EXPERIENCE.—A description of past
17 performance and record of effectiveness of the
18 community based organization within the part-
19 nership in providing the activities described in
20 subparagraph (C).

21 “(K) CONTINUATION AFTER FEDERAL
22 FUNDING.—A description of a preliminary plan
23 for how the additional learning time will con-
24 tinue when funding under this part ends.

1 “(L) CAPACITY.—An assurance that the
2 learning partnership has the capacity to collect
3 the data relevant to the indicators described
4 under section 4007(a)(3).

5 “(M) NOTICE OF INTENT.—An assurance
6 that the community of the learning partnership
7 will be given notice of an intent to submit an
8 application and that the application and any
9 waiver request will be available for public review
10 after submission of the application.

11 “(N) OTHER INFORMATION AND ASSUR-
12 ANCES.—Such other information and assur-
13 ances as the State educational agency may rea-
14 sonably require.

15 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The
16 State educational agency may approve an application
17 under this section for a program to be located in a facility
18 other than an elementary school or secondary school only
19 if the program will be at least as available and accessible
20 to the students to be served as if the program were located
21 in an elementary school or secondary school.

22 “(d) NON-FEDERAL MATCH.—

23 “(1) IN GENERAL.—A State educational agency
24 shall require a learning partnership to match funds
25 awarded under this part, except that such match

1 may not exceed the amount of the grant award and
2 may not be derived from other Federal funds.

3 “(2) SLIDING SCALE.—The amount of a match
4 under paragraph (1) shall be established based on a
5 sliding fee scale that takes into account—

6 “(A) the relative poverty of the population
7 to be targeted by the learning partnership; and

8 “(B) the ability of the learning partnership
9 to obtain such matching funds.

10 “(3) IN-KIND CONTRIBUTIONS.—Each State
11 educational agency shall permit the community-
12 learning partnership to provide all or any portion of
13 such match in the form of in-kind contributions.

14 “(e) PEER REVIEW.—In reviewing local applications
15 under this section, a State educational agency shall use
16 a peer review process or other methods of assuring the
17 quality of such applications.

18 “(f) DURATION OF AWARDS.—Grants under this sec-
19 tion may be awarded for a period of 5 years. Learning
20 partnerships that receive funding under this section and
21 who operate a proven and effective program based on the
22 measures of performance established in section 4004(a)(6)
23 shall be allowed to re compete in their last year of funding
24 for an additional 5 year grant.

1 “(g) PRIORITY.—In awarding grants under this part,
2 a State educational agency shall give priority to applica-
3 tions proposing to target services to—

4 “(1) students (including preschool students)
5 who attend schools in need of support and high-pri-
6 ority schools; and

7 “(2) learning partnerships that propose to serve
8 schools with a high percentage or number of stu-
9 dents that are eligible for free and reduced price
10 lunch under the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1751 et seq.);

12 **“SEC. 4006. LOCAL ACTIVITIES.**

13 “(a) AUTHORIZED ACTIVITIES.—

14 “(1) IN GENERAL.—Each learning partnership
15 that receives an award under section 4005 shall use
16 the award funds to implement additional learning
17 time activities that are consistent with section
18 4005(b)(2).

19 “(2) PLANNING PERIOD.—Each learning part-
20 nership may use funds under this section for a plan-
21 ning period of not longer than 6 months to develop
22 an implementation plan described in section
23 4005(b)(2)(A) to carry out the additional learning
24 time activities, or up to one school year to develop
25 an extended school day, week, or year.

1 **“SEC. 4007. REPORTING.**

2 “(a) REPORT BY LEARNING PARTNERSHIPS.—Each
3 learning partnership shall, not later than 1 year after the
4 first day of the first school year in which the additional
5 learning time is implemented, prepare and submit to the
6 State educational agency a report—

7 “(1) containing a detailed description of the ad-
8 ditional learning time activities that were carried out
9 under this part;

10 “(2) with respect to each school served by the
11 partnership—

12 “(A) on the actual expenses associated
13 with, carrying out the additional learning time
14 programs and activities in the first school year;
15 and

16 “(B) a description of how the additional
17 learning time programs and activities were im-
18 plemented and whether such programs and ac-
19 tivities were carried out during non-school
20 hours or periods when school is not in session
21 or added to expand the school day, school week,
22 or school year schedule; and

23 “(3) containing measures of performance, ag-
24 gregated and disaggregated, on the following indica-
25 tors—

1 “(A) student academic achievement as
2 measured by—

3 “(i) high-quality State academic as-
4 sessments; and

5 “(ii) student growth in accordance
6 with student growth standards;

7 “(B) for diploma granting schools served
8 by the learning partnerships, graduation rates;

9 “(C) student attendance, reported sepa-
10 rately for in-school attendance and attendance
11 at the nonschool time programs, if applicable;

12 “(D) performance on a set of comprehen-
13 sive school performance indicators that may in-
14 clude—

15 “(i) as appropriate, rate of earned on-
16 time promotion from grade-to-grade;

17 “(ii) for high schools served by the
18 learning partnerships, the percentage of
19 students taking a college preparatory cur-
20 rriculum, or student rates of enrollment,
21 persistence, and attainment of an associate
22 or baccalaureate degree;

23 “(iii) the percentage of student sus-
24 pensions and expulsions;

1 “(iv) indicators of school readiness for
2 entering kindergartners;

3 “(v) evidence of increased parent and
4 family engagement and support for chil-
5 dren’s learning;

6 “(vi) evidence of increased student en-
7 gagement in school, which may include
8 completing of assignments and coming to
9 class prepared;

10 “(vii) evidence of mastery of non-aca-
11 demic skills which may include problem
12 solving, learning to work in teams, and so-
13 cial and civic responsibility;

14 “(viii) improved personal attitude,
15 which may include initiative, self-con-
16 fidence, self-esteem and sense of self-effi-
17 cacy; and

18 “(ix) development of social skills,
19 which may include behavior, communica-
20 tion, relationships with peers and adults.

21 “(b) REPORT BY STATE EDUCATIONAL AGENCY.—
22 A State Educational Agency that receives funds under this
23 part shall annually prepare and submit to the Secretary
24 a report that contains all reports submitted by learning

1 partnerships under the jurisdiction of the agency, aggre-
2 gated and disaggregated, provided under subsection (a).

3 “(c) PUBLICATION AND AVAILABILITY OF THE RE-
4 PORT.—The Secretary shall publish and make widely
5 available to the public, including through a website or
6 other means, a summary of the reports received under
7 subsection (b).

8 **“SEC. 4008. DEFINITIONS.**

9 “In this part:

10 “(1) LEARNING PARTNERSHIP.—The term
11 ‘learning partnership’ means—

12 “(A) a local educational agency, a consor-
13 tium of local educational agencies, or an edu-
14 cational service agency and one or more local
15 educational agencies, in a partnership with 1 or
16 more community-based organizations or other
17 public or private entities; or

18 “(B) a community-based organization, or
19 other public or private entity, in a partnership
20 with a local educational agency, a consortium of
21 local educational agencies, or an educational
22 service agency and one or more local edu-
23 cational agencies.

24 “(2) ADDITIONAL LEARNING TIME.—The term
25 ‘additional learning time’ means—

1 “(A) time added during non-school hours
2 or periods when school is not in session, such
3 as before or after school or during summer re-
4 cess for activities that—

5 “(i) provide opportunities for student
6 academic enrichment, including hands-on,
7 experiential and project-based learning op-
8 portunities for subjects including English,
9 reading or language arts, mathematics,
10 science, foreign languages, civics and gov-
11 ernment, economics, music and the arts,
12 history, geography, health education, phys-
13 ical education, environmental literacy, and
14 activities such as tutoring and service
15 learning that—

16 “(I) assist students in meeting
17 State and local academic achievement
18 standards in core academic subjects,

19 “(II) use evidence-based skill
20 training approaches and active forms
21 of learning to promote healthy devel-
22 opment, and engage students in learn-
23 ing;

1 “(III) align and coordinate with
2 the regular school day and school year
3 curriculum;

4 “(IV) align to school improve-
5 ment plans developed pursuant to sec-
6 tion 1116, as applicable; and

7 “(V) align to the learning needs
8 of individual students at the school
9 served by the learning partnership;

10 “(ii) provide students with opportuni-
11 ties for personal and social development;

12 “(iii) serve the learning needs and in-
13 terests of all students, including those who
14 already meet or exceed student academic
15 achievement standards as measured by
16 high-quality State academic assessments,
17 and especially those who may not be
18 achieving at grade level in the traditional
19 classroom setting;

20 “(iv) are developmentally and age ap-
21 propriate; and

22 “(v) involve a broad group of stake-
23 holders (including educators, parents, stu-
24 dents, and community partners) in car-
25 rying out additional learning time pro-

1 grams and activities described in this sub-
2 paragraph; or

3 “(B) time added to expand the school day,
4 school week, or school year schedule, that—

5 “(i) increases the total number of
6 school hours for the school year at a school
7 based on evidence supporting the amount
8 of additional learning time needed to
9 achieve the objectives described in clause
10 (ii);

11 “(ii) is used to redesign the school’s
12 program and schedule—

13 “(I) to support innovation in
14 teaching, in order to improve the aca-
15 demic achievement of students aligned
16 to the school improvement plan, if ap-
17 plicable, especially those students who
18 may not be achieving at grade level, in
19 reading or language arts, mathe-
20 matics, science, history and civics, and
21 other core academic subjects;

22 “(II) to improve the performance
23 of all students, including those stu-
24 dents who are struggling to meet col-
25 lege and career ready standards or

1 State early learning standards, as ap-
2 propriate, and those students who al-
3 ready meet or exceed college and ca-
4 reer ready standards as measured by
5 high-quality State academic assess-
6 ments;

7 “(III) for additional subjects and
8 enrichment activities that reflect stu-
9 dent interest, connect to effective
10 community partners, and contribute
11 to a well-rounded education, which
12 may include music and the arts,
13 health education, physical education,
14 service learning, and experiential and
15 work-based learning opportunities
16 (such as community service, learning
17 apprenticeships, internships, and job
18 shadowing);

19 “(IV) to advance student learn-
20 ing by providing a learning environ-
21 ment and supporting learning activi-
22 ties that engage students, develop so-
23 cial skills, and cultivate positive per-
24 sonal attitude; and

1 “(V) for teachers and staff in
2 learning partnerships to collaborate,
3 and plan, within and across grades
4 and subjects;

5 “(iii) provides school-wide services
6 that are—

7 “(I) aligned to school improve-
8 ment plans developed pursuant to sec-
9 tion 1116, as applicable; and

10 “(II) aligned to individual stu-
11 dent achievement needs as identified
12 by the school-site staff at the school
13 served by the community-learning
14 partnership; and

15 “(iv) involve a broad group of stake-
16 holders (including educators, parents, stu-
17 dents and community partners) in plan-
18 ning and carrying out additional learning
19 time programs and activities described in
20 this subparagraph.

21 “(3) ENVIRONMENTAL LITERACY.—The term
22 ‘environmental literacy’ means a fundamental under-
23 standing of ecological principles, the systems of the
24 natural world, and the relationships and interactions
25 between natural and man made environments.

1 **“SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$1,200,000,000 for fiscal year 2016 and such
4 sums as may be necessary for each succeeding fiscal year.

5 “PART B—GRANTS TO SUPPORT STUDENT SAFETY,
6 HEALTH, AND SUCCESS

7 **“SEC. 4201. PURPOSE.**

8 “The purposes of this part are—

9 “(1) to support local educational agencies and
10 schools in providing comprehensive systems of learn-
11 ing supports to students and their families so that
12 students receive their education in safe environments
13 and graduate from school college and career ready;

14 “(2) to enhance the ability of local educational
15 agencies and schools to leverage resources within
16 schools and within communities to improve instruc-
17 tion, strengthen programs, and identify gaps in ex-
18 isting programs for students and their families;

19 “(3) to ensure the academic, behavioral, emo-
20 tional, health, mental health, and social needs of all
21 students, including students from low income fami-
22 lies, students with disabilities, English learners, and
23 youth who are involved in or who are identified by
24 evidence-based risk assessment methods as being at
25 high risk of becoming involved in juvenile delin-
26 quency or criminal street gangs through a coordi-

1 nated pipeline or continuum of services for children
2 from birth through college or career;

3 “(4) to support programs and activities that
4 prevent and respond to violence in and around
5 schools (including bullying, harassment, and mass
6 casualty events), that prevent the illegal use of alco-
7 hol, tobacco, and drugs by students, and provide re-
8 sources and training to foster a safe and drug-free
9 learning environment to support student academic
10 achievement; and

11 “(5) to enhance partnerships between schools,
12 parents, and communities, and better support family
13 and community engagement in education.

14 **“SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

15 “(a) IN GENERAL.—From the amount made avail-
16 able under section 4210 to carry out this part for each
17 fiscal year, the Secretary—

18 “(1) shall reserve 1 percent of such amount for
19 grants to the outlying areas to be allotted in accord-
20 ance with the Secretary’s determination of their re-
21 spective needs and to carry out programs described
22 in this part; and

23 “(2) shall reserve 1 percent of such amount for
24 the Secretary of the Interior to carry out programs
25 described in this part for Indian youth.

1 “(b) STATE ALLOTMENTS.—Except as provided in
2 subsection (a), the Secretary shall, for each fiscal year,
3 allot among the States—

4 “(1) one-half of the remainder not reserved
5 under subsection (a) according to the ratio between
6 the school-aged population of each State and the
7 school-aged population of all the States; and

8 “(2) one-half of such remainder according to
9 the ratio between the amount each State received
10 under section 1124A for the preceding year and the
11 sum of such amounts received by all the States.

12 “(c) MINIMUM.—For any fiscal year, no State shall
13 be allotted under this subsection an amount that is less
14 than one-half of 1 percent of the total amount allotted
15 to all the States under this subsection.

16 “(d) REALLOTMENT OF UNUSED FUNDS.—

17 “(1) REALLOTMENT FOR FAILURE TO APPLY.—
18 If any State does not apply for an allotment under
19 this part for a fiscal year, the Secretary shall reallocate
20 the amount of the State’s allotment to the remaining
21 States in accordance with this section.

22 “(2) REALLOTMENT OF UNUSED FUNDS.—The
23 Secretary may reallocate any amount of any allotment
24 to a State if the Secretary determines that the State
25 will be unable to use such amount within 2 years of

1 such allotment. Such reallocations shall be made on
2 the same basis as allotments are made under sub-
3 section (b).

4 **“SEC. 4203. STATE APPLICATIONS.**

5 “(a) APPLICATION.—To receive a grant under this
6 part, a State educational agency shall submit to the Sec-
7 retary an application at such time and in such manner
8 as the Secretary may require, and containing the informa-
9 tion described in subsection (b).

10 “(b) CONTENTS.—Each application submitted under
11 subsection (a) shall include the following:

12 “(1) An assurance that the State educational
13 agency will review existing resources and programs
14 across the State and coordinate any new plans and
15 resources under this part with such existing pro-
16 grams and resources.

17 “(2) A description of how the State educational
18 agency will identify and eliminate State barriers to
19 the coordination and integration of programs, initia-
20 tives, and funding streams so that local educational
21 agencies can provide comprehensive continuums of
22 learning supports.

23 “(3) A description of the State educational
24 agency’s comprehensive school safety plan, which
25 shall address bullying and harassment, provide for

1 evidence-based and promising practices related to ju-
2 venile delinquency and criminal street gang activity
3 prevention and intervention, address school-spon-
4 sored, off-premises, overnight field trips, disaster
5 preparedness, and crisis and emergency manage-
6 ment; and any other issues determined necessary by
7 the State educational agency (existing plans may be
8 used to satisfy the requirements of this section if
9 such existing plans include the information required
10 by this section, or can be modified to do so, and are
11 submitted to the Secretary with such modifications)
12 which—

13 “(A) shall be submitted to the Secretary
14 not later than 1 year after the enactment of the
15 Student Success Act;

16 “(B) shall be developed in consultation
17 with public safety and community partners, in-
18 cluding police, fire, emergency medical services,
19 emergency management agencies, parents, and
20 other such organizations;

21 “(C) shall be made available to the public
22 in a manner that is understandable and acces-
23 sible; and

24 “(D) the State educational agency shall re-
25 quire all local educational agencies to adopt the

1 plan within 1 year of approval (existing plans
2 may be used to satisfy the requirements of this
3 section if such existing plans are approved by
4 the State educational agency and include the in-
5 formation required by this section, or can be
6 modified to do so).

7 “(4) A description of how grant funds will be
8 used to identify best practices for professional devel-
9 opment for sustainable comprehensive program de-
10 velopment.

11 “(5) A description of how the State educational
12 agency will monitor the implementation of activities
13 under this part, and provide technical assistance to
14 local eligible entities.

15 “(6) A description of how the State educational
16 agency will ensure subgrants to eligible entities will
17 facilitate school-community planning and effective
18 service coordination, integration, and provision at
19 the local level to achieve high performance standards
20 based on the system developed in paragraph (7).

21 “(7) A description of how the State educational
22 agency will develop a system for reporting and meas-
23 uring eligible entity performance, and assist eligible
24 entities in developing and implementing systems for

1 measuring performance based on the indicators in
2 section 4208(a)(3).

3 “(8) An assurance that the State educational
4 agency will set up a process to allow local eligible en-
5 tities who receive an award under section 4206 and
6 who operate a proven and effective program based
7 on the measures of performance described in para-
8 graph (7) to recompete in their last year of funding
9 for an additional 5-year cycle.

10 “(9) A description of the steps the State edu-
11 cational agency will take to ensure that activities
12 and programs carried out by local eligible entities
13 will implement evidence based strategies.

14 “(10) A description of how the number of youth
15 involved in juvenile delinquency and criminal justice
16 systems will not increase as a results of activities
17 funded under this grant.

18 “(c) APPROVAL PROCESS.—

19 “(1) DEEMED APPROVAL.—An application sub-
20 mitted by a State pursuant to this section shall un-
21 dergo peer review by the Secretary and shall be
22 deemed to be approved by the Secretary unless the
23 Secretary makes a written determination, prior to
24 the expiration of the 120-day period beginning on
25 the date on which the Secretary received the applica-

1 tion, that the application is not in compliance with
2 this subpart.

3 “(2) DISAPPROVAL.—The Secretary shall not
4 finally disapprove the application, except after giving
5 the State educational agency and the chief executive
6 officer of the State notice and an opportunity for a
7 hearing.

8 “(3) NOTIFICATION.—If the Secretary finds
9 that the application is not in compliance, in whole or
10 in part, with this subpart, the Secretary shall—

11 “(A) give the State educational agency and
12 the chief executive officer of the State notice
13 and an opportunity for a hearing; and

14 “(B) notify the State educational agency
15 and the chief executive officer of the State of
16 the finding of noncompliance, and in such noti-
17 fication, shall—

18 “(i) cite the specific provisions in the
19 application that are not in compliance; and

20 “(ii) request additional information,
21 only as to the noncompliant provisions,
22 needed to make the application compliant.

23 “(4) RESPONSE.—If the State educational
24 agency and the chief executive officer of the State
25 respond to the Secretary’s notification described in

1 paragraph (3)(B) during the 45-day period begin-
2 ning on the date on which the agency received the
3 notification, and resubmit the application with the
4 requested information described in paragraph
5 (3)(B)(ii), the Secretary shall approve or disapprove
6 such application prior to the later of—

7 “(A) the expiration of the 45-day period
8 beginning on the date on which the application
9 is resubmitted; or

10 “(B) the expiration of the 120-day period
11 described in paragraph (1).

12 “(5) FAILURE TO RESPOND.—If the State edu-
13 cational agency and the chief executive officer of the
14 State do not respond to the Secretary’s notification
15 described in paragraph (3)(B) during the 45-day pe-
16 riod beginning on the date on which the agency re-
17 ceived the notification, such application shall be
18 deemed to be disapproved.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prohibit local educational agen-
21 cies or individual schools from incorporating additional
22 elements to the State-developed comprehensive school
23 safety plan to improve student and school safety reflective
24 of the individual agency or school community.

1 **“SEC. 4204. STATE USE OF FUNDS.**

2 “(a) 95 PERCENT OF FUNDS.—Each State edu-
3 cational agency that receives a grant under this part shall
4 reserve not less than 95 percent of the grant amount, for
5 each fiscal year to award subgrants to local eligible entities
6 in accordance with section 4206.

7 “(b) 5 PERCENT OF FUNDS.—A State educational
8 agency shall use not more than 5 percent, of which not
9 more than 1 percent may be used for administration of
10 a grant received under this subpart or may subgrant a
11 portion of such funds to educational service agencies, or
12 other public entities with demonstrated expertise to carry
13 out the following activities:

14 “(1) Identify and eliminate State barriers to
15 the coordination and integration of programs, initia-
16 tives, and funding streams so that local educational
17 agencies can provide comprehensive continuums of
18 learning supports.

19 “(2) Assist local eligible entities who are
20 prioritized in section 4205(b) including those eligible
21 entities that plan to serve rural and urban schools
22 by—

23 “(A) informing those local eligible entities
24 that they have a priority for competing for
25 grants;

1 “(B) providing technical assistance to the
2 local eligible entities for the development of the
3 applications described in section 4206;

4 “(C) providing technical assistance to the
5 local eligible entities if they do not receive a
6 grant under section 4206 so that they may re-
7 compete in following competitions;

8 “(3) Identify best practices for professional de-
9 velopment and capacity building for local educational
10 agencies for the delivery of a comprehensive system
11 of learning supports for teachers, administrators,
12 and specialized instructional support personnel in
13 schools that are served by the eligible entity receiv-
14 ing funding under this part to implement the au-
15 thorized activities described in section 4207.

16 “(4) Reporting and evaluation activities.

17 **“SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.**

18 “(a) IN GENERAL.—A State educational agency shall
19 use grant funds received under this part to award sub-
20 grants to eligible entities.

21 “(b) ABSOLUTE PRIORITY.—In awarding subgrants
22 to local eligible entities, the State educational agency shall
23 give priority to—

24 “(1) local eligible entities that propose to serve
25 a high percentage or number of students that are el-

1 eligible for free or reduced price lunch under the Rich-
2 ard B. Russell National School Lunch Act (42
3 U.S.C. 1751 et seq.); and

4 “(2) local eligible entities proposing to serve
5 students who attend schools in need of support and
6 high-priority schools;

7 “(c) COMPETITIVE PRIORITY.—In awarding sub-
8 grants to local eligible entities, the State educational agen-
9 cy shall give competitive priority to—

10 “(1) in the case of local eligible entities that in-
11 tend to implement programs described in section
12 4207(2)(A), local eligible entities that serve schools
13 that implement, or have plans to implement discipli-
14 nary policies that are research based and focus on
15 multi-tiered systems of support; and

16 “(2) in the case of eligible entities that intend
17 to implement programs described in section
18 4207(2)(C), eligible entities proposing to serve geo-
19 graphic areas most in need of these services and
20 that commit to working with local Promise Coordi-
21 nating Councils.

22 “(d) DURATION OF SUBGRANT.—A State educational
23 agency shall award under this part subgrants to eligible
24 local entities for 5 years.

25 “(e) RENEWAL.—

1 “(1) IN GENERAL.—A State educational agency
2 may renew a subgrant awarded under this part for
3 a period of 5 years.

4 “(2) RENEWAL APPLICATION.—To renew a
5 subgrant, an eligible entity shall submit an applica-
6 tion to the Secretary every 5 years as long as the
7 eligible entity can demonstrate that they operate a
8 proven and effective program based on performance
9 on the indicators in section 4208(a)(3).

10 **“SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.**

11 “(a) IN GENERAL.—A local eligible entity that seeks
12 a grant under this part shall submit an application to the
13 State at such time, in such manner, and containing such
14 information as the State may require, including the infor-
15 mation described in subsection (b).

16 “(b) CONTENTS.—An application submitted under
17 subsection (a) shall include the following:

18 “(1) The results of a comprehensive needs as-
19 sessment (which shall include incident data, and
20 teacher, parent, or community surveys) and assets
21 assessment which shall include a comprehensive
22 analysis of the following—

23 “(A) the safety of the schools served by the
24 local eligible entity (which shall include a com-
25 prehensive analysis of incidents and prevalence

1 of bullying and harassment at schools served by
2 the local eligible entity);

3 “(B) the incidence and prevalence of drug,
4 alcohol and substance abuse at schools served
5 by the local eligible entity;

6 “(C) the needs of youth in the community
7 with respect to evidence-based and promising
8 practices related to juvenile delinquency and
9 criminal street gang activity prevention and
10 intervention, including an assessment of the
11 number of youth who are involved or at-risk of
12 involvement in juvenile delinquency and crimi-
13 nal street gang activity and the number of
14 chronically truant youth;

15 “(D) the number of specialized instruc-
16 tional support personnel employed by schools
17 served by the local eligible entity and the serv-
18 ices provided by those personnel;

19 “(E) the prevalence of student health (in-
20 cluding mental health, physical fitness, and nu-
21 trition) needs at schools served by the local eli-
22 gible entity;

23 “(F) existing programs and services in-
24 tended to provide a comprehensive system of
25 support within schools served by local eligible

1 entities, including the support of school govern-
2 ance and leadership for the programs and serv-
3 ices and evidence of past successful collabora-
4 tion in the delivery of services;

5 “(G) resources available in the community,
6 including public agencies, nonprofit organiza-
7 tions, and community businesses and employers
8 that could be leveraged by schools served by the
9 local eligible entity to create comprehensive sys-
10 tems of support or deliver pipeline services
11 within the schools;

12 “(H) school discipline data including in-
13 school suspensions, out-of-school suspensions,
14 expulsion, school-based arrests, referrals to law
15 enforcement, and referrals to alternative
16 schools; and

17 “(I) additional needs identified by the local
18 eligible entity.

19 “(2) A description of the methodology used in
20 conducting the needs assessment described in para-
21 graph (1);

22 “(3) any steps that the eligible entity is taking,
23 at the time of the application, to address needs iden-
24 tified during the needs assessment described in para-
25 graph (1)

1 “(4) A description of the plan to implement
2 grant funds (taking into account the cultural and
3 linguistic needs of the community) which shall in-
4 clude the following components:

5 “(A) A description of the services (taking
6 into account the cultural and linguistic needs of
7 the community) that will be provided by the
8 local eligible entity which shall include preven-
9 tion, intervention, and systematic efforts to ad-
10 dress student learning needs or pipeline services
11 as identified and prioritized by the needs as-
12 sessment in paragraph (1).

13 “(B) A description of how existing re-
14 sources, services, and programs will be coordi-
15 nated and integrated with new resources, serv-
16 ices, and programs to create a comprehensive
17 system of learning supports or pipeline services
18 that is aligned with school improvement plans
19 required under section 1116, as applicable.

20 “(C) A description of the partners within
21 the eligible entity and their roles as they relate
22 to the implementation of the comprehensive sys-
23 tem of learning supports or pipeline services
24 that will be implemented to address the needs

1 outlined in the needs and assets assessment de-
2 scribed in subsection (b)(1).

3 “(D) A description of how the grant will be
4 used to enhance administrator’s, teacher’s, and
5 specialized instructional support personnel’s
6 identification and response to student learning
7 needs for providing learning supports through
8 professional development, and how school ca-
9 pacity will be enhanced to handle problems fac-
10 ing students such as those identified in the
11 needs assessment.

12 “(E) A description of how the eligible enti-
13 ty will identify the financial savings from de-
14 ferred or eliminated costs, or other benefits as
15 a result of the programs or activities imple-
16 mented by the eligible entities (in the case of an
17 eligible entity who implements programs de-
18 scribed in section 4207(2)(C), a comparative
19 analysis of potential savings from criminal jus-
20 tice costs, public assistance costs, and other
21 costs avoided by such programs).

22 “(F) A description of how the local eligible
23 entity will measure performance based on the
24 indicators described in section 4208(a)(3).

1 “(G) A description of the process for peri-
2 odically reviewing the needs of students and as-
3 sets within the school and community, and in-
4 volving more community partners as applicable,
5 and how data on performance on the indicators
6 described in section 4208(a)(3) will be used to
7 provide feedback on progress, and institu-
8 tionalize support mechanisms to maintain and
9 continually improve activities including when
10 grant funds end.

11 “(c) SPECIAL RULE.—A local eligible entity may
12 use—

13 “(1) an existing needs assessment to satisfy the
14 requirements of subsection (b)(1), if the assessment
15 includes the information required by such sub-
16 section, or can be modified to do so; and

17 “(2) an existing plan to satisfy the require-
18 ments of subsection (b)(3), if the plan meets the re-
19 quirements of such subsection and is approved by
20 the State educational agency.

21 **“SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

22 “A local eligible entity that receives a subgrant under
23 this part shall use such funds to carry out the following
24 activities:

1 “(1) Implement a comprehensive plan as de-
2 scribed in section 4206(b)(4).

3 “(2) Programs and activities that address the
4 needs of the schools served by the eligible entity as
5 identified by the needs and assets assessment in sec-
6 tion 4206(b)(1), which may include—

7 “(A) violence prevention programs, includ-
8 ing—

9 “(i) programs to provide safe passage
10 to and from school;

11 “(ii) programs to prevent and appro-
12 priately respond to incidents of bullying
13 and harassment (including professional de-
14 velopment for teachers and other school
15 personnel);

16 “(iii) programs that promote positive
17 school environments for learning and re-
18 duce the need for suspensions, expulsions,
19 referral to law enforcement, and other
20 practices that remove students from in-
21 struction;

22 “(iv) conflict resolution and restora-
23 tive practice and mediation programs;

24 “(v) activities that involve families,
25 community sectors (which may include ap-

1 appropriately trained seniors) and a variety
2 of providers in setting clear expectations
3 against violence and appropriate con-
4 sequences of violence;

5 “(vi) professional development and
6 training for, and involvement of, school
7 personnel, specialized instructional per-
8 sonnel, parents, and interested community
9 members in prevention, education, early
10 identification and intervention, mentoring,
11 or rehabilitation referral, as related to vio-
12 lence prevention;

13 “(vii) reporting criminal offenses com-
14 mitted on school property;

15 “(viii) emergency intervention services
16 following traumatic crisis events, such as a
17 shooting, a mass casualty event, or a major
18 accident that has disrupted the learning
19 environment;

20 “(ix) establishing and maintaining a
21 school safety hotline;

22 “(x) programs to train school per-
23 sonnel to identify warning signs of youth
24 suicide and to create an action plan to help
25 youth at risk of suicide; or

1 “(xi) programs that respond to the
2 needs of students who are faced with do-
3 mestic violence or child abuse;

4 “(B) drug and alcohol abuse prevention
5 programs, including—

6 “(i) age appropriate and develop-
7 mentally based activities that—

8 “(I) address the consequences of
9 violence and illegal use of drugs, as
10 appropriate;

11 “(II) promote a sense of indi-
12 vidual responsibility and teach stu-
13 dents that most people do not illegally
14 use drugs;

15 “(III) teach students to recognize
16 social and peer pressure to use drugs
17 illegally and the skills for resisting il-
18 legal drug use; and

19 “(IV) teach students about the
20 dangers of emerging drugs;

21 “(ii) activities that involve families,
22 community sectors (which may include ap-
23 propriately trained seniors) and a variety
24 of providers in setting clear expectations
25 against illegal use of drugs and appro-

1 appropriate consequences for illegal use of
2 drugs;

3 “(iii) dissemination of drug prevention
4 information to schools and communities;

5 “(iv) professional development and
6 training for, and involvement of, school
7 personnel, specialized instructional support
8 personnel, parents, and interested commu-
9 nity members in prevention, education,
10 early identification and intervention, men-
11 toring, or rehabilitation referral, as related
12 to drug prevention; or

13 “(v) community wide planning and or-
14 ganizing to reduce illegal drug use;

15 “(C) evidence-based and promising prac-
16 tices related to juvenile delinquency and crimi-
17 nal street gang activity prevention and interven-
18 tion for youth who are involved in, or at risk of
19 involvement in, juvenile delinquency or street
20 gang activity (that shall involve multiple com-
21 munity partners within the local eligible entity
22 through coordination with a local Promise Co-
23 ordinating Council);

24 “(D) recruiting, hiring, and maintaining
25 specialized instructional support personnel or

1 providing additional specialized instructional
2 support services, including comprehensive ca-
3 reer counseling, with priority given to the high-
4 est need schools to be served by the eligible en-
5 tity;

6 “(E) implementing multi-tiered systems of
7 support including positive behavior supports;

8 “(F) support services to address the behav-
9 ioral, emotional, physical health, mental health
10 and social needs of students, including—

11 “(i) social and emotional learning pro-
12 grams;

13 “(ii) mentoring programs;

14 “(iii) physical fitness, health edu-
15 cation, and nutrition education programs;

16 “(iv) trauma-informed practices;

17 “(v) programs to meet the unique
18 needs of students with active-duty military
19 and recently discharged veteran parents;
20 and

21 “(vi) programs to purchase and train
22 personnel to use automated external
23 defibrillators and hemorrhage control kits;

24 “(G) services and programs to support
25 education of pregnant and parenting teens;

1 “(H) programs that enable schools to pre-
2 pare for, respond to, and recover from disas-
3 ters, crises and emergencies that threaten safe-
4 ty or disrupt teaching and learning, including
5 programs to purchase and train personnel to
6 use automated external defibrillators and hem-
7 orrhage control kits;

8 “(I) other pipeline services; or

9 “(J) other services consistent with this sec-
10 tion.

11 **“SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

12 “(a) LOCAL ACCOUNTABILITY AND TRANS-
13 PARENCY.—On an annual basis, each local eligible entity
14 shall report to the public and the State such information
15 as the State may reasonably require, including—

16 “(1) the number of students, aggregated and
17 disaggregated by subgroup as described in section
18 1111(c)(3)(A) who were served by the programs and
19 activities in this part;

20 “(2) the programs and services provided under
21 this Act;

22 “(3) outcomes resulting from activities and
23 services funded under this part, aggregated and
24 disaggregated by subgroup as described in section
25 1111(c)(3)(A) on the following indicators—

1 “(A) student academic achievement as
2 measured by State academic assessments and
3 student growth over time as described in section
4 1111(b)(3);

5 “(B) for diploma granting schools, gradua-
6 tion rates;

7 “(C) student attendance;

8 “(D) suspensions and expulsions;

9 “(E) performance on a set of other indica-
10 tors that shall be based on the activities and
11 services implemented based on the results of the
12 needs assessment described in section
13 4206(b)(1) and may include—

14 “(i) the frequency, seriousness, and
15 incidence of violence, including bullying
16 and harassment, and drug related offenses
17 resulting in suspensions and expulsions;

18 “(ii) the incidence and prevalence, age
19 of onset, perception of health risk, and per-
20 ception of social disapproval of drug use
21 and violence by youth in schools and com-
22 munities;

23 “(iii) the safety of both the school and
24 passage to and from school, as measured
25 by a school climate survey;

1 “(iv) as appropriate, rate of earned
2 on-time promotion from grade to grade;

3 “(v) for diploma granting schools, the
4 percentage of students taking a college
5 preparatory curriculum, or student rates of
6 enrollment, persistence, and attainment of
7 an associate or baccalaureate degree;

8 “(vi) academic and developmental
9 transitions, including from elementary to
10 middle school and middle school to high
11 school;

12 “(vii) referrals to school resource per-
13 sonnel;

14 “(viii) evidence of increased parent
15 and family engagement and support for
16 children’s learning;

17 “(ix) evidence of increased student en-
18 gagement in school, which may include
19 completing of assignments and coming to
20 class prepared and on-time;

21 “(x) student health, including mental
22 health, the number and percentage of stu-
23 dents who participate in at least 30 min-
24 utes of moderate to vigorous physical activ-

1 ity 5 days a week, and the amelioration of
2 risk factors;

3 “(F) for early childhood education and kin-
4 dergarten programs, the number and percent-
5 age of children who demonstrate, at the begin-
6 ning of the program or school year, age-appro-
7 priate functioning across multiple domains of
8 early learning as determined using develop-
9 mentally appropriate early learning measures;
10 and

11 “(G) other outcome areas as determined by
12 the State educational agency.

13 “(b) STATE ACCOUNTABILITY AND TRANS-
14 PARENCY.—On an annual basis, each State educational
15 agency that receives funds under this part shall annually
16 prepare and submit to the Secretary a report that contains
17 all reports submitted by local eligible entities under the
18 jurisdiction of the agency provided under (a).

19 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
20 provided under this part shall be used to supplement, and
21 not supplant, other Federal, State, or local funds that
22 would, in the absence of such grant funds, be made avail-
23 able for comprehensive systems of learning supports and
24 students participating in programs under this part.

1 “(d) PUBLICATION AND AVAILABILITY OF RE-
2 PORT.—The Secretary shall publish and make widely
3 available to the public, including through a website or
4 other means, a summary of the reports received under (b).

5 **“SEC. 4209. DEFINITIONS.**

6 “(a) For purposes of this part—

7 “(1) INCIDENT DATA.—The term ‘incident
8 data’ means data from incident reports by school of-
9 ficials including, but not limited to, truancy rates;
10 the frequency, seriousness, and incidence of violence
11 and drug-related offenses resulting in suspensions
12 and expulsions; the incidence of bullying and harass-
13 ment, and the incidence and prevalence of drug use
14 and violence by students in schools.

15 “(2) COMPREHENSIVE SYSTEM OF LEARNING
16 SUPPORTS.—The term ‘comprehensive system of
17 learning supports’ means the multifaceted, and cohe-
18 sive resources, strategies, and practices that provide
19 class-room based or school-wide interventions to ad-
20 dress the academic, behavioral, emotional, physical
21 health, mental health, and social needs of students
22 and families to improve student learning, teacher in-
23 struction and school management.

1 “(3) LOCAL ELIGIBLE ENTITY.—The term
2 ‘local eligible entity’ means a consortium consisting
3 of community representatives that—

4 “(A) shall include—

5 “(i) a local educational agency;

6 “(ii) not less than 1 other community
7 partner organization; and

8 “(B) may include a broad array of commu-
9 nity partners, including a community based or-
10 ganization, a child and youth serving organiza-
11 tion, an institution of higher education, an In-
12 dian tribe or tribal organization (as defined in
13 section 4 of the Indian Self-Determination and
14 Education Assistance Act (25 U.S.C. 450b)), a
15 foundation, a business, a local government, in-
16 cluding a local governmental agency serving
17 children and youth such as a child welfare and
18 juvenile justice agency; students, and parents;
19 and may include representatives from multiple
20 jurisdictions.

21 “(4) MULTI-TIERED SYSTEM OF SUPPORT.—

22 The term ‘multi-tiered system of support’ means a
23 comprehensive system of differentiated supports that
24 includes evidence-based instruction, universal screen-
25 ing, progress monitoring, formative assessments, re-

1 search-based interventions matched to student needs
2 and educational decisionmaking using student out-
3 come data.

4 “(5) BULLYING.—The term ‘bullying’—

5 “(A) means conduct, including electronic
6 communication, that adversely affects the abil-
7 ity of 1 or more students to participate in and
8 benefit from the school’s educational programs
9 or activities by placing the student (or stu-
10 dents) in reasonable fear of physical harm; and

11 “(B) includes conduct that is based on—

12 “(i) a student’s actual or perceived—

13 “(I) race;

14 “(II) color;

15 “(III) national origin;

16 “(IV) sex;

17 “(V) disability

18 “(VI) sexual orientation;

19 “(VII) gender identity;

20 “(VIII) religion;

21 “(IX) immigration or migrant

22 status;

23 “(X) proficiency in the English

24 language; or

25 “(XI) state of homelessness;

1 “(ii) any other distinguishing charac-
2 teristics that may be defined by a State or
3 local educational agency; or

4 “(iii) association with a person or
5 group with 1 or more of the actual or per-
6 ceived characteristics listed in clause (i) or
7 (ii).

8 “(6) HARASSMENT.—The term ‘harassment’—

9 “(A) means conduct, including electronic
10 communication, that adversely affects the abil-
11 ity of 1 or more students to participate in and
12 benefit from the school’s educational programs
13 or activities because the conduct, as reasonably
14 perceived, is so severe, persistent, or persuasive;
15 and

16 “(B) includes conduct that is based on—

17 “(i) a student’s actual or perceived—

18 “(I) race;

19 “(II) color;

20 “(III) national origin;

21 “(IV) sex;

22 “(V) disability

23 “(VI) sexual orientation;

24 “(VII) gender identity; or

25 “(VIII) religion;

1 “(ii) any other distinguishing charac-
2 teristics that may be defined by a State or
3 local educational agency; or

4 “(iii) association with a person or
5 group with 1 or more of the actual or per-
6 ceived characteristics listed in clause (i) or
7 (ii).

8 “(7) JUVENILE DELINQUENCY AND CRIMINAL
9 STREET GANG ACTIVITY PREVENTION AND INTER-
10 VENTION.—The term ‘juvenile delinquency and
11 criminal street gang activity prevention and inter-
12 vention’ means the provision of programs and re-
13 sources to children and families who have not yet
14 had substantial contact with criminal justice or juve-
15 nile justice systems or to youth who are involved in,
16 or who are identified by evidence-based risk assess-
17 ment methods as being at high risk of continued in-
18 volvement in, juvenile delinquency or criminal street
19 gangs, that—

20 “(A) are designed to reduce potential juve-
21 nile delinquency and criminal street gang activ-
22 ity risks; and

23 “(B) are evidence-based or promising edu-
24 cational, health, mental health, school-based,
25 community-based, faith-based, parenting, job

1 training, social opportunities and experiences,
2 or other programs, for youth and their families,
3 that have been demonstrated to be effective in
4 reducing juvenile delinquency and criminal
5 street gang activity risks.

6 “(8) PROMISE COORDINATING COUNCILS.—
7 The members of a PROMISE Coordinating Council
8 shall be representatives of public and private sector
9 entities and individuals that—

10 “(A) shall include, to the extent possible,
11 at least one representative from each of the fol-
12 lowing:

13 “(i) the local chief executive’s office;

14 “(ii) a local educational agency;

15 “(iii) a local health agency or pro-
16 vider;

17 “(iv) a local mental health agency or
18 provider, unless the representative under
19 clause (iii)) also meets the requirements of
20 this subparagraph;

21 “(v) a local public housing agency;

22 “(vi) a local law enforcement agency;

23 “(vii) a local child welfare agency;

24 “(viii) a local juvenile court;

1 “(ix) a local juvenile prosecutor’s of-
2 fice;

3 “(x) a private juvenile residential care
4 entity;

5 “(xi) a local juvenile public defender’s
6 office;

7 “(xii) a State juvenile correctional en-
8 tity;

9 “(xiii) a local business community
10 representative; and

11 “(xiv) a local faith-based community
12 representative;

13 “(B) shall include two representatives from
14 each of the following:

15 “(i) parents who have minor children,
16 and who have an interest in the local juve-
17 nile or criminal justice systems;

18 “(ii) youth between the ages of 15
19 and 24 who reside in the jurisdiction of the
20 unit or Tribe; and

21 “(iii) members from nonprofit commu-
22 nity-based organizations that provide effec-
23 tive delinquency prevention and interven-
24 tion to youth in the jurisdiction of the eli-
25 gible entity; and

1 “(C) may include other members, as ap-
2 propriate.

3 “(9) SPECIALIZED INSTRUCTIONAL SUPPORT
4 PERSONNEL.—The term ‘specialized instructional
5 support personnel’ means school counselors, school
6 social workers, school psychologists, school nurses,
7 and other qualified professionals involved in pro-
8 viding assessment, diagnosis, counseling, edu-
9 cational, therapeutic, medical, and other necessary
10 services (including related services, as such term is
11 defined in section 602 of the Individuals with Dis-
12 abilities in Education Act (20 U.S.C. 1401)) as part
13 of a comprehensive program to meet student needs.

14 “(10) PIPELINE SERVICES.—The term ‘pipeline
15 services’ means a continuum of supports and serv-
16 ices for children from birth through college entry,
17 college success, and career attainment, including, at
18 a minimum, strategies to address through services or
19 programs (including integrated student supports)
20 the following:

21 “(A) Prenatal education and support for
22 expectant parents.

23 “(B) High-quality early learning opportu-
24 nities.

1 “(C) High-quality schools and out-of-
2 school-time programs and strategies.

3 “(D) Support for a child’s transition to el-
4 elementary school, including the administration
5 of a comprehensive school readiness assessment.

6 “(E) Support for a child’s transition from
7 elementary school to middle school, from middle
8 school to high school, and from high school into
9 and through college or into the workforce.

10 “(F) Family and community engagement.

11 “(G) Family and student supports.

12 “(H) Activities that support college and
13 career readiness, including coordination between
14 such activities, such as—

15 “(i) assistance with college admis-
16 sions, financial aid, and scholarship appli-
17 cations, especially for low-income and low-
18 achieving students; and

19 “(ii) career preparation services and
20 supports.

21 “(I) Neighborhood-based support for col-
22 lege-age students who have attended the schools
23 in the pipeline, or students who are members of
24 the community, facilitating their continued con-

1 nection to the community and success in college
2 and the workforce.

3 **“SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this part \$350,000,000 for fiscal year 2016 and such sums
6 as may be necessary for each succeeding fiscal year.

7 “PART C—FULL-SERVICE COMMUNITY SCHOOLS

8 **“SEC. 4301. SHORT TITLE.**

9 “This part may be cited as the ‘Full-Service Commu-
10 nity Schools Act of 2015’.

11 **“SEC. 4302. PURPOSES.**

12 “The purposes of this part are the following:

13 “(1) Improving student learning and develop-
14 ment by providing supports for students that enable
15 them to graduate college- and career-ready.

16 “(2) Providing support for the planning, imple-
17 mentation, and operation of full-service community
18 schools.

19 “(3) Improving the coordination and integra-
20 tion, accessibility, and effectiveness of services for
21 children and families, particularly for students at-
22 tending high-poverty schools, including high-poverty
23 rural schools.

1 “(4) Enabling educators and school personnel
2 to complement and enrich efforts to improve aca-
3 demic achievement and other results.

4 “(5) Ensuring that children have the physical,
5 social, and emotional well-being to come to school
6 ready to engage in the learning process every day.

7 “(6) Promoting and enabling family and com-
8 munity engagement in the education of children.

9 “(7) Enabling more efficient use of Federal,
10 State, local, and private sector resources that serve
11 children and families.

12 “(8) Facilitating the coordination and integra-
13 tion of programs and services operated by commu-
14 nity-based organizations, nonprofit organizations,
15 and State, local, and tribal governments.

16 “(9) Engaging students as resources to their
17 communities.

18 “(10) Engaging the business community and
19 other community organizations as partners in the
20 development and operation of full-service community
21 schools.

22 **“SEC. 4303. DEFINITION.**

23 “‘In this part, the term ‘full-service community school’
24 means a public elementary or secondary school that—

1 “(1) participates in a community-based effort to
2 coordinate and integrate educational, developmental,
3 family, health, and other comprehensive services
4 through community-based organizations and public
5 and private partnerships; and

6 “(2) provides access to such services to stu-
7 dents, families, and the community, such as access
8 during the school year (including before- and after-
9 school hours and weekends), as well as during the
10 summer.

11 **“SEC. 4304. LOCAL PROGRAMS.**

12 “(a) GRANTS.—The Secretary may award grants to
13 eligible entities to assist public elementary or secondary
14 schools to function as full-service community schools.

15 “(b) USE OF FUNDS.—Grants awarded under this
16 section shall be used to—

17 “(1) coordinate not less than 3 existing quali-
18 fied services and provide not less than 2 additional
19 qualified services at 2 or more public elementary or
20 secondary schools;

21 “(2) integrate multiple services into a com-
22 prehensive, coordinated continuum supported by re-
23 search-based activities which achieve the perform-
24 ance goals established under subsection (c)(4)(E) to
25 meet the holistic needs of young people; and

1 “(3) if applicable, coordinate and integrate
2 services provided by community-based organizations
3 and government agencies with services provided by
4 specialized instructional support personnel.

5 “(c) APPLICATION.—To seek a grant under this sec-
6 tion, an eligible entity shall submit an application to the
7 Secretary at such time and in such manner as the Sec-
8 retary may require. The Secretary shall require that each
9 such application include the following:

10 “(1) A description of the eligible entity.

11 “(2) A memorandum of understanding among
12 all partner entities that will assist the eligible entity
13 to coordinate and provide qualified services and that
14 describes the roles the partner entities will assume.

15 “(3) A description of the capacity of the eligible
16 entity to coordinate and provide qualified services at
17 2 or more full-service community schools.

18 “(4) A comprehensive plan that includes de-
19 scriptions of the following:

20 “(A) The student, family, and school com-
21 munity to be served, including information
22 about demographic characteristics that include
23 major racial and ethnic groups, median family
24 income, percent of students eligible for free-
25 and reduced-price lunch, and other information.

1 “(B) A needs assessment that identifies
2 the academic, physical, social, emotional, health,
3 mental health, and other needs of students,
4 families, and community residents.

5 “(C) A community assets assessment
6 which identifies existing resources which could
7 be aligned.

8 “(D) The most appropriate metric to de-
9 scribe the plan’s reach within a community
10 using either—

11 “(i) the number of families and stu-
12 dents to be served, and the frequency of
13 services; or

14 “(ii) the proportion of families and
15 students to be served, and the frequency of
16 services.

17 “(E) Yearly measurable performance goals,
18 including an increase in the percentage of fami-
19 lies and students targeted for services each year
20 of the program, which are consistent with the
21 following objectives:

22 “(i) Children are ready for school.

23 “(ii) Students are engaged and
24 achieving academically.

1 “(iii) Students are physically, men-
2 tally, socially, and emotionally healthy.

3 “(iv) Schools and neighborhoods are
4 safe and provide a positive climate for
5 learning that is free from bullying or har-
6 assment.

7 “(v) Families are supportive and en-
8 gaged in their children’s education.

9 “(vi) Students and families are pre-
10 pared for postsecondary education and
11 21st century careers.

12 “(vii) Students are contributing to
13 their communities.

14 “(F) Performance measures to monitor
15 progress toward attainment of the goals estab-
16 lished under subparagraph (E), including a
17 combination of the following, to the extent ap-
18 plicable:

19 “(i) Multiple objective measures of
20 student achievement, including assess-
21 ments, classroom grades, and other means
22 of assessing student performance.

23 “(ii) Attendance (including absences
24 related to illness and truancy) and chronic
25 absenteeism rates.

1 “(iii) Disciplinary actions against stu-
2 dents, including suspensions and expul-
3 sions.

4 “(iv) Access to health care and treat-
5 ment of illnesses demonstrated to impact
6 academic achievement.

7 “(v) Performance in making progress
8 toward intervention services goals as estab-
9 lished by specialized instructional support
10 personnel.

11 “(vi) Participation rates by parents
12 and family members in school-sanctioned
13 activities and activities that occur as a re-
14 sult of community and school collaboration,
15 as well as activities intended to support
16 adult education and workforce develop-
17 ment.

18 “(vii) Number and percentage of stu-
19 dents and family members provided serv-
20 ices under this part.

21 “(viii) Valid measures of postsec-
22 ondary education and career readiness.

23 “(ix) Service-learning and community
24 service participation rates.

25 “(x) student satisfaction surveys.

1 “(G) Qualified services, including existing
2 and additional qualified services, to be coordi-
3 nated and provided by the eligible entity and its
4 partner entities, including an explanation of—

5 “(i) why such services have been se-
6 lected;

7 “(ii) how such services will improve
8 student academic achievement; and

9 “(iii) how such services will address
10 performance goals established under sub-
11 paragraph (E).

12 “(H) Plans to ensure that each site has
13 full-time coordination of qualified services at
14 each full-service community school, including
15 coordination with existing specialized instruc-
16 tional support personnel.

17 “(I) Planning, coordination, management,
18 and oversight of qualified services at each
19 school to be served, including the role of the
20 school principal, partner entities, parents, and
21 members of the community.

22 “(J) Funding sources for qualified services
23 to be coordinated and provided at each school
24 to be served, whether such funding is derived

1 from a grant under this section or from other
2 Federal, State, local, or private sources.

3 “(K) Plans for professional development
4 for personnel managing, coordinating, or deliv-
5 ering qualified services at the schools to be
6 served.

7 “(L) Plans for joint utilization and mainte-
8 nance of school facilities by the eligible entity
9 and its partner entities.

10 “(M) How the eligible entity and its part-
11 ner entities will focus services on schools eligible
12 for a schoolwide program under section 1114.

13 “(N) Plans for periodic evaluation based
14 upon attainment of the performance measures
15 described in subparagraph (F).

16 “(O) How the qualified services will meet
17 the principles of effectiveness described in sub-
18 section (d).

19 “(5) A plan for sustaining the programs and
20 services outlined in this part.

21 “(d) PRINCIPLES OF EFFECTIVENESS.—For a pro-
22 gram developed pursuant to this section to meet principles
23 of effectiveness, such program shall be based upon—

24 “(1) an assessment of objective data regarding
25 the need for the establishment of a full-service com-

1 community school and qualified services at each school
2 to be served and in the community involved;

3 “(2) an established set of performance meas-
4 ures aimed at ensuring the availability and effective-
5 ness of high-quality services; and

6 “(3) if appropriate, scientifically based research
7 that provides evidence that the qualified services in-
8 volved will help students meet State and local stu-
9 dent academic achievement standards.

10 “(e) PRIORITY.—In awarding grants under this sec-
11 tion, the Secretary shall give priority to eligible entities
12 that—

13 “(1)(A) will serve a minimum of 2 or more full-
14 service community schools eligible for a schoolwide
15 program under section 1114, as part of a
16 community- or district-wide strategy; or

17 “(B) include a local educational agency that
18 satisfies the requirements of—

19 “(i) subparagraph (A) or (B) of section
20 6211(b)(1); or

21 “(ii) subparagraphs (A) and (B) of section
22 6221(b)(1); and

23 “(2) will be connected to a consortium com-
24 prised of a broad representation of stakeholders, or

1 a consortium demonstrating a history of effective-
2 ness.

3 “(f) GRANT PERIOD.—Each grant awarded under
4 this section shall be for a period of 5 years and may be
5 renewed at the discretion of the Secretary based on the
6 eligible entity’s demonstrated effectiveness in meeting the
7 performance goals and measures established under sub-
8 paragraphs (E) and (F) of subsection (c)(4).

9 “(g) PLANNING.—The Secretary may authorize an el-
10 igible entity to use grant funds under this section for plan-
11 ning purposes in an amount not greater than 10 percent
12 of the total grant amount.

13 “(h) MINIMUM AMOUNT.—The Secretary may not
14 award a grant to an eligible entity under this section in
15 an amount that is less than \$75,000 for each year of the
16 5-year grant period.

17 “(i) DEFINITIONS.—In this section—

18 “(1) the term ‘additional qualified services’
19 means qualified services directly funded under this
20 part;

21 “(2) the term ‘eligible entity’ means a consor-
22 tium of 1 or more local educational agencies and 1
23 or more community-based organizations, nonprofit
24 organizations, or other public or private entities;

1 “(3) the term ‘existing qualified services’ means
2 qualified services already being financed, as of the
3 time of the application, by Federal, State, local or
4 private sources, or volunteer activities being sup-
5 ported as of such time by civic, business, faith-
6 based, social, and other similar organizations; and

7 “(4) the term ‘qualified services’ means any of
8 the following:

9 “(A) Early childhood education.

10 “(B) Remedial education activities and en-
11 richment activities, including expanded learning
12 time.

13 “(C) Summer or after-school enrichment
14 and learning experiences.

15 “(D) Programs under the Head Start Act,
16 including Early Head Start programs.

17 “(E) Nurse home visitation services.

18 “(F) Teacher home visiting.

19 “(G) Programs that promote parental in-
20 volvement and family literacy, including the
21 Reading First and Early Reading First pro-
22 grams authorized under part B of title I.

23 “(H) Mentoring and other youth develop-
24 ment programs, including peer mentoring and
25 conflict mediation.

1 “(I) Parent leadership development activi-
2 ties.

3 “(J) Parenting education activities.

4 “(K) Child care services.

5 “(L) Community service and service-learn-
6 ing opportunities.

7 “(M) Developmentally appropriate physical
8 education.

9 “(N) Programs that provide assistance to
10 students who have been truant, suspended, or
11 expelled.

12 “(O) Job training, internship opportuni-
13 ties, and career counseling services.

14 “(P) Nutrition services.

15 “(Q) Primary health and dental care.

16 “(R) Mental health counseling services.

17 “(S) Adult education, including instruction
18 in English as a second language.

19 “(T) Juvenile crime prevention and reha-
20 bilitation programs.

21 “(U) Specialized instructional support
22 services.

23 “(V) Homeless prevention services.

24 “(W) Other services consistent with this
25 part.

1 **“SEC. 4305. STATE PROGRAMS.**

2 “(a) GRANTS.—The Secretary may award grants to
3 State collaboratives to support the development of full-
4 service community school programs in accordance with
5 this section.

6 “(b) USE OF FUNDS.—Grants awarded under this
7 section shall be used only for the following:

8 “(1) Developing a State comprehensive results
9 and indicators framework to implement full-service
10 community schools, consistent with performance
11 goals described in section 4304(c)(4)(E).

12 “(2) Planning, coordinating, and expanding the
13 development of full-service community schools in the
14 State, particularly schools in high-poverty local edu-
15 cational agencies, including high-poverty rural local
16 educational agencies.

17 “(3) Providing technical assistance and training
18 for full-service community schools, including profes-
19 sional development for personnel and creation of
20 data collection and evaluation systems.

21 “(4) Collecting, evaluating, and reporting data
22 about the progress of full-service community schools.

23 “(5) Evaluating the impact of State and Fed-
24 eral policies and guidelines on the ability of eligible
25 entities (as defined in section 4304(i)) to integrate
26 Federal and State programs at full-service commu-

1 nity schools, and taking action to make necessary
2 changes.

3 “(c) APPLICATION.—To seek a grant under this sec-
4 tion, a State collaborative shall submit an application to
5 the Secretary at such time and in such manner as the
6 Secretary may require. The Secretary shall require that
7 each such application include the following:

8 “(1) A memorandum of understanding among
9 all governmental agencies and nonprofit organiza-
10 tions that will participate as members of the State
11 collaborative.

12 “(2) A description of the expertise of each
13 member of the State collaborative—

14 “(A) in coordinating Federal and State
15 programs across multiple agencies;

16 “(B) in working with and developing the
17 capacity of full-service community schools; and

18 “(C) in working with high-poverty schools
19 or rural schools and local educational agencies.

20 “(3) A comprehensive plan describing how the
21 grant will be used to plan, coordinate, and expand
22 the delivery of services at full-service community
23 schools.

24 “(4) A comprehensive accountability plan that
25 will be used to demonstrate effectiveness, including

1 the measurable performance goals of the program
2 and performance measures to monitor progress and
3 assess services' impact on students and families and
4 academic achievement.

5 “(5) An explanation of how the State collabora-
6 tive will work to ensure State policies and guide-
7 lines can support the development of full-service
8 community schools, as well as provide technical as-
9 sistance and training, including professional develop-
10 ment, for full-service community schools.

11 “(6) An explanation of how the State will col-
12 lect and evaluate information on full-service commu-
13 nity schools.

14 “(d) GRANT PERIOD.—Each grant awarded under
15 this section shall be for a period of 5 years.

16 “(e) MINIMUM AMOUNT.—The Secretary may not
17 award a grant to a State collaborative under this section
18 in an amount that is less than \$500,000 for each year
19 of the 5-year grant period.

20 “(f) DEFINITIONS.—For purposes of this section—

21 “(1) the term ‘State’ includes the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, the Commonwealth of the Northern
24 Mariana Islands, American Samoa, Guam, the

1 United States Virgin Islands, and any other terri-
2 tory or possession of the United States; and

3 “(2) the term ‘State collaborative’ means a col-
4 laborative of a State educational agency and not less
5 than 2 other governmental agencies or nonprofit or-
6 ganizations that provide services to children and
7 families.

8 **“SEC. 4306. ADVISORY COMMITTEE.**

9 “(a) ESTABLISHMENT.—There is hereby established
10 an advisory committee to be known as the ‘Full-Service
11 Community Schools Advisory Committee’ (in this section
12 referred to as the ‘Advisory Committee’).

13 “(b) DUTIES.—Subject to subsection (c), the Advi-
14 sory Committee shall—

15 “(1) consult with the Secretary on the develop-
16 ment and implementation of programs under this
17 part;

18 “(2) identify strategies to improve the coordina-
19 tion of Federal programs in support of full-service
20 community schools; and

21 “(3) issue an annual report to the Congress on
22 efforts under this part, including a description of—

23 “(A) the results of local and national eval-
24 uations of such efforts; and

1 “(B) the scope of services being coordi-
2 nated under this part.

3 “(c) CONSULTATION.—In carrying out its duties
4 under this section, the Advisory Committee shall consult
5 annually with eligible entities awarded grants under sec-
6 tion 4304, State collaboratives awarded grants under sec-
7 tion 4305, and other entities with expertise in operating
8 full-service community schools.

9 “(d) MEMBERS.—The Advisory Committee shall con-
10 sist of 5 members as follows:

11 “(1) The Secretary of Education (or the Sec-
12 retary’s delegate).

13 “(2) The Attorney General of the United States
14 (or the Attorney General’s delegate).

15 “(3) The Secretary of Agriculture (or the Sec-
16 retary’s delegate).

17 “(4) The Secretary of Health and Human Serv-
18 ices (or the Secretary’s delegate).

19 “(5) The Secretary of Labor (or the Secretary’s
20 delegate).

21 **“SEC. 4307. GENERAL PROVISIONS.**

22 “(a) TECHNICAL ASSISTANCE.—The Secretary, di-
23 rectly or through grants, shall provide such technical as-
24 sistance as may be appropriate to accomplish the purposes
25 of this part.

1 “(b) EVALUATIONS BY SECRETARY.—The Secretary
2 shall conduct evaluations on the effectiveness of grants
3 under sections 4304 and 4305 in achieving the purposes
4 of this part.

5 “(c) EVALUATIONS BY GRANTEES.—The Secretary
6 shall require each recipient of a grant under this part—

7 “(1) to conduct periodic evaluations of the
8 progress achieved with the grant toward achieving
9 the purposes of this part;

10 “(2) to use such evaluations to refine and im-
11 prove activities conducted with the grant and the
12 performance measures for such activities; and

13 “(3) to make the results of such evaluations
14 publicly available, including by providing public no-
15 tice of such availability.

16 “(d) CONSTRUCTION CLAUSE.—Nothing in this part
17 shall be construed to alter or otherwise affect the rights,
18 remedies, and procedures afforded school or school district
19 employees under Federal, State, or local laws (including
20 applicable regulations or court orders) or under the terms
21 of collective bargaining agreements, memoranda of under-
22 standing, or other agreements between such employees
23 and their employers.

24 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
25 available to a grantee under this part may be used only

1 to supplement, and not supplant, any other Federal, State,
2 or local funds that would otherwise be available to carry
3 out the activities assisted under this part.

4 “(f) MATCHING FUNDS.—

5 “(1) IN GENERAL.—The Secretary shall require
6 each recipient of a grant under this part to provide
7 matching funds from non-Federal sources in an
8 amount determined under paragraph (2).

9 “(2) DETERMINATION OF AMOUNT OF
10 MATCH.—

11 “(A) SLIDING SCALE.—Subject to subpara-
12 graph (B), the Secretary shall determine the
13 amount of matching funds to be required of a
14 grantee under this subsection based on a sliding
15 fee scale that takes into account—

16 “(i) the relative poverty of the popu-
17 lation to be targeted by the grantee; and

18 “(ii) the ability of the grantee to ob-
19 tain such matching funds.

20 “(B) MAXIMUM AMOUNT.—The Secretary
21 may not require any grantee under this section
22 to provide matching funds in an amount that
23 exceeds the amount of the grant award.

1 “(3) IN-KIND CONTRIBUTIONS.—The Secretary
2 shall permit grantees under this section to match
3 funds in whole or in part with in-kind contributions.

4 “(4) CONSIDERATION.—Notwithstanding this
5 subsection, the Secretary shall not consider an appli-
6 cant’s ability to match funds when determining
7 which applicants will receive grants under this part.

8 “(g) SPECIAL RULE.—Entities receiving funds under
9 this part shall comply with all existing Federal statutes
10 that prohibit discrimination.

11 **“SEC. 4308. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—There are authorized to be ap-
13 propriated to carry out this part such sums as may be
14 necessary for each of fiscal years 2016 through 2020.

15 “(b) ALLOCATION.—Of the amounts appropriated to
16 carry out this part for each fiscal year—

17 “(1) 85 percent shall be for section 4304, and
18 of the funds allocated for new grants under such
19 section, at least 10 percent shall be made available
20 for local educational agencies that satisfy the re-
21 quirements of—

22 “(A) subparagraph (A) or (B) of section
23 6211(b)(1); or

24 “(B) subparagraphs (A) and (B) of section
25 6221(b)(1);

1 “(2) 10 percent shall be for section 4305; and

2 “(3) 5 percent shall be for subsections (a) and

3 (b) of section 4307, of which not less than \$500,000

4 shall be for technical assistance under section

5 4307(a).

6 “PART D—GENERAL PROVISIONS

7 **“SEC. 4401. PROHIBITED USE OF FUNDS.**

8 “No funds under this title may be used for—

9 “(1) the development, establishment, implemen-

10 tation, or enforcement of zero-tolerance school dis-

11 cipline policies unless otherwise required by Federal

12 law; and

13 “(2) law enforcement agencies or local police

14 departments serving a school or local educational

15 agency—

16 “(A) with substantial documented excesses

17 or racial disparities in the use of exclusionary

18 discipline;

19 “(B) operating under an open school de-

20 segregation order, whether court ordered or vol-

21 untary;

22 “(C) operating under a pattern or practice

23 consent decree for civil rights violations; or

1 “(D) already receiving substantial Federal
2 funds for the placement of law enforcement in
3 schools.”.

4 **TITLE V—WELL-ROUNDED STU-**
5 **DENTS AND ENGAGED FAMI-**
6 **LIES**

7 **Subtitle A—Public Charter Schools**

8 **SEC. 501. SUBPART HEADING; PURPOSE.**

9 (a) SUBPART HEADING.—The heading for subpart 1
10 of part B of title V (20 U.S.C. 7221 et seq.) is amended
11 to read as follows: “**Charter School Program**”.

12 (b) PURPOSE.—Section 5201 (20 U.S.C. 7221) is
13 amended to read as follows:

14 **“SEC. 5201. PURPOSE.**

15 “It is the purpose of this subpart to—

16 “(1) improve the United States education sys-
17 tem and education opportunities for all Americans
18 by supporting innovation in public education in pub-
19 lic school settings that prepare students to compete
20 and contribute to the global economy;

21 “(2) provide financial assistance for the plan-
22 ning, program design, and initial implementation of
23 charter schools;

24 “(3) expand the number of high-quality charter
25 schools available to students across the Nation;

1 “(4) evaluate the impact of such schools on stu-
2 dent achievement, families, and communities, and
3 share best practices between charter schools and
4 other public schools;

5 “(5) encourage States to provide support to
6 charter schools for facilities financing in an amount
7 more nearly commensurate to the amount the States
8 have typically provided for traditional public schools;

9 “(6) improve student services to increase oppor-
10 tunities for students with disabilities, English learn-
11 ers, and other traditionally underserved students to
12 attend charter schools and meet challenging State
13 academic achievement standards;

14 “(7) support efforts to strengthen the charter
15 school authorizing process to improve performance
16 management, including transparency, oversight,
17 monitoring, and evaluation of such schools; and

18 “(8) support quality accountability and trans-
19 parency in the operational performance of all au-
20 thorized public chartering agencies, which include
21 State educational agencies, local educational agen-
22 cies, and other authorizing entities.”.

23 **SEC. 502. PROGRAM AUTHORIZED.**

24 Section 5202 (20 U.S.C. 7221a) is amended to read
25 as follows:

1 **“SEC. 5202. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—This subpart authorizes the Sec-
3 retary to carry out a charter school program that supports
4 charter schools that serve elementary school and sec-
5 ondary school students by—

6 “(1) supporting the startup of charter schools,
7 and the replication and expansion of high-quality
8 charter schools;

9 “(2) assisting charter schools in accessing cred-
10 it to acquire and renovate facilities for school use;
11 and

12 “(3) carrying out national activities to sup-
13 port—

14 “(A) charter school development;

15 “(B) the dissemination of best practices of
16 charter schools for all schools;

17 “(C) the evaluation of the impact of the
18 program on schools participating in the pro-
19 gram; and

20 “(D) stronger charter school authorizing.

21 “(b) FUNDING ALLOTMENT.—From the amount
22 made available under section 5211 for a fiscal year, the
23 Secretary shall—

24 “(1) reserve 12.5 percent to support charter
25 school facilities assistance under section 5204;

1 “(2) reserve not more than 10 percent to carry
2 out national activities under section 5205; and

3 “(3) use the remaining amount after the Sec-
4 retary reserves funds under paragraphs (1) and (2)
5 to carry out section 5203.

6 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
7 ent of a grant or subgrant under this subpart or subpart
8 2, as such subpart was in effect on the day before the
9 date of enactment of the Student Success Act, shall con-
10 tinue to receive funds in accordance with the terms and
11 conditions of such grant or subgrant.

12 “(d) GAO REPORT.—Not later than 3 years after the
13 date of enactment of the Student Success Act, the Comp-
14 troller General of the United States shall submit a report
15 to the Secretary and Congress that—

16 “(1) examines whether the funds authorized to
17 be reserved by State entities for administrative costs
18 under section 5203(b)(1)(C) is appropriate; and

19 “(2) if determined not to be appropriate, makes
20 recommendations on the appropriate reservation of
21 funding for such administrative costs.”.

22 **SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
23 **SCHOOLS.**

24 Section 5203 (20 U.S.C. 7221b) is amended to read
25 as follows:

1 **“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
2 **SCHOOLS.**

3 “(a) IN GENERAL.—From the amount reserved
4 under section 5202(b)(3), the Secretary shall award
5 grants to State entities having applications approved pur-
6 suant to subsection (f) to enable such entities to—

7 “(1) award subgrants to eligible applicants for
8 opening and preparing to operate—

9 “(A) new charter schools;

10 “(B) replicated, high-quality charter school
11 models; or

12 “(C) expanded, high-quality charter
13 schools; and

14 “(2) provide technical assistance to eligible ap-
15 plicants and authorized public chartering agencies in
16 carrying out the activities described in paragraph (1)
17 and work with authorized public chartering agencies
18 in the State to improve authorizing quality.

19 “(b) STATE USES OF FUNDS.—

20 “(1) IN GENERAL.—A State entity receiving a
21 grant under this section shall—

22 “(A) use not less than 90 percent of the
23 grant funds to award subgrants to eligible ap-
24 plicants, in accordance with the quality charter
25 school program described in the State entity’s
26 application approved pursuant to subsection (f),

1 for the purposes described in subparagraphs
2 (A) through (C) of subsection (a)(1);

3 “(B) reserve not less than 7 percent of
4 such funds to carry out the activities described
5 in subsection (a)(2); and

6 “(C) reserve not more than 3 percent of
7 such funds for administrative costs which may
8 include technical assistance.

9 “(2) CONTRACTS AND GRANTS.—A State entity
10 may use a grant received under this section to carry
11 out the activities described in subparagraphs (A)
12 and (B) of paragraph (1) directly or through grants,
13 contracts, or cooperative agreements.

14 “(3) RULE OF CONSTRUCTION.—Nothing in
15 this Act shall prohibit the Secretary from awarding
16 grants to States that use a weighted lottery to give
17 slightly better chances for admission to all, or a sub-
18 set of, educationally disadvantaged students if—

19 “(A) the use of weighted lotteries in favor
20 of such students is not prohibited by State law,
21 and such State law is consistent with laws de-
22 scribed in section 5210(1)(G); and

23 “(B) such weighted lotteries are not used
24 for the purpose of creating schools exclusively
25 to serve a particular subset of students.

1 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
2 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
3 ERS.—

4 “(1) PROGRAM PERIODS.—

5 “(A) GRANTS.—A grant awarded by the
6 Secretary to a State entity under this section
7 shall be for a period of not more than 5 years.

8 “(B) SUBGRANTS.—A subgrant awarded
9 by a State entity under this section shall be for
10 a period of not more than 5 years, of which an
11 eligible applicant may use not more than 18
12 months for planning and program design.

13 “(2) PEER REVIEW.—The Secretary, and each
14 State entity receiving a grant under this section,
15 shall use a peer review process to review applications
16 for assistance under this section.

17 “(3) GRANT AWARDS.—The Secretary shall—

18 “(A) for each fiscal year for which funds
19 are appropriated under section 5211—

20 “(i) award not less than 3 grants
21 under this section;

22 “(ii) wholly fund each grant awarded
23 under this section, without making con-
24 tinuation awards; and

1 “(iii) fully obligate the funds appro-
2 priated for the purpose of awarding grants
3 under this section in the fiscal year for
4 which such grants are awarded; and

5 “(B) prior to the start of the final year of
6 the grant period of each grant awarded under
7 this section to a State entity, review whether
8 the State entity is using the grant funds for the
9 agreed upon uses of funds and whether the full
10 amount of the grant will be needed for the re-
11 mainder of the grant period and may, as deter-
12 mined necessary based on that review, termi-
13 nate or reduce the amount of the grant and re-
14 allocate the remaining grant funds to other
15 State entities during the succeeding grant com-
16 petition under this section.

17 “(4) DIVERSITY OF PROJECTS.—Each State en-
18 tity receiving a grant under this section shall award
19 subgrants under this section in a manner that, to
20 the extent possible, ensures that such subgrants—

21 “(A) are distributed throughout different
22 areas, including urban, suburban, and rural
23 areas; and

24 “(B) will assist charter schools rep-
25 resenting a variety of educational approaches.

1 “(5) WAIVERS.—The Secretary may waive any
2 statutory or regulatory requirement over which the
3 Secretary exercises administrative authority except
4 any such requirement relating to the elements of a
5 charter school described in section 5210(1), if—

6 “(A) the waiver is requested in an ap-
7 proved application under this section; and

8 “(B) the Secretary determines that grant-
9 ing such a waiver will promote the purpose of
10 this subpart.

11 “(d) LIMITATIONS.—

12 “(1) GRANTS.—The Secretary shall not award
13 a grant to a State entity under this section in a case
14 in which such award would result in more than 1
15 grant awarded under this section being carried out
16 in a State at the same time.

17 “(2) SUBGRANTS.—An eligible applicant may
18 not receive more than 1 subgrant under this section
19 per individual charter school for a 5-year period, un-
20 less the eligible applicant demonstrates to the State
21 entity not less than 3 years of improved educational
22 results in the areas described in subparagraphs (A)
23 and (D) of section 5210(8) for students enrolled in
24 such charter school.

1 “(e) APPLICATIONS.—A State entity desiring to re-
2 ceive a grant under this section shall submit an application
3 to the Secretary at such time and in such manner as the
4 Secretary may require. The application shall include the
5 following:

6 “(1) DESCRIPTION OF PROGRAM.—A descrip-
7 tion of the State entity’s objectives under this sec-
8 tion and how the objectives of the program will be
9 carried out, including a description—

10 “(A) of how the State entity—

11 “(i) will support the opening of new
12 charter schools, replicated, high-quality
13 charter school models, or expanded, high-
14 quality charter schools, and a description
15 of the proposed number of each type of
16 charter school or model, if applicable, to be
17 opened under the State entity’s program;

18 “(ii) will inform eligible charter
19 schools, developers, and authorized public
20 chartering agencies of the availability of
21 funds under the program;

22 “(iii) will work with eligible applicants
23 to ensure that the eligible applicants access
24 all Federal funds that they are eligible to
25 receive, and help the charter schools sup-

1 ported by the applicants and the students
2 attending the charter schools—

3 “(I) participate in the Federal
4 programs in which the schools and
5 students are eligible to participate;

6 “(II) receive the commensurate
7 share of Federal funds the schools
8 and students are eligible to receive
9 under such programs; and

10 “(III) meet the needs of students
11 served under such programs, including
12 student with disabilities and English
13 learners;

14 “(iv) will have clear plans and proce-
15 dures to assist students enrolled in a char-
16 ter school that closes or loses its charter to
17 attend other high-quality schools;

18 “(v) in the case in which the State en-
19 tity is not a State educational agency—

20 “(I) will work with the State edu-
21 cational agency and the charter
22 schools in the State to maximize char-
23 ter school participation in Federal and
24 State programs for charter schools;
25 and

1 “(II) will work with the State
2 educational agency to adequately op-
3 erate the State entity’s program
4 under this section, where applicable;

5 “(vi) will ensure each eligible appli-
6 cant that receives a subgrant under the
7 State entity’s program to open and prepare
8 to operate a new charter school, a rep-
9 licated, high-quality charter school model,
10 or an expanded, high-quality charter
11 school—

12 “(I) will ensure such school or
13 model meets the requirements under
14 section 5210(1); and

15 “(II) is prepared to continue to
16 operate such school or model, in a
17 manner consistent with the eligible
18 applicant’s application, after the
19 subgrant funds have expired;

20 “(vii) will support charter schools in
21 local educational agencies with large num-
22 bers of schools identified by the State for
23 improvement, including supporting the use
24 of charter schools to improve, or in turning
25 around, struggling schools;

1 “(viii) will work with charter schools
2 to promote inclusion of all students, in-
3 cluding eliminating any barriers to enroll-
4 ment for foster youth or unaccompanied
5 homeless youth, and support all students
6 once they are enrolled to promote retention
7 including through the use of fair discipli-
8 nary practice;

9 “(ix) will work with charter schools on
10 recruitment practices, including efforts to
11 engage groups that may otherwise have
12 limited opportunities to participate in char-
13 ter schools, and to ensure such schools do
14 not have in effect policies or procedures
15 that may create barriers to enrollment of
16 students, including educationally disadvan-
17 taged students, and are in compliance with
18 all Federal and State laws on enrollment
19 practices;

20 “(x) will share best and promising
21 practices between charter schools and
22 other public schools, including, where ap-
23 propriate, instruction and professional de-
24 velopment in core academic subjects, and

1 science, technology, engineering, and math
2 education, including computer science;

3 “(xi) will ensure the charter schools
4 receiving funds under the State entity’s
5 program meet the educational needs of
6 their students, including students with dis-
7 abilities and English learners;

8 “(xii) will support efforts to increase
9 quality initiatives, including meeting the
10 quality authorizing elements described in
11 paragraph (2)(E);

12 “(xiii) in the case of a State entity
13 not described in clause (xiv), will provide
14 oversight of authorizing activity;

15 “(xiv) in the case of a State entity de-
16 fined in subsection (i)(4), will work with
17 the State to provide assistance to and over-
18 sight of authorized public chartering agen-
19 cies for authorizing activity described in
20 clause (xiii); and

21 “(xv) will work with eligible applicants
22 receiving a subgrant under the State enti-
23 ty’s program to support the opening of
24 charter schools or charter school models

1 described in clause (i) that are secondary
2 schools;

3 “(B) of the extent to which the State enti-
4 ty—

5 “(i) is able to meet and carry out the
6 priorities listed in subsection (f)(2); and

7 “(ii) is working to develop or
8 strengthen a cohesive statewide system to
9 support the opening of new charter
10 schools, replicated, high-quality charter
11 school models, or expanded, high-quality
12 charter schools;

13 “(C) of how the State entity will carry out
14 the subgrant competition, including—

15 “(i) a description of the application
16 each eligible applicant desiring to receive a
17 subgrant will submit, including—

18 “(I) a description of the roles
19 and responsibilities of eligible appli-
20 cants, partner organizations, and
21 management organizations, including
22 the administrative and contractual
23 roles and responsibilities;

24 “(II) a description of the quality
25 controls agreed to between the eligible

1 applicant and the authorized public
2 chartering agency involved, as de-
3 scribed in section 1111(d)(1)(I);

4 “(III) a description of how the el-
5 igible applicant will solicit and con-
6 sider input from parents and other
7 members of the community on the im-
8 plementation and operation of each
9 charter school receiving funds under
10 the State entity’s program; and

11 “(IV) a description of the
12 planned activities and expenditures
13 for the subgrant funds for purposes of
14 opening and preparing to operate a
15 new charter school, a replicated, high-
16 quality charter school model, or an ex-
17 panded, high-quality charter school,
18 and how the school or model will
19 maintain financial sustainability after
20 the end of the subgrant period; and

21 “(ii) a description of how the State
22 entity will review applications;

23 “(D) in the case of an entity that partners
24 with an outside organization to carry out the
25 State entity’s quality charter school program, in

1 whole or in part, of the roles and responsibil-
2 ities of this partner;

3 “(E) of how the State entity will help the
4 charter schools receiving funds under the State
5 entity’s program consider the transportation
6 needs of the schools’ students; and

7 “(F) of how the State entity will support
8 diverse charter school models, including models
9 that serve rural communities.

10 “(2) ASSURANCES.—Assurances, including a
11 description of how the assurances will be met,
12 that—

13 “(A) each charter school receiving funds
14 under the State entity’s program will have a
15 high degree of autonomy over budget and oper-
16 ations;

17 “(B) the State entity will support charter
18 schools in meeting the educational needs of
19 their students as described in paragraph
20 (1)(A)(xi);

21 “(C) the State entity will ensure that the
22 authorized public chartering agency of any
23 charter school that receives funds under the
24 State entity’s program—

1 “(i) adequately monitors each charter
2 school in recruiting, enrolling, and meeting
3 the needs of all students, including stu-
4 dents with disabilities and English learn-
5 ers; and

6 “(ii) ensures that each charter school
7 solicits and considers input from parents
8 and other members of the community on
9 the implementation and operation of the
10 school;

11 “(D) the State entity will provide adequate
12 technical assistance to eligible applicants to—

13 “(i) meet the objectives described in
14 clauses (viii) and (ix) of paragraph (1)(A)
15 and paragraph (2)(B); and

16 “(ii) recruit, enroll, and retain tradi-
17 tionally underserved students, including
18 students with disabilities and English
19 learners, at rates similar to traditional
20 public schools;

21 “(E) the State entity will promote quality
22 authorizing, such as through providing technical
23 assistance and supporting all authorized public
24 chartering agencies in the State to improve the

1 oversight of their charter schools, including
2 by—

3 “(i) assessing annual performance
4 data of the schools, including, as appro-
5 priate, graduation rates, student academic
6 growth, and rates of student attrition;

7 “(ii) reviewing the schools’ inde-
8 pendent, annual audits of financial state-
9 ments conducted in accordance with gen-
10 erally accepted accounting principles, and
11 ensuring any such audits are publically re-
12 ported; and

13 “(iii) holding charter schools account-
14 able to the academic, financial, and oper-
15 ational quality controls agreed to between
16 the charter school and the authorized pub-
17 lic chartering agency involved, such as
18 through renewal, non-renewal, or revoca-
19 tion of the school’s charter;

20 “(F) the State entity will work to ensure
21 that charter schools are included with the tradi-
22 tional public schools in decision-making about
23 the public school system in the State; and

24 “(G) The State entity will ensure that each
25 charter school in the State makes publicly avail-

1 able, consistent with the dissemination require-
2 ments of the annual State report card, informa-
3 tion to help parents make informed decisions
4 about the education options available to their
5 children, including information for each school
6 on—

7 “(i) the educational program;

8 “(ii) student support services;

9 “(iii) annual performance and enroll-
10 ment data, disaggregated by the groups of
11 students described in section
12 1111(c)(3)(A); and

13 “(iv) any other information the State
14 requires all other public schools to report
15 for purposes of section 1111(i)(1).

16 “(3) REQUESTS FOR WAIVERS.—A request and
17 justification for waivers of any Federal statutory or
18 regulatory provisions that the State entity believes
19 are necessary for the successful operation of the
20 charter schools that will receive funds under the
21 State entity’s program under this section, and a de-
22 scription of any State or local rules, generally appli-
23 cable to public schools, that will be waived, or other-
24 wise not apply to such schools or, in the case of a
25 State entity defined in subsection (i)(4), a descrip-

1 tion of how the State entity will work with the State
2 to request necessary waivers where applicable.

3 “(f) SELECTION CRITERIA; PRIORITY.—

4 “(1) SELECTION CRITERIA.—The Secretary
5 shall award grants to State entities under this sec-
6 tion on the basis of the quality of the applications
7 submitted under subsection (e), after taking into
8 consideration—

9 “(A) the degree of flexibility afforded by
10 the State’s public charter school law and how
11 the State entity will work to maximize the flexi-
12 bility provided to charter schools under the law;

13 “(B) the ambitiousness of the State enti-
14 ty’s objectives for the quality charter school
15 program carried out under this section;

16 “(C) the quality of the strategy for assess-
17 ing achievement of those objectives;

18 “(D) the likelihood that the eligible appli-
19 cants receiving subgrants under the program
20 will meet those objectives and improve edu-
21 cational results for students;

22 “(E) the State entity’s plan to—

23 “(i) adequately monitor the eligible
24 applicants receiving subgrants under the
25 State entity’s program;

1 “(ii) work with the authorized public
2 chartering agencies involved to avoid dupli-
3 cation of work for the charter schools and
4 authorized public chartering agencies; and
5 “(iii) provide adequate technical as-
6 sistance and support for—

7 “(I) the charter schools receiving
8 funds under the State entity’s pro-
9 gram; and

10 “(II) quality authorizing efforts
11 in the State; and

12 “(F) the State entity’s plan to solicit and
13 consider input from parents and other members
14 of the community on the implementation and
15 operation of the charter schools in the State.

16 “(2) PRIORITY.—In awarding grants under this
17 section, the Secretary shall give priority to State en-
18 tities to the extent that they meet the following cri-
19 teria:

20 “(A) In the case of a State entity located
21 in a State that allows an entity other than a
22 local educational agency to be an authorized
23 public chartering agency, the State has a qual-
24 ity authorized public chartering agency that is
25 an entity other than a local educational agency.

1 “(B) The State entity is located in a State
2 that ensures equitable financing, as compared
3 to traditional public schools, for charter schools
4 and students in a prompt manner.

5 “(C) The State entity is located in a State
6 that uses charter schools and best practices
7 from charter schools to help improve struggling
8 schools and local educational agencies.

9 “(D) The State entity partners with an or-
10 ganization that has a demonstrated record of
11 success in developing management organiza-
12 tions to support the development of charter
13 schools in the State.

14 “(E) The State entity supports charter
15 schools that support at-risk students through
16 activities such as dropout prevention, dropout
17 recovery, or comprehensive career counseling
18 practices.

19 “(F) The State entity authorizes all char-
20 ter schools in the State to serve as school food
21 authorities.

22 “(G) The State entity has taken steps to
23 ensure that all authorizing public chartering
24 agencies implement quality standards as de-
25 scribed in section 1111(d)(1)(I).

1 “(g) LOCAL USES OF FUNDS.—An eligible applicant
2 receiving a subgrant under this section shall use such
3 funds to carry out activities related to opening and pre-
4 paring to operate a new charter school, a replicated, high-
5 quality charter school model, or an expanded, high-quality
6 charter school, such as—

7 “(1) preparing teachers and school leaders, in-
8 cluding through professional development;

9 “(2) acquiring equipment, educational mate-
10 rials, and supplies; and

11 “(3) necessary renovations and minor facilities
12 repairs (excluding construction).

13 “(h) REPORTING REQUIREMENTS.—Each State enti-
14 ty receiving a grant under this section shall submit to the
15 Secretary, at the end of the third year of the 5-year grant
16 period and at the end of such grant period, a report on—

17 “(1) the number of students served by each
18 subgrant awarded under this section and, if applica-
19 ble, how many new students were served during each
20 year of the subgrant period;

21 “(2) the progress the State entity made toward
22 meeting the priorities described in subsection (f)(2),
23 as applicable;

24 “(3) how the State entity met the objectives of
25 the quality charter school program described in the

1 State entity’s application under subsection (e), in-
2 cluding how the State entity met the objective of
3 sharing best and promising practices described in
4 subsection (e)(1)(A)(x) in areas such as instruction,
5 professional development, curricula development, and
6 operations between charter schools and other public
7 schools, and the extent to which, if known, such
8 practices were adopted and implemented by such
9 other public schools;

10 “(4) how the State entity complied with, and
11 ensured that eligible applicants complied with, the
12 assurances described in the State entity’s applica-
13 tion;

14 “(5) how the State entity worked with author-
15 ized public chartering agencies, including how the
16 agencies worked with the management company or
17 leadership of the schools that received subgrants
18 under this section;

19 “(6) the number of subgrants awarded under
20 this section to carry out each of the following:

21 “(A) The opening of new charter schools.

22 “(B) The opening of replicated, high-qual-
23 ity charter school models.

24 “(C) The opening of expanded, high-qual-
25 ity charter schools; and

1 “(7) how the State entity has worked with char-
2 ter schools receiving funds under the State entity’s
3 program to foster community involvement in the
4 planning for and opening of such schools.

5 “(i) STATE ENTITY DEFINED.—For purposes of this
6 section, the term ‘State entity’ means—

7 “(1) a State educational agency;

8 “(2) a State charter school board;

9 “(3) a Governor of a State; or

10 “(4) a charter school support organization.”.

11 **SEC. 504. FACILITIES FINANCING ASSISTANCE.**

12 Section 5204 (20 U.S.C. 7221e) is amended to read
13 as follows:

14 **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

15 “(a) GRANTS TO ELIGIBLE ENTITIES.—

16 “(1) IN GENERAL.—From the amount reserved
17 under section 5202(b)(1), the Secretary shall not
18 use less than 50 percent to award grants to eligible
19 entities that have the highest-quality applications
20 approved under subsection (d), after considering the
21 diversity of such applications, to demonstrate inno-
22 vative methods of assisting charter schools to ad-
23 dress the cost of acquiring, constructing, and ren-
24 ovating facilities by enhancing the availability of
25 loans or bond financing.

1 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
2 poses of this section, the term ‘eligible entity’
3 means—

4 “(A) a public entity, such as a State or
5 local governmental entity;

6 “(B) a private nonprofit entity; or

7 “(C) a consortium of entities described in
8 subparagraphs (A) and (B).

9 “(b) GRANTEE SELECTION.—The Secretary shall
10 evaluate each application submitted under subsection (d),
11 and shall determine whether the application is sufficient
12 to merit approval.

13 “(c) GRANT CHARACTERISTICS.—Grants under sub-
14 section (a) shall be of a sufficient size, scope, and quality
15 so as to ensure an effective demonstration of an innovative
16 means of enhancing credit for the financing of charter
17 school acquisition, construction, or renovation.

18 “(d) APPLICATIONS.—

19 “(1) IN GENERAL.—To receive a grant under
20 subsection (a), an eligible entity shall submit to the
21 Secretary an application in such form as the Sec-
22 retary may reasonably require.

23 “(2) CONTENTS.—An application submitted
24 under paragraph (1) shall contain—

1 “(A) a statement identifying the activities
2 proposed to be undertaken with funds received
3 under subsection (a), including how the eligible
4 entity will determine which charter schools will
5 receive assistance, and how much and what
6 types of assistance charter schools will receive;

7 “(B) a description of the involvement of
8 charter schools in the application’s development
9 and the design of the proposed activities;

10 “(C) a description of the eligible entity’s
11 expertise in capital market financing;

12 “(D) a description of how the proposed ac-
13 tivities will leverage the maximum amount of
14 private-sector financing capital relative to the
15 amount of public funding used and otherwise
16 enhance credit available to charter schools, in-
17 cluding how the eligible entity will offer a com-
18 bination of rates and terms more favorable than
19 the rates and terms that a charter school could
20 receive without assistance from the eligible enti-
21 ty under this section;

22 “(E) a description of how the eligible enti-
23 ty possesses sufficient expertise in education to
24 evaluate the likelihood of success of a charter

1 school program for which facilities financing is
2 sought; and

3 “(F) in the case of an application sub-
4 mitted by a State governmental entity, a de-
5 scription of the actions that the entity has
6 taken, or will take, to ensure that charter
7 schools within the State receive the funding the
8 charter schools need to have adequate facilities.

9 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
10 entity receiving a grant under this section shall use the
11 funds deposited in the reserve account established under
12 subsection (f) to assist one or more charter schools to ac-
13 cess private sector capital to accomplish one or more of
14 the following objectives:

15 “(1) The acquisition (by purchase, lease, dona-
16 tion, or otherwise) of an interest (including an inter-
17 est held by a third party for the benefit of a charter
18 school) in improved or unimproved real property
19 that is necessary to commence or continue the oper-
20 ation of a charter school.

21 “(2) The construction of new facilities, or the
22 renovation, repair, or alteration of existing facilities,
23 necessary to commence or continue the operation of
24 a charter school.

1 “(3) The predevelopment costs required to as-
2 sess sites for purposes of paragraph (1) or (2) and
3 which are necessary to commence or continue the
4 operation of a charter school.

5 “(f) RESERVE ACCOUNT.—

6 “(1) USE OF FUNDS.—To assist charter schools
7 to accomplish the objectives described in subsection
8 (e), an eligible entity receiving a grant under sub-
9 section (a) shall, in accordance with State and local
10 law, directly or indirectly, alone or in collaboration
11 with others, deposit the funds received under sub-
12 section (a) (other than funds used for administrative
13 costs in accordance with subsection (g)) in a reserve
14 account established and maintained by the eligible
15 entity for this purpose. Amounts deposited in such
16 account shall be used by the eligible entity for one
17 or more of the following purposes:

18 “(A) Guaranteeing, insuring, and rein-
19 suring bonds, notes, evidences of debt, loans,
20 and interests therein, the proceeds of which are
21 used for an objective described in subsection
22 (e).

23 “(B) Guaranteeing and insuring leases of
24 personal and real property for an objective de-
25 scribed in subsection (e).

1 “(C) Facilitating financing by identifying
2 potential lending sources, encouraging private
3 lending, and other similar activities that di-
4 rectly promote lending to, or for the benefit of,
5 charter schools.

6 “(D) Facilitating the issuance of bonds by
7 charter schools, or by other public entities for
8 the benefit of charter schools, by providing
9 technical, administrative, and other appropriate
10 assistance (including the recruitment of bond
11 counsel, underwriters, and potential investors
12 and the consolidation of multiple charter school
13 projects within a single bond issue).

14 “(2) INVESTMENT.—Funds received under this
15 section and deposited in the reserve account estab-
16 lished under paragraph (1) shall be invested in obli-
17 gations issued or guaranteed by the United States or
18 a State, or in other similarly low-risk securities.

19 “(3) REINVESTMENT OF EARNINGS.—Any earn-
20 ings on funds received under subsection (a) shall be
21 deposited in the reserve account established under
22 paragraph (1) and used in accordance with such
23 paragraph.

24 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
25 eligible entity may use not more than 2.5 percent of the

1 funds received under subsection (a) for the administrative
2 costs of carrying out its responsibilities under this section
3 (excluding subsection (k)).

4 “(h) AUDITS AND REPORTS.—

5 “(1) FINANCIAL RECORD MAINTENANCE AND
6 AUDIT.—The financial records of each eligible entity
7 receiving a grant under subsection (a) shall be main-
8 tained in accordance with generally accepted ac-
9 counting principles and shall be subject to an annual
10 audit by an independent public accountant.

11 “(2) REPORTS.—

12 “(A) GRANTEE ANNUAL REPORTS.—Each
13 eligible entity receiving a grant under sub-
14 section (a) annually shall submit to the Sec-
15 retary a report of its operations and activities
16 under this section.

17 “(B) CONTENTS.—Each annual report
18 submitted under subparagraph (A) shall in-
19 clude—

20 “(i) a copy of the most recent finan-
21 cial statements, and any accompanying
22 opinion on such statements, prepared by
23 the independent public accountant review-
24 ing the financial records of the eligible en-
25 tity;

1 “(ii) a copy of any report made on an
2 audit of the financial records of the eligible
3 entity that was conducted under paragraph
4 (1) during the reporting period;

5 “(iii) an evaluation by the eligible en-
6 tity of the effectiveness of its use of the
7 Federal funds provided under subsection
8 (a) in leveraging private funds;

9 “(iv) a listing and description of the
10 charter schools served during the reporting
11 period, including the amount of funds used
12 by each school, the type of project facili-
13 tated by the grant, and the type of assist-
14 ance provided to the charter schools;

15 “(v) a description of the activities car-
16 ried out by the eligible entity to assist
17 charter schools in meeting the objectives
18 set forth in subsection (e); and

19 “(vi) a description of the characteris-
20 tics of lenders and other financial institu-
21 tions participating in the activities under-
22 taken by the eligible entity under this sec-
23 tion (excluding subsection (k)) during the
24 reporting period.

1 “(C) SECRETARIAL REPORT.—The Sec-
2 retary shall review the reports submitted under
3 subparagraph (A) and shall provide a com-
4 prehensive annual report to Congress on the ac-
5 tivities conducted under this section (excluding
6 subsection (k)).

7 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
8 OBLIGATION.—No financial obligation of an eligible entity
9 entered into pursuant to this section (such as an obliga-
10 tion under a guarantee, bond, note, evidence of debt, or
11 loan) shall be an obligation of, or guaranteed in any re-
12 spect by, the United States. The full faith and credit of
13 the United States is not pledged to the payment of funds
14 which may be required to be paid under any obligation
15 made by an eligible entity pursuant to any provision of
16 this section.

17 “(j) RECOVERY OF FUNDS.—

18 “(1) IN GENERAL.—The Secretary, in accord-
19 ance with chapter 37 of title 31, United States
20 Code, shall collect—

21 “(A) all of the funds in a reserve account
22 established by an eligible entity under sub-
23 section (f)(1) if the Secretary determines, not
24 earlier than 2 years after the date on which the
25 eligible entity first received funds under this

1 section (excluding subsection (k)), that the eli-
2 gible entity has failed to make substantial
3 progress in carrying out the purposes described
4 in subsection (f)(1); or

5 “(B) all or a portion of the funds in a re-
6 serve account established by an eligible entity
7 under subsection (f)(1) if the Secretary deter-
8 mines that the eligible entity has permanently
9 ceased to use all or a portion of the funds in
10 such account to accomplish any purpose de-
11 scribed in subsection (f)(1).

12 “(2) EXERCISE OF AUTHORITY.—The Secretary
13 shall not exercise the authority provided in para-
14 graph (1) to collect from any eligible entity any
15 funds that are being properly used to achieve one or
16 more of the purposes described in subsection (f)(1).

17 “(3) PROCEDURES.—The provisions of sections
18 451, 452, and 458 of the General Education Provi-
19 sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply
20 to the recovery of funds under paragraph (1).

21 “(4) CONSTRUCTION.—This subsection shall
22 not be construed to impair or affect the authority of
23 the Secretary to recover funds under part D of the
24 General Education Provisions Act (20 U.S.C. 1234
25 et seq.).

1 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

2 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
3 PROGRAM.—In this subsection, the term ‘per-pupil
4 facilities aid program’ means a program in which a
5 State makes payments, on a per-pupil basis, to char-
6 ter schools to provide the schools with financing—

7 “(A) that is dedicated solely for funding
8 charter school facilities; or

9 “(B) a portion of which is dedicated for
10 funding charter school facilities.

11 “(2) GRANTS.—

12 “(A) IN GENERAL.—From the amount
13 under section 5202(b)(1) remaining after the
14 Secretary makes grants under subsection (a),
15 the Secretary shall make grants, on a competi-
16 tive basis, to States to pay for the Federal
17 share of the cost of establishing or enhancing,
18 and administering per-pupil facilities aid pro-
19 grams.

20 “(B) PERIOD.—The Secretary shall award
21 grants under this subsection for periods of not
22 more than 5 years.

23 “(C) FEDERAL SHARE.—The Federal
24 share of the cost described in subparagraph (A)

1 for a per-pupil facilities aid program shall be
2 not more than—

3 “(i) 90 percent of the cost, for the
4 first fiscal year for which the program re-
5 ceives assistance under this subsection;

6 “(ii) 80 percent in the second such
7 year;

8 “(iii) 60 percent in the third such
9 year;

10 “(iv) 40 percent in the fourth such
11 year; and

12 “(v) 20 percent in the fifth such year.

13 “(D) STATE SHARE.—A State receiving a
14 grant under this subsection may partner with 1
15 or more organizations to provide up to 50 per-
16 cent of the State share of the cost of estab-
17 lishing or enhancing, and administering the per-
18 pupil facilities aid program.

19 “(E) MULTIPLE GRANTS.—A State may
20 receive more than 1 grant under this sub-
21 section, so long as the amount of such funds
22 provided to charter schools increases with each
23 successive grant.

24 “(3) USE OF FUNDS.—

1 “(A) IN GENERAL.—A State that receives
2 a grant under this subsection shall use the
3 funds made available through the grant to es-
4 tablish or enhance, and administer, a per-pupil
5 facilities aid program for charter schools in the
6 State of the applicant.

7 “(B) EVALUATIONS; TECHNICAL ASSIST-
8 ANCE; DISSEMINATION.—From the amount
9 made available to a State through a grant
10 under this subsection for a fiscal year, the State
11 may reserve not more than 5 percent to carry
12 out evaluations, to provide technical assistance,
13 and to disseminate information.

14 “(C) SUPPLEMENT, NOT SUPPLANT.—
15 Funds made available under this subsection
16 shall be used to supplement, and not supplant,
17 State and local public funds expended to pro-
18 vide per pupil facilities aid programs, oper-
19 ations financing programs, or other programs,
20 for charter schools.

21 “(4) REQUIREMENTS.—

22 “(A) VOLUNTARY PARTICIPATION.—No
23 State may be required to participate in a pro-
24 gram carried out under this subsection.

25 “(B) STATE LAW.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), to be eligible to receive
3 a grant under this subsection, a State shall
4 establish or enhance, and administer, a
5 per-pupil facilities aid program for charter
6 schools in the State, that—

7 “(I) is specified in State law; and
8 “(II) provides annual financing,
9 on a per-pupil basis, for charter
10 school facilities.

11 “(ii) SPECIAL RULE.—Notwith-
12 standing clause (i), a State that is required
13 under State law to provide its charter
14 schools with access to adequate facility
15 space, but which does not have a per-pupil
16 facilities aid program for charter schools
17 specified in State law, may be eligible to
18 receive a grant under this subsection if the
19 State agrees to use the funds to develop a
20 per-pupil facilities aid program consistent
21 with the requirements of this subsection.

22 “(5) APPLICATIONS.—To be eligible to receive a
23 grant under this subsection, a State shall submit an
24 application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require.”.

3 **SEC. 505. NATIONAL ACTIVITIES.**

4 Section 5205 (20 U.S.C. 7221d) is amended to read
5 as follows:

6 **“SEC. 5205. NATIONAL ACTIVITIES.**

7 “(a) IN GENERAL.—From the amount reserved
8 under section 5202(b)(2), the Secretary shall—

9 “(1) use not less than 75 percent of such funds
10 to award grants in accordance with subsection (b);
11 and

12 “(2) use not more than 25 percent of such
13 funds to—

14 “(A) provide technical assistance to State
15 entities in awarding subgrants under section
16 5203, and eligible entities and States receiving
17 grants under section 5204;

18 “(B) disseminate best practices; and

19 “(C) evaluate the impact of the charter
20 school program, including the impact on stu-
21 dent achievement, carried out under this sub-
22 part.

23 “(b) GRANTS.—

24 “(1) IN GENERAL.—The Secretary shall make
25 grants, on a competitive basis, to eligible applicants

1 for the purpose of carrying out the activities de-
2 scribed in section 5202(a)(1), subparagraphs (A)
3 through (C) of section 5203(a)(1), and section
4 5203(g).

5 “(2) TERMS AND CONDITIONS.—Except as oth-
6 erwise provided in this subsection, grants awarded
7 under this subsection shall have the same terms and
8 conditions as grants awarded to State entities under
9 section 5203.

10 “(3) CHARTER MANAGEMENT ORGANIZA-
11 TIONS.—The Secretary shall—

12 “(A) use not less than 75 percent of the
13 funds described in subsection (a)(1) to make
14 grants, on a competitive basis, to eligible appli-
15 cants described in paragraph (4)(B) except that
16 no eligible applicant, including any applicant
17 acting as lead fiscal agent if applying in consor-
18 tium for a grant under this paragraph, may op-
19 erate more than one active grant at a time; and

20 “(B) notwithstanding paragraphs (1)(A)
21 and (2) of section 5203(f)—

22 “(i) award grants to eligible appli-
23 cants on the basis of the quality of the ap-
24 plications submitted under this subsection;
25 and

1 “(ii) in awarding grants to eligible ap-
2 plicants described in paragraph (4)(B),
3 take into consideration whether such an el-
4 igible applicant—

5 “(I) demonstrates a high propor-
6 tion of high-quality charter schools
7 within the network of the eligible ap-
8 plicant;

9 “(II) demonstrates success in
10 serving students who are educationally
11 disadvantaged;

12 “(III) does not have a significant
13 proportion of charter schools that
14 have been closed, had their charter re-
15 voked for compliance issues, or had
16 their affiliation with such eligible ap-
17 plicant revoked;

18 “(IV) has sufficient procedures in
19 effect to ensure timely closure of low-
20 performing or financially-mismanaged
21 charter schools and clear plans and
22 procedures in effect for the students
23 in such schools to attend other high-
24 quality schools; and

1 “(V) demonstrates success in
2 working with schools identified for im-
3 provement by the State.

4 “(4) ELIGIBLE APPLICANT DEFINED.—For pur-
5 poses of this subsection, the term ‘eligible applicant’
6 means an eligible applicant (as defined in section
7 5210) that—

8 “(A) desires to open a charter school in—

9 “(i) a State that did not apply for a
10 grant under section 5203; or

11 “(ii) a State that did not receive a
12 grant under section 5203; or

13 “(B) is a charter management organiza-
14 tion.

15 “(c) CONTRACTS AND GRANTS.—The Secretary may
16 carry out any of the activities described in this section di-
17 rectly or through grants, contracts, or cooperative agree-
18 ments.”.

19 **SEC. 506. RECORDS TRANSFER.**

20 Section 5208 (20 U.S.C. 7221g) is amended—

21 (1) by inserting “as quickly as possible and”
22 before “to the extent practicable”; and

23 (2) by striking “section 602” and inserting
24 “section 602(14)”.

1 **SEC. 507. DEFINITIONS.**

2 Section 5210 (20 U.S.C. 7221i) is amended—

3 (1) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) CHARTER SCHOOL.—The term ‘charter
6 school’ means a public school that—

7 “(A) in accordance with a specific State
8 statute authorizing the granting of charters to
9 schools, is exempt from significant State or
10 local rules that inhibit the flexible operation
11 and management of public schools, but not
12 from any rules relating to the other require-
13 ments of this paragraph;

14 “(B) is created by a developer as a public
15 school, or is adapted by a developer from an ex-
16 isting public school, and is operated under pub-
17 lic supervision and direction;

18 “(C) operates in pursuit of a specific set of
19 educational objectives determined by the
20 school’s developer and agreed to by the author-
21 ized public chartering agency;

22 “(D) provides a program of elementary or
23 secondary education, or both;

24 “(E) is nonsectarian in its programs, ad-
25 missions policies, employment practices, and all

1 other operations, and is not affiliated with a
2 sectarian school or religious institution;

3 “(F) does not charge tuition;

4 “(G) complies with the Age Discrimination
5 Act of 1975, title VI of the Civil Rights Act of
6 1964, title IX of the Education Amendments of
7 1972, section 504 of the Rehabilitation Act of
8 1973, part B of the Individuals with Disabil-
9 ities Education Act, the Americans with Dis-
10 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
11 and section 444 of the General Education Pro-
12 visions Act (20 U.S.C. 1232(g)) (commonly
13 known as the ‘Family Education Rights and
14 Privacy Act of 1974’);

15 “(H) is a school to which parents choose to
16 send their children, and admits students on the
17 basis of a lottery if more students apply for ad-
18 mission than can be accommodated, except that
19 in cases in which students who are enrolled in
20 a charter school affiliated (such as by sharing
21 a network) with another charter school, those
22 students may be automatically enrolled in the
23 next grade level at such other charter school, so
24 long as a lottery is used to fill seats created
25 through regular attrition in student enrollment;

1 “(I) agrees to comply with the same Fed-
2 eral and State audit requirements as do other
3 elementary schools and secondary schools in the
4 State, unless such State audit requirements are
5 waived by the State;

6 “(J) meets all applicable Federal, State,
7 and local health and safety requirements;

8 “(K) operates in accordance with State
9 law;

10 “(L) has a written performance contract
11 with the authorized public chartering agency in
12 the State that includes a description of how
13 student performance will be measured in char-
14 ter schools pursuant to State assessments that
15 are required of other schools and pursuant to
16 any other assessments mutually agreeable to
17 the authorized public chartering agency and the
18 charter school; and

19 “(M) may serve prekindergarten or post-
20 secondary students.”;

21 (2) by redesignating paragraphs (2) through
22 (4) as paragraphs (4) through (6), respectively;

23 (3) by inserting after paragraph (1), the fol-
24 lowing:

1 “(2) CHARTER MANAGEMENT ORGANIZATION.—

2 The term ‘charter management organization’ means
3 a not-for-profit organization that manages a network
4 of charter schools linked by centralized support, op-
5 erations, and oversight.

6 “(3) CHARTER SCHOOL SUPPORT ORGANIZA-

7 TION.—The term ‘charter school support organiza-
8 tion’ means a nonprofit, nongovernmental entity that
9 is not an authorized public chartering agency, which
10 provides on a statewide basis—

11 “(A) assistance to developers during the
12 planning, program design, and initial implemen-
13 tation of a charter school; and

14 “(B) technical assistance to charter schools
15 to operate such schools.”;

16 (4) in paragraph (5)(B), as so redesignated, by
17 striking “under section 5203(d)(3)”; and

18 (5) by adding at the end the following:

19 “(7) EXPANDED, HIGH-QUALITY CHARTER

20 SCHOOL.—The term ‘expanded, high-quality charter
21 school’ means a high-quality charter school that has
22 either significantly increased its enrollment or added
23 one or more grades to its school.

1 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
2 term ‘high-quality charter school’ means a charter
3 school that—

4 “(A) shows evidence of strong academic re-
5 sults, which may include strong academic
6 growth as determined by a State;

7 “(B) has no significant issues in the areas
8 of student safety, operational and financial
9 management, or statutory or regulatory compli-
10 ance;

11 “(C) has demonstrated success in signifi-
12 cantly increasing student academic achieve-
13 ment, including graduation rates where applica-
14 ble, consistent with the requirements under title
15 I, for all students served by the charter school;
16 and

17 “(D) has demonstrated success in increas-
18 ing student academic achievement, including
19 graduation rates where applicable, for the
20 groups of students described in section
21 1111(b)(2)(C)(v)(II), except that such dem-
22 onstration is not required in a case in which the
23 number of students in a group is insufficient to
24 yield statistically reliable information or the re-

1 sults would reveal personally identifiable infor-
2 mation about an individual student.

3 “(9) REPLICATED, HIGH-QUALITY CHARTER
4 SCHOOL MODEL.—The term ‘replicated, high-quality
5 charter school model’ means a high-quality charter
6 school that has opened a new campus under an ex-
7 isting charter or an additional charter if required or
8 permitted by State law.”.

9 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 5211 (20 U.S.C. 7221j) is amended to read
11 as follows:

12 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

13 “‘There are authorized to be appropriated to carry out
14 this subpart \$300,000,000 for fiscal year 2016 and each
15 of the 5 succeeding fiscal years.’”.

16 **SEC. 509. CONFORMING AMENDMENTS.**

17 (a) REPEAL.—Subpart 2 of part B of title V (20
18 U.S.C. 7223 et seq.) is repealed.

19 (b) TABLE OF CONTENTS.—The table of contents in
20 section 2 is amended—

21 (1) by striking the item relating to subpart 1
22 of part B of title V and inserting the following:

 “Subpart 1—Charter School Program”;

23 (2) by striking the item relating to section 5203
24 and inserting the following:

 “Sec. 5203. Grants to support high-quality charter schools.”;

1 (3) by striking the item relating to section 5204
2 and inserting the following:

“Sec. 5204. Facilities financing assistance.”; and

3 (4) by striking the items relating to subpart 2
4 of part B of title V.

5 **Subtitle B—Magnet Schools**

6 **SEC. 510. DURATION OF AWARD; ACCOUNTABILITY.**

7 Section 5309 (20 U.S.C. 7231h) is amended—

8 (1) in the heading by inserting “; **ACCOUNT-**
9 **ABILITY**”;

10 (2) in subsection (a), by striking “3” and in-
11 serting “5”; and

12 (3) by adding at the end the following:

13 “(e) **ACCOUNTABILITY.**—The Secretary may reduce
14 grant funding awarded to a local educational agency, or
15 a consortium of such agencies, under this part if the agen-
16 cy or consortium does not show progress in the elimi-
17 nation, reduction, or prevention of minority group isola-
18 tion in its magnet school program over the first 3-year
19 period during which the agency or consortium was award-
20 ed such grant.”.

21 **SEC. 511. AUTHORIZATION OF APPROPRIATIONS; RESERVA-** 22 **TION.**

23 Section 5311(a) (20 U.S.C. 7231j(a)) is amended by
24 striking “\$125,000,000 for fiscal year 2002” and insert-
25 ing “\$300,000,000 for fiscal year 2016”.

1 **Subtitle C—Fund for the**
2 **Improvement of Education**

3 **SEC. 512. FUND FOR THE IMPROVEMENT OF EDUCATION.**

4 (a) IN GENERAL.—Part D of title V (20 U.S.C. 7241
5 et seq.) is amended to read as follows:

6 “PART D—A WELL-ROUNDED EDUCATION

7 “SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

8 “**SEC. 5401. PURPOSE.**

9 “The purpose of this subpart is to improve student
10 academic achievement in STEM subjects by—

11 “(1) improving instruction in such subjects
12 from preschool through grade 12;

13 “(2) improving student engagement in, and in-
14 creasing student access to, courses in such subjects;

15 “(3) improving the quality and effectiveness of
16 classroom instruction by recruiting, training, and
17 supporting effective teachers and providing robust
18 tools and supports for students and teachers in such
19 subjects;

20 “(4) implementing and integrating college and
21 career ready standards, described in section
22 1111(b)(2), in STEM subjects and assessments
23 aligned with those standards;

24 “(5) closing student achievement gaps, and pre-
25 paring more students for postsecondary education

1 and careers, in such subjects, particularly students
2 who are traditionally underrepresented in STEM
3 subject fields; and

4 “(6) Recognizing that STEM subjects are di-
5 verse and that STEM education programs must ex-
6 pose students to content and skills in a host of con-
7 stantly changing and evolving content areas.

8 **“SEC. 5402. GRANTS; ALLOTMENTS.**

9 “(a) RESERVATIONS.—

10 “(1) IN GENERAL.—From the amounts appro-
11 priated under section 5410 for a fiscal year, the Sec-
12 retary shall reserve—

13 “(A) \$35,000,000 for a STEM Master
14 Teachers Corps program under section 5405;

15 “(B) 3 percent to carry out activities de-
16 scribed in section 5405 and technical assistance
17 to States, including technical assistance with
18 implementation of programs consistent with the
19 purpose of this subpart; and

20 “(C) if funds are not awarded by formula,
21 as described in subsection (c)(1), 5 percent for
22 State capacity-building grants in accordance
23 with paragraph (2).

24 “(2) CAPACITY-BUILDING GRANTS.—

1 “(A) IN GENERAL.—In any year for which
2 funding is distributed competitively, as de-
3 scribed in subsection (b)(1), the Secretary may
4 award 1 capacity-building grant to each eligible
5 entity that does not receive a grant under sub-
6 section (b), on a competitive basis, to enable
7 such States to become more competitive in fu-
8 ture years.

9 “(B) DURATION.—Grants awarded under
10 subparagraph (A) shall be for a period of 1
11 year.

12 “(b) COMPETITIVE GRANTS.—

13 “(1) IN GENERAL.—For each fiscal year for
14 which the amount appropriated to carry out this
15 subpart is less than \$250,000,000, the Secretary
16 shall award grants, on a competitive basis, to eligible
17 entities to enable such eligible entities to carry out
18 the activities described in this subpart.

19 “(2) DURATION.—Grants awarded under this
20 subsection shall be for a period of not more than 3
21 years.

22 “(3) RENEWAL.—

23 “(A) IN GENERAL.—If an eligible entity
24 demonstrates progress, as measured by the
25 metrics reported in section 5406(a)(5), the Sec-

1 retary may renew a grant for an additional 2-
2 year period.

3 “(B) REDUCED FUNDING.—Grant funds
4 awarded under subparagraph (A) shall be
5 awarded at a reduced amount.

6 “(c) FORMULA GRANTS.—

7 “(1) IN GENERAL.—For each fiscal year for
8 which the amount appropriated to carry out this
9 subpart is equal to or more than \$250,000,000, the
10 Secretary shall award grants to States, based on the
11 formula described in paragraph (2).

12 “(2) DISTRIBUTION OF FUNDS.—The Secretary
13 shall allot to each State—

14 “(A) an amount that bears the same rela-
15 tionship to 35 percent of the excess amount as
16 the number of individuals ages 5 through 17 in
17 the State, as determined by the Secretary on
18 the basis of the most recent satisfactory data,
19 bears to the number of those individuals in all
20 such States, as so determined; and

21 “(B) an amount that bears the same rela-
22 tionship to 65 percent of the excess amount as
23 the number of individuals ages 5 through 17
24 from families with incomes below the poverty
25 line, in the State, as determined by the Sec-

1 retary on the basis of the most recent satisfac-
2 tory data, bears to the number of those individ-
3 uals in all such States, as so determined.

4 “(3) FUNDING MINIMUM.—No State receiving
5 an allotment under this subsection may receive less
6 than one-half of 1 percent of the total amount allot-
7 ted under paragraph (1) for a fiscal year.

8 “(4) REALLOTMENT OF UNUSED FUNDS.—If a
9 State does not successfully apply for or receive an
10 allotment under this subsection for a fiscal year, the
11 Secretary shall reallocate the amount of the State’s al-
12 lotment to the remaining States in accordance with
13 this subsection.

14 **“SEC. 5403. APPLICATIONS.**

15 “(a) IN GENERAL.—Each eligible entity desiring a
16 grant under this subpart, whether through a competitive
17 grant under section 5402(b) or through an allotment
18 under section 5402(c), shall submit an application to the
19 Secretary at such time, in such manner, and accompanied
20 by such information as the Secretary may require.

21 “(b) CONTENTS.—At a minimum, an application sub-
22 mitted under subsection (a) shall include the following:

23 “(1) A description of how grant funds will be
24 used by the eligible entity.

1 “(2) A description of how the eligible entity has
2 involved a variety of stakeholders in the development
3 of the application and a description of how the State
4 or eligible entity will continue to involve stakeholders
5 in any education reform efforts related to STEM
6 subject instruction.

7 “(3) A description of the steps the eligible enti-
8 ty will take to ensure that programs implemented by
9 the subgrantees use evidence-based strategies, en-
10 sure high-quality curricula, and provide high-quality
11 professional development.

12 “(4) An assurance that the eligible entity, in
13 making awards under section 5404(c), will give pri-
14 ority to subgrantees that—

15 “(A) propose to serve students in schools
16 in need of support and persistently low achiev-
17 ing schools; or

18 “(B) propose to serve schools with a high
19 percentage or number of students that are eligi-
20 ble for free or reduced price lunch under the
21 Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1751 et seq.).

23 “(5) A description of how the eligible entity’s
24 activities and subgrants will be coordinated with
25 other Federal, State, and local programs and activi-

1 ties, including career and technical education pro-
2 grams authorized under the Carl D. Perkins Career
3 and Technical Education Act of 2006 (20 U.S.C.
4 2301 et seq.).

5 “(6) A review of the industry and business
6 workforce needs in the State in jobs that require
7 knowledge or training in STEM subject areas and a
8 description of how that review will inform efforts to
9 improve education in STEM subjects.

10 “(7) A description of how the eligible entity will
11 allocate funds in a manner that will provide services
12 to both elementary schools and secondary schools.

13 “(8) A description of the technical assistance
14 that the eligible entity will provide to subgrantees to
15 support the activities undertaken by the sub-
16 grantees, including—

17 “(A) activities to employ multi-tiered sys-
18 tems of support to provide early intervening
19 services and to increase student achievement in
20 STEM subjects;

21 “(B) activities to ensure increased access
22 for students who are traditionally underrep-
23 resented in STEM subject fields (including fe-
24 male students, minority students, students who
25 are limited English proficient, students who are

1 children with disabilities, and students from
2 low-income families) to high-quality courses and
3 other learning experiences;

4 “(C) implementing evidence-based pro-
5 grams of instruction based on college and ca-
6 reer ready standards and high-quality assess-
7 ments in the identified subjects; and

8 “(D) developing curricula consistent with
9 the principles of universal design for learning as
10 defined in section 103 of the Higher Education
11 Act of 1965.

12 “(9) A description of the key data metrics that
13 will be used and reported annually under section
14 5406(a)(5), that shall include—

15 “(A) student academic achievement on
16 mathematics and science State academic assess-
17 ments and student growth; and

18 “(B) for diploma granting schools, gradua-
19 tion rates.

20 “(10) Assurances that the eligible entity will
21 monitor implementation of approved subgrantee
22 plans.

23 **“SEC. 5404. AUTHORIZED ACTIVITIES.**

24 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity
25 that receives a grant under this subpart shall use not more

1 than 5 percent of the grant funds to carry out each of
2 the following activities:

3 “(1) Providing technical assistance to sub-
4 grantees as described in section 5403(b)(7) and
5 technical assistance to subgrantees that are
6 prioritized in section 5404(d), including subgrantees
7 that serve low-capacity rural and urban areas by—

8 “(A) informing those subgrantees that they
9 have a priority for competing for grants under
10 section 5404(b); and

11 “(B) providing subgrantees who do not re-
12 ceive a grant under section 5404(e) technical
13 assistance so that they may re-compete in fol-
14 lowing competitions.

15 “(2) Identifying and supporting high-quality
16 professional development and other comprehensive
17 systems of support for teachers and school leaders to
18 promote high-quality instruction and instructional
19 leadership in the identified subjects, aligned to col-
20 lege and career ready standards where applicable.

21 “(3) Disseminating information, including mak-
22 ing publicly available on the websites of the State
23 educational agency, on promising practices to im-
24 prove student achievement in STEM subject areas.

1 “(b) PERMISSIBLE ACTIVITIES.—Each eligible entity
2 that receives a grant under this subpart may use the grant
3 funds to carry out 1 or more of the following activities:

4 “(1) Recruiting qualified teachers and instruc-
5 tional leaders who are trained in identified subjects,
6 including teachers who have transitioned into the
7 teaching profession from a career in a STEM field.

8 “(2) Providing induction and mentoring serv-
9 ices to new teachers in identified subjects.

10 “(3) Developing instructional supports, such as
11 curricula and assessments, which shall be evidence-
12 based and aligned with State academic standards
13 and may include online education.

14 “(4) Training personnel of subgrantees to use
15 data systems to continuously improve student
16 achievement in STEM subjects and use the data to
17 better target curriculum and instruction to meet the
18 needs of each student.

19 “(c) SUBGRANTS.—

20 “(1) IN GENERAL.—Each eligible entity that re-
21 ceives a grant under this subpart shall award sub-
22 grants, on a competitive basis, to eligible sub-
23 grantees.

24 “(2) MINIMUM SUBGRANT.—An eligible entity
25 shall award subgrants under this subsection that are

1 of sufficient size and scope to support high-quality,
2 evidence-based, effective programs that are con-
3 sistent with the purpose of this subpart.

4 “(3) SUBGRANTEE APPLICATION.—Each sub-
5 grantee desiring a subgrant under this subsection
6 shall submit an application to the eligible entity at
7 such time, in such manner, and accompanied by
8 such information as the eligible entity may require,
9 including, at a minimum:

10 “(A) A description of the needs identified
11 by the subgrantee, based on a needs assessment
12 which shall include—

13 “(i) data for elementary school and
14 secondary school grades, as applicable and
15 to the extent that such data are available,
16 on—

17 “(I) student achievement in
18 science and mathematics, including
19 such data collected in accordance with
20 the State academic assessments;

21 “(II) science and mathematics
22 teacher evaluation results or ratings;

23 “(III) student access to mathe-
24 matics and science courses needed to
25 enroll in credit-bearing coursework at

1 institutions of higher education in the
2 State;

3 “(IV) access to science and
4 mathematics courses for student pre-
5 kindergarten through grade 12 at-
6 tending schools prioritized under sec-
7 tion 5404(d);

8 “(V) the percentage of students
9 successfully—

10 “(aa) completing Advanced
11 Placement (AP) or International
12 Baccalaureate (IB) courses in
13 science and mathematics sub-
14 jects; or

15 “(bb) completing rigorous
16 postsecondary education courses
17 in science and mathematics sub-
18 jects;

19 “(VI) rates of college remediation
20 in mathematics; and

21 “(VII) teacher shortages and
22 teacher distribution among the local
23 educational agencies and schools
24 served by the subgrantee in science
25 and mathematics subjects; and

1 “(ii) an analysis of the implementa-
2 tion of any multi-tiered systems of support
3 that have been employed by the local edu-
4 cational agency served by the subgrantee
5 to address the learning needs of students
6 in any STEM subjects.

7 “(B) A description of the activities that
8 the subgrantee will carry out based on the find-
9 ings of the needs assessment described in sub-
10 paragraph (A), and how such activities will im-
11 prove teaching and student academic achieve-
12 ment in the identified subjects, in a manner
13 consistent with evidence-based research.

14 “(C) A description of how the subgrantee
15 will use funds provided under this subsection to
16 serve students and teachers in schools
17 prioritized under section 5404(d).

18 “(D) A description of how funds provided
19 under this subsection will be coordinated with
20 other Federal, State, and local programs and
21 activities, including career and technical edu-
22 cation programs authorized under the Carl D.
23 Perkins Career and Technical Education Act of
24 2006 (20 U.S.C. 2301 et seq.).

1 “(E) If the subgrantee is working with
2 outside partners, a description of how such out-
3 side partners will be involved in improving in-
4 struction and increasing access to high-quality
5 learning experiences in the identified subjects.

6 “(4) SUBGRANTEE USE OF FUNDS.—

7 “(A) REQUIRED USE OF FUNDS.—Each
8 subgrantee that receives a subgrant under this
9 subsection shall use the subgrant funds to carry
10 out activities for students from preschool
11 through grade 12, consistent with the analysis
12 and the activities described in the subgrantee’s
13 application, which shall include—

14 “(i) high-quality teacher and instruc-
15 tional leader recruitment, support, evalua-
16 tion, and professional development in the
17 identified subjects;

18 “(ii) professional development, which
19 may include development and support for
20 instructional coaches, to enable teachers
21 and instructional leaders to increase stu-
22 dent achievement in identified subjects,
23 through—

24 “(I) implementation of classroom
25 assessments; and

- 1 “(II) differentiation of instruc-
- 2 tion in identified subjects for all stu-
- 3 dents, including for students with dis-
- 4 abilities and students who are English
- 5 learners;
- 6 “(iii) activities to—
- 7 “(I) improve the content knowl-
- 8 edge of teachers; and
- 9 “(II) facilitate professional col-
- 10 laboration, which may include pro-
- 11 viding time for such collaborations;
- 12 “(iv) training to principals and teach-
- 13 ers in implementing STEM subject initia-
- 14 tives, particularly in the areas of—
- 15 “(I) utilizing data;
- 16 “(II) assessing the quality of
- 17 STEM subject instruction; and
- 18 “(III) providing time and support
- 19 for teachers to plan STEM subject in-
- 20 struction;
- 21 “(v) the development, adoption, and
- 22 improvement of high-quality curricula, as-
- 23 sessments, materials, and instructional
- 24 supports that—

1 “(I) are aligned with State aca-
2 demic standards; and

3 “(II) the subgrantee will use to
4 improve student academic achieve-
5 ment in identified subjects; and

6 “(vi) the development or improvement,
7 and implementation, of multi-tiered sys-
8 tems of support to provide early inter-
9 vening services and to increase student
10 achievement in 1 or more of the identified
11 subjects.

12 “(B) PERMISSIBLE USE OF FUNDS.—In
13 addition to the required activities described in
14 subparagraph (A), each subgrantee that re-
15 ceives a subgrant under this subsection, may
16 also use the subgrant funds to—

17 “(i) support the participation of low-
18 income students in nonprofit competitions
19 and out-of-school activities related to
20 STEM (such as robotics, science research,
21 invention, mathematics, and technology
22 competitions), including—

23 “(I) the purchase of parts and
24 supplies needed to participate in such
25 competitions;

1 “(II) incentives and stipends for
2 teachers and instructional leaders who
3 are involved in assisting students and
4 preparing students for such competi-
5 tions, if such activities fall outside the
6 regular duties and responsibilities of
7 such teachers and instructional lead-
8 ers; and

9 “(III) paying expenses associated
10 with the participation of low-income
11 students in such local, regional, or na-
12 tional competitions;

13 “(ii) improve the laboratories of
14 schools served by the subgrantee and pro-
15 vide instrumentation as part of a com-
16 prehensive program to enhance the quality
17 of STEM instruction, including—

18 “(I) purchase, rental, or leasing
19 of equipment, instrumentation, and
20 other scientific educational materials;

21 “(II) maintenance, renovation,
22 and improvement of laboratory facili-
23 ties;

24 “(III) professional development
25 and training for teachers;

1 “(IV) development of instruc-
2 tional programs designed to integrate
3 the laboratory experience with class-
4 room instruction and to be consistent
5 with college and career ready content
6 standards in STEM subjects;

7 “(V) training in laboratory safety
8 for school personnel;

9 “(VI) design and implementation
10 of hands-on laboratory experiences to
11 encourage the interest of students, es-
12 pecially students who are traditionally
13 underrepresented in STEM subject
14 fields (including female students, mi-
15 nority students, students who are lim-
16 ited English proficient, students who
17 are children with disabilities, and stu-
18 dents from low-income families) in
19 STEM subjects and help prepare such
20 students to pursue postsecondary
21 studies in these fields; and

22 “(VII) assessment of the activi-
23 ties funded under this subparagraph;

24 “(iii) broaden secondary school stu-
25 dents’ access to, and interest in, careers

1 that require academic preparation in 1 or
2 more identified subjects;

3 “(iv) integrate instruction in the iden-
4 tified subjects with instruction in reading,
5 English language arts, or other core and
6 noncore academic subjects;

7 “(v) develop and implement a STEAM
8 curriculum, which means the integration of
9 instruction in the identified subjects with
10 instruction in the arts and design; or

11 “(vi) establish or access online or dis-
12 tance learning programs for STEM subject
13 teachers using evidence-based curricula.

14 “(C) LIMITATION.—Each subgrantee that
15 receives a subgrant under this subsection shall
16 not expend more than 15 percent of the
17 subgrant funds on the activities described in
18 subparagraph (B).

19 “(D) MATCHING FUNDS.—

20 “(i) IN GENERAL.—A State or eligible
21 entity may require an eligible subgrantee
22 receiving a subgrant under this subsection
23 to demonstrate that such subgrantee has
24 obtained a commitment from 1 or more
25 outside partners to match, using non-Fed-

1 eral funds, a portion of the amount of
2 subgrant funds, in an amount determined
3 by the State or eligible entity.

4 “(ii) REQUIRED MINIMUM.—Notwith-
5 standing clause (i), if an eligible sub-
6 grantee partners with an outside partner
7 that is a for-profit entity, such subgrantee
8 shall obtain matching funds from the out-
9 side partner in an amount equal to not less
10 than 15 percent of the amount of the
11 subgrant.

12 “(d) PRIORITY.—In awarding grants under this sub-
13 part, an eligible entity shall give priority to subgrantees
14 proposing to target services to—

15 “(1) students in schools in need of support and
16 high-priority schools; or

17 “(2) schools with a high percentage of students
18 that are eligible for free or reduced price lunch
19 under the Richard B. Russell National School Lunch
20 Act (42 U.S.C. 1751 et seq.).

21 **“SEC. 5405. NATIONAL COORDINATION.**

22 “From the amount reserved under section
23 5402(a)(1)(B), the Secretary shall consult with the Direc-
24 tor of the National Science Foundation and other Federal
25 agencies conducting STEM education programs to en-

1 hance such programs and to improve coordination across
2 agencies, such as—

3 “(1) clarifying the appropriate roles for the De-
4 partment of Education and the National Science
5 Foundation in the execution of summer workshops,
6 institutes, or partnerships to improve STEM edu-
7 cation in elementary and secondary schools; or

8 “(2) integrating afterschool, out-of-school, and
9 informal education efforts conducted across Federal
10 agencies into strategies for enhancing and improving
11 STEM education.

12 **“SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.**

13 “(a) GRANTS AUTHORIZED.—From the funds re-
14 served under section 5402(a)(1)(A), the Secretary shall
15 award 1 or more grants, on a competitive basis, to entities
16 described in subsection (b)(1) to enable such entities to
17 establish and operate a one-time STEM master teacher
18 corps program.

19 “(b) STEM MASTER TEACHER CORPS.—The term
20 ‘STEM master teacher corps’ (referred to in this section
21 as the ‘corps’) means a one-time program—

22 “(1) that establishes the viability of creating a
23 long-term national-level master teacher corps as a
24 means to recognize and reward accomplished STEM
25 educators;

1 “(2) operated by 1 or more State educational
2 agencies, or a consortium of local educational agen-
3 cies, acting in partnership with 1 or more outside
4 partners that have a demonstrated record of success
5 in improving the effectiveness of STEM teachers or
6 increasing the retention of such teachers;

7 “(3) that selects a group of highly rated teach-
8 ers (through a process, and for a duration, deter-
9 mined by the entity described in paragraph (1)), as
10 members of the corps, that constitutes not less than
11 5 percent and not more than 10 percent of elemen-
12 tary school, middle school, and high school teachers
13 who teach STEM subjects and who—

14 “(A) teach in a participating high-need
15 school in the region served by the entity de-
16 scribed in paragraph (1); or

17 “(B) agree to teach in a participating
18 high-need school in the region served by the en-
19 tity described in paragraph (1) if accepted as a
20 member of the corps; and

21 “(4) that aims to attract, improve, and retain
22 teachers who teach STEM subjects and to increase
23 student achievement in such subjects, including by—

24 “(A) providing instructional leadership re-
25 sponsibilities for corps members in their

1 schools, local educational agencies, or States,
2 such as mentoring beginning STEM teachers
3 and leading professional development activities
4 for teachers not participating in the corps;

5 “(B) providing corps members with re-
6 search-based professional development on in-
7 structional leadership and effective teaching
8 methods for STEM subjects, including coordi-
9 nating with out-of-school-time and afterschool
10 programs to provide engaging STEM programs;

11 “(C) providing each teacher who is a corps
12 member with a salary supplement of not less
13 than \$10,000 per year, in recognition of such
14 teacher’s teaching accomplishments, leadership,
15 and increased responsibilities, for each year
16 such teacher serves as a member of the corps;
17 and

18 “(D) building a community of practice
19 among corps members to enable such members
20 to network, collaborate, and to share best prac-
21 tices and resources with each other.

22 “(c) DURATION.—Grants awarded under this section
23 shall be for a period of not more than 3 years, after which
24 the program under this subsection shall end.

1 “(d) APPLICATION.—Each entity described in sub-
2 section (b)(1) desiring a grant under this section shall
3 submit an application to the Secretary at such time, in
4 such manner, and accompanied by such information as the
5 Secretary may require.

6 “(e) MATCHING FUNDS.—The Secretary may require
7 a grantee under this section to provide non-Federal
8 matching funds in an amount equal to the amount of
9 grant funds awarded under this section.

10 **“SEC. 5407. REPORTING REQUIREMENTS.**

11 “(a) ELIGIBLE ENTITY REPORTS.—Each State edu-
12 cational agency receiving an award under section 5403
13 shall report annually to the Secretary regarding the State
14 educational agency’s progress in addressing the purposes
15 of this subpart. Such report shall include, at a minimum,
16 a description of—

17 “(1) the professional development activities pro-
18 vided under the award, including types of activities
19 and entities involved in providing professional devel-
20 opment to classroom teachers and other program
21 staff;

22 “(2) the types of programs and, for children
23 from preschool to kindergarten entry, program set-
24 tings, funded under the award;

1 “(3) the ages and demographic information that
2 is not individually identifiable of children served by
3 the programs funded under the award;

4 “(4) student performance on data metrics iden-
5 tified under section 5403(b)(8) used for STEM ini-
6 tiatives; and

7 “(5) the outcomes of programs and activities
8 provided under the award.

9 “(b) **ELIGIBLE SUBGRANTEE REPORTS.**—Each eligi-
10 ble entity receiving a subgrant under section 5404(c) shall
11 report annually to the State educational agency regarding
12 the eligible entity’s progress in addressing the purposes
13 of this subpart. Such report shall include, at a minimum,
14 a description of—

15 “(1) how the subgrant funds were used; and

16 “(2) student performance on relevant program
17 metrics, as identified in the State education agency’s
18 implementation plan under section 5403(b)(8).

19 **“SEC. 5408. SUPPLEMENT NOT SUPPLANT.**

20 “Funds received under this subpart shall be used to
21 supplement, and not supplant, funds that would otherwise
22 be used for activities authorized under this subpart.

23 **“SEC. 5409. MAINTENANCE OF EFFORT.**

24 “A State that receives funds under this subpart for
25 a fiscal year shall maintain the fiscal effort provided by

1 the State for the subjects supported by the funds under
2 this subpart at a level equal to or greater than the level
3 of such fiscal effort for the preceding fiscal year.

4 **“SEC. 5410. DEFINITIONS.**

5 “In this subpart:

6 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means a State educational agency in partner-
8 ship with—

9 “(A) another State educational agency;

10 “(B) a consortium of State educational
11 agencies; or

12 “(C) the State agencies that oversee
13 childcare programs, state-funded prekindergarten,
14 and part C of Individuals with Disabilities
15 Education Act.

16 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligible
17 subgrantee’ means—

18 “(A) a local educational agency;

19 “(B) 1 or more local educational agencies
20 providing early learning programs, or 1 or more
21 public or private early learning programs, serving
22 children from preschool through kindergarten
23 entry, such as a Head Start agency, a
24 child care program, or a State-funded pre-
25 kindergarten program, as appropriate;

1 “(C) an educational service agency serving
2 more than 1 local educational agency;

3 “(D) a national intermediary with dem-
4 onstrated expertise in STEM;

5 “(E) a consortium of local educational
6 agencies; or

7 “(F) any of the entities described in sub-
8 paragraphs (A) through (D) working in part-
9 nership with an outside partner.

10 “(3) MULTI-TIERED SYSTEM OF SUPPORT.—

11 The term ‘multi-tiered system of support’ means a
12 comprehensive system of differentiated supports that
13 includes evidence-based instruction, universal screen-
14 ing, progress monitoring, formative assessments, re-
15 search-based interventions matched to student needs
16 and educational decisionmaking using student out-
17 come data.

18 “(4) OUTSIDE PARTNER.—The term ‘outside
19 partner’ means an entity that has expertise and a
20 demonstrated record of success in improving student
21 learning and engagement in the STEM subjects, in-
22 cluding any of the following:

23 “(A) A nonprofit or community-based or-
24 ganization, such as an Indian tribe.

25 “(B) A business.

1 “(C) A nonprofit cultural organization,
2 such as a museum or learning center.

3 “(D) An institution of higher education.

4 “(E) An educational service agency.

5 “(F) Another appropriate entity.

6 “(5) STEM SUBJECTS.—The term ‘STEM
7 Subjects’ means the subjects of science, technology,
8 engineering, and mathematics, including other aca-
9 demic subjects that build on or are integrated with
10 these subjects, such as statistics, computer science,
11 and environmental literacy, the arts and design, or
12 other subjects a State identifies as important to the
13 workforce of the State.

14 **“SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated to carry out
16 this subpart \$500,000,000 for fiscal year 2016 and such
17 sums as may be necessary for subsequent fiscal years.

18 “SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE
19 LITERACY EDUCATION

20 **“SEC. 5421. PURPOSES.**

21 “The purposes of this subpart are—

22 “(1) to improve student literacy and academic
23 achievement, including the ability to problem solve,
24 communicate effectively, and acquire new knowledge
25 and skills;

1 “(2) to assist State educational agencies and
2 local educational agencies in the development, co-
3 ordination, and implementation of comprehensive lit-
4 eracy plans that promote high-quality evidence based
5 instruction in alignment with State early learning
6 and college- and career-ready standards from pre-
7 school through grade 12;

8 “(3) to identify and support students reading
9 and writing significantly below grade level by pro-
10 viding evidence-based, intensive interventions to help
11 the students acquire the language and literacy skills
12 the students need to stay on track for graduation;

13 “(4) to support State educational agencies and
14 local educational agencies in improving reading,
15 writing, and literacy-based academic achievement for
16 children and students, especially children and stu-
17 dents who are low-income, are English learners, are
18 migratory, are children with disabilities, are Indian
19 or Alaskan Native, are neglected or delinquent, are
20 homeless, are in the custody of the child welfare sys-
21 tem, or have dropped out of school;

22 “(5) to provide assistance to local educational
23 agencies in order to provide educators with ongoing,
24 job-embedded professional development and other
25 support focusing on imparting and employing—

1 “(A) the characteristics of effective lan-
2 guage and literacy instruction;

3 “(B) the special knowledge and skills nec-
4 essary to teach and support literacy develop-
5 ment effectively across the developmental span
6 and age span;

7 “(C) the essential components of reading
8 instruction; and

9 “(D) the essential components of writing
10 instruction;

11 “(6) to evaluate whether the professional devel-
12 opment activities and approaches are effective in
13 building knowledge and skills of educators and their
14 use of appropriate and effective practices.

15 “(7) to support State educational agencies and
16 local educational agencies in using age appropriate
17 and developmentally appropriate instructional mate-
18 rials and strategies that assist teachers as the teach-
19 ers work with students to develop reading and writ-
20 ing competencies appropriate to the students’ grade
21 and skill levels;

22 “(8) to support efforts to link and align college
23 and career-ready standards and evidence-based
24 teaching practices and instruction in early childhood

1 education programs serving children from preschool
2 through kindergarten entry;

3 “(9) strengthening coordination among schools,
4 early literacy programs, family literacy programs, ju-
5 venile justice programs, public libraries, and outside-
6 of-school programs that provide children and youth
7 with strategies, curricula, interventions, and assess-
8 ments designed to advance early and continuing lan-
9 guage and literacy development in ways appropriate
10 for each context; and

11 “(10) to engage the participation of parents in
12 supporting their child’s communication and literacy
13 development.

14 **“SEC. 5422. PROGRAM AUTHORIZED.**

15 “(a) IN GENERAL.—The Secretary is authorized—

16 “(1) to award State planning grants in accord-
17 ance with section 5423; and

18 “(2) to award State implementation grants in
19 accordance with section 5424 to enable the State
20 educational agency to—

21 “(A) carry out the State activities de-
22 scribed in section 5425;

23 “(B) award subgrants to eligible entities in
24 accordance with section 5426; and

1 “(C) award subgrants to eligible entities in
2 accordance with section 5427.

3 “(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

4 “(1) AMOUNTS LESS THAN \$250,000,000.—If the
5 amount appropriated under section 5430 for a fiscal
6 year is less than \$250,000,000, then the Secretary
7 shall—

8 “(A) reserve not more than 5 percent to
9 award planning grants, on a competitive basis,
10 to State educational agencies, in accordance
11 with section 5423; and

12 “(B) use the amount not reserved under
13 subparagraphs (A) to make awards, on a com-
14 petitive basis, to State educational agencies
15 serving States that have applications approved
16 under section 5424(b) to enable the State edu-
17 cational agencies to carry out sections 5424 and
18 5425.

19 “(2) AMOUNTS EQUAL TO OR EXCEEDING
20 \$250,000,000.—

21 “(A) IN GENERAL.—If the amount appro-
22 priated under section 5430 for a fiscal year
23 equals or exceeds \$250,000,000, then the Sec-
24 retary shall—

1 “(i) reserve a total of 1 percent of
2 such amount for—

3 “(I) allotments for the United
4 States Virgin Islands, Guam, Amer-
5 ican Samoa, and the Commonwealth
6 of the Northern Mariana Islands, to
7 be distributed among such outlying
8 areas on the basis of their relative
9 need, as determined by the Secretary
10 in accordance with the purposes of
11 this subpart; and

12 “(II) the Secretary of the Inte-
13 rior for programs under sections
14 5423, 5424, 5425, 5426, and 5427 in
15 schools operated or funded by the Bu-
16 reau of Indian Education;

17 “(ii) reserve not more than 5 percent
18 to award planning grants, to State edu-
19 cational agencies serving States, in accord-
20 ance with section 5423;

21 “(iii) reserve not more than 3 percent
22 for national activities, such as evaluations,
23 training, and technical assistance, to the
24 Department of Education to support com-

1 prehensive literacy reform at the State
2 level; and

3 “(iv) use the amount not reserved
4 under clauses (i), and (ii) to make awards,
5 from allotments under subparagraph (C),
6 to State educational agencies serving
7 States that have applications approved
8 under section 5424 and that are not re-
9 ceiving an allotment under clause (i)(I), to
10 enable the State educational agencies to
11 carry out sections 5424 and 5425.

12 “(B) SPECIAL RULES.—

13 “(i) PROPORTIONAL DIVISION.—In
14 each fiscal year, the amount reserved
15 under subparagraph (A)(i) shall be divided
16 between the uses described in subclauses
17 (I) and (II) of subparagraph (A)(i) in the
18 same proportion as the amount reserved
19 under section 1121(a) is divided between
20 the uses described in paragraphs (1) and
21 (2) of such section for such fiscal year.

22 “(ii) CONSULTATION.—A State edu-
23 cational agency that receives an allotment
24 under this paragraph shall engage in time-
25 ly and meaningful consultation with rep-

1 representatives of Indian tribes located in the
2 State in order to improve the coordination
3 and quality of activities designed to de-
4 velop effective approaches to achieve the
5 purposes of this subpart consistent with
6 the cultural, language, and educational
7 needs of Indian students.

8 “(C) STATE ALLOTMENT FORMULA.—The
9 Secretary shall allot the amount made available
10 under subparagraph (A)(iv) for a fiscal year
11 among the States not receiving an allotment
12 from the reservation under subparagraph
13 (A)(i)(I) in proportion to the number of chil-
14 dren, from preschool through age 17, who re-
15 side within the State and are from families with
16 incomes below the poverty line for the most re-
17 cent fiscal year for which satisfactory data are
18 available, compared to the number of such chil-
19 dren who reside in all such States for that fiscal
20 year.

21 “(3) MINIMUM AWARD AMOUNT.—Notwith-
22 standing paragraphs (1) and (2), no State edu-
23 cational agency receiving an award under this sec-
24 tion for a fiscal year may receive less than one-
25 fourth of 1 percent of the total amount appropriated

1 under section 5430 for the fiscal year, except as pro-
2 vided under paragraph (2)(A)(i).

3 “(c) PEER REVIEW.—The Secretary shall convene a
4 peer review panel to evaluate the application for each
5 grant awarded to a State educational agency under sec-
6 tions 5423 and 5424 and shall make a copy of the peer
7 review comments available to the public.

8 “(d) SUPPLEMENT NOT SUPPLANT.—Award funds
9 provided under this subpart shall supplement, and not
10 supplant, other Federal, State, or local funds that would,
11 in the absence of such award funds, be made available for
12 literacy instruction and support of children and students
13 participating in programs assisted under this subpart.

14 “(e) MAINTENANCE OF EFFORT.—Each State edu-
15 cational agency that receives an award under sections
16 5423 and 5424, and each eligible entity that receives a
17 subgrant under section 5426 or 5427, shall maintain for
18 the fiscal year for which the grant or subgrant is received
19 and for each subsequent fiscal year the expenditures of
20 the State educational agency or eligible entity, respec-
21 tively, for literacy instruction at a level not less than the
22 level of such expenditures maintained by the State edu-
23 cational agency or eligible entity, respectively, for the fis-
24 cal year preceding such fiscal year for which the grant
25 or subgrant is received.

1 **“SEC. 5423. STATE PLANNING GRANTS.**

2 “(a) PLANNING GRANTS AUTHORIZED.—

3 “(1) IN GENERAL.—From any amounts made
4 available under paragraph (1)(A) or (2)(A)(ii) of
5 section 5422(b), the Secretary may award planning
6 grants to State educational agencies to enable the
7 State educational agencies to develop or improve a
8 comprehensive planning to carry out activities that
9 improve literacy for children and students from pre-
10 school through grade 12.

11 “(2) GRANT PERIOD.—A planning grant award-
12 ed under this section shall be for a period of not
13 more than 1 year.

14 “(3) NONRENEWABILITY.—The Secretary shall
15 not award a State educational agency more than 1
16 planning grant under this section.

17 “(4) LIMITATION.—A State educational agency
18 may not receive a planning grant under this section
19 at the same time it is receiving an implementation
20 grant under section 5424.

21 “(b) APPLICATION.—

22 “(1) IN GENERAL.—Each State educational
23 agency desiring a planning grant under this section
24 shall submit an application to the Secretary at such
25 time, in such manner, and accompanied by such in-
26 formation as the Secretary may require.

1 “(2) EXISTING PLAN.—An existing federally
2 funded State literacy plan can be used to meet the
3 requirements of this subsection.

4 “(c) REQUIRED ACTIVITIES.—A State educational
5 agency receiving planning grant funds under this section
6 shall carry out each of the following activities:

7 “(1) Reviewing reading, writing, or other lit-
8 eracy resources and programs, such as school library
9 programs, high-quality distance learning programs,
10 and data across the State to identify any literacy
11 needs and gaps in the State.

12 “(2) Forming or designating a State literacy
13 leadership team which shall execute the following
14 functions:

15 “(A) Creating a comprehensive State lit-
16 eracy plan that—

17 “(i) is designed to improve language,
18 reading, writing, and academic achieve-
19 ment for children and students, especially
20 those reading below grade level;

21 “(ii) includes a needs assessment and
22 an implementation plan, including an anal-
23 ysis of child and student literacy data to
24 identify baseline and benchmark levels of
25 literacy and early literacy skills in order to

1 monitor progress and improvement, and a
2 plan to improve literacy levels among all
3 children and students;

4 “(iii) ensures high quality strategies
5 and instruction in early literacy develop-
6 ment (which includes communication, read-
7 ing, and writing) in early childhood edu-
8 cation programs serving children from pre-
9 school through kindergarten entry and in
10 kindergarten through grade 12 programs;

11 “(iv) provides for activities designed
12 to improve literacy achievement for stu-
13 dents who—

14 “(I) read or write below grade
15 level;

16 “(II) attend schools in need of
17 support and high-priority schools; and

18 “(III) attend schools with a high
19 percentage or number of students that
20 are eligible for free or reduced price
21 lunch under the Richard B. Russell
22 National School Lunch Act (42
23 U.S.C. 1751 et seq.); and

24 “(v) is submitted to the Secretary.

1 “(B) Providing recommendations to guide
2 the State educational agency in the State edu-
3 cational agency’s process of strengthening State
4 literacy standards and embedding State literacy
5 standards with the State’s college and career
6 ready standards, academic achievement stand-
7 ards, and early learning standards.

8 “(C) Providing recommendations to guide
9 the State educational agency in the State edu-
10 cational agency’s process of measuring, assess-
11 ing, and monitoring progress in literacy at the
12 school, local educational agency, and State lev-
13 els.

14 “(D) Identifying criteria for high quality
15 professional development providers, which pro-
16 viders may include qualified teachers within the
17 State, for the State educational agency and
18 local educational agencies.

19 “(E) Advising the State educational agen-
20 cy on how to help ensure that local educational
21 agencies and schools provide timely and appro-
22 priate data to teachers to inform and improve
23 instruction.

24 “(F) Providing recommendations to guide
25 the State educational agency in the State edu-

1 cational agency’s planning process of building
2 educators’ capacity to provide high-quality lit-
3 eracy instruction.

4 “(3) REPORTING REQUIREMENT.—Not later
5 than 1 year after a State educational agency receives
6 a planning grant under this section, the State edu-
7 cational agency shall submit a report to the Sec-
8 retary on the State educational agency’s perform-
9 ance of the activities described in this subsection.

10 **“SEC. 5424. STATE IMPLEMENTATION GRANTS.**

11 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

12 “(1) IN GENERAL.—From awards made avail-
13 able under paragraph (1)(B) or (2)(A)(iv) of section
14 5422(b), the Secretary shall, on a competitive basis
15 or through allotments, respectively, award implemen-
16 tation grants to State educational agencies to enable
17 the State educational agencies—

18 “(A) to implement a comprehensive lit-
19 eracy plan that meets the criteria in section
20 5423(c)(2)(A) for programs serving children
21 from preschool through kindergarten entry
22 through grade 12 programs;

23 “(B) to carry out State activities under
24 section 5425; and

1 “(C) to award subgrants under sections
2 5426 and 5427.

3 “(2) LIMITATION.—The Secretary shall not
4 award a implementation grant under this section to
5 a State for any year for which the State has received
6 a planning grant under section 5423.

7 “(3) DURATION OF GRANTS.—An implementa-
8 tion grant under this section shall be awarded for a
9 period of not more than 5 years.

10 “(4) RENEWALS.—

11 “(A) IN GENERAL.—Implementation
12 grants under this section may be renewed.

13 “(B) CONDITIONS.—In order to be eligible
14 to have an implementation grant renewed under
15 this paragraph, the State educational agency
16 shall demonstrate to the satisfaction of the Sec-
17 retary that—

18 “(i) the State educational agency has
19 complied with the terms of the grant, in-
20 cluding using the funds to—

21 “(I) increase access to high-qual-
22 ity professional development;

23 “(II) use developmentally appro-
24 priate curricula and teaching mate-
25 rials; and

1 “(III) use developmentally appro-
2 priate classroom-based instructional
3 assessments and developmentally ap-
4 propriate screening and diagnostic as-
5 sessments; and

6 “(ii) with respect to students in kin-
7 dergarten through grade 12, during the pe-
8 riod of the grant there has been significant
9 progress in student achievement, as meas-
10 ured by the metrics described in section
11 5424(b)(2)(C).

12 “(b) STATE APPLICATIONS.—

13 “(1) IN GENERAL.—A State educational agency
14 that desires to receive an implementation grant
15 under this section shall submit an application to the
16 Secretary at such time, in such manner, and con-
17 taining such information as the Secretary may re-
18 quire. The State educational agency shall collaborate
19 with all State agencies responsible for administering
20 early childhood education programs, and the State
21 agency responsible for administering child care pro-
22 grams, in the State in writing and implementing the
23 early learning portion of the grant application under
24 this subsection.

1 “(2) CONTENTS.—An application described in
2 paragraph (1) shall include the following:

3 “(A) A description of the members of the
4 State literacy leadership team and a description
5 of how the State educational agency has devel-
6 oped a comprehensive State literacy plan, as de-
7 scribed in section 5423(c)(2)(A).

8 “(B) An implementation plan that includes
9 a description of how the State educational agen-
10 cy will—

11 “(i) carry out the State activities de-
12 scribed in section 5425;

13 “(ii) assist eligible entities with—

14 “(I) providing strategic and in-
15 tensive literacy instruction based on
16 scientifically valid research for stu-
17 dents who are reading and writing
18 below grade level, including through
19 the use of multi-tiered systems of sup-
20 port, including addressing the literacy
21 needs of children and youth with dis-
22 abilities or developmental delays and
23 English learners in early childhood
24 education programs serving children
25 from preschool through kindergarten

1 entry and programs serving students
2 from preschool through grade 12;

3 “(II) providing training to par-
4 ents, as appropriate, so that the par-
5 ents can participate in the literacy re-
6 lated activities described in sections
7 5426 and 5427 to assist in the lan-
8 guage and literacy development of
9 their children;

10 “(III) selecting and using read-
11 ing and writing assessments;

12 “(IV) providing classroom-based
13 instruction that is supported by one-
14 to-one and small group work;

15 “(V) using curricular materials
16 and instructional tools, which may in-
17 clude technology, to improve instruc-
18 tion and literacy achievement;

19 “(VI) providing for high-quality
20 professional development; and

21 “(VII) using the principles of
22 universal design for learning, as de-
23 scribed in section 5429(b)(21);

24 “(iii) ensure that local educational
25 agencies in the State have leveraged and

1 are effectively leveraging the resources
2 needed to implement effective literacy in-
3 struction, and have the capacity to imple-
4 ment literacy initiatives effectively;

5 “(iv) continually coordinate and align
6 the activities assisted under this section
7 and sections 5426 and 5427 with reading,
8 writing, and other literacy resources and
9 programs across the State and locally that
10 serve children and students and their fami-
11 lies and promote literacy instruction and
12 learning, including strengthening partner-
13 ships among schools, libraries, local youth-
14 serving agencies, and programs, in order to
15 improve literacy for all children and youth;
16 and

17 “(v) ensure that funds provided under
18 this section are awarded in a manner that
19 will provide services to all grade levels, in-
20 cluding proportionally to middle schools
21 and high schools.

22 “(C) A description of the key data metrics
23 that will be used and reported annually under
24 section 5427(b)(1)(E), that shall include—

1 “(i) student academic achievement on
2 the English language arts State academic
3 assessments and student growth over time;

4 “(ii) for diploma granting schools,
5 graduation rates;

6 “(D) An assurance that the State edu-
7 cational agency will use implementation grant
8 funds under this section for literacy programs
9 as follows:

10 “(i) Not less than 10 percent of such
11 grant funds shall be used for State and
12 local programs and activities pertaining to
13 learners from preschool through kinder-
14 garten entry.

15 “(ii) Not less than 40 percent of such
16 implementation grant funds shall be used
17 for State and local programs and activities
18 allocated equitably among the grades of
19 kindergarten through grade 5.

20 “(iii) Not less than 40 percent of such
21 implementation grant funds shall be used
22 for State and local programs and activities,
23 allocated equitably among grades 6
24 through 12.

1 “(iv) Not more than 10 percent of
2 such implementation grant funds shall be
3 used for the State activities described in
4 section 5425.

5 “(E) An assurance that the State edu-
6 cational agency shall give priority to awarding
7 a subgrant to an eligible entity—

8 “(i) under section 5426 based on the
9 number or percentage of children younger
10 than the age of kindergarten entry and the
11 number of students from kindergarten
12 through 17 who are—

13 “(I) served by the eligible entity;
14 and

15 “(II) from families with income
16 below the poverty line, based on the
17 most recent satisfactory data provided
18 to the Secretary by the Bureau of the
19 Census for determining eligibility
20 under section 1124(c)(1)(A); and

21 “(ii) under section 5427, that pro-
22 poses to serve—

23 “(I) a high number or percentage
24 of students served by the eligible enti-
25 ty that are reading and writing below

1 grade level according to State assess-
2 ments;

3 “(II) students that attend schools
4 in need of support and high-priority
5 schools; and

6 “(III) students that attend
7 schools with a high percentage or
8 number of students that are eligible
9 for free or reduced price lunch under
10 the Richard B. Russell National
11 School Lunch Act (42 U.S.C. 1751 et
12 seq.).

13 “(c) APPROVAL OF APPLICATIONS.—

14 “(1) IN GENERAL.—The Secretary, in consulta-
15 tion with the peer review panel established under
16 paragraph (2), shall evaluate State educational
17 agency applications under subsection (b) based on
18 the responsiveness of the applications to the applica-
19 tion requirements under such subsection.

20 “(2) PEER REVIEW.—The Secretary shall con-
21 vene a peer review panel in accordance with section
22 5422(e) to evaluate applications for each implemen-
23 tation grant awarded to a State educational agency
24 under this section.

1 “(3) EARLY LEARNING.—In order for a State
2 educational agency’s application under this section
3 to be approved by the Secretary, the application
4 shall contain an assurance that the State agencies
5 responsible for administering early childhood edu-
6 cation programs and services, including the State
7 agency responsible for administering child care pro-
8 grams and the State Advisory Council on Early
9 Childhood Education and Care established under
10 section 642B(b) of the Head Start Act (42 U.S.C.
11 9837b(b)), approves of, and will be extensively con-
12 sulted in the implementation of related activities and
13 services consistent with section 5426 with respect to,
14 the early learning portion of the application.

15 **“SEC. 5425. STATE ACTIVITIES.**

16 “(a) REQUIRED ACTIVITIES.—A State educational
17 agency shall use funds made available under section
18 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv)
19 to carry out the activities proposed in a State’s plan con-
20 sistent with section 5424(b)(2), including the following ac-
21 tivities:

22 “(1) Carrying out the assurances and activities
23 provided in the State application under section
24 5424(b)(2).

1 “(2) In consultation with the State literacy
2 leadership team, providing technical assistance or
3 engaging qualified providers to provide technical as-
4 sistance to eligible entities to enable the eligible enti-
5 ties to design and implement a literacy program
6 under sections 5426 and 5427.

7 “(3) Providing technical assistance to eligible
8 entities that are prioritized in section 5424(b)(2)(E),
9 including eligible entities that serve low-capacity
10 rural and urban areas by—

11 “(A) informing those eligible entities that
12 they have a priority for competing for grants
13 under section 5426 and 5427; and

14 “(B) providing eligible entities who do not
15 receive a grant under section 5426 and 5427
16 technical assistance so that they may re-com-
17 pete in following competitions.

18 “(4) Continuing to consult with the State lit-
19 eracy leadership team and continuing to coordinate
20 with institutions of higher education in the State—

21 “(A) in order to provide recommendations
22 to strengthen and enhance preservice courses
23 for students preparing, at institutions of higher
24 education in the State, to teach children from
25 preschool through grade 12 in explicit, system-

1 atic, and intensive instruction in evidence-based
2 literacy methods; and

3 “(B) by following up reviews completed by
4 the State literacy leadership team with rec-
5 ommendations to ensure that such institutions
6 offer courses that meet the highest standards.

7 “(5) Reviewing and updating, in collaboration
8 with teachers, statewide educational and professional
9 organizations representing teachers, and statewide
10 educational and professional organizations rep-
11 resenting institutions of higher education, State li-
12 censure and certification standards in the area of lit-
13 eracy instruction in early childhood education
14 through grade 12.

15 “(6) Making publicly available, including on the
16 State educational agency’s website, information on
17 promising instructional practices to improve student
18 literacy achievement.

19 “(b) PERMISSIVE ACTIVITIES.—After carrying out
20 activities described in subsection (a), a State educational
21 agency may use remaining funds made available under
22 section 5422(a)(2)(A) and described in section
23 5424(b)(2)(D)(iv) to carry out 1 or more of the following
24 activities:

1 “(1) Training the personnel of eligible entities
2 to use data systems that track student literacy
3 achievement.

4 “(2) Developing literacy coach training pro-
5 grams and training literacy coaches.

6 “(3) Building public support among local edu-
7 cational agency personnel, early childhood education
8 programs, and the community for comprehensive lit-
9 eracy instruction for children and students from pre-
10 school through grade 12.

11 **“SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**
12 **PORT OF PRESCHOOL THROUGH KINDER-**
13 **GARTEN ENTRY LITERACY.**

14 “(a) SUBGRANTS.—

15 “(1) IN GENERAL.—A State educational agen-
16 cy, in consultation with the State agencies respon-
17 sible for administering early childhood education
18 programs and services, including the State agency
19 responsible for administering child care programs
20 and the State Advisory Council on Early Childhood
21 Education and Care established under section
22 642B(b) of the Head Start Act (42 U.S.C.
23 9837b(b)), shall use implementation grant funds
24 provided under section 5422(a)(2)(B) to award sub-
25 grants, on a competitive basis, to eligible entities to

1 enable the eligible entities to support high-quality
2 early literacy initiatives for children from preschool
3 through kindergarten entry.

4 “(2) DURATION.—The term of subgrant under
5 this section shall be for 5 years.

6 “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant
7 awarded under this section shall be of sufficient size and
8 scope to allow the eligible entity to carry out high-quality
9 early literacy initiatives for children from preschool
10 through kindergarten entry.

11 “(c) LOCAL APPLICATIONS.—An eligible entity desir-
12 ing to receive a subgrant under this section shall submit
13 an application to the State educational agency, at such
14 time, in such manner, and containing such information as
15 the State educational agency may require. Such applica-
16 tion shall include a description of—

17 “(1) how the subgrant funds will be used to en-
18 hance the language and literacy aspects of school
19 readiness of children, from preschool through kin-
20 dergarten entry, in early childhood education pro-
21 grams, including an analysis of the data used to
22 identify how funds will be used to improve language
23 and literacy;

1 “(2) the programs assisted under the subgrant,
2 including demographic and socioeconomic informa-
3 tion on the children enrolled in the programs;

4 “(3) a budget for the eligible entity that
5 projects the cost of developing and implementing lit-
6 eracy initiatives to carry out the activities described
7 in subsection (e);

8 “(4) how, if the eligible entity is requesting a
9 planning period, the eligible entity will use that plan-
10 ning period to prepare for successful implementation
11 of a plan to support the development of learning and
12 literacy consistent with the purposes of this subpart;

13 “(5) the literacy initiatives, if any, in place and
14 how these initiatives will be coordinated and inte-
15 grated with activities supported under this section;

16 “(6) how the subgrant funds will be used to
17 prepare and provide ongoing assistance to staff in
18 the programs, through high-quality professional de-
19 velopment;

20 “(7) how the subgrant funds will be used to
21 provide services, incorporate activities, and select
22 and use literacy instructional materials that meet
23 the diverse developmental and linguistic needs of
24 children, including English learners and children
25 with disabilities and developmental delays, and that

1 are based on scientifically valid research on child de-
2 velopment and learning for children from preschool
3 through kindergarten entry;

4 “(8) how the subgrant funds will be used to
5 provide screening assessments, diagnostic assess-
6 ments, classroom-based instructional assessments,
7 and assessments of developmental progress;

8 “(9) how families and caregivers will be in-
9 volved, as appropriate, in supporting their children’s
10 literacy development, instruction, and assessment;

11 “(10) how the subgrant funds will be used to
12 help children, particularly children experiencing dif-
13 ficulty with oral and written language, to make the
14 transition from early childhood education to formal
15 classroom instruction;

16 “(11) how the activities assisted under the
17 subgrant will be coordinated with literacy instruction
18 at the kindergarten through grade 5 level;

19 “(12) how the subgrant funds will be used—

20 “(A) to evaluate the success of the activi-
21 ties assisted under the subgrant in enhancing
22 the early language and literacy development of
23 children from preschool through kindergarten
24 entry; and

1 “(B) to evaluate data for program im-
2 provement; and

3 “(13) such other information as the State edu-
4 cational agency may require.

5 “(d) APPROVAL OF LOCAL APPLICATIONS.—The
6 State educational agency, in consultation with the State
7 agencies responsible for administering early childhood
8 education programs, including the State agency respon-
9 sible for administering child care programs and the State
10 Advisory Council on Early Childhood Education and Care
11 established under section 642B(b) of the Head Start Act
12 (42 U.S.C. 9837b(b)), shall—

13 “(1) select applications for funding under this
14 section based on the quality of the applications sub-
15 mitted, including the relationship between literacy
16 activities proposed and the research base or data
17 supporting such activities, as appropriate, and the
18 recommendations of—

19 “(A) the State literacy leadership team;
20 and

21 “(B) other experts in the area of early lit-
22 eracy; and

23 “(2) place priority for funding programs based
24 on the criteria in section 5424(b)(2)(E)(i).

25 “(e) LOCAL USES OF FUNDS.—

1 “(1) IN GENERAL.—An eligible entity that re-
2 ceives a subgrant under this section shall use the
3 subgrant funds consistent with the application pro-
4 posed in subsection (c) to carry out the following ac-
5 tivities:

6 “(A) Enhancing and improving early child-
7 hood education programs to ensure that chil-
8 dren in such programs are provided with high-
9 quality oral language and literature- and print-
10 rich environments in which to develop early lit-
11 eracy skills.

12 “(B) Providing high-quality professional
13 development.

14 “(C) Acquiring, providing training for, and
15 implementing screening assessments, diagnostic
16 assessments, and classroom-based instructional
17 assessments.

18 “(D) Selecting, developing, and imple-
19 menting a multi-tiered system of support.

20 “(E) Integrating evidence-based instruc-
21 tional materials, activities, tools, and measures
22 into the programs offered by the eligible entity
23 to improve development of early learning lan-
24 guage and literacy skills.

1 “(F) Training providers and personnel to
2 support, develop, and administer high-quality
3 early learning literacy initiatives that—

4 “(i) utilize data—

5 “(I) to inform instructional de-
6 sign; and

7 “(II) to assess literacy needs;
8 and

9 “(ii) provide time and support for per-
10 sonnel to meet to plan literacy instruction.

11 “(G) Providing for family literacy services,
12 as appropriate, and partnering with families to
13 support their child’s learning.

14 “(H) Annually collecting, summarizing,
15 and reporting to the State educational agency
16 data—

17 “(i) to document and monitor, for the
18 purpose of improving or increasing early
19 literacy and language skills development
20 pursuant to activities carried out under
21 this section;

22 “(ii) to stimulate and accelerate im-
23 provement by identifying the programs
24 served by the eligible entity that produce
25 significant gains in skills development; and

1 “(iii) for all subgroups of students
2 and categories of students that—

3 “(I) utilizes a variety of data;
4 and

5 “(II) is consistent across the
6 State.

7 “(2) LIMITATION.—An eligible entity that re-
8 ceives a subgrant under this section shall not use
9 more than 10 percent of the subgrant funds to pur-
10 chase curricula and assessment materials.

11 “(f) PROHIBITION.—The use of assessment items
12 and data on any assessment authorized under this section
13 to provide rewards or sanctions for individual children,
14 early childhood educators, teachers, program directors, or
15 principals is prohibited.

16 **“SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS,**
17 **REPORTING REQUIREMENTS, AND CON-**
18 **FLICTS OF INTEREST.**

19 “(a) CONSEQUENCES OF INSUFFICIENT
20 PROGRESS.—

21 “(1) CONSEQUENCES FOR GRANT RECIPI-
22 ENTS.—If the Secretary determines that a State
23 educational agency receiving an award under section
24 5422(b) or an eligible entity receiving a subgrant
25 under section 5426 or 5427 is not making signifi-

1 cant progress in meeting the purposes of this sub-
2 part and the key metrics identified by the State edu-
3 cational agency under section 5424(b)(2)(C) after
4 the submission of a report described in subsection
5 (b), then the Secretary may withhold, in whole or in
6 part, further payments under this subpart in accord-
7 ance with section 455 of the General Education Pro-
8 visions Act (20 U.S.C. 1234d) or take such other ac-
9 tion authorized by law as the Secretary determines
10 necessary, including providing technical assistance
11 upon request of the State educational agency or eli-
12 gible entity, respectively.

13 “(2) CONSEQUENCES FOR SUBGRANT RECIPI-
14 ENTS.—

15 “(A) IN GENERAL.—A State educational
16 agency receiving an award under section
17 5422(b) may refuse to award subgrant funds to
18 an eligible entity under section 5426 or 5427 if
19 the State educational agency finds that the eli-
20 gible entity is not making significant progress
21 in meeting the purposes of this subpart, after—

22 “(i) affording the eligible entity no-
23 tice, a period for correction, and an oppor-
24 tunity for a hearing; and

1 “(ii) providing technical assistance to
2 the eligible entity.

3 “(B) FUNDS AVAILABLE.—Subgrant funds
4 not awarded under subparagraph (A) shall be
5 redirected to an eligible entity serving similar
6 children and students in the same area or re-
7 gion as the eligible entity not awarded the
8 subgrant funds, to the greatest extent prac-
9 ticable.

10 “(b) REPORTING REQUIREMENTS.—

11 “(1) STATE EDUCATIONAL AGENCY REPORTS.—
12 Each State educational agency receiving an award
13 under section 5422(b) shall report annually to the
14 Secretary regarding the State educational agency’s
15 progress in addressing the purposes of this subpart.
16 Such report shall include, at a minimum, a descrip-
17 tion of—

18 “(A) the professional development activi-
19 ties provided under the award, including types
20 of activities and entities involved in providing
21 professional development to classroom teachers
22 and other program staff, such as school librar-
23 ians;

1 “(B) the instruction, strategies, activities,
2 curricula, materials, and assessments used in
3 the programs funded under the award;

4 “(C)(i) the types of programs and, for chil-
5 dren from preschool to kindergarten entry, pro-
6 gram settings, funded under the award; and

7 “(ii) the ages and demographic information
8 that is not individually identifiable of children
9 served by the programs funded under the
10 award;

11 “(D) the experience and qualifications of
12 the program staff who provide literacy instruc-
13 tion under the programs funded under the
14 award, including the experience and qualifica-
15 tions of those staff working with children with
16 disabilities or developmental delays and with
17 English learners and children from preschool to
18 kindergarten entry;

19 “(E) key data metrics identified under sec-
20 tion 5424(b)(2)(C) used for literacy initiatives;

21 “(F) student performance on relevant pro-
22 gram metrics, as identified in the State edu-
23 cation agency’s implementation plan under sec-
24 tion 5424(b)(2)(C); and

1 “(G) the outcomes of programs and activi-
2 ties provided under the award.

3 “(2) ELIGIBLE ENTITY REPORTS.—Each eligi-
4 ble entity receiving a subgrant under section 5426 or
5 5427 shall report annually to the State educational
6 agency regarding the eligible entity’s progress in ad-
7 dressing the purposes of this subpart. Such report
8 shall include, at a minimum, a description of—

9 “(A) how the subgrant funds were used;
10 and

11 “(B) student performance on relevant pro-
12 gram metrics, as identified in the State edu-
13 cation agency’s implementation plan under sec-
14 tion 5424(b)(2)(C).

15 “(c) CONFLICTS OF INTEREST.—The Secretary shall
16 ensure that each member of the peer review panel de-
17 scribed in section 5422(c) and each member of a State
18 literacy leadership team participating in a program or ac-
19 tivity assisted under this subpart does not stand to benefit
20 financially from a grant or subgrant awarded under this
21 subpart.

22 **“SEC. 5428. DEFINITIONS.**

23 “In this subpart:

24 “(1) CHARACTERISTICS OF EFFECTIVE LIT-
25 ERACY STRATEGIES AND INSTRUCTION.—The term

1 ‘characteristics of effective literacy strategies and in-
2 struction’ means—

3 “(A) for children from preschool through
4 kindergarten entry—

5 “(i) providing high quality profes-
6 sional development opportunities for early
7 childhood educators, teachers, and school
8 leaders in—

9 “(I) literacy development;

10 “(II) language development;

11 “(III) English language acquisi-
12 tion (as appropriate); and

13 “(IV) effective language and lit-
14 eracy instruction and teaching strate-
15 gies aligned to State standards;

16 “(ii) reading aloud to children, engag-
17 ing children in shared reading experiences,
18 discussing reading with children, and mod-
19 eling age and developmentally appropriate
20 reading strategies;

21 “(iii) encouraging children’s early at-
22 tempts at communication, reading, writing,
23 and drawing, and talking about the mean-
24 ing of the reading, writing, and drawing
25 with others;

1 “(iv) creating conversation rich class-
2 rooms and using oral modeling techniques
3 to build oral language skills;

4 “(v) multiplying opportunities for chil-
5 dren to use language with peers and
6 adults;

7 “(vi) providing strategic and explicit
8 instruction in the identification of speech
9 sounds, letters, and letter-sound cor-
10 respondence;

11 “(vii) integrating oral and written lan-
12 guage;

13 “(viii) stimulating vocabulary develop-
14 ment;

15 “(ix) using differentiated instructional
16 approaches or teaching strategies, includ-
17 ing—

18 “(I) individual and small group
19 instruction or interactions; and

20 “(II) professional development,
21 curriculum development, and class-
22 room instruction;

23 “(x) applying the principles of uni-
24 versal design for learning, as described in
25 section 5429(b)(21);

1 “(xi) using age-appropriate screening
2 assessments, diagnostic assessments, form-
3 ative assessments, and summative assess-
4 ments to identify individual learning needs,
5 to inform instruction, and to monitor—

6 “(I) student progress and the ef-
7 fects of instruction over time; and

8 “(II) for children between the
9 ages of preschool and kindergarten
10 entry, progress and development with-
11 in established norms;

12 “(xii) coordinating the involvement of
13 families, early childhood education pro-
14 gram staff, principals, other school leaders,
15 and teachers in the reading and writing
16 achievement of children served under this
17 subpart;

18 “(xiii) using a variety of age and de-
19 velopmentally appropriate, high quality
20 materials for language development, read-
21 ing, and writing;

22 “(xiv) encouraging family literacy ex-
23 periences and practices, and educating
24 teachers, public librarians, and parents

1 and other caregivers about literacy develop-
2 ment and child literacy development; and

3 “(xv) using strategies to enhance chil-
4 dren’s—

5 “(I) motivation to communicate,
6 read, and write; and

7 “(II) engagement in self-directed
8 learning;

9 “(B) for students in kindergarten through
10 grade 3—

11 “(i) providing high quality profes-
12 sional development opportunities, for
13 teachers, literacy coaches, literacy special-
14 ists, English as a second language special-
15 ists (as appropriate), school librarians, and
16 principals, on literacy development, lan-
17 guage development, English language ac-
18 quisition, and effective literacy instruction
19 that—

20 “(I) aligns to State standards as
21 well as local curricula and instruc-
22 tional assessments; and

23 “(II) addresses literacy develop-
24 ment opportunities across the cur-
25 ricula;

1 “(ii) providing age appropriate direct
2 and explicit instruction;

3 “(iii) providing strategic, systematic,
4 and explicit instruction in phonological
5 awareness, phonic decoding, vocabulary,
6 reading fluency, and reading comprehen-
7 sion;

8 “(iv) making available and using di-
9 verse texts at the reading, development,
10 and interest level of students;

11 “(v) providing multiple opportunities
12 for students to write individually and col-
13 laboratively with instruction and feedback;

14 “(vi) using differentiated instructional
15 approaches, including individual, small
16 group, and classroom-based instruction
17 and discussion;

18 “(vii) using oral modeling techniques
19 and opportunities for students to use lan-
20 guage with the students’ peers and adults
21 to build student language skills;

22 “(viii) providing time and opportuni-
23 ties for systematic and intensive instruc-
24 tion, intervention, and practice to supple-
25 ment regular instruction, which can be

1 provided inside and outside the classroom
2 as well as during and outside regular
3 school hours;

4 “(ix) providing instruction in uses of
5 print materials and technological resources
6 for research and for generating and pre-
7 senting content and ideas;

8 “(x) using screening assessments, di-
9 agnostic assessments, formative assess-
10 ments, and summative assessments to
11 identify student learning needs, to inform
12 instruction, and to monitor student
13 progress and the effects of instruction over
14 time;

15 “(xi) coordinating the involvement of
16 families, caregivers, teachers, principals,
17 other school leaders, and teacher literacy
18 teams in the reading and writing achieve-
19 ment of children served under this subpart;

20 “(xii) encouraging family literacy ex-
21 periences and practices; and

22 “(xiii) using strategies to enhance stu-
23 dents’—

24 “(I) motivation to read and
25 write; and

1 “(II) engagement in self-directed
2 learning; and

3 “(C) for students in grades 4 through
4 12—

5 “(i) providing high quality profes-
6 sional development opportunities for teach-
7 ers, literacy coaches, literacy specialists,
8 English as a second language specialists
9 (as appropriate), school librarians, and
10 principals, including professional develop-
11 ment on literacy development, language de-
12 velopment, and effective literacy instruc-
13 tion embedded in schools and aligned to
14 State standards;

15 “(ii) providing direct and explicit com-
16 prehension instruction;

17 “(iii) providing direct and explicit in-
18 struction that builds academic vocabulary
19 and strategies and knowledge of text struc-
20 ture for reading different kinds of texts
21 within and across core academic subjects;

22 “(iv) making available and using di-
23 verse texts at the reading, development,
24 and interest level of the students;

1 “(v) providing multiple opportunities
2 for students to write with clear purposes
3 and critical reasoning appropriate to the
4 topic and purpose and with specific in-
5 struction and feedback from teachers and
6 peers;

7 “(vi) using differentiated instructional
8 approaches;

9 “(vii) using strategies to enhance stu-
10 dents’—

11 “(I) motivation to read and
12 write; and

13 “(II) engagement in self-directed
14 learning;

15 “(viii) providing for text-based learn-
16 ing across content areas;

17 “(ix) providing systematic, strategic,
18 and individual and small group instruction,
19 including intensive supplemental interven-
20 tion for students reading significantly
21 below grade level, which may be provided
22 inside and outside the classroom as well as
23 during and outside regular school hours;

24 “(x) providing instruction in the uses
25 of technology and multimedia resources for

1 classroom research and for generating and
2 presenting content and ideas;

3 “(xi) using screening assessments, di-
4 agnostic assessments, formative assess-
5 ments, and summative assessments to
6 identify learning needs, inform instruction,
7 and monitor student progress and the ef-
8 fects of instruction;

9 “(xii) coordinating the involvement of
10 families and caregivers, to the extent fea-
11 sible and appropriate as determined by the
12 Secretary, to improve reading, writing, and
13 academic achievement; and

14 “(xiii) coordinating the involvement of
15 school librarians, teachers, principals,
16 other school leaders, teacher literacy
17 teams, and English as a second language
18 specialists (as appropriate), that analyze
19 student work and plan or deliver instruc-
20 tion over time.

21 “(2) CLASSROOM-BASED INSTRUCTIONAL AS-
22 SESSMENT.—The term ‘classroom-based instruc-
23 tional assessment’ means an assessment, for children
24 between preschool through grade 3, that—

1 “(A) is valid and reliable for the age and
2 population of children being assessed;

3 “(B) is used to evaluate children’s develop-
4 mental progress and learning, including system-
5 atic observations by teachers of children per-
6 forming tasks, including academic and literacy
7 tasks, that are part of their daily classroom ex-
8 perience; and

9 “(C) is used to improve classroom instruc-
10 tion.

11 “(3) COMPREHENSIVE LITERACY INSTRUCC-
12 TION.—The term ‘comprehensive literacy instruc-
13 tion’ means instruction that—

14 “(A) involves the characteristics of effec-
15 tive literacy instruction; and

16 “(B) is designed to support the essential
17 components of reading instruction and the es-
18 sential components of writing instruction.

19 “(4) DEVELOPMENTAL DELAY.—The term ‘de-
20 velopmental delay’ has the meaning given the term
21 in section 632 of the Individuals with Disabilities
22 Education Act (20 U.S.C. 1432).

23 “(5) DIAGNOSTIC ASSESSMENT.—The term ‘di-
24 agnostic assessment’ means an assessment that—

1 “(A) is valid, reliable, and based on sci-
2 entifically valid research on language, literacy,
3 and English language acquisition;

4 “(B) is used for the purposes of—

5 “(i) identifying a student’s specific
6 areas of strengths and weaknesses in oral
7 language and literacy;

8 “(ii) determining any difficulties that
9 the student may have in oral language and
10 literacy and the potential cause of such dif-
11 ficulties; and

12 “(iii) helping to determine possible lit-
13 eracy intervention strategies and related
14 special needs of the student; and

15 “(C) in the case of young children, is con-
16 ducted after a screening assessment that identi-
17 fies potential risks or a lack of school prepared-
18 ness, including oral language and literacy devel-
19 opment, or delayed development.

20 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
21 tity’ means—

22 “(A) when used with respect to children
23 from preschool through kindergarten entry—

24 “(i) 1 or more local educational agen-
25 cies providing early childhood education

1 programs, or 1 or more public or private
2 early childhood education programs, serv-
3 ing children from preschool through kin-
4 dergarten entry (such as a Head Start pro-
5 gram, a child care program, a State-funded
6 prekindergarten program, a public library
7 program, or a family literacy program),
8 that has a demonstrated record of pro-
9 viding effective literacy instruction for the
10 age group such agency or program pro-
11 poses to serve under section 5426; or

12 “(ii) 1 or more entities described in
13 clause (i) acting in partnership with 1 or
14 more public agencies or private nonprofit
15 organizations that have a demonstrated
16 record of effectiveness—

17 “(I) in improving the early lit-
18 eracy development of children from
19 preschool through kindergarten entry;
20 and

21 “(II) in providing professional
22 development aligned with the activities
23 described in section 5426(e)(1); or

24 “(B) when used with respect to students in
25 kindergarten through grade 12—

1 “(i) that is—
2 “(I) a local educational agency;
3 “(II) a consortium of local edu-
4 cational agencies; or
5 “(III) or a local educational
6 agency or consortium of local edu-
7 cational agencies that may act in
8 partnership with 1 or more public
9 agencies or private nonprofit organi-
10 zations, which agencies or organiza-
11 tions shall have a demonstrated record
12 of effectiveness, consistent with the
13 purposes of their participation, in im-
14 proving literacy achievement of stu-
15 dents from kindergarten through
16 grade 12 and in providing professional
17 development described in section
18 5427(a)(3)(B);
19 “(ii) that—
20 “(I) is among, or consists of, the
21 local educational agencies in the State
22 with the highest numbers or percent-
23 ages of students reading or writing
24 below grade level, based on the most

1 currently available State academic as-
2 sessment data;

3 “(II) has jurisdiction over a sig-
4 nificant number or percentage of
5 schools that are identified for school
6 improvement under section 1116; or

7 “(iii) has the highest numbers or per-
8 centages of children who are counted under
9 section 1124(c), in comparison to other
10 local educational agencies in the State.

11 “(7) ENGLISH LANGUAGE ACQUISITION.—

12 “(A) IN GENERAL.—The term ‘English
13 language acquisition’ means the process by
14 which a non-native English speaker acquires
15 proficiency in speaking, listening, reading, and
16 writing the English language.

17 “(B) INCLUSIONS FOR ENGLISH LEARNERS
18 IN SCHOOL.—For an English language learner
19 in school, such term includes not only the social
20 language proficiency needed to participate in
21 the school environment, but also the academic
22 language proficiency needed to acquire literacy
23 and academic content and demonstrate the stu-
24 dent’s learning.

1 “(8) ESSENTIAL COMPONENTS OF READING IN-
2 STRUCTION.—The term ‘essential components of
3 reading instruction’ means developmentally appro-
4 priate, contextually explicit, systematic instruction,
5 and frequent practice, in reading across content
6 areas.

7 “(9) ESSENTIAL COMPONENTS OF WRITING IN-
8 STRUCTION.—The term ‘essential components of
9 writing instruction’ means developmentally appro-
10 priate and contextually explicit instruction, and fre-
11 quent practice, in writing across content areas.

12 “(10) FAMILY LITERACY SERVICES.—The term
13 ‘family literacy services’ means literacy services pro-
14 vided on a voluntary basis that are of sufficient in-
15 tensity in terms of hours and duration and that inte-
16 grate all of the following activities:

17 “(A) Interactive literacy activities between
18 or among parents and their children, including
19 parent literacy training.

20 “(B) Training for parents regarding how
21 to be the primary teacher for their children and
22 full partners in the education of their children.

23 “(C) Parent literacy training that leads to
24 economic self-sufficiency.

1 “(D) An age-appropriate education to pre-
2 pare children for success in school and life ex-
3 periences.

4 “(11) FORMATIVE ASSESSMENT.—The term
5 ‘formative assessment’ means a process that—

6 “(A) is teacher-generated or selected by
7 teachers and students during instructional
8 learning;

9 “(B) is embedded within the learning ac-
10 tivity and linked directly to the current unit of
11 instruction; and

12 “(C) provides feedback to adjust ongoing
13 teaching and learning to improve students’
14 achievement of intended instructional outcomes.

15 “(12) HIGH-QUALITY PROFESSIONAL DEVELOP-
16 MENT.—The term ‘high-quality professional develop-
17 ment’ means professional development that—

18 “(A) is job-embedded, ongoing, and based
19 on scientifically valid research;

20 “(B) is sustained, intensive, and class-
21 room-focused;

22 “(C) is designed to increase the knowledge
23 and expertise of teachers, early childhood edu-
24 cators and administrators, principals, other

1 school leaders, and other program staff in ap-
2 plying—

3 “(i) the characteristics of effective lit-
4 eracy instruction;

5 “(ii) the essential components of read-
6 ing instruction;

7 “(iii) the essential components of writ-
8 ing instruction; and

9 “(iv) instructional strategies and prac-
10 tices that are appropriate to the age, devel-
11 opment, and needs of children and improve
12 student learning, including strategies and
13 practices consistent with the principles of
14 universal design for learning, as described
15 in section 5429(b)(21);

16 “(D) includes and supports teachers in ef-
17 fectively administering age appropriate and de-
18 velopmentally appropriate assessments, and
19 analyzing the results of such assessments for
20 the purposes of planning, monitoring, adapting,
21 and improving effective classroom instruction or
22 teaching strategies to improve student literacy;

23 “(E) for educators working with students
24 in kindergarten through grade 12—

1 “(i) supports the characteristics of ef-
2 fective literacy instruction through core
3 academic subjects, and through career and
4 technical education subjects where such ca-
5 reer and technical education subjects pro-
6 vide for the integration of core academic
7 subjects; and

8 “(ii) includes explicit instruction in
9 discipline-specific thinking and how to read
10 and interpret discipline-specific text struc-
11 tures and features;

12 “(F) includes instructional strategies uti-
13 lizing one-to-one, small group, and classroom-
14 based instructional materials and approaches
15 based on scientifically valid research on literacy;

16 “(G) provides ongoing instructional lit-
17 eracy coaching—

18 “(i) to ensure high-quality implemen-
19 tation of effective practices of literacy in-
20 struction that are content-centered, inte-
21 grated across the curricula, collaborative,
22 and embedded in the school, classroom, or
23 other setting; and

24 “(ii) that uses student data to im-
25 prove instruction;

1 “(H) includes and supports teachers in set-
2 ting high reading and writing achievement goals
3 for all students and provides the teachers with
4 the instructional tools and skills to help stu-
5 dents reach such goals; and

6 “(I) is differentiated for educators working
7 with children from preschool through kinder-
8 garten entry, students in kindergarten through
9 grade 5, and students in grades 6 through 12,
10 and, as appropriate, by student grade or stu-
11 dent need.

12 “(13) LITERACY COACH.—The term ‘literacy
13 coach’ means a professional—

14 “(A) who—

15 “(i) has previous teaching experience
16 and—

17 “(I) a master’s degree with a
18 concentration in reading and writing
19 education;

20 “(II) demonstrated proficiency in
21 teaching reading or writing in a core
22 academic subject consistent with the
23 characteristics of effective literacy in-
24 struction; or

1 “(III) in the case of a literacy
2 coach for children from preschool
3 through kindergarten entry, a con-
4 centration, credential, or significant
5 experience in child development and
6 early literacy development; and

7 “(ii) is able to demonstrate the ability
8 to help teachers—

9 “(I) apply research on how stu-
10 dents become successful readers, writ-
11 ers, and communicators;

12 “(II) apply multiple forms of as-
13 sessment to guide instructional deci-
14 sionmaking and use data to improve
15 literacy instruction;

16 “(III) improve student writing
17 and reading in and across content
18 areas such as mathematics, science,
19 social studies, and language arts;

20 “(IV) develop and implement dif-
21 ferentiated instruction and teaching
22 approaches to serve the needs of the
23 full range of learners, including
24 English learners and children with
25 disabilities;

1 “(V) apply principles of universal
2 design for learning, as described in
3 section 5429(b)(21);

4 “(VI) employ best practices in
5 engaging principals, early childhood
6 educators and administrators, teach-
7 ers, and other professionals sup-
8 porting literacy instruction to change
9 school cultures to better encourage
10 and support literacy development and
11 achievement; and

12 “(VII)(aa) for children from pre-
13 school through kindergarten entry, set
14 developmentally appropriate expecta-
15 tions for language; and

16 “(bb) for all children, set literacy
17 development and high reading and
18 writing achievement goals and select,
19 acquire, and use instructional tools
20 and skills to help the children reach
21 such goals; and

22 “(B) whose role with teachers and profes-
23 sionals supporting literacy instruction is—

24 “(i) to provide high-quality profes-
25 sional development;

1 “(ii) to work cooperatively and col-
2 laboratively with principals, teachers, and
3 other professionals in employing strategies
4 to help teachers identify and support stu-
5 dent language and literacy needs and teach
6 literacy across content areas and develop-
7 mental domains; and

8 “(iii) to work cooperatively and col-
9 laboratively with other professionals in em-
10 ploying strategies to help teachers teach
11 literacy across content areas so that the
12 teachers can meet the needs of all stu-
13 dents, including children with disabilities,
14 English learners, and students who are
15 reading at or above grade level.

16 “(14) MULTI-TIERED SYSTEM OF SUPPORT.—
17 The term ‘multi-tiered system of support’ means a
18 comprehensive system of differentiated supports that
19 includes evidence-based instruction, universal screen-
20 ing, progress monitoring, formative assessments, evi-
21 dence-based interventions matched to student needs
22 and educational decisionmaking using student out-
23 come data.

24 “(15) READING.—The term ‘reading’ means a
25 complex system of deriving meaning from print that

1 requires, in ways that are developmentally, content,
2 and contextually appropriate, all of the following:

3 “(A) PHONEMES.—The skills and knowl-
4 edge to understand how phonemes, or speech
5 sounds, are connected to print.

6 “(B) ACCURACY, FLUENCY, AND UNDER-
7 STANDING.—The ability to read accurately, flu-
8 ently, and with understanding.

9 “(C) READING COMPREHENSION.—The use
10 of background knowledge and vocabulary to
11 make meaning from a text.

12 “(D) ACTIVE STRATEGIES.—The develop-
13 ment and use of appropriate active strategies to
14 interpret and construct meaning from print.

15 “(16) SCIENTIFICALLY VALID RESEARCH.—The
16 term ‘scientifically valid research’ has the meaning
17 given the term in section 200 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1021).

19 “(17) SCREENING ASSESSMENT.—The term
20 ‘screening assessment’ means an assessment that—

21 “(A) is valid, reliable, and based on sci-
22 entifically valid research on literacy and English
23 language acquisition; and

24 “(B) is a procedure designed as a first
25 step in identifying children who may be at high

1 risk for delayed development or academic fail-
2 ure and in need of further diagnosis of the chil-
3 dren’s need for special services or additional lit-
4 eracy instruction.

5 “(18) SPECIALIZED INSTRUCTIONAL SUPPORT
6 PERSONNEL (SISP).—The term ‘Specialized Instruc-
7 tional Support Personnel’ or ‘SISP’ means school
8 counselors, school social workers, school psycholo-
9 gists, and other qualified professional personnel in-
10 volved in providing assessment, diagnosis, coun-
11 seling, educational, therapeutic, and other necessary
12 services (included related services as that term is de-
13 fined in section 602 of the Individuals with Disabil-
14 ities Education Act) as part of a comprehensive pro-
15 gram to meet student needs.

16 “(19) STATE.—The term ‘State’ has the mean-
17 ing given the term in section 103 of the Higher
18 Education Act of 1965 (20 U.S.C. 1003).

19 “(20) STATE LITERACY LEADERSHIP TEAM.—

20 “(A) IN GENERAL.—The term ‘State lit-
21 eracy leadership team’ means a team that—

22 “(i) is appointed and coordinated by
23 the State educational agency;

1 “(ii) assumes the responsibility to
2 guide the development and implementation
3 of a statewide, comprehensive literacy plan;
4 “(iii) is composed of not less than 11
5 individuals; and
6 “(iv) shall include—
7 “(I) not less than 3 individuals
8 who have literacy expertise in one of
9 each of the areas of—
10 “(aa) preschool through
11 school entry, such as the State
12 Head Start collaboration direc-
13 tor;
14 “(bb) kindergarten entry
15 through grade 5; and
16 “(cc) grades 6 through 12;
17 “(II) a school principal;
18 “(III) teachers and administra-
19 tors with expertise in literacy and spe-
20 cial education;
21 “(IV) teachers and administra-
22 tors with expertise in teaching the
23 English language to English learners;

1 “(V) a representative from the
2 State educational agency who oversees
3 literacy initiatives; and

4 “(VI) a representative from high-
5 er education who is actively involved
6 in research, development, or teacher
7 preparation in literacy instruction and
8 intervention based on scientifically
9 valid research.

10 “(B) INCLUSION OF A PREEXISTING PART-
11 NERSHIP.—If, before the date of enactment of
12 the Student Success Act, a State educational
13 agency established a consortium, partnership,
14 or any other similar body that was considered
15 a literacy partnership for purposes of subpart 1
16 or 2 of part B of title I and that includes the
17 individuals required under subparagraph
18 (A)(iv), such consortium, partnership, or body
19 may be considered a State literacy leadership
20 team for purposes of subparagraph (A).

21 “(21) SUMMATIVE ASSESSMENT.—The term
22 ‘summative assessment’ means an assessment that—
23 “(A) is valid, reliable, and based on sci-
24 entifically valid research on literacy and English
25 language acquisition; and

1 “(B) measures—

2 “(i) for children from preschool
3 through kindergarten entry, how the chil-
4 dren have progressed over time relative to
5 developmental norms; and

6 “(ii) for students in kindergarten
7 through grade 12, what the students have
8 learned over time, relative to academic con-
9 tent standards.

10 “(22) UNIVERSAL DESIGN FOR LEARNING.—

11 The term ‘universal design for learning’ has the
12 meaning given the term in section 103 of the Higher
13 Education Act of 1965 (20 U.S.C. 1003).

14 “(23) WRITING.—The term ‘writing’ means—

15 “(A) composing meaning in print or
16 through other media, including technologies, to
17 communicate and to create new knowledge in
18 ways appropriate to the context of the writing
19 and the literacy development stage of the writ-
20 er;

21 “(B) composing ideas individually and col-
22 laboratively in ways that are appropriate for a
23 variety of purposes, audiences, and occasions;

24 “(C) choosing vocabulary, tone, genre, and
25 conventions, such as spelling and punctuation,

1 suitable to the purpose, audience, and occasion;
2 and

3 “(D) revising compositions for clarity of
4 ideas, coherence, logical development, and preci-
5 sion of language use.

6 **“SEC. 5430. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out
8 this subpart \$500,000,000 for fiscal year 2016 and such
9 sums as may be necessary for subsequent fiscal years.

10 “SUBPART 3—A WELL-ROUNDED EDUCATION

11 **“SEC. 5431. PROGRAM AUTHORIZED.**

12 “From the amount appropriated each fiscal year to
13 carry out this subpart, the Secretary—

14 “(1) shall—

15 “(A) reserve not less than 5 percent for
16 national activities under section 5438; and

17 “(B) of the funds remaining after the Sec-
18 retary reserves funds under subparagraph

19 (A)—

20 “(i) use at least 25 percent to award
21 grants to eligible entities under this sub-
22 part to carry out proven practices, strate-
23 gies, or programs in American history,
24 civic education, and geography;

1 “(ii) use at least 15 percent to award
2 grants to eligible entities under this sub-
3 part to carry out proven practices, strate-
4 gies, or programs in economic and finan-
5 cial literacy education and entrepreneur-
6 ship education;

7 “(iii) use at least 15 percent to award
8 grants to eligible entities under this sub-
9 part to carry out proven practices, strate-
10 gies, or programs in foreign language edu-
11 cation;

12 “(iv) use at least 15 percent to award
13 grants to eligible entities under this sub-
14 part to carry out proven practices, strate-
15 gies, or programs for music and the arts
16 education; and

17 “(v) use at least 10 percent to award
18 grants to eligible entities under this sub-
19 part to carry out proven practices, strate-
20 gies, or programs in Javits gifted and tal-
21 ented education; and

22 “(vi) use at least 10 percent to award
23 grants to eligible entities as described in
24 section 5432(2) to carry out proven prac-

1 tices, strategies, or programs in ready-to-
2 learn; and

3 “(2) may use the funds remaining after the
4 Secretary reserves and uses funds under paragraph
5 (1) to award grants to eligible entities under this
6 subpart to carry out any of the proven practices,
7 strategies, or programs described in clauses (i)
8 through (v) of paragraph (1)(B).

9 **“SEC. 5432. ELIGIBLE ENTITY DEFINED.**

10 “In this subpart, an eligible entity means one of the
11 following:

12 “(1) A State educational agency, local edu-
13 cational agency, or an educational service agency
14 with a local educational agency that is in partner-
15 ship with one or more of the following:

16 “(A) An institution of higher education.

17 “(B) A nonprofit organization with dem-
18 onstrated expertise in the content areas de-
19 scribed in section 5431(1)(B).

20 “(C) A library or museum.

21 “(2) A public telecommunications entity that is
22 able to demonstrate each of the following:

23 “(A) A capacity for the development and
24 national distribution of educational and instruc-
25 tional television programming of high quality

1 that is accessible by a large majority of dis-
2 advantaged preschool and elementary school
3 children.

4 “(B) A capacity to contract with the pro-
5 ducers of children’s television programming for
6 the purpose of developing educational television
7 programming of high quality.

8 “(C) A capacity, consistent with the enti-
9 ty’s mission and nonprofit nature, to negotiate
10 such contracts in a manner that returns to the
11 entity an appropriate share of any ancillary in-
12 come from sales of any program-related prod-
13 ucts.

14 “(D) A capacity to localize programming
15 and materials to meet specific State and local
16 needs and to provide educational outreach at
17 the local level.

18 **“SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND**
19 **SCOPE REQUIREMENTS.**

20 “(a) PRIORITY.—In awarding grants under this sub-
21 part, the Secretary shall give priority to—

22 “(1) eligible entities proposing to serve schools
23 in need of support or persistently low achieving
24 schools; and

1 “(2) eligible entities proposing to serve a high
2 percentage and number of children from families
3 with incomes below the poverty line according to the
4 most recent census data approved by the Secretary.

5 “(b) DURATION.—The Secretary shall award grants
6 under this subpart for a period of 5 years.

7 “(c) SUFFICIENT SIZE AND SCOPE.—In awarding
8 grants under this subpart, the Secretary shall ensure that
9 grants are of sufficient size and scope.

10 **“SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

11 “Funds received under this subpart shall be used to
12 supplement, not supplant, Federal and non-Federal funds
13 available to support child and youth services.

14 **“SEC. 5435. APPLICATION REQUIREMENTS.**

15 “(a) IN GENERAL.—To receive a grant under one or
16 more of the grant programs described in clauses (i)
17 through (v) of section 5431(1)(B), an eligible entity shall
18 submit an application to the Secretary at such time, in
19 such manner, and containing the information that the Sec-
20 retary may require, including the information described in
21 subsection (c).

22 “(b) MULTIPLE APPLICATIONS.—An eligible entity
23 may apply for one or more grant programs under this sub-
24 part, and may use a consolidated application to apply for
25 more than one grant program under this subpart .

1 “(c) APPLICATION REQUIREMENTS.— An application
2 submitted under subsection (a) shall contain the following:

3 “(1) A description of the promising or proven
4 practice, strategy, or program that the applicant
5 proposes to implement in a content area listed in
6 clauses (i) through (v) of section 5431(1)(B).

7 “(2) A description of how the proposed practice,
8 strategy, or program is evidence-based and will im-
9 prove teaching practices as well as student achieve-
10 ment or student academic growth especially with
11 high-need student populations.

12 “(3) A description of how the proposed practice,
13 strategy, or program fits into the State or local edu-
14 cational agency’s overall strategy that students have
15 access to a well-rounded education.

16 “(4) A description of how the proposed practice,
17 strategy, or program will be aligned with school im-
18 provement plans.

19 “(5) A description of how the activities will ade-
20 quately address the needs of students with disabil-
21 ities and English learners.

22 “(6) A description of the applicant’s plan for
23 data collection, analysis, and dissemination of results
24 and outcomes, including an assurance that the appli-
25 cant will make this information publicly available

1 and accessible to educators, researchers, and other
2 experts.

3 “(7) A description of how the applicant will
4 provide for the completion of an independent evalua-
5 tion of the project (including through the use of
6 formative and summative evaluation methodologies)
7 during the grant period to assess its impact on stu-
8 dent achievement, student academic growth, student
9 engagement, and other program goals, including its
10 potential for replication and expansion.

11 “(8) If the applicant proposes to expand an ex-
12 isting practice, strategy, or program with at least
13 moderate evidence, a description of how the appli-
14 cant proposes to reach additional participants in
15 such practice, strategy, or program.

16 “(d) PEER REVIEW.—The Secretary shall establish
17 a peer-review process to assist in review of applications
18 submitted under this section.

19 **“SEC. 5436. USES OF FUNDS.**

20 “(a) IN GENERAL.—Each eligible entity that receives
21 a grant under this subpart shall carry out one or more
22 of the following:

23 “(1) Plan, develop, expand, or improve prac-
24 tices, strategies, and programs in the applicable con-
25 tent area.

1 “(2) Develop and implement instructional mate-
2 rials, assessments (including performance-based as-
3 sessments), and curriculum, aligned with State
4 standards in a content area listed in clauses (i)
5 through (v) of section 5431(1)(B), which embed
6 principles of universal design for learning, as de-
7 scribed in section 5429(b)(21), to support students
8 with diverse learning needs including English learn-
9 ers and students with disabilities.

10 “(3) Develop and implement professional devel-
11 opment for teachers in the applicable content area in
12 order to improve classroom practices.

13 “(4) Align practices, strategies, and programs
14 with postsecondary programs for the continuation of
15 instruction in the academic subject for which the
16 program strategy or practice proposes to increase
17 student achievement or student growth.

18 “(5) Supporting the use of open educational re-
19 sources or other innovative uses of technology that
20 are designed to serve students at all levels of
21 achievement.

22 “(6) Support efforts to expand access to ad-
23 vanced coursework, especially for high-need students.

24 “(7) In the case of an eligible entity that is a
25 State educational agency, the eligible entity may also

1 provide technical assistance to local programs within
2 the State.

3 “(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOG-
4 RAPHY GRANTS.—In addition to meeting the requirements
5 of subsection (a), an eligible entity receiving a grant de-
6 scribed in section 5431(1)(B)(i) may use the grant to—

7 “(1) carry out local, field-based activities for
8 teachers and students to improve their knowledge of
9 the concepts and tools of geography while enhancing
10 understanding of their home region; and

11 “(2) apply geographic information systems and
12 technology to the teaching of geography; and

13 “(3) using internet or distance-learning tech-
14 nology.

15 “(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECO-
16 NOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP
17 EDUCATION GRANTS.—In addition to meeting the require-
18 ments of subsection (a), an eligible entity receiving a grant
19 described in section 5431(1)(B)(ii)—

20 “(1) may use the grant to—

21 “(A) carry out programs to teach personal
22 financial management skills;

23 “(B) carry out programs to teach the basic
24 principles involved with earning, spending, sav-
25 ing, investing, credit, and insurance; and

1 “(C) implement financial and economic lit-
2 eracy activities and sequences of study within,
3 or coordinated with, core academic subjects;
4 and

5 “(2) is strongly encouraged to—

6 “(A) include interactions with the local
7 business community to the fullest extent pos-
8 sible to reinforce the connection between eco-
9 nomic and financial literacy; and

10 “(B) work with private businesses to ob-
11 tain matching contributions for Federal funds
12 and assist recipients in working toward self-suf-
13 ficiency.

14 “(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOR-
15 EIGN LANGUAGE GRANTS.—In addition to meeting the re-
16 quirements of subsection (a), an eligible entity receiving
17 a grant described in section 5431(1)(B)(iii) may use the
18 grant to carry out the following activities:

19 “(1) Developing and implementing intensive
20 summer foreign language programs for professional
21 development.

22 “(2) Linking nonnative English speakers in the
23 community with the schools in order to promote two-
24 way language learning.

1 “(3) Promoting the sequential study of a for-
2 eign language for students, beginning in elementary
3 schools.

4 “(4) Making effective use of technology, such as
5 computer-assisted instruction, language laboratories,
6 or distance learning, to promote foreign language
7 study.

8 “(5) Developing and implementing, high quality
9 dual language programs.

10 “(6) Promoting innovative activities, such as
11 foreign language immersion, partial foreign language
12 immersion, or content-based instruction.

13 “(7) Providing opportunities for maximum for-
14 eign language exposure for students domestically,
15 such as the creation of immersion environments in
16 the classroom and school, on weekend or summer ex-
17 periences, and special tutoring and academic sup-
18 port.

19 “(8) providing for the possibility for multiple
20 entry points for studying the foreign language.

21 “(9) Creating partnerships with elementary and
22 secondary schools in other countries to facilitate lan-
23 guage and cultural learning and exchange.

24 “(10) Providing support for a language super-
25 visor to oversee and coordinate the progress of the

1 articulated foreign language program across grade
2 levels in the local educational agency funded under
3 this subpart.

4 “(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAV-
5 ITS GIFTED AND TALENTED GRANTS.—In addition to
6 meeting the requirements of subsection (a), an eligible en-
7 tity receiving a grant described in section 5431(1)(B)(v)
8 may use the grant to carry out the following activities:

9 “(1) Providing funds for challenging, high-level
10 course work, disseminated through technologies (in-
11 cluding distance learning), for individual students or
12 groups of students in schools and local educational
13 agencies that would not otherwise have the resources
14 to provide such course work.

15 “(2) Ensuring that assessments provide diag-
16 nostic information that informs instruction for high-
17 achieving students.

18 “(3) Carrying out training and professional de-
19 velopment for school personnel involved in the teach-
20 ing of high-achieving, educationally disadvantaged
21 students, such as instructional staff, principals,
22 counselors, and psychologists.

23 “(4) Conducting education and training for par-
24 ents of high-achieving, educationally disadvantaged

1 students to support educational excellence for such
2 students.

3 “(f) PROGRAM SPECIFIC REQUIREMENTS FOR
4 READY-TO-LEARN.—In addition to meeting the require-
5 ments of subsection (a), an eligible entity receiving a grant
6 described in section 5431(1)(B)(vi) may use the grant to
7 carry out the following activities:

8 “(1) to develop, produce, and distribute edu-
9 cational and instructional video programming for
10 preschool and elementary school children and their
11 parents in order to facilitate student academic
12 achievement;

13 “(2) to facilitate the development, directly or
14 through contracts with producers of children and
15 family educational television programming, of edu-
16 cational programming for preschool and elementary
17 school children, and the accompanying support ma-
18 terials and services that promote the effective use of
19 such programming;

20 “(3) to facilitate the development of program-
21 ming and digital content containing Ready-to-Learn-
22 based children’s programming and resources for par-
23 ents and caregivers that is specially designed for na-
24 tionwide distribution over public television stations’
25 digital broadcasting channels and the Internet;

1 “(4) to contract with entities (such as public
2 telecommunications entities) so that programs devel-
3 oped under this section are disseminated and distrib-
4 uted to the widest possible audience appropriate to
5 be served by the programming, and through the use
6 of the most appropriate distribution technologies;
7 and

8 “(5) to develop and disseminate education and
9 training materials, including interactive programs
10 and programs adaptable to distance learning tech-
11 nologies, that are designed—

12 “(A) to promote school readiness; and

13 “(B) to promote the effective use of mate-
14 rials developed under subparagraphs (2) and
15 (3) among parents, teachers, Head Start pro-
16 viders, Even Start providers, providers of family
17 literacy services, child care providers, early
18 childhood development personnel, elementary
19 school teachers, public libraries, and afterschool
20 program personnel caring for preschool and ele-
21 mentary school children.

22 **“SEC. 5437. EVALUATION.**

23 “Each eligible entity receiving a grant under this sub-
24 part shall conduct an independent program-level evalua-
25 tion and submit preliminary results to the Secretary at

1 such a time and in such manner as the Secretary may
2 require in order to determine the eligible entity's eligibility
3 to continue to receive funding under this subpart.

4 **“SEC. 5438. NATIONAL ACTIVITIES.**

5 “(a) IN GENERAL.—From the amounts reserved
6 under section 5431(1)(A), the Secretary shall carry out
7 the national activities described in subsection (b) directly
8 or by entering into contracts with an eligible educational
9 entity.

10 “(b) NATIONAL ACTIVITIES.—The national activities
11 that shall be carried out under this section are as follows:

12 “(1) Technical assistance.

13 “(2) Development of curricula.

14 “(3) Production, development, and dissemina-
15 tion of high-quality educational content (including
16 digital content) in academic content areas under this
17 subpart.

18 “(4) Research and collecting information on,
19 and identifying, effective programs and best prac-
20 tices and disseminating that information to States,
21 local educational agencies, institutions of higher edu-
22 cation, and other stakeholders.

23 **“SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.**

24 “(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—

25 In this section, the term ‘eligible educational entity’ means

1 a national nonprofit educational entity with a proven track
2 record and demonstrated expertise in one or more of the
3 following areas as related to the activities described in sub-
4 section (b):

5 “(1) High-quality professional development pro-
6 grams, including writing programs for teachers
7 across disciplines and at all grade levels.

8 “(2) History education programs.

9 “(3) Civics and government education pro-
10 grams.

11 “(4) Economic and financial literacy education
12 programs.

13 “(5) Geography education programs.

14 “(6) Foreign Language education programs.

15 “(7) Music and the arts education programs.

16 “(8) Gifted and talented programs.

17 “(9) Reading and book distribution programs,
18 including pediatric early literacy programs that en-
19 gage parents.

20 “(10) Educational and instructional video pro-
21 gramming (including early literacy programming)
22 for a public telecommunications entity.

23 “(b) PRIORITY.—In awarding a contract to an eligi-
24 ble educational entity under this section, the Secretary
25 shall give priority to an entity that provides support to

1 the eligible entities receiving a grant under this subpart
2 or eligible entities receiving a grant under the subpart 1
3 or 2 to develop instructional systems that provide—

4 “(1) a systematic and coherent combination of
5 instructional materials;

6 “(2) embedded formative and interim assess-
7 ments;

8 “(3) professional development;

9 “(4) information on student learning; and

10 “(5) academic interventions based on cognitive
11 science and content-area knowledge and are aligned
12 with college- and career-ready standards.

13 **“SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to carry out
15 this subpart \$250,000,000 for fiscal year 2016 and such
16 sums as may be necessary for each succeeding fiscal year.

17 **“SUBPART 4—TRANSFORMING EDUCATION THROUGH**
18 **TECHNOLOGY GRANTS**

19 **“SEC. 5441. PURPOSES.**

20 “The purposes of this subpart are to—

21 “(1) improve the achievement, academic
22 growth, and college-and-career readiness of students
23 who have developed the ability to think critically,
24 apply knowledge to solve complex problems, work

1 collaboratively, communicate effectively, be self-di-
2 rected, and be responsible digital citizens;

3 “(2) ensure all students have access to individ-
4 ualized, rigorous, and engaging digital learning expe-
5 riences;

6 “(3) ensure that educators have the knowledge
7 and skills to develop and implement digital learning
8 curriculum, use technology effectively in order to
9 personalize and strengthen instruction, and effec-
10 tively create, deliver, and utilize assessments to
11 measure student outcomes and support student suc-
12 cess;

13 “(4) ensure that administrators have the lead-
14 ership, management, knowledge, and skills to design,
15 develop, and implement a school or local educational
16 agency-wide digital age learning environment; and

17 “(5) improve the efficiency and productivity of
18 education through technology.

19 **“SEC. 5442. E-RATE RESTRICTION.**

20 “Funds awarded under this subpart may be used to
21 address the networking needs of a recipient of such funds
22 for which the recipient is eligible to receive support under
23 the E-rate program, except that such funds may not be
24 duplicative of support received by the recipient under the
25 E-rate program.

1 **“SEC. 5443. RULE OF CONSTRUCTION REGARDING PUR-**
2 **CHASING.**

3 “Nothing in this subpart shall be construed to permit
4 a recipient of funds under this subpart to purchase goods
5 or services using such funds without ensuring that the
6 purchase is free of any conflict of interest between such
7 recipient, or any partner of such recipient, and the person
8 or entity receiving such funds.

9 **“SEC. 5444. DEFINITIONS.**

10 “In this subpart:

11 “(1) **DIGITAL LEARNING.**—The term ‘digital
12 learning’ means any instructional practice that effec-
13 tively uses technology to strengthen a student’s
14 learning experience and encompasses a wide spec-
15 trum of tools and practices, including—

16 “(A) interactive learning resources that en-
17 gage students in academic content;

18 “(B) access to online databases and other
19 primary source documents;

20 “(C) the use of data to personalize learn-
21 ing and provide targeted supplementary instruc-
22 tion;

23 “(D) student collaboration with content ex-
24 perts and peers;

25 “(E) online and computer-based assess-
26 ments;

1 “(F) digital content, adaptive, and simula-
2 tion software or courseware,

3 “(G) online courses, online instruction, or
4 digital learning platforms;

5 “(H) mobile and wireless technologies for
6 learning in school and at home;

7 “(I) learning environments that allow for
8 rich collaboration and communication;

9 “(J) authentic audiences for learning in a
10 relevant, real world experience;

11 “(K) teacher participation in virtual pro-
12 fessional communities of practice; and

13 “(L) hybrid or blended learning, which oc-
14 curs under direct instructor supervision at a
15 school or other location away from home and,
16 at least in part, through online delivery of in-
17 struction with some element of student control
18 over time, place, path, or pace.

19 “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-
20 ble technology’ means modern information, com-
21 puter, and communication technology hardware,
22 software, services, or tools, including computer or
23 mobile hardware devices and other computer and
24 communications hardware, software applications,
25 systems and platforms, and digital and online con-

1 tent, courseware, and online instruction and other
2 online services and supports, including technology
3 that is interoperable and is in accordance with prin-
4 ciples of universal design for learning, as described
5 in section 5429(b)(21).

6 “(3) STUDENTS WITH DISABILITIES.—The term
7 ‘students with disabilities’ means students with dis-
8 abilities as defined under the Individuals with Dis-
9 abilities Education Act and section 504 of the Reha-
10 bilitation Act of 1973.

11 “(4) STUDENT TECHNOLOGY LITERACY.—The
12 term ‘student technology literacy’ means student
13 knowledge and skills in using contemporary informa-
14 tion, communication, and learning technologies in a
15 manner necessary for successful employment, life-
16 long learning, and citizenship in the knowledge-
17 based, digital, and global 21st century, including, at
18 a minimum, the ability to—

19 “(A) effectively communicate and collabo-
20 rate;

21 “(B) analyze and solve problems;

22 “(C) access, evaluate, manage, and create
23 information and otherwise gain information lit-
24 eracy;

1 “(D) demonstrate creative thinking, con-
2 struct knowledge, and develop innovative prod-
3 ucts and processes; and

4 “(E) carry out the activities described in
5 subparagraphs (A) through (D) in a safe and
6 ethical manner.

7 “(5) TECHNOLOGY READINESS SURVEY.—The
8 term ‘technology readiness survey’ means a survey
9 completed by a local educational agency that pro-
10 vides standardized information comparable to the in-
11 formation collected through the technology readiness
12 survey administered under the Race to the Top As-
13 sessment program under section 14006 of division A
14 of the American Recovery and Reinvestment Act of
15 2009 (Public Law 111–5) on the quantity and types
16 of technology infrastructure and access available to
17 the students served by the local educational agency,
18 including computer devices, Internet connectivity,
19 operating systems, related network infrastructure,
20 data systems, and—

21 “(A) requiring—

22 “(i) an internal review of the degree
23 to which instruction, additional student
24 support, and professional development is
25 delivered in digital formats, media, and

1 platforms and is available to students and
2 educators at any time;

3 “(ii) an internal review of the ability
4 of educators to use assessments and other
5 student data to personalize and strengthen
6 instruction and identify professional devel-
7 opment needs and priorities; and

8 “(iii) any other information required
9 by the State educational agency serving
10 the local educational agency; and

11 “(B) may include an assessment of local
12 community needs to ensure students have ade-
13 quate on-line access and access to devices for
14 school-related work during out-of-school time.

15 **“SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—From the amounts appropriated
17 under section 5451, the Secretary shall award State
18 Grants for Technology Readiness and Access (in this title
19 referred to as ‘grants’) to State educational agencies to
20 strengthen State and local technological infrastructure
21 and professional development that supports digital learn-
22 ing through State activities under section 5447(c) and
23 local activities under section 5448(c).

24 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

1 “(1) RESERVATIONS.—From the amounts ap-
2 propriated under section 5451 for any fiscal year,
3 the Secretary shall reserve—

4 “(A) three-fourths of 1 percent for the
5 Secretary of Interior to provide assistance
6 under this title for schools operated or funded
7 by the Bureau of Indian Education; and

8 “(B) 1 percent to provide assistance under
9 this title to the outlying areas.

10 “(2) GRANTS.—From the amounts appro-
11 priated under section 106 for any fiscal year and re-
12 maining after the Secretary makes reservations
13 under paragraph (1), the Secretary shall make a
14 grant for the fiscal year to each State educational
15 agency with an approved application under section
16 5446 in an amount that bears the same relationship
17 to such remainder as the amount the State edu-
18 cational agency received under part A of title I for
19 such year bears to the amount all State educational
20 agencies with an approved application under section
21 102 received under such part (20 U.S.C. 6311 et
22 seq.) for such year.

23 “(c) MINIMUM.—The amount of a grant to a State
24 educational agency under subsection (b)(2) for a fiscal
25 year may not be less than one-half of 1 percent of the

1 total amount made available for grants to all State edu-
2 cational agencies under such subsection for such year.

3 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
4 State educational agency does not apply for a grant under
5 subsection (b)(2) for a fiscal year, or does not use its en-
6 tire grant under subsection (b)(2) for such year, the Sec-
7 retary shall reallot the amount of the State educational
8 agency’s grant, or the unused portion of the grant, to the
9 remaining State educational agencies that use their entire
10 grant amounts under subsection (b)(2) for such year.

11 “(e) MATCHING FUNDS.—

12 “(1) IN GENERAL.—A State educational agency
13 that receives a grant under subsection (b)(2) shall
14 provide matching funds, from non-Federal sources,
15 in an amount equal to 20 percent of the amount of
16 grant funds provided to the State educational agency
17 to carry out the activities supported by the grant.
18 Such matching funds may be provided in cash or in-
19 kind, except that any such in-kind contributions
20 shall be provided for the purpose of supporting the
21 State educational agency’s activities under section
22 104(c).

23 “(2) WAIVER.—The Secretary may waive the
24 matching requirement under paragraph (1) for a
25 State educational agency that demonstrates that

1 such requirement imposes an undue financial hard-
2 ship on the State educational agency.

3 **“SEC. 5446. STATE APPLICATIONS.**

4 “(a) APPLICATION.—To receive a grant under section
5 5445(b)(2), a State educational agency shall submit to the
6 Secretary an application at such time and in such manner
7 as the Secretary may require and containing the informa-
8 tion described in subsection (b).

9 “(b) CONTENTS.—Each application submitted under
10 subsection (a) shall include the following:

11 “(1) A description of the State Educational
12 Agency’s long-term goals and strategies for improv-
13 ing student academic achievement, including through
14 student technology literacy, through the effective use
15 of technology.

16 “(2) A description of how the State educational
17 agency will meet the following goals:

18 “(A) Use technology to ensure all students
19 achieve college-and-career readiness and tech-
20 nology literacy, including by providing high-
21 quality education opportunities to economically
22 or geographically isolated student populations.

23 “(B) Provide educators with the tools, de-
24 vices, content, and resources to—

1 “(i) significantly improve teaching
2 and learning, including support to increase
3 personalization for and engagement of stu-
4 dents in pursuit of college-and-career read-
5 iness and technology literacy; and

6 “(ii) develop and use assessments to
7 improve instruction, including instruction
8 consistent with the principles of universal
9 design for learning, as described in section
10 5429(b)(21), and instruction for students
11 with disabilities and English-language
12 learners.

13 “(C) Ensure administrators and school
14 leaders have the flexibility and capacity to de-
15 velop and manage systems to carry out activi-
16 ties described in subparagraphs (A) and (B),
17 and support administrators and school leaders
18 in utilizing technology to promote equity and
19 increase efficiency and productivity.

20 “(D) Enable local educational agencies to
21 build the technological capacity and infrastruc-
22 ture (including through local purchasing of eli-
23 gible technology), necessary for the full imple-
24 mentation of on-line assessments for all stu-

1 dents, (including students with disabilities and
2 English-language learners) and to—

3 “(i) ensure the interoperability of data
4 systems and eligible technology; and

5 “(ii) carry out subparagraphs (A)
6 through (C).

7 “(3) A description of the results of the tech-
8 nology readiness in the State as determined by local
9 educational agency responses to the technology read-
10 iness survey, including—

11 “(A) the status of the ability of each local
12 educational agency served by the State edu-
13 cational agency to meet the goals described in
14 section 104(b)(1);

15 “(B) an assurance that not less 90 percent
16 of the local educational agencies served by the
17 State educational agency have completed and
18 submitted the technology readiness survey to
19 the State educational agency; and

20 “(C) an assurance that the results of the
21 technology readiness survey for each such local
22 educational agency are made available to the
23 Secretary and the public through the Website of
24 the local educational agency.

1 “(4) A description of the plan for the State
2 educational agency to support each local educational
3 agency served by the State educational agency in
4 meeting the goals described in section 104(b)(1) not
5 later than 3 years after the local educational agency
6 completes the technology readiness survey by ad-
7 dressing the readiness gaps identified in such sur-
8 vey.

9 “(5) A description of the State’s process for the
10 adoption, acquisition, distribution, and use of con-
11 tent, how the State will ensure integrity of such
12 processes, and how such processes support the goals
13 under paragraph (1) or how a State will change
14 such processes to support such goals, and how the
15 State will ensure content quality.

16 “(6) A description of how the State educational
17 agency will ensure its data systems and eligible tech-
18 nology are interoperable.

19 “(7) An assurance that the State educational
20 agency will consider making content widely available
21 through open educational resources when making
22 purchasing decisions with funds received under this
23 title.

24 “(8) A description of the State’s student tech-
25 nology literacy standards and the technology stand-

1 ards for teachers and administrators, and an assur-
2 ance that the State’s student technology literacy
3 standards meet the requirements of section 7(8).

4 “(9) An assurance that subgrant awards under
5 section 104 will be carried out by the local edu-
6 cational agency staff with responsibility for leader-
7 ship, coordination, and implementation of instruc-
8 tional and other classroom technologies.

9 “(10) A description of how the State edu-
10 cational agency will award subgrants to local edu-
11 cational agencies under section 104.

12 “(11) A description of the process, activities,
13 performance measures, and outcomes in learning,
14 assessment, teaching, infrastructure, and commu-
15 nication that the State educational agency will use
16 to evaluate the impact and effectiveness of the grant
17 and subgrants funds awarded under this subpart
18 across the State and in each local educational agen-
19 cy.

20 “(12) A description of how the State edu-
21 cational agency will, in providing technical and other
22 assistance to local educational agencies, give priority
23 to the local educational agencies proposing to target
24 services to—

1 “(A) students in schools in need of support
2 and high-priority schools; and

3 “(B) schools with a high percentage of stu-
4 dents that are eligible for free or reduced price
5 lunch under the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1751 et seq.).

7 “(13) A description of how the State edu-
8 cational agency consulted with local educational
9 agencies in the development of the State educational
10 agency’s application under this subsection.

11 “(14) An assurance that the State educational
12 agency will provide matching funds as required
13 under section 101(e).

14 “(15) A description of how the State edu-
15 cational agency will ensure that funds received under
16 this title is not duplicative of support received under
17 the E-rate program.

18 “(16) An assurance that the State educational
19 agency, in making awards under section 5448, to
20 improve equity of technology resources, will expend
21 funds first to local educational agencies that—

22 “(A) serve students in schools identified as
23 persistently low achieving or in need of support
24 to remedy resource inequities identified in

1 school improvement plans as described in sec-
2 tion 1116; or

3 “(B) serve schools with a high percentage
4 of students that are eligible for free or reduced
5 price lunch under the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1751 et
7 seq.).

8 “(17) An assurance that the State educational
9 agency will protect the privacy and safety of stu-
10 dents and teachers, consistent with requirements of
11 section 444 of the General Education Provisions Act
12 (20 U.S.C. 1232g) (commonly known as the ‘Family
13 Educational Rights and Privacy Act of 1974’) and
14 section 2441(a).

15 **“SEC. 5447. STATE USE OF GRANT FUNDS.**

16 “(a) RESERVATION FOR SUBGRANTS TO SUPPORT
17 TECHNOLOGY INFRASTRUCTURE.—Each State edu-
18 cational agency that receives a grant under section
19 101(b)(2) shall expend not less 90 percent of the grant
20 amount for each fiscal year to award subgrants to local
21 educational agencies in accordance with section 5448.

22 “(b) RESERVATION FOR STATE ACTIVITIES.—

23 “(1) IN GENERAL.—A State educational agency
24 shall reserve not more than 10 percent of the grant

1 received under section 101(b)(2) for the State activi-
2 ties described in subsection (c).

3 “(2) GRANT ADMINISTRATION.—Of the amount
4 reserved by a State educational agency under para-
5 graph (1), the State educational agency may reserve
6 not more than 1 percent or 3 percent, in the case
7 of a State educational agency awarding subgrants
8 under section 104(a)(2), for the administration of
9 the grant under this title, except that a State edu-
10 cational agency that forms a State purchasing con-
11 sortium under subsection (d)—

12 “(A) may reserve an additional 1 percent
13 to carry out the activities described in sub-
14 section (d)(1); and

15 “(B) shall receive direct approval from the
16 local educational agencies receiving subgrants
17 under section 104(a) from the State educational
18 agency prior to reserving more than the addi-
19 tional percentage authorized under subpara-
20 graph (A) to carry out the activities described
21 in subsection (d)(1).

22 “(c) PRIORITY.—In awarding subgrants under this
23 subpart, the State educational agency shall give priority
24 to local educational agencies proposing to target services
25 to—

1 “(1) students in schools in need of support or
2 high-priority schools; and

3 “(2) schools with a high percentage or number
4 of students that are eligible for free or reduced price
5 lunch under the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1751 et seq.).

7 “(c) STATE ACTIVITIES.—A State educational agency
8 shall use funds described in subsection (b) to carry out
9 each of the following:

10 “(1) Except for the awarding of subgrants in
11 accordance with section 104, activities described in
12 the State educational agency’s application under sec-
13 tion 102(b).

14 “(2) Providing technical assistance to local edu-
15 cational agencies to—

16 “(A) identify and address technology readi-
17 ness needs;

18 “(B) redesign curriculum and instruction,
19 improve educational productivity, and deliver
20 computer-based and online assessment;

21 “(C) use technology, consistent with the
22 principles of universal design for learning, as
23 described in section 5429(b)(21), to support the
24 learning needs of all students including stu-

1 dents with disabilities and English-language
2 learners;

3 “(D) support principals to have the exper-
4 tise to evaluate teachers’ proficiency in imple-
5 menting digital tools for teaching and learning;
6 and

7 “(E) build capacity of individual school
8 and local educational agency leaders.

9 “(3) Developing or utilizing research-based or
10 innovative strategies for the delivery of specialized or
11 rigorous academic courses and curricula through the
12 use of technology, including digital learning tech-
13 nologies and assistive technology.

14 “(4) Integrating and coordinating activities
15 under this title with other educational resources and
16 programs across the State.

17 “(5) Disseminating information, including mak-
18 ing publicly available on the Websites of the State
19 educational agency promising practices to improve
20 technology instruction, and acquiring and imple-
21 menting technology tools and applications.

22 “(6) Ensuring that teachers, paraprofessionals,
23 library and media personnel, specialized instructional
24 support personnel, and administrators possess the
25 knowledge and skills to use technology—

1 “(A) for curriculum redesign to change
2 teaching and learning and improve student
3 achievement;

4 “(B) for formative and summative assess-
5 ment administration, data analysis, and to per-
6 sonalize learning;

7 “(C) to improve student technology lit-
8 eracy;

9 “(D) to expand the range of supports and
10 accommodations available to English-language
11 learners and students with disabilities; and

12 “(E) for their own ongoing professional de-
13 velopment and for access to teaching resources
14 and tools.

15 “(7) Coordinating with teacher and school lead-
16 er preparation programs to—

17 “(A) align digital learning teaching stand-
18 ards; and

19 “(B) provide ongoing professional develop-
20 ment for teachers and school leaders that is
21 aligned to State student technology standards
22 and activities promoting college-and-career
23 readiness.

24 “(d) PURCHASING CONSORTIA.—

1 “(1) IN GENERAL.—A State educational agency
2 receiving a grant under section 101(b)(2) may—

3 “(A) form a State purchasing consortium
4 with 1 or more State educational agencies re-
5 ceiving such a grant to carry out the State ac-
6 tivities described in clause, including purchasing
7 eligible technology;

8 “(B) encourage local educational agencies
9 to form local purchasing consortia under section
10 104(c)(4); and

11 “(C) promote pricing opportunities to local
12 educational agencies for the purchase of eligible
13 technology that are—

14 “(i) negotiated by the State edu-
15 cational agency or the State purchasing
16 consortium of the State educational agen-
17 cy; and

18 “(ii) available to such local edu-
19 cational agencies.

20 “(2) RESTRICTIONS.—A State educational
21 agency receiving a grant under section 101(b)(2)
22 may not—

23 “(A) except for promoting the pricing op-
24 portunities described in paragraph (1)(C), make
25 recommendations to local educational agencies

1 for or require use of any specific commercial
2 products and services by local educational agen-
3 cies;

4 “(B) require local educational agencies to
5 participate in a State purchasing consortia or
6 local purchasing consortia; or

7 “(C) use more than the reservation
8 amount authorized for the administration of the
9 grant under subsection (b) to carry out the ac-
10 tivities described in paragraph (1), unless the
11 State educational agency receives approval in
12 accordance with subsection (b)(2)(B).

13 **“SEC. 5448. LOCAL SUBGRANTS.**

14 “(a) SUBGRANTS.—

15 “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-
16 CIES.—From the grant funds provided under section
17 101(b)(2) to a State educational agency that are re-
18 maining after the State educational agency makes
19 reservations under section 104(b) for any fiscal year
20 and subject to paragraph (2), the State educational
21 agency shall award subgrants for the fiscal year to
22 local educational agencies served by the State edu-
23 cational agency and with an approved application
24 under subsection (b) by allotting to each such local
25 educational agency an amount that bears the same

1 relationship to the remainder as the amount received
2 by the local educational agency under part A of title
3 I for such year bears to the amount received by all
4 such local educational agencies under such part for
5 such year, except that no local educational agency
6 may receive less than \$5,000.

7 “(2) COMPETITIVE GRANTS TO LOCAL EDU-
8 CATIONAL AGENCIES.—If the amount of funds ap-
9 propriated under section 5459 is less than
10 \$750,000,000 for any fiscal year, a State edu-
11 cational agency—

12 “(A) shall not award subgrants under
13 paragraph (1); and

14 “(B) shall—

15 “(i) award subgrants, on a competi-
16 tive basis, to local educational agencies
17 based on the quality of applications sub-
18 mitted under (b), including—

19 “(I) the level of technology readi-
20 ness as determined by the technology
21 readiness surveys completed by local
22 educational agencies submitting such
23 applications; and

24 “(II) the technology plans de-
25 scribed in subsection (b)(3) and how

1 the local educational agencies with
2 such plans will carry out the align-
3 ment and coordination described in
4 such subsection; and

5 “(ii) ensure that such subgrants are
6 of sufficient size and scope to carry out the
7 local activities described in subsection (c).

8 “(3) DEFINITION OF LOCAL EDUCATIONAL
9 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-
10 poses of awarding subgrants under paragraph (2),
11 the term ‘local educational agency’ means—

12 “(A) a local educational agency;

13 “(B) an educational service agency; or

14 “(C) a local educational agency and an
15 educational service agency.

16 “(b) APPLICATION.—A local educational agency that
17 desires to receive a subgrant under subsection (a) shall
18 submit an application to the State at such time, in such
19 manner, and accompanied by such information as the
20 State educational agency may require, including—

21 “(1) a description of how the local educational
22 agency will—

23 “(A) carry out the goals described in sub-
24 paragraphs (A) through (C) of section
25 101(b)(1); and

1 “(B) enable schools served by the agency
2 to build the technological capacity and infra-
3 structure (including through local purchasing of
4 eligible technology), necessary for the full imple-
5 mentation of on-line assessments for all stu-
6 dents (including students with disabilities and
7 English-language learners) and to—

8 “(i) ensure the interoperability of data
9 systems and eligible technology; and

10 “(ii) carry out the goals described in
11 subparagraphs (A) through (C) of section
12 101(b)(1); and

13 “(C) align activities funded under this sub-
14 part with school improvement plans, when ap-
15 plicable, described under section 1116(b)(3);

16 “(2) a description of the results of the tech-
17 nology readiness survey completed by the local edu-
18 cational agency and a description of the plan for the
19 local educational agency to meet the goals described
20 in paragraph (1) within 3 years of completing the
21 survey;

22 “(3) a description of the local educational agen-
23 cy’s technology plan to carry out paragraphs (1) and
24 (3) and how the agency will align and coordinate the

1 activities under this section with other activities
2 across the local educational agency;

3 “(4) a description of the team of educators that
4 will coordinate and carry out the activities under
5 this section, including individuals with responsibility
6 and expertise in instructional technology, teachers
7 that specialize in supporting students with disabili-
8 ties and English-language learners, school leaders,
9 technology officers, and staff responsible for assess-
10 ments and data analysis;

11 “(5) a description of how the local educational
12 agency will evaluate teachers’ proficiency and
13 progress in implementing technology for teaching
14 and learning;

15 “(6) a description of how the local educational
16 agency will ensure that principals have the expertise
17 to evaluate teachers’ proficiency and progress in im-
18 plementing technology for teaching and learning and
19 the interoperability of data systems and eligible tech-
20 nology;

21 “(7) a description of the local educational agen-
22 cy’s procurement process and process for the cre-
23 ation, acquisition, distribution, and use of content,
24 how the local educational agency will ensure integ-
25 rity of such processes, and how such processes sup-

1 port the goals described in paragraph (1) or how a
2 local educational agency will change such processes
3 to support such goals, and how the local educational
4 agency will ensure content quality;

5 “(8) a description of how the local educational
6 agency will carry out activities under subsection (c);

7 “(9) a description of how the subgrant funds
8 received under subsection (a) will be coordinated
9 with and supported by other Federal, State, and
10 local funds to support activities under this title;

11 “(10) a description of how the local educational
12 agency will ensure that the subgrant received under
13 subsection (a) is not duplicative of support received
14 under the E-rate program; and

15 “(11) an assurance that the local educational
16 agency will protect the privacy and safety of stu-
17 dents and teachers, consistent with requirements
18 section 444 of the General Education Provisions Act
19 (20 U.S.C. 1232g) (commonly known as the ‘Family
20 Educational Rights and Privacy Act of 1974’) and
21 section 2441(a).

22 “(c) USE OF FUNDS.—

23 “(1) TECHNOLOGY INFRASTRUCTURE.—Subject
24 to paragraph (3), a local educational agency receiv-
25 ing a subgrant under subsection (a) shall use not

1 less than 35 percent of such funds to support activi-
2 ties for the acquisition of eligible technology needed
3 to—

4 “(A) except for the activities described in
5 paragraph (2), carry out activities described in
6 the application submitted under subsection (b),
7 including purchasing devices, equipment, and
8 software applications, and improving
9 connectivity to and within schools; and

10 “(B) address readiness shortfalls identified
11 under the technology readiness survey com-
12 pleted by the local educational agency.

13 “(2) PROFESSIONAL DEVELOPMENT FOR DIG-
14 ITAL LEARNING.—Subject to paragraph (3), a local
15 educational agency receiving a subgrant under sub-
16 section (a)—

17 “(A) shall use not less than 40 percent of
18 such funds to carry out—

19 “(i) digital age professional develop-
20 ment opportunities for teachers, para-
21 professionals, library and media personnel,
22 specialized instructional support personnel,
23 technology coordinators, and administra-
24 tors in the effective use of modern infor-
25 mation and communication technology

1 tools and digital resources to deliver in-
2 struction, curriculum and school classroom
3 management, including for classroom
4 teachers to assess, support, and provide
5 engaging student learning opportunities,
6 including professional development that—

7 “(I) is ongoing, sustainable, and
8 scalable;

9 “(II) is participatory;

10 “(III) includes communication
11 and regular interactions with instruc-
12 tors, facilitators, and peers and is di-
13 rectly related to up-to-date teaching
14 methods in content areas;

15 “(IV) includes strategies and
16 tools for improving communication
17 with parents and family engagement;

18 “(V) may be built around active
19 professional learning communities or
20 online communities of practice or
21 other tools that increase collaboration
22 among teachers across schools, local
23 educational agencies, or States; and

24 “(VI) may contain on-demand
25 components, such as instructional vid-

1 eos, training documents, or learning
2 modules;

3 “(ii) ongoing professional development
4 in strategies, pedagogy, and assessment in
5 the core academic subjects that involve the
6 use of technology and curriculum redesign
7 as key components of supporting effective,
8 innovative teaching and learning, and im-
9 proving student achievement;

10 “(iii) ongoing professional develop-
11 ment in the use of educational technologies
12 to ensure every educator achieves and
13 maintains technology literacy, including
14 possessing and maintaining the knowledge
15 and skills to use technology—

16 “(I) across the curriculum for
17 student learning;

18 “(II) for real-time data analysis
19 and online or digital assessment to en-
20 able individualized instruction; and

21 “(III) to develop and maintain
22 student technology literacy;

23 “(iv) ongoing professional develop-
24 ment for school leaders to provide and pro-
25 mote leadership in the use of—

1 “(I) educational technology to en-
2 sure a digital-age learning environ-
3 ment, including the capacity to lead
4 the reform or redesign of curriculum,
5 instruction, assessment; and

6 “(II) data through the use of
7 technology in order to increase stu-
8 dent learning opportunity, student
9 technology literacy, student access to
10 technology, and student engagement
11 in learning; and

12 “(v) a review of the effectiveness of
13 the professional development and regular
14 intervals of learner feedback and data; and

15 “(B) may use such funds for—

16 “(i) the use of technology coaches to
17 work directly with teachers, including
18 through the preparation of teachers as
19 technology leaders or master teachers—

20 “(I) who are provided with the
21 means to serve as experts and to cre-
22 ate professional development opportu-
23 nities for other teachers in the effec-
24 tive use of technology; and

1 “(II) who may leverage tech-
2 nologies, such as distance learning
3 and online virtual educator-to-educator
4 peer communities, as a means to
5 support ongoing, participatory profes-
6 sional growth around the integration
7 of effective educational technologies;

8 “(ii) innovative approaches to ongoing
9 professional development such as non-
10 standard achievement recognition strate-
11 gies, including digital badging,
12 gamification elements, use of learner-cre-
13 ated learning objects, integration of social
14 and professional networking tools, rating
15 and commenting on learning artifacts, and
16 personalization of professional develop-
17 ment; and

18 “(iii) any other activities required to
19 carry out the local educational agency’s
20 technology plan described in subsection
21 (b)(4).

22 “(3) MODIFICATION OF FUNDING ALLOCA-
23 TIONS.—A State educational agency may authorize a
24 local educational agency to modify the percentage of
25 the local educational agency’s subgrant funds re-

1 quired to carry out the activities described in para-
2 graphs (1) or (2) if the local educational agency
3 demonstrates that such modification will assist the
4 local educational agency in more effectively carrying
5 out such activities.

6 “(4) PURCHASING CONSORTIA.—Local edu-
7 cational agencies receiving subgrants under sub-
8 section (a) may—

9 “(A) form a local purchasing consortia
10 with other such local educational agencies to
11 carry out the activities described in this sub-
12 section, including purchasing eligible tech-
13 nology; and

14 “(B) use such funds for purchasing eligible
15 technology through a State purchasing con-
16 sortia under section 103(d).

17 **“SEC. 5449. REPORTING.**

18 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
19 educational agency receiving a subgrant under section 104
20 shall submit to the State educational agency that awarded
21 such subgrant an annual report the meets the require-
22 ments of subsection (c).

23 “(b) STATE EDUCATIONAL AGENCIES.—Each State
24 educational agency receiving a grant under section

1 101(b)(2) shall submit to the Secretary an annual report
2 that meets the requirements of subsection (c).

3 “(c) REPORT REQUIREMENTS.—A report submitted
4 under subsection (a) or (b) shall include, at a minimum,
5 a description of—

6 “(1) the status of the State education agency’s
7 plan described in section 102(b)(3) or local edu-
8 cational agency’s technology plan under section
9 104(b)(4), as applicable;

10 “(2) the categories of eligible technology ac-
11 quired and types of programs funded under this title
12 and how such technology is being used;

13 “(3) the professional development activities
14 funded under this title, including types of activities
15 and entities involved in providing such professional
16 development; and

17 “(4) information on the impact of the grant on
18 students and student outcomes, such as—

19 “(A) the number of and demographic in-
20 formation about students who are served under
21 this subpart;

22 “(B) student achievement, student growth,
23 and graduation rates of such students;

24 “(C) college-and-career readiness data
25 about such students, such as rates of credit ac-

1 cumulation, course taking and completion, and
2 college enrollment and persistence;

3 “(D) student attendance and participation
4 rates;

5 “(E) student engagement and discipline;

6 “(F) school climate and teacher working
7 conditions;

8 “(G) increases in inclusion of students
9 with disabilities and English-language learners;
10 and

11 “(H) such other information the Secretary
12 may require or other information State edu-
13 cational agencies or local educational agencies
14 served under this subpart propose to include, as
15 approved by the Secretary.

16 **“SEC. 5450. INVESTING IN INNOVATION.**

17 “From the amounts appropriated under section
18 5459, the Secretary may reserve up to 30 percent to—

19 “(1) fund the identification, development, eval-
20 uation, and expansion of innovative, evidence-based
21 practices, programs, and strategies in order to sig-
22 nificantly—

23 “(A) increase student academic achieve-
24 ment and decrease achievement gaps;

1 “(B) increase secondary school graduation
2 rates;

3 “(C) increase college enrollment rates,
4 rates of college persistence, and rates of attain-
5 ment of other post-secondary credentials;

6 “(D) improve teacher and principal effec-
7 tiveness or retention of highly effective teachers
8 or principals; and

9 “(E) increase the identification and dis-
10 semination of innovative educational strategies
11 in rural areas; and

12 “(2) support the rapid development, expansion,
13 and adoption of tools and resources that improve the
14 efficiency, effectiveness, or pace of adoption of such
15 educational practices, programs, and strategies.

16 **“SEC. 5451. ESTABLISHMENT OF THE ADVANCED RE-**
17 **SEARCH PROJECT AGENCY-EDUCATION.**

18 “(a) PROGRAM ESTABLISHED.—From the amounts
19 appropriated under section 5459, the Secretary may re-
20 serve up to 5 percent to—

21 “(1) establish and carry out the Advanced Re-
22 search Projects Agency-Education (in this section
23 referred to as ‘ARPA-ED’) to—

24 “(A) identify and promote advances in
25 learning, fundamental and applied sciences, and

1 engineering that may be translated into new
2 learning technologies;

3 “(B) develop, test, and evaluate new learn-
4 ing technologies and related processes; and

5 “(C) accelerate transformational techno-
6 logical advances in education;

7 “(2) convene an advisory panel under sub-
8 section (d); and

9 “(3) carry out the evaluation and dissemination
10 requirements under subsection (e).

11 “(b) APPOINTMENTS.—

12 “(1) DIRECTOR.—ARPA–ED shall be under
13 the direction of the Director of ARPA–ED, who
14 shall be appointed by the Secretary.

15 “(2) QUALIFIED INDIVIDUALS.—The Secretary
16 shall appoint, for a term of not more than 4 years,
17 qualified individuals who represent scientific, engi-
18 neering, professional, and other personnel with ex-
19 pertise in carrying out the activities described in this
20 section to positions in ARPA–ED, at rates of com-
21 pensation determined by the Secretary, without re-
22 gard to the provisions of title 5, United States Code,
23 except that such rates of compensation shall not to
24 exceed the rate for level I of the Executive Schedule
25 under section 5312 of such title.

1 “(c) FUNCTIONS OF ARPA–ED.—Upon consultation
2 with the advisory panel convened under subsection (d), the
3 Secretary shall select public and private entities to carry
4 out the activities described in subsection (a)(1) by—

5 “(1) awarding such entities grants, contracts,
6 cooperative agreements, or cash prizes; or

7 “(2) entering into such other transactions with
8 such entities as the Secretary may prescribe in regu-
9 lations.

10 “(d) ADVISORY PANEL.—

11 “(1) IN GENERAL.—The Secretary shall con-
12 vene an advisory panel to advise and consult with
13 the Secretary, Director, and the qualified individuals
14 appointed under subsection (b)(2) on—

15 “(A) ensuring that the awards made and
16 transaction entered into under subsection (c)
17 are consistent with the purposes described in
18 subsection (a)(1); and

19 “(B) ensuring the relevance, accessibility,
20 and utility of such awards and transactions to
21 education practitioners.

22 “(2) APPOINTMENT OF MEMBERS.—The Sec-
23 retary shall appoint the following qualified individ-
24 uals to serve on the advisory panel:

25 “(A) Education practitioners.

1 “(B) Experts in technology.

2 “(C) Specialists in rapid gains in student
3 achievement and school turnaround.

4 “(D) Specialists in personalized learning.

5 “(E) Researchers, including at least one
6 representative from a comprehensive center es-
7 tablished under 203 of the Educational Tech-
8 nical Assistance Act of 2002 (20 U.S.C. 9602)
9 or the regional laboratories system established
10 under section 174 of the Education Sciences
11 Reform Act (20 U.S.C. 9564).

12 “(F) Other individuals with expertise who
13 will contribute to the overall rigor and quality
14 of ARPA–ED.

15 “(3) APPLICABILITY OF FACA.—The Federal
16 Advisory Committee Act (5 U.S.C. App.) shall not
17 apply to the panel convened under this subsection
18 and any appointee to such panel shall not be consid-
19 ered an ‘employee’ under section 2105 of title 5,
20 United States Code.

21 “(e) EVALUATION AND DISSEMINATION.—

22 “(1) EVALUATION.—The Secretary shall obtain
23 independent, periodic, and rigorous evaluation of—

1 “(A) the effectiveness of the processes
2 ARPA–Ed is using to achieve the purposes de-
3 scribed in subsection (a)(1);

4 “(B) the relevance, accessibility, and utility
5 of the awards made and transactions entered
6 into under subsection (c) to education practi-
7 tioners; and

8 “(C) the effectiveness of the projects car-
9 ried out through such awards and transactions,
10 using evidence standards developed in consulta-
11 tion with the Institute of Education Sciences,
12 and the suitability of such projects for further
13 investment or increased scale.

14 “(2) DISSEMINATION AND USE.—The Secretary
15 shall disseminate information to education practi-
16 tioners, including teachers, principals, and local and
17 State superintendents, on effective practices and
18 technologies developed under ARPA–ED, as appro-
19 priate, through—

20 “(A) the comprehensive centers established
21 under 203 of the Educational Technical Assist-
22 ance Act of 2002 (20 U.S.C. 9602);

23 “(B) the regional laboratories system es-
24 tablished under section 174 of the Education
25 Sciences Reform Act (20 U.S.C. 9564); and

1 “(C) such other means as the Secretary
2 determines to be appropriate.

3 “(f) ADMINISTRATIVE REQUIREMENTS.—Notwith-
4 standing section 437(d) of the General Education Provi-
5 sions Act (20 U.S.C. 1232(d)), the Secretary shall estab-
6 lish such processes as may be necessary for the Secretary
7 to manage and administer ARPA–ED, which are not con-
8 strained by other Department of Education-wide adminis-
9 trative requirements that may prevent ARPA–ED from
10 carrying out the purposes described in subsection (a)(1).

11 **“SEC. 5452. NATIONAL ACTIVITIES.**

12 “(a) IN GENERAL.—Subject to subsection (b), the
13 Secretary shall reserve not more than 10 percent of the
14 funds reserved under this section for each fiscal year to
15 carry out activities of national significance, which may in-
16 clude—

17 “(1) technical assistance, including to appli-
18 cants from rural areas;

19 “(2) pre-application workshops or web-based
20 seminars for potential applicants, including appli-
21 cants from rural areas;

22 “(3) the recruitment of peer reviewers, includ-
23 ing individuals with a background in rural education
24 and individuals with expertise in education tech-

1 nology, to participate in the review of applications
2 submitted under section 5354;

3 “(4) dissemination of best practices, in con-
4 sultation with the regional educational laboratories
5 established under part D of the Education Sciences
6 Reform Act of 2002 (20 U.S.C. 9561 et seq.) and
7 comprehensive centers established under section 203
8 of the Educational Technical Assistance Act of 2002
9 (20 U.S.C. 9602), developed with grant funds pro-
10 vided under this part, including best practices devel-
11 oped with grant funds in rural areas;

12 “(5) entering into partnerships with other agen-
13 cies, nonprofits, and the private sector to carry out
14 advanced research and development activities, in-
15 cluding research and activities in rural areas; and

16 “(6) carrying out prize awards, in a manner
17 consistent with section 24 of the Stevenson-Wydler
18 Technology Innovation Act of 1980 (15 U.S.C.
19 3719).

20 “(b) RESERVATION OF FUNDS FOR DISSEMINA-
21 TION.—The Secretary shall reserve not less than 50 per-
22 cent of the funds reserved under this section to carry out
23 the dissemination activities described in subsection (a)(4).

1 **“SEC. 5453. PROGRAM AUTHORIZED; LENGTH OF GRANTS;**
2 **PRIORITIES.**

3 “(a) PROGRAM AUTHORIZATION.—From the
4 amounts appropriated under this section and not reserved
5 under section 5452, the Secretary shall award grants, on
6 a competitive basis, to eligible entities to carry out the
7 activities described in section 5455.

8 “(b) DURATION OF GRANTS.—The Secretary shall
9 award grants to eligible entities under this section for a
10 period of not more than 3 years, and may extend such
11 grants for an additional 2-year period if the eligible entity
12 demonstrates to the Secretary that it is making significant
13 progress on the program performance measures identified
14 in section 5456.

15 “(c) RURAL AREAS.—The Secretary shall ensure that
16 not less than 25 percent of the funds awarded under this
17 section for any fiscal year are for projects that meet both
18 of the following requirements:

19 “(1) The eligible entity is—

20 “(A) a local educational agency with an
21 urban-centric district locale code of 32, 33, 41,
22 42, or 43, as determined by the Secretary;

23 “(B) a consortium of such local edu-
24 cational agencies; or

1 “(C) an educational service agency or a
2 nonprofit organization with demonstrated ex-
3 pertise in serving students from rural areas.

4 “(2) A majority of the schools to be served by
5 the project are designated with a school locale code
6 of 41, 42, or 43, or a combination of such codes, as
7 determined by the Secretary.

8 “(d) SUPPORT FOR NEW PRACTICES, STRATEGIES,
9 OR PROGRAMS.—The Secretary shall ensure that not less
10 than one-half of the funds awarded under this section for
11 any fiscal year are for projects that—

12 “(1) meet an evidence standard described in
13 paragraph (2) or (3) of subsection (f); and

14 “(2) do not meet the evidence standard de-
15 scribed in paragraph (1) of subsection (f).

16 “(e) PRIORITIES.—In awarding grants under this
17 section, the Secretary may give priority to an eligible enti-
18 ty that includes, in its application under section 5354, a
19 plan to—

20 “(1) improve early learning outcomes and aca-
21 demic connections between early learning and ele-
22 mentary school;

23 “(2) support college access, persistence, and
24 success;

1 “(3) support family and community engage-
2 ment;

3 “(4) address the unique learning needs of stu-
4 dents with disabilities or English language learners;

5 “(5) support the effective use of education tech-
6 nology to improve teaching and learning;

7 “(6) improve the teaching and learning of
8 science, technology, engineering, computing, or
9 mathematics;

10 “(7) serve schools in rural local educational
11 agencies;

12 “(8) train teachers or principals to adopt and
13 implement college and career ready standards;

14 “(9) develop alternative career pathways or dif-
15 ferentiated school staffing models for effective teach-
16 ers or principals to expand their impact on student
17 learning;

18 “(10) train or support principals or teacher
19 leaders, including teacher leaders preparing for prin-
20 cipal roles;

21 “(11) support, improve, or develop any other
22 area of school innovation, as determined by the Sec-
23 retary; and

1 “(12) address the learning needs of Indian, Na-
2 tive American, Alaska Native, or migrant children in
3 school.

4 “(f) STANDARDS OF EVIDENCE.—The Secretary shall
5 set standards for the quality of evidence that an eligible
6 entity shall provide to demonstrate that the activities the
7 eligible entity proposes to carry out with grant funds
8 under this section are likely to succeed in improving stu-
9 dent outcomes or outcomes on other performance meas-
10 ures. These standards may include any of the following:

11 “(1) Strong evidence that the activities pro-
12 posed by the eligible entity will have a statistically
13 significant effect on student academic achievement,
14 student growth, graduation rates, or outcomes on
15 other performance measures.

16 “(2) Moderate evidence that the activities pro-
17 posed by the eligible entity will improve student aca-
18 demic achievement, student growth, graduation
19 rates, or outcomes on other performance measures.

20 “(3) Evidence of promise or a strong theory
21 that the activities proposed by the eligible entity will
22 improve student academic achievement, student
23 growth, graduation rates, or outcomes on other per-
24 formance measures.

1 **“SEC. 5454. APPLICATIONS.**

2 “(a) APPLICATIONS.—An eligible entity that desires
3 to receive a grant under section 5453 shall submit an ap-
4 plication to the Secretary at such time, in such manner,
5 and containing such information as the Secretary may rea-
6 sonably require.

7 “(b) CONTENTS.—Each application submitted by an
8 eligible entity under subsection (a) shall—

9 “(1) describe the project for which the eligible
10 entity is seeking a grant and how the evidence sup-
11 porting that project meets the standards of evidence
12 established by the Secretary under section 5453(f);

13 “(2) describe how the eligible entity will address
14 at least one of the areas described in section
15 5455(a)(1);

16 “(3) provide an estimate of the number of stu-
17 dents that the eligible entity plans to serve under
18 the proposed project, including the percentage of
19 those students who are from low-income families,
20 and the number of students to be served through ad-
21 ditional expansion after the grant ends;

22 “(4) demonstrate that the eligible entity has es-
23 tablished one or more partnerships with the private
24 sector, which may include philanthropic organiza-
25 tions, and that the partner or partners will provide
26 matching funds, except that the Secretary may

1 waive, on a case-by-case basis, the matching funds
2 requirement under this paragraph upon a showing of
3 exceptional circumstances, such as the difficulty of
4 raising matching funds for a project to serve a rural
5 area;

6 “(5) describe the eligible entity’s plan for con-
7 tinuing the proposed project after the grant funding
8 under section 5453 ends, including a plan for dis-
9 semination of best practices and collaboration with
10 other local educational agencies;

11 “(6) demonstrate that the proposed project has
12 incorporated input and feedback from educators
13 working in the area to be served;

14 “(7) if the eligible entity is a local educational
15 agency—

16 “(A) document the local educational agen-
17 cy’s record in—

18 “(i) increasing student achievement,
19 including achievement for each subgroup
20 described in section 1111(b)(2)(C)(v); or

21 “(ii) decreasing achievement gaps;
22 and

23 “(B) demonstrate how the local edu-
24 cational agency has made significant improve-
25 ments in other outcomes, as applicable, on the

1 performance measures described in section
2 5456;

3 “(8) if the eligible entity is a nonprofit organi-
4 zation—

5 “(A) provide evidence that the nonprofit
6 organization has helped at least one high-need
7 school or high-need local educational agency
8 significantly—

9 “(i) increase student achievement, in-
10 cluding achievement for each subgroup de-
11 scribed in section 1111(b)(2)(C)(v);

12 “(ii) reduce achievement gaps; or

13 “(iii) increase graduation rates; and

14 “(B) describe how the nonprofit organiza-
15 tion has helped at least 1 school or local edu-
16 cational agency make a significant improve-
17 ment, as applicable, in other outcomes on the
18 performance measures described in section
19 5456;

20 “(9) if the eligible entity is an educational serv-
21 ice agency—

22 “(A) provide evidence that the agency has
23 helped at least one high-need school or high-
24 need local educational agency significantly—

1 “(i) increase student achievement, in-
2 cluding achievement for each subgroup de-
3 scribed in section 1111(b)(2)(C)(v);

4 “(ii) reduce achievement gaps; or

5 “(iii) increase graduation rates; and

6 “(B) describe how the agency has helped
7 at least 1 school or local educational agency
8 make a significant improvement, as applicable,
9 in other outcomes on the performance measures
10 described in section 5456;

11 “(10) provide a description of the eligible enti-
12 ty’s plan for independently evaluating the effective-
13 ness of activities carried out with funds under sec-
14 tion 5453;

15 “(11) provide an assurance that the eligible en-
16 tity will—

17 “(A) cooperate with cross-cutting evalua-
18 tions;

19 “(B) make evaluation data available to
20 third parties for validation and further study
21 consistent with protections established by appli-
22 cable Federal, State, and local privacy require-
23 ments and other on provisions on the protection
24 of personally identifiable information; and

1 “(C) participate in communities of prac-
2 tice; and

3 “(12) if the eligible entity is a nonprofit organi-
4 zation that intends to make subgrants, consistent
5 with section 5455(b), provide an assurance that the
6 eligible entity will apply paragraphs (1) through
7 (10), as appropriate, in the eligible entity’s selection
8 of subgrantees and in the oversight of such sub-
9 grants.

10 “(c) CRITERIA FOR EVALUATING APPLICATIONS.—
11 The Secretary shall award grants under section 5453 on
12 a competitive basis, based on the quality of the applica-
13 tions under this section submitted and, consistent with the
14 standards established under section 5453(f), each eligible
15 entity’s likelihood of achieving success in improving stu-
16 dent outcomes or outcomes on other performance meas-
17 ures.

18 **“SEC. 5455. USES OF FUNDS.**

19 “(a) USES OF FUNDS.—Each eligible entity that re-
20 ceives a grant under section 5453—

21 “(1) shall use the grant funds to address, at a
22 minimum, one of the following areas of school inno-
23 vations:

24 “(A) Improving the effectiveness and dis-
25 tribution of teachers or principals.

1 “(B) Strengthening the use of data to im-
2 prove teaching and learning.

3 “(C) Providing high-quality instruction
4 based on rigorous standards that build toward
5 college and career readiness and measuring stu-
6 dents’ mastery using high-quality assessments
7 aligned to those standards.

8 “(D) Turning around the lowest-per-
9 forming schools.

10 “(E) Supporting the effective use of tech-
11 nology to improve teaching or principals and
12 learning, including training teachers or prin-
13 cipals in the innovative use of technology.

14 “(F) Any other area of school innovation,
15 as determined by the Secretary;

16 “(2) shall use those funds to develop or expand
17 strategies to improve the performance of high-need
18 students on the performance measures described in
19 section 5456; and

20 “(3) may use the grant funds for an inde-
21 pendent evaluation, as required by section
22 5454(b)(9), of the innovative practices carried out
23 with the grant.

24 “(b) AUTHORITY TO SUBGRANT.—In the case of an
25 eligible entity receiving a grant under section 5453 that

1 is nonprofit organization such eligible entity may use the
2 grant funds to make subgrants to other entities to provide
3 support to one or more high-need schools or high-need
4 local educational agencies. Any entity receiving a subgrant
5 under this subsection shall comply with the requirements
6 of this part for eligible entities, as appropriate.

7 **“SEC. 5456. PERFORMANCE MEASURES.**

8 “(a) IN GENERAL.—The Secretary shall establish
9 performance measures for the projects carried out under
10 this part. These measures, at a minimum, shall track an
11 eligible entity’s progress in—

12 “(1) improving outcomes for each subgroup de-
13 scribed in section 1111(b)(2)(C)(v) that is served by
14 the grantee on measures, including, as applicable,
15 by—

16 “(A) increasing student achievement and
17 decreasing achievement gaps;

18 “(B) increasing secondary school gradua-
19 tion rates;

20 “(C) increasing college enrollment rates
21 and rates of college persistence;

22 “(D) improving teacher and principal ef-
23 fectiveness or the retention of highly effective
24 teachers or principals;

25 “(E) improving school readiness; or

1 “(F) any other indicator as the Secretary
2 or grantee may determine; and

3 “(2) implementing the eligible entity’s project
4 in rural schools, as applicable.

5 “(b) DATA COLLECTION PERIOD.—From the
6 amounts appropriated under this section, the Secretary
7 may—

8 “(1) approve, for an eligible entity receiving a
9 grant under section 5453, a data collection period of
10 not more than 72 months beginning after the end of
11 the eligible entity’s grant period; and

12 “(2) provide the eligible entity with funding
13 during such period for the sole purpose of collecting,
14 analyzing, and reporting performance information
15 under this subsection on the project carried out dur-
16 ing the grant period.

17 **“SEC. 5457. ANNUAL REPORT.**

18 “An eligible entity that receives a grant under section
19 5453 shall submit to the Secretary, at such time and in
20 such manner as the Secretary may require, an annual re-
21 port that includes information on—

22 “(1) the eligible entity’s progress on the per-
23 formance measures established under section 5456;
24 and

25 “(2) the data supporting such progress.

1 **“SEC. 5458. DEFINITIONS.**

2 “In this part:

3 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means—

5 “(A) a local educational agency;

6 “(B) an educational service agencies; or

7 “(C) a nonprofit organization in partner-
8 ship with a local educational agency or consor-
9 tium of schools.

10 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
11 CY.—The term ‘high-need local educational agency’
12 means a local educational agency—

13 “(A) that serves not fewer than 10,000
14 children from families with incomes below the
15 poverty line;

16 “(B) for which not less than 20 percent of
17 the children served by the agency are from fam-
18 ilies with incomes below the poverty line; or

19 “(C) that is in the highest quartile of local
20 educational agencies in the State, based on stu-
21 dent poverty.

22 “(3) HIGH-NEED SCHOOL.—The term ‘high-
23 need school’ means—

24 “(A) an elementary school or middle school
25 in which not less than 50 percent of the en-
26 rolled students are children eligible for free or

1 reduced price lunch under the Richard B. Rus-
2 sell National School Lunch Act (42 U.S.C.
3 1751 et seq.);

4 “(B) a high school in which not less than
5 40 percent of the enrolled students are children
6 eligible for free or reduced price lunch under
7 the Richard B. Russell National School Lunch
8 Act (42 U.S.C. 1751 et seq.), which may be cal-
9 culated using comparable data from feeder
10 schools.

11 “(4) PRINCIPAL.—The term ‘principal’ includes
12 an assistant principal.

13 “(5) TEACHER.—The term ‘teacher’ includes
14 teacher leaders.

15 “(6) TEACHER LEADER.—The term ‘teacher
16 leader’ means a teacher who has demonstrated effec-
17 tiveness and assumes leadership responsibilities to
18 work with other teachers to raise student achieve-
19 ment in multiple classrooms.

20 **“SEC. 5459. AUTHORIZATION.**

21 “There are authorized to be appropriated to carry out
22 this subpart \$750,000,000 for fiscal year 2016 and such
23 sums as may be necessary for each of the 4 succeeding
24 fiscal years.”.

1 (b) REPEAL.—Part B of title I (20 U.S.C. 6361 et
2 seq.) is repealed.

3 **Subtitle D—Family Engagement in**
4 **Education Programs**

5 **SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PRO-**
6 **GRAMS.**

7 Title V of the Act (20 U.S.C. 5101 et seq.) is a
8 amended by adding at the end the following new part:

9 **“PART E—FAMILY ENGAGEMENT IN EDUCATION**
10 **PROGRAMS**

11 **“SEC. 5701. PURPOSES.**

12 “The purposes of this part are the following:

13 “(1) To provide financial support to organiza-
14 tions to provide technical assistance and training to
15 State and local educational agencies in the imple-
16 mentation and enhancement of systemic and effec-
17 tive family engagement policies, programs, and ac-
18 tivities that lead to improvements in student devel-
19 opment and academic achievement.

20 “(2) To assist State educational agencies, local
21 educational agencies, community-based organiza-
22 tions, schools, and educators in strengthening part-
23 nerships among parents, teachers, school leaders, ad-
24 ministrators, and other school personnel in meeting

1 the educational needs of children and fostering
2 greater parental engagement.

3 “(3) To support State educational agencies,
4 local educational agencies, schools, educators, and
5 parents in developing and strengthening the relation-
6 ship between parents and their children’s school in
7 order to further the developmental progress of chil-
8 dren.

9 “(4) To coordinate activities funded under this
10 part with parent involvement initiatives funded
11 under section 1118 and other provisions of this Act.

12 “(5) To assist the Secretary, State educational
13 agencies, and local educational agencies in the co-
14 ordination and integration of Federal, State, and
15 local services and programs to engage families in
16 education.

17 **“SEC. 5702. GRANTS AUTHORIZED.**

18 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
19 From the amount appropriated under section 4306, the
20 Secretary is authorized to award grants for each fiscal
21 year to statewide organizations (and consortia of such or-
22 ganizations and State educational agencies), to establish
23 Statewide Family Engagement Centers that provide com-
24 prehensive training and technical assistance to State edu-
25 cational agencies, local educational agencies, schools iden-

1 tified by State educational agencies and local educational
2 agencies, organizations that support family-school part-
3 nerships, and other organizations that carry out parent
4 education and family engagement in education programs.

5 “(b) MINIMUM AWARD.—In awarding grants under
6 this section, the Secretary shall, to the extent practicable,
7 ensure that a grant is awarded for a Statewide Family
8 Engagement Center in an amount not less than \$500,000.

9 **“SEC. 5703. APPLICATIONS.**

10 “(a) SUBMISSIONS.—Each statewide organization, or
11 a consortium of such an organization and a State edu-
12 cational agency, that desires a grant under this part shall
13 submit an application to the Secretary at such time, in
14 such manner, and including the information described in
15 subsection (b).

16 “(b) CONTENTS.—Each application submitted under
17 subsection (a) shall include, at a minimum, the following:

18 “(1) A description of the applicant’s approach
19 to family engagement in education.

20 “(2) A description of the support that the
21 Statewide Family Engagement Center that will be
22 operated by the applicant will have from the appli-
23 cant, including a letter from the applicant outlining
24 the commitment to work with the center.

1 “(3) A description of the applicant’s plan for
2 building a statewide infrastructure for family en-
3 gagement in education, that includes—

4 “(A) management and governance;

5 “(B) statewide leadership; and

6 “(C) systemic services for family engage-
7 ment in education.

8 “(4) A description of the applicant’s dem-
9 onstrated experience in providing training, informa-
10 tion, and support to State educational agencies, local
11 educational agencies, schools, educators, parents,
12 and organizations on family engagement in edu-
13 cation policies and practices that are effective for
14 parents (including low-income parents) and families,
15 English learners, minorities, parents of students
16 with disabilities, parents of homeless students, foster
17 parents and students, and parents of migratory stu-
18 dents, including evaluation results, reporting, or
19 other data exhibiting such demonstrated experience.

20 “(5) An assurance that the applicant will—

21 “(A) establish a special advisory com-
22 mittee, the membership of which includes—

23 “(i) parents, who shall constitute a
24 majority of the members of the special ad-
25 visory committee;

1 “(ii) representatives of education pro-
2 fessionals with expertise in improving serv-
3 ices for disadvantaged children;

4 “(iii) representatives of local elemen-
5 tary schools and secondary schools, includ-
6 ing students;

7 “(iv) representatives of the business
8 community; and

9 “(v) representatives of State edu-
10 cational agencies and local educational
11 agencies;

12 “(B) use not less than 65 percent of the
13 funds received under this part in each fiscal
14 year to serve local educational agencies, schools,
15 and community-based organizations that serve
16 high concentrations of disadvantaged students,
17 including English learners, minorities, parents
18 of students with disabilities, parents of home-
19 less students, foster parents and students, and
20 parents of migratory students;

21 “(C) operate a Statewide Family Engage-
22 ment Center of sufficient size, scope, and qual-
23 ity to ensure that the Center is adequate to
24 serve the State educational agency, local edu-

1 cational agencies, and community-based organi-
2 zations;

3 “(D) ensure that the Center will retain
4 staff with the requisite training and experience
5 to serve parents in the State;

6 “(E) serve urban, suburban, and rural
7 local educational agencies and schools;

8 “(F) work with—

9 “(i) other Statewide Family Engage-
10 ment Centers assisted under this part; and

11 “(ii) parent training and information
12 centers and community parent resource
13 centers assisted under sections 671 and
14 672 of the Individuals with Disabilities
15 Education Act;

16 “(G) use not less than 30 percent of the
17 funds received under this part for each fiscal
18 year to establish or expand technical assistance
19 for evidence-based parent education programs;

20 “(H) provide assistance to State edu-
21 cational agencies and local educational agencies
22 and community-based organizations that sup-
23 port family members in supporting student aca-
24 demic achievement;

1 “(I) work with State educational agencies,
2 local educational agencies, schools, educators,
3 and parents to determine parental needs and
4 the best means for delivery of services to ad-
5 dress such needs; and

6 “(J) conduct sufficient outreach to assist
7 parents, including parents who the applicant
8 may have a difficult time engaging with a
9 school or local educational agency.

10 **“SEC. 5704. USES OF FUNDS.**

11 “(a) IN GENERAL.—Grantees shall use grant funds
12 received under this part, based on the needs determined
13 under section 4303(b)(5)(I), to provide training and tech-
14 nical assistance to State educational agencies, local edu-
15 cational agencies, and organizations that support family-
16 school partnerships, and activities, services, and training
17 for local educational agencies, school leaders, educators,
18 and parents—

19 “(1) to assist parents in participating effectively
20 in their children’s education and to help their chil-
21 dren meet college and career ready standards, such
22 as assisting parents—

23 “(A) to engage in activities that will im-
24 prove student academic achievement, including
25 understanding how they can support learning in

1 the classroom with activities at home and in
2 afterschool and extracurricular programs;

3 “(B) to communicate effectively with their
4 children, teachers, school leaders, counselors,
5 administrators, and other school personnel;

6 “(C) to become active participants in the
7 development, implementation, and review of
8 school-parent compacts, family engagement in
9 education policies, and school planning and im-
10 provement;

11 “(D) to participate in the design and pro-
12 vision of assistance to students who are not
13 making academic progress;

14 “(E) to participate in State and local deci-
15 sionmaking;

16 “(F) to train other parents; and

17 “(G) to help the parents learn and use
18 technology applied in their children’s education;

19 “(2) to develop and implement, in partnership
20 with the State educational agency, statewide family
21 engagement in education policy and systemic initia-
22 tives that will provide for a continuum of services to
23 remove barriers for family engagement in education
24 and support school reform efforts; and

1 “(3) to develop, implement, and assess parental
2 involvement policies under sections 1112 and 1118.

3 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
4 For each fiscal year after the first fiscal year for which
5 an organization or consortium receives assistance under
6 this section, the organization or consortium shall dem-
7 onstrate in the application that a portion of the services
8 provided by the organization or consortium is supported
9 through non-Federal contributions, which may be in cash
10 or in-kind.

11 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
12 reserve not more than 2 percent of the funds appropriated
13 under section 4306 to carry out this part to provide tech-
14 nical assistance, by grant or contract, for the establish-
15 ment, development, and coordination of Statewide Family
16 Engagement Centers.

17 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to prohibit a Statewide Family En-
19 gagement Center from—

20 “(1) having its employees or agents meet with
21 a parent at a site that is not on school grounds; or

22 “(2) working with another agency that serves
23 children.

24 “(e) PARENTAL RIGHTS.—Notwithstanding any
25 other provision of this section—

1 “(1) no person (including a parent who edu-
2 cates a child at home, a public school parent, or a
3 private school parent) shall be required to partici-
4 pate in any program of parent education or develop-
5 mental screening under this section; and

6 “(2) no program or center assisted under this
7 section shall take any action that infringes in any
8 manner on the right of a parent to direct the edu-
9 cation of their children.

10 **“SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

11 “The Secretary of the Interior, in consultation with
12 the Secretary of Education, shall establish, or enter into
13 contracts and cooperative agreements with local Indian or
14 Indian-serving nonprofit parent organizations to establish
15 and operate Family Engagement Centers.

16 **“SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this part \$30,000,000 for fiscal year 2016 and such sums
19 as may be necessary for subsequent fiscal years.”.

20 **Subtitle E—Fast Track to College**

21 **SEC. 531. SHORT TITLE.**

22 This subtitle may be cited as the “Fast Track to Col-
23 lege Act of 2013”.

1 **SEC. 532. PURPOSE.**

2 The purpose of this subtitle is to increase secondary
3 school graduation rates and the percentage of students
4 who complete a recognized postsecondary credential by the
5 age of 26, including among low-income students and stu-
6 dents from other populations underrepresented in higher
7 education.

8 **SEC. 533. DEFINITIONS.**

9 For purposes of this subtitle:

10 (1) **DUAL ENROLLMENT PROGRAM.**—The term
11 “dual enrollment program” means an academic pro-
12 gram through which a secondary school student is
13 able simultaneously to earn credit toward a sec-
14 ondary school diploma and a postsecondary degree
15 or credential.

16 (2) **EARLY COLLEGE HIGH SCHOOL.**—The term
17 “early college high school” means a secondary school
18 that provides a course of study that enables a stu-
19 dent to earn a secondary school diploma and either
20 an associate’s degree or one to two years of postsec-
21 ondary credit toward a postsecondary degree or cre-
22 dential.

23 (3) **EDUCATIONAL SERVICE AGENCY.**—The
24 term “educational service agency” has the meaning
25 given such term in section 9101(17) of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 7801(17)).

3 (4) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means a local educational agency, which may be
5 an educational service agency, in a collaborative
6 partnership with an institution of higher education.
7 Such partnership also may include other entities,
8 such as a nonprofit organization with experience in
9 youth development.

10 (5) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given such term in section 101 of the High-
13 er Education Act of 1965 (20 U.S.C. 1001).

14 (6) LOCAL EDUCATIONAL AGENCY.—The term
15 “local educational agency” has the meaning given
16 such term in section 9101(26) of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 7801(26)).

19 (7) SECRETARY.—The term “Secretary” means
20 the Secretary of Education.

21 (8) LOW-INCOME STUDENT.—The term “low-in-
22 come student” means a student described in section
23 1113(a)(5) of the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 6313(a)(5)).

1 **SEC. 534. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
2 **TIONS.**

3 (a) IN GENERAL.—To carry out this subtitle, there
4 are authorized to be appropriated \$150,000,000 for fiscal
5 year 2014 and such sums as may be necessary for each
6 of fiscal years 2015 through 2019.

7 (b) EARLY COLLEGE HIGH SCHOOLS.—The Sec-
8 retary shall reserve not less than 45 percent of the funds
9 appropriated under subsection (a) to support early college
10 high schools under section 535.

11 (c) DUAL ENROLLMENT PROGRAMS.—The Secretary
12 shall reserve not less than 45 percent of such funds to
13 support dual enrollment programs (other than early col-
14 lege high schools) under section 535.

15 (d) STATE GRANTS.—The Secretary shall reserve 10
16 percent of such funds, or \$10,000,000, whichever is less,
17 for grants to States under section 539.

18 **SEC. 535. AUTHORIZED PROGRAM.**

19 (a) IN GENERAL.—The Secretary is authorized to
20 award 6-year grants to eligible entities seeking to establish
21 a new, or support an existing, early college high school
22 or other dual enrollment program in accordance with sec-
23 tion 536.

24 (b) GRANT AMOUNT.—The Secretary shall ensure
25 that grants are of sufficient size to enable grantees to
26 carry out all required activities and otherwise meet the

1 purposes of this subtitle, except that a grant under this
2 section may not exceed \$2,000,000.

3 (c) MATCHING REQUIREMENT.—

4 (1) IN GENERAL.—An eligible entity shall con-
5 tribute matching funds toward the costs of the early
6 college high school or other dual enrollment program
7 to be supported under this section, of which not less
8 than half shall be from non-Federal sources, which
9 funds shall represent not less than the following:

10 (A) Twenty percent of the grant amount
11 received in each of the first and second years of
12 the grant.

13 (B) Thirty percent in each of the third and
14 fourth years.

15 (C) Forty percent in the fifth year.

16 (D) Fifty percent in the sixth year.

17 (2) DETERMINATION OF AMOUNT CONTRIB-
18 UTED.—The Secretary shall allow an eligible entity
19 to satisfy the requirement of this subsection through
20 in-kind contributions.

21 (d) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
22 ty shall use a grant received under this section only to
23 supplement funds that would, in the absence of such
24 grant, be made available from non-Federal funds for sup-

1 port of the activities described in the eligible entity's appli-
2 cation under section 537, and not to supplant such funds.

3 (e) PRIORITY.—In awarding grants under this sec-
4 tion, the Secretary shall give priority to applicants—

5 (1) that propose to establish or support an
6 early college high school or other dual enrollment
7 program that will serve a student population of
8 which 0 percent or more are students counted under
9 section 1113(a)(5) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

11 (2) from States that provide assistance to early
12 college high schools or other dual enrollment pro-
13 grams, such as assistance to defray the costs of
14 higher education (including costs of tuition, fees,
15 and textbooks).

16 (f) GEOGRAPHIC DISTRIBUTION.—The Secretary
17 shall, to the maximum extent practicable, ensure that
18 grantees are from a representative cross-section of urban,
19 suburban, and rural areas.

20 **SEC. 536. USES OF FUNDS.**

21 (a) MANDATORY ACTIVITIES.—An eligible entity
22 shall use grant funds received under section 535 to sup-
23 port the activities described in its application under sec-
24 tion 537, including the following:

1 (1) PLANNING YEAR.—In the case of a new
2 early college high school or dual enrollment program,
3 during the first year of the grant—

4 (A) hiring a principal and staff, as appro-
5 priate;

6 (B) designing the curriculum and sequence
7 of courses in collaboration with (at a minimum)
8 teachers from the local educational agency and
9 faculty from the partner institution of higher
10 education;

11 (C) informing parents and the community
12 about the school or program and opportunities
13 to become actively involved in the school or pro-
14 gram;

15 (D) establishing a course articulation proc-
16 ess for defining and approving courses for sec-
17 ondary school and postsecondary credit or cre-
18 dential;

19 (E) outreach programs to ensure that sec-
20 ondary school students and their families are
21 aware of the early college high school or dual
22 enrollment program;

23 (F) liaison activities among partners in the
24 eligible entity; and

1 (G) coordinating secondary and postsec-
2 ondary support services, academic calendars,
3 and transportation.

4 (2) IMPLEMENTATION PERIOD.—During the re-
5 mainder of the grant period—

6 (A) academic and social support services,
7 including counseling;

8 (B) liaison activities among partners in the
9 eligible entity;

10 (C) data collection and use of such data
11 for student and instructional improvement and
12 program evaluation;

13 (D) outreach programs to ensure that sec-
14 ondary school students and their families are
15 aware of the early college high school or dual
16 enrollment program;

17 (E) professional development, including
18 joint professional development for secondary
19 school and faculty from the institution of higher
20 education; and

21 (F) school or program design and planning
22 team activities, including curriculum develop-
23 ment.

24 (b) ALLOWABLE ACTIVITIES.—An eligible entity may
25 also use grant funds received under section 535 otherwise

1 to support the activities described in its application under
2 section 537, including—

3 (1) purchasing textbooks and equipment that
4 support the school or program’s curriculum;

5 (2) developing learning opportunities for stu-
6 dents that complement classroom experiences, such
7 as internships, career-based capstone projects, and
8 opportunities provided under chapters 1 and 2 of
9 subpart 2 of part A of title IV of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1070a–11 et seq.);

11 (3) transportation; and

12 (4) planning time for secondary school and edu-
13 cators from an institution of higher education to col-
14 laborate.

15 **SEC. 537. APPLICATION.**

16 (a) IN GENERAL.—To receive a grant under section
17 535, an eligible entity shall submit to the Secretary an
18 application at such time, in such manner, and including
19 such information as the Secretary determines to be appro-
20 priate.

21 (b) CONTENTS OF APPLICATION.—At a minimum,
22 the application described in subsection (a) shall include
23 a description of—

24 (1) the early college high school’s or other dual
25 enrollment program’s budget;

1 (2) each partner in the eligible entity and its
2 experience with early college high schools or other
3 dual enrollment programs, key personnel from each
4 partner and their responsibilities for the early col-
5 lege high school or dual enrollment program, and
6 how the eligible entity will work with secondary and
7 postsecondary teachers, other public and private en-
8 tities, community-based organizations, businesses,
9 labor organizations, and parents to ensure that stu-
10 dents will be prepared to succeed in postsecondary
11 education and employment, which may include the
12 development of an advisory board;

13 (3) how the eligible entity will target and re-
14 cruit at-risk youth, including those at risk of drop-
15 ping out of school, first generation college students,
16 and students from populations described in section
17 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C.
19 6311(b)(2)(C)(v)(II));

20 (4) a system of student supports including, but
21 not limited to, small group activities, tutoring, lit-
22 eracy and numeracy skill development in all aca-
23 demic disciplines, parental and community outreach
24 and engagement, extended learning time, and college

1 readiness activities, such as early college academic
2 seminars and counseling;

3 (5) in the case of an early college high school,
4 how a graduation and career plan will be developed,
5 consistent with State graduation requirements, for
6 each student and reviewed each semester;

7 (6) how parents or guardians of students in the
8 early college high school or dually enrolled students
9 will be informed of their academic performance and
10 progress and, subject to paragraph (5), involved in
11 the development of their career and graduation plan;

12 (7) coordination that will occur between the in-
13 stitution of higher education and the local edu-
14 cational agency, including regarding academic cal-
15 endars, provision of student services, curriculum de-
16 velopment, and professional development;

17 (8) how the eligible entity will ensure that
18 teachers in the early college high school or other
19 dual enrollment program receive appropriate profes-
20 sional development and other supports, including to
21 enable them to utilize effective parent and commu-
22 nity engagement strategies, and help English-lan-
23 guage learners, students with disabilities, and stu-
24 dents from diverse cultural backgrounds to succeed;

1 (9) learning opportunities for students that
2 complement classroom experiences, such as intern-
3 ships, career-based capstone projects, and opportuni-
4 ties provided under chapters 1 and 2 of subpart 2
5 of part A of title IV of the Higher Education Act
6 of 1965 (20 U.S.C. 1070a–11 et seq.);

7 (10) how policies, agreements, and courses
8 taken will ensure that postsecondary credits earned
9 will be transferable to, at a minimum, public institu-
10 tions of higher education within the State, consistent
11 with existing statewide articulation agreements;

12 (11) student assessments and other measure-
13 ments of student achievement including benchmarks
14 for student achievement;

15 (12) outreach programs to provide elementary
16 and secondary school students, especially those in
17 middle grades, and their parents, teachers, school
18 counselors, and principals information about and
19 academic preparation for the early college high
20 school or other dual enrollment program;

21 (13) how the local educational agency and insti-
22 tution of higher education will work together, as ap-
23 propriate, to collect and use data for student and in-
24 structional improvement and program evaluation;

1 (14) how the eligible entity will help students
2 meet eligibility criteria for postsecondary courses
3 and ensure that students understand how their cred-
4 its will transfer; and

5 (15) how the eligible entity will access and le-
6 verage additional resources necessary to sustain the
7 early college high school or other dual enrollment
8 program after the grant expires, including by engag-
9 ing businesses and non-profit organizations.

10 (c) ASSURANCES.—An eligible entity’s application
11 under subsection (a) shall include assurances that—

12 (1) in the case of an early college high school,
13 the majority of courses offered, including postsec-
14 ondary courses, will be offered at facilities of the in-
15 stitution of higher education;

16 (2) students will not be required to pay tuition
17 or fees for postsecondary courses;

18 (3) postsecondary credits earned will be tran-
19 scribed upon completion of the requisite course
20 work; and

21 (4) faculty teaching postsecondary courses meet
22 the normal standards for faculty established by the
23 institution of higher education.

1 (d) WAIVER.—The Secretary may waive the require-
2 ment of subsection (c)(1) upon a showing that it is im-
3 practical to apply due to geographic considerations.

4 **SEC. 538. PEER REVIEW.**

5 (a) PEER REVIEW OF APPLICATIONS.—The Sec-
6 retary shall establish peer review panels to review applica-
7 tions submitted pursuant to section 537 to advise the Sec-
8 retary regarding such applications.

9 (b) COMPOSITION OF PEER REVIEW PANELS.—The
10 Secretary shall ensure that each peer review panel is not
11 comprised wholly of full-time officers or employees of the
12 Federal Government and includes, at a minimum—

13 (1) experts in the establishment and adminis-
14 tration of early college high schools or other dual en-
15 rollment programs from the secondary and postsec-
16 ondary perspective;

17 (2) faculty at institutions of higher education
18 and secondary school teachers with expertise in dual
19 enrollment; and

20 (3) experts in the education of at-risk students.

21 **SEC. 539. GRANTS TO STATES.**

22 (a) IN GENERAL.—The Secretary is authorized to
23 award 5-year grants to State agencies responsible for sec-
24 ondary or postsecondary education for efforts to support

1 or establish early college high schools or other dual enroll-
2 ment programs.

3 (b) GRANT AMOUNT.—The Secretary shall ensure
4 that grants are of sufficient size to enable grantees to
5 carry out all required activities.

6 (c) MATCHING REQUIREMENT.—A State shall con-
7 tribute matching funds from non-Federal sources toward
8 the costs of carrying out activities under this section,
9 which funds shall represent not less than 50 percent of
10 the grant amount.

11 (d) PRIORITY.—In awarding grants under this sec-
12 tion, the Secretary shall give priority to States that pro-
13 vide assistance to early college high schools or other dual
14 enrollment programs, such as assistance to defray the
15 costs of higher education, such as tuition, fees, and text-
16 books.

17 (e) APPLICATION.—To receive a grant under this sec-
18 tion, a State agency shall submit to the Secretary an appli-
19 cation at such time, in such manner, and including such
20 information as the Secretary determines to be appropriate.

21 (f) CONTENTS OF APPLICATION.—At a minimum, the
22 application described in subsection (e) shall include—

23 (1) how the State will carry out all of the re-
24 quired State activities described in subsection (g);

1 (2) how the State will identify and eliminate
2 barriers to implementing effective early college high
3 schools and dual enrollment programs after the
4 grant expires, including by engaging businesses and
5 non-profit organizations;

6 (3) how the State will access and leverage addi-
7 tional resources necessary to sustain early college
8 high schools or other dual enrollment programs; and

9 (4) such other information as the Secretary de-
10 termines to be appropriate.

11 (g) STATE ACTIVITIES.—A State receiving a grant
12 under this section shall use such funds for—

13 (1) creating outreach programs to ensure that
14 secondary school students, their families, and com-
15 munity members are aware of early college high
16 schools and dual enrollment programs in the State;

17 (2) planning and implementing a statewide
18 strategy for expanding access to early college high
19 schools and dual enrollment programs for students
20 who are underrepresented in higher education to
21 raise statewide rates of secondary school graduation,
22 readiness for postsecondary education, and comple-
23 tion of postsecondary degrees and credentials, with
24 a focus on at-risk students, including identifying any

1 obstacles to such a strategy under State law or pol-
2 icy;

3 (3) providing technical assistance to early col-
4 lege high schools and other dual enrollment pro-
5 grams, such as brokering relationships and agree-
6 ments that forge a strong partnership between ele-
7 mentary and secondary and postsecondary partners;

8 (4) identifying policies that will improve the ef-
9 fectiveness and ensure the quality of early college
10 high schools and dual enrollment programs, such as
11 access, funding, data and quality assurance, govern-
12 ance, accountability and alignment policies;

13 (5) planning and delivering statewide training
14 and peer learning opportunities for school leaders
15 and teachers from early college high schools and
16 dual enrollment programs, which may include pro-
17 viding instructional coaches who offer on-site guid-
18 ance;

19 (6) disseminating best practices in early college
20 high schools and dual enrollment programs from
21 across the State and from other States; and

22 (7) facilitating statewide data collection, re-
23 search and evaluation, and reporting to policymakers
24 and other stakeholders.

1 **SEC. 540. REPORTING AND OVERSIGHT.**

2 (a) REPORTING BY GRANTEES.—

3 (1) IN GENERAL.—The Secretary shall establish
4 uniform guidelines for all grantees concerning infor-
5 mation such grantees annually shall report to the
6 Secretary to demonstrate a grantee's progress to-
7 ward achieving the goals of this subtitle.

8 (2) CONTENTS OF REPORT.—At a minimum,
9 the report described in paragraph (1) shall include,
10 for eligible entities receiving funds under section
11 535, for students participating in the early college
12 high school or other dual enrollment program within
13 each category of students described in section
14 1111(h)(1)(C)(i) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C.6311(h)(1)(C)(i)):

16 (A) The number of students.

17 (B) The percentage of students scoring ad-
18 vanced, proficient, basic, and below basic on the
19 assessments described in section 1111(b)(3) of
20 the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6311(b)(3)).

22 (C) The performance of students on other
23 assessments or measurements of achievement.

24 (D) The number of secondary school cred-
25 its earned.

1 (E) The number of postsecondary credits
2 earned.

3 (F) Attendance rate, as appropriate.

4 (G) Graduation rate.

5 (H) Placement in postsecondary education
6 or advanced training, in military service, and in
7 employment.

8 (I) A description of the school or pro-
9 gram's student, parent, and community out-
10 reach and engagement.

11 (b) REPORTING BY SECRETARY.—The Secretary an-
12 nually shall compile and analyze the information described
13 in subsection (a) and shall submit a report containing such
14 analysis to the Committee on Health, Education, Labor,
15 and Pensions of the Senate and the Committee on Edu-
16 cation and Labor of the House of Representatives. The
17 report shall include identification of best practices for
18 achieving the goals of this subtitle.

19 (c) MONITORING VISITS.—The Secretary's designee
20 shall visit each grantee at least once for the purpose of
21 helping the grantee achieve the goals of this subtitle and
22 to monitor the grantee's progress toward achieving such
23 goals.

24 (d) NATIONAL EVALUATION.—Not later than 6
25 months after the date on which funds are appropriated

1 to carry out this subtitle, the Secretary shall enter into
2 a contract with an independent organization to perform
3 an evaluation of the grants awarded under this subtitle.
4 Such evaluation shall apply rigorous procedures to obtain
5 valid and reliable data concerning participants' outcomes
6 by social and academic characteristics and monitor the
7 progress of students from secondary school to and through
8 postsecondary education.

9 (e) **TECHNICAL ASSISTANCE.**—The Secretary shall
10 provide technical assistance to eligible entities concerning
11 best practices in early college high schools and dual enroll-
12 ment programs and shall disseminate such best practices
13 among eligible entities and State and local educational
14 agencies.

15 **SEC. 541. RULES OF CONSTRUCTION.**

16 (a) **EMPLOYEES.**—Nothing in this subtitle shall be
17 construed to alter or otherwise affect the rights, remedies,
18 and procedures afforded to the employees of local edu-
19 cational agencies (including schools) or institutions of
20 higher education under Federal, State, or local laws (in-
21 cluding applicable regulations or court orders) or under
22 the terms of collective bargaining agreements, memoranda
23 of understanding, or other agreements between such em-
24 ployees and their employers.

1 (b) GRADUATION RATE.—A student who graduates
2 from an early college high school supported under this
3 subtitle in the standard number of years for graduation
4 described in the eligible entity’s application shall be con-
5 sidered to have graduated on time for purposes of section
6 1111(b)(2)(C)(6) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

8 **TITLE VI—FLEXIBILITY AND**
9 **ACCOUNTABILITY**

10 **SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

11 Title VI (20 U.S.C. 7301 et seq.), as amended by
12 section 110(b), is further amended by amending section
13 6234—

14 (1) by striking “fiscal year 2002” and inserting
15 “fiscal year 2016”; and

16 (2) by striking “, to be distributed equally be-
17 tween subparts 1 and 2”.

18 **TITLE VII—INDIAN, NATIVE HA-**
19 **WAIAN, AND ALASKA NATIVE**
20 **EDUCATION**

21 **SEC. 701. IN GENERAL.**

22 Title VII (20 U.S.C. 7401 et seq.) is amended—

23 (1) by striking “Bureau of Indian Affairs” each
24 place it appears and inserting “Bureau of Indian
25 Education”;

1 (2) by striking “No Child Left Behind Act of
2 2001” each place it appears and insert “Student
3 Success Act”; and

4 (3) in sections 7152, 7205(c), and 7304(d)(1),
5 by striking “fiscal year 2002” each place it appears
6 and inserting “fiscal year 2016”.

7 **Subtitle A—Indian Education**

8 **SEC. 711. PURPOSE.**

9 Section 7102 (20 U.S.C. 7402) is amended to read
10 as follows:

11 **“SEC. 7102. PURPOSE.**

12 “It is the purpose of this part to support the efforts
13 of local educational agencies, Indian tribes and organiza-
14 tions, postsecondary institutions, and other entities—

15 “(1) to ensure the academic achievement of
16 American Indian and Alaska Native students by
17 meeting their unique cultural, language, and edu-
18 cational needs, consistent with section 1111(c);

19 “(2) to ensure that Indian and Alaska Native
20 students gain knowledge and understanding of Na-
21 tive communities, languages, tribal histories, tradi-
22 tions, and cultures; and

23 “(3) to ensure that principals, teachers, and
24 other staff who serve Indian and Alaska Native stu-

1 dents have the ability to provide culturally appro-
2 priate and effective instruction to such students.”.

3 **PART 1—FORMULA GRANTS TO LOCAL**
4 **EDUCATIONAL AGENCIES**

5 **SEC. 721. FORMULA GRANT PURPOSE.**

6 Section 7111 (20 U.S.C. 7421) is amended to read
7 as follows:

8 **“SEC. 7111. PURPOSE.**

9 “(a) **PURPOSE.**—It is the purpose of this subpart to
10 support the efforts of local educational agencies, Indian
11 tribes and organizations, postsecondary institutions, and
12 other entities to improve the academic achievement of
13 American Indian and Alaska Native students by meeting
14 their unique cultural, language, and educational needs.

15 “(b) **PROGRAMS.**—This subpart carries out the pur-
16 pose described in subsection (a) by authorizing programs
17 of direct assistance for—

18 “(1) meeting the unique educational and cul-
19 turally related academic needs of Indians and Alaska
20 Natives;

21 “(2) strengthening American Indian, Native
22 Hawaiian, and Alaska Native students’ knowledge of
23 their languages, history, traditions, and cultures;

24 “(3) the education of Indian children and
25 adults;

1 “(4) the training of Indian persons as educators
2 and counselors, and in other professions serving In-
3 dian people; and

4 “(5) research, evaluation, data collection, and
5 technical assistance.”.

6 **SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES,**
7 **TRIBES, AND INDIAN ORGANIZATIONS.**

8 Section 7112 (20 U.S.C. 7422) is amended—

9 (1) in subsection (a), by striking “and Indian
10 tribes” and inserting “, Indian tribes, and Indian or-
11 ganizations”;

12 (2) in subsection (b)(2), by striking “a reserva-
13 tion” and inserting “an Indian reservation”; and

14 (3) by striking subsection (c) and inserting the
15 following:

16 “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

17 “(1) IN GENERAL.—If a local educational agen-
18 cy that is otherwise eligible for a grant under this
19 subpart does not establish a committee under section
20 7114(e)(5) for such grant, an Indian tribe, an In-
21 dian organization, or a consortium of such entities,
22 that represents more than one-half of the eligible In-
23 dian children who are served by such local edu-
24 cational agency may apply for such grant.

1 “(2) UNAFFILIATED INDIAN TRIBES.—An In-
2 dian tribe that operates a school and is not affiliated
3 with either the local educational agency or the Bu-
4 reau of Indian Education shall be eligible to apply
5 for a grant under this subpart.

6 “(3) SPECIAL RULE.—

7 “(A) IN GENERAL.—The Secretary shall
8 treat each Indian tribe, Indian organization, or
9 consortium of such entities applying for a grant
10 pursuant to paragraph (1) or (2) as if such
11 tribe, Indian organization, or consortium were a
12 local educational agency for purposes of this
13 subpart.

14 “(B) EXCEPTIONS.—Notwithstanding sub-
15 paragraph (A), such Indian tribe, Indian orga-
16 nization, or consortium shall not be subject to
17 the requirements of subsections (b)(7) or (c)(5)
18 of section 7114 or section 7118(c) or 7119.

19 “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-
20 DREN.—An Indian tribe, Indian organization, or
21 consortium of such entities that is eligible to apply
22 for a grant under paragraph (1) shall include, in the
23 application required under section 7114, an assur-
24 ance that the entity will use the grant funds to pro-

1 vide services to all Indian students served by the
2 local educational agency.

3 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

4 “(1) IN GENERAL.—If no local educational
5 agency pursuant to subsection (b), and no Indian
6 tribe, Indian organization, or consortium pursuant
7 to subsection (c), applies for a grant under this sub-
8 part, an Indian community-based organization serv-
9 ing the community of the local educational agency
10 may apply for such grant.

11 “(2) APPLICABILITY OF SPECIAL RULE.—The
12 Secretary shall apply the special rule in subsection
13 (c)(3) to a community-based organization applying
14 or receiving a grant under paragraph (1) in the
15 same manner as such rule applies to an Indian tribe,
16 Indian organization, or consortium.

17 “(3) DEFINITION OF INDIAN COMMUNITY-
18 BASED ORGANIZATION.—In this subsection, the term
19 ‘Indian community-based organization’ means any
20 organization that—

21 “(A) is composed primarily of Indian par-
22 ents and community members, tribal govern-
23 ment education officials, and tribal members
24 from a specific community;

1 “(B) assists in the social, cultural, and
2 educational development of Indians in such
3 community;

4 “(C) meets the unique cultural, language,
5 and academic needs of Indian students; and

6 “(D) demonstrates organizational capacity
7 to manage the grant.

8 “(e) CONSORTIA.—

9 “(1) IN GENERAL.—A local educational agency,
10 Indian tribe, or Indian organization that meets the
11 eligibility requirements under this section may form
12 a consortium with other eligible local educational
13 agencies, Indian tribes, or Indian organizations for
14 the purpose of obtaining grants and operating pro-
15 grams under this subpart.

16 “(2) REQUIREMENTS FOR LOCAL EDUCATIONAL
17 AGENCIES IN CONSORTIA.—In any case where 2 or
18 more local educational agencies that are eligible
19 under subsection (b) form or participate in a consor-
20 tium to obtain a grant, or operate a program, under
21 this subpart, each local educational agency partici-
22 pating in such a consortium shall—

23 “(A) provide, in the application submitted
24 under section 7114, an assurance that the eligi-
25 ble Indian children served by such local edu-

1 cational agency will receive the services of the
2 programs funded under this subpart; and

3 “(B) agree to be subject to all require-
4 ments, assurances, and obligations applicable to
5 a local educational agency receiving a grant
6 under this subpart.”.

7 **SEC. 723. AMOUNT OF GRANTS.**

8 Section 7113(b) (20 U.S.C. 7423(b)) is amended—

9 (1) in paragraph (1), by striking “\$3,000” and
10 inserting “\$10,000”;

11 (2) by striking paragraph (2) and redesignating
12 paragraph (3) as paragraph (2); and

13 (3) in paragraph (2), as so redesignated, by
14 striking “\$4,000” and inserting “\$15,000”.

15 **SEC. 724. APPLICATIONS.**

16 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)
17 is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) by striking “is consistent
22 with” and inserting “supports”; and

23 (II) by inserting “, tribal,” after
24 “State”; and

1 (ii) in subparagraph (B), by striking
2 “such goals” and all that follows through
3 the semicolon at the end and inserting
4 “such goals, to ensure such students meet
5 the same college and career ready State
6 academic achievement standards under sec-
7 tion 1111(b) for all children;”;

8 (B) in paragraph (5)—

9 (i) in subparagraph (A), by striking
10 “and” after the semicolon; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(C) the parents of Indian children, and
14 representatives of Indian tribes, on the com-
15 mittee described in subsection (c)(5) will par-
16 ticipate in the planning of the professional de-
17 velopment materials;”;

18 (C) in paragraph (6)—

19 (i) in subparagraph (B)—

20 (I) by adding at the end the fol-
21 lowing:

22 “(iii) the Indian tribes whose children
23 are served by the local educational agency;
24 and”; and

1 (ii) in subparagraph (C), by striking
2 the period at the end and inserting “;
3 and”; and

4 (D) by adding at the end the following:

5 “(7) describes—

6 “(A) the formal process the local edu-
7 cational agency used to collaborate with Indian
8 tribes located in the community in the develop-
9 ment of the comprehensive programs; and

10 “(B) the actions taken as a result of the
11 collaboration.”;

12 (2) in subsection (c)—

13 (A) in paragraph (2), by adding at the end
14 the following:

15 “(A) determine the extent to which such
16 activities address the unique cultural, language,
17 and educational needs of Indian students;”;

18 (B) in paragraph (3)(C), by inserting “rep-
19 resentatives of Indian tribes with reservations
20 located within 50 miles of any of the schools
21 that have Indian children in any such school,”
22 after “Indian children and teachers”;

23 (C) in paragraph (4)(A)—

1 (i) by redesignating clauses (ii) and
2 (iii) as clauses (iii) and (iv), respectively;
3 and

4 (ii) by inserting the following after
5 clause (i):

6 “(ii) representatives of Indian tribes
7 with reservations located within 50 miles of
8 any of the schools that have children in
9 any such school;”.

10 (D) in subparagraph (4)(B), by adding “or
11 representatives of Indian tribes described in
12 subparagraph (A)(ii)” after “children”; and

13 (E) in subparagraph (4)(D)—

14 (i) by striking “; and” at the end of
15 clause (i); and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(iii) determined that the program
19 will directly enhance the educational expe-
20 rience of Indian and Alaska Native stu-
21 dents; and”; and

22 (3) by adding at the end the following:

23 “(d) OUTREACH.—The Secretary shall monitor the
24 applications for grants under this subpart to identify eligi-
25 ble local educational agencies and schools operated by the

1 Bureau of Indian Education that have not applied for such
2 grants, and shall undertake appropriate outreach activities
3 to encourage and assist eligible entities to submit applica-
4 tions for such grants.”.

5 **SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.**

6 Section 7115 (20 U.S.C. 7425) is amended—

7 (1) in subsection (b)—

8 (A) by inserting before paragraph (2) the
9 following:

10 “(1) activities that support Native American
11 language immersion programs and Native American
12 language restoration programs,”;

13 (B) in paragraph (3), by striking “chal-
14 lenging State academic content and student
15 academic achievement standards” and inserting
16 “college and career ready State academic con-
17 tent and student academic achievement stand-
18 ards under section 1111(b)”;

19 (C) by striking paragraph (4) and insert-
20 ing the following:

21 “(4) integrated educational services in combina-
22 tion with other programs to meet the unique needs
23 of Indian children and their families, including pro-
24 grams that promote parental involvement—

25 “(A) in school activities; and

1 “(B) to increase student achievement;”;

2 (D) by striking paragraph (6) and insert-
3 ing the following:

4 “(6) activities that educate individuals so as to
5 prevent violence, suicide, and substance abuse;”;

6 (E) by striking paragraph (9) and insert-
7 ing the following:

8 “(9) activities that incorporate culturally and
9 linguistically relevant curriculum content into class-
10 room instruction that is responsive to the unique
11 learning styles of Indian and Alaska Native children,
12 and ensures that children are better able to meet the
13 college and career ready State academic achievement
14 standards under section 1111(b);”;

15 (F) in paragraph (11) by striking “chil-
16 dren,” and all that follows through the period
17 and inserting “children;”;

18 (G) by adding at the end the following:

19 “(12) dropout prevention strategies for Indian
20 and Alaska Native students; and

21 “(13) strategies to meet the educational needs
22 of at-risk Indian students in correctional facilities,
23 including such strategies that support Indian and
24 Alaska Native students who are transitioning from

1 such facilities to schools served by local educational
2 agencies.”.

3 (2) in subsection (c) by adding at the end the
4 following:

5 “(3) the local educational agency identifies in
6 its application how the use of such funds in a
7 schoolwide program will produce benefits to the In-
8 dian students that would not be achieved if the
9 funds were not used in a schoolwide program.”.

10 **SEC. 726. STUDENT ELIGIBILITY FORMS.**

11 Section 7117(e) (20 U.S.C. 7427(e)) is amended to
12 read as follows:

13 “(e) DOCUMENTATION AND TYPES OF PROOF.—

14 “(1) TYPES OF PROOF.—For purposes of deter-
15 mining whether a child is eligible to be counted for
16 the purpose of computing the amount of a grant
17 award under section 7113, the membership of the
18 child, or any parent or grandparent of the child, in
19 a tribe or band of Indians (as so defined) may be
20 established by proof other than an enrollment num-
21 ber, notwithstanding the availability of an enroll-
22 ment number for a member of such tribe or band.
23 Nothing in subsection (b) shall be construed to re-
24 quire the furnishing of an enrollment number.

1 “(2) NO NEW OR DUPLICATE DETERMINA-
2 TIONS.—Once a child is determined to be an Indian
3 eligible to be counted for such grant award, the local
4 educational agency shall maintain a record of such
5 determination and shall not require a new or dupli-
6 cate determination to be made for such child for a
7 subsequent application for a grant under this sub-
8 part.

9 “(3) PREVIOUSLY FILED FORMS.—An Indian
10 student eligibility form that was on file as required
11 by this section on the day before the date of enact-
12 ment of the Student Success Act and that met the
13 requirements of this section, as this section was in
14 effect on the day before the date of enactment of
15 such Act, shall remain valid for such Indian stu-
16 dent.”.

17 **SEC. 727. TECHNICAL ASSISTANCE.**

18 Subpart 1 of part A of title VII is amended by adding
19 at the end the following new section:

20 **“SEC. 7120. TECHNICAL ASSISTANCE.**

21 “The Secretary shall, directly or through contract,
22 provide technical assistance to a local educational agency
23 upon request, in addition to any technical assistance avail-
24 able under section 1116 or available through the Institute

1 of Education Sciences, to support the services and activi-
2 ties described under this section, including for the—

3 “(1) development of applications under this sec-
4 tion;

5 “(2) improvement in the quality of implementa-
6 tion, content of activities, and evaluation of activities
7 supported under this subpart;

8 “(3) integration of activities under this title
9 with other educational activities established by the
10 local educational agency; and

11 “(4) coordination of activities under this title
12 with programs administered by each Federal agency
13 providing grants for the provision of educational and
14 related services.”.

15 **SEC. 728. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
16 **TIES FOR INDIAN CHILDREN.**

17 Section 7121(c)(1)(G) (20 U.S.C. 7441(c)(1)(G)) is
18 amended to read as follows:

19 “(G) high-quality early childhood education
20 programs that support children’s school readi-
21 ness, including kindergarten and prekind-
22 garten programs, family-based preschool pro-
23 grams, and the provision of services to Indian
24 children with disabilities;”.

1 **PART 2—SPECIAL PROGRAMS AND PROJECTS TO**
2 **IMPROVE EDUCATIONAL OPPORTUNITIES**
3 **FOR INDIAN CHILDREN**

4 **SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
5 **AND EDUCATION PROFESSIONALS.**

6 Section 7122 (20 U.S.C. 7442) is amended—

7 (1) in subsection (a), by striking paragraphs
8 (1) and (2) and inserting the following:

9 “(1) to increase the number of qualified and ef-
10 fective Indian teachers and administrators serving
11 Indian students;

12 “(2) to provide training to qualified Indian indi-
13 viduals to become teachers, administrators, social
14 workers, and other educators; and”;

15 (2) by striking subsection (e) and inserting the
16 following:

17 “(e) APPLICATION.—Each eligible entity desiring a
18 grant under this section shall submit an application to the
19 Secretary at such time, in such manner, and accompanied
20 by such information, as the Secretary may reasonably re-
21 quire. At a minimum, an application under this section
22 shall describe how the eligible entity will—

23 “(1) recruit qualified Indian individuals, such
24 as students who may not be of traditional college
25 age, to become teachers or principals;

1 “(2) use funds made available under the grant
2 to support the recruitment, preparation, and profes-
3 sional development of Indian teachers or principals
4 in local educational agencies that serve a high pro-
5 portion of Indian students; and

6 “(3) assist participants in meeting the require-
7 ments under subsection (h).”; and

8 (4) by striking subsection (g) and inserting the
9 following:

10 “(g) GRANT PERIOD.—The Secretary shall award
11 grants under this section for an initial period of not more
12 than 3 years, and may renew such grants for not more
13 than an additional 2 years if the Secretary finds that the
14 grantee is achieving the objectives of the grant.”.

15 **PART 3—NATIONAL ACTIVITIES**

16 **SEC. 741. NATIONAL ACTIVITIES.**

17 Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amend-
18 ed by striking “Office of Indian Education Programs” and
19 inserting “Bureau of Indian Education”.

20 **SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STU-** 21 **DENTS THROUGH NATIVE AMERICAN LAN-** 22 **GUAGE.**

23 Subpart 3 of part A of title VII (20 U.S.C. 7451 et
24 seq.) is amended by striking sections 7132 through 7136
25 and inserting the following:

1 **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
2 **STUDENTS THROUGH NATIVE AMERICAN**
3 **LANGUAGE.**

4 “(a) PURPOSE.—It is the purpose of this section to
5 improve educational opportunities and academic achieve-
6 ment of Indian and Alaska Native students through Na-
7 tive American language programs and to foster the acqui-
8 sition of Native American language.

9 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
10 tion, the term ‘eligible entity’ means a State educational
11 agency, local educational agency, Indian tribe, Indian or-
12 ganization, federally supported elementary school or sec-
13 ondary school for Indian students, Indian institution (in-
14 cluding an Indian institution of higher education), or a
15 consortium of such entities.

16 “(c) GRANTS AUTHORIZED.—The Secretary shall
17 award grants to eligible entities to enable such entities to
18 carry out the following activities:

19 “(1) Native American language programs
20 that—

21 “(A) provide instruction through the use of
22 a Native American language for not less than
23 10 children for an average of not less than 500
24 hours per year per student;

1 “(B) provide for the involvement of par-
2 ents, caregivers, and families of students en-
3 rolled in the program;

4 “(C) utilize, and may include the develop-
5 ment of, instructional courses and materials for
6 learning Native American languages and for in-
7 struction through the use of Native American
8 languages;

9 “(D) provide support for professional de-
10 velopment activities; and

11 “(E) include a goal of all students achiev-
12 ing—

13 “(i) fluency in a Native American lan-
14 guage; and

15 “(ii) academic proficiency in mathe-
16 matics, English, reading or language arts,
17 and science.

18 “(2) Native American language restoration pro-
19 grams that—

20 “(A) provide instruction in not less than 1
21 Native American language;

22 “(B) provide support for professional de-
23 velopment activities for teachers of Native
24 American languages;

1 “(C) develop instructional materials for the
2 programs; and

3 “(D) include the goal of increasing pro-
4 ficiency and fluency in not less than 1 Native
5 American language.

6 “(d) APPLICATION.—

7 “(1) IN GENERAL.—An eligible entity that de-
8 sires to receive a grant under this section shall sub-
9 mit an application to the Secretary at such time, in
10 such manner, and accompanied by such information
11 as the Secretary may require.

12 “(2) CERTIFICATION.—An eligible entity that
13 submits an application for a grant to carry out the
14 activity specified in subsection (c)(1), shall include
15 in such application a certification that assures that
16 such entity has experience and a demonstrated
17 record of effectiveness in operating and admin-
18 istering a Native American language program or any
19 other educational program in which instruction is
20 conducted in a Native American language.

21 “(e) GRANT DURATION.—The Secretary shall award
22 grants under this section for an initial period of not more
23 than 3 years, and may renew such grants for not more
24 than an additional 2 years if the Secretary finds that the
25 grantee is achieving the objectives of the grant.

1 “(f) DEFINITION.—In this section, the term ‘average’
2 means the aggregate number of hours of instruction
3 through the use of a Native American language to all stu-
4 dents enrolled in a Native American language program
5 during a school year divided by the total number of stu-
6 dents enrolled in the program.

7 “(g) ADMINISTRATIVE COSTS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), not more than 5 percent of the funds pro-
10 vided to a grantee under this section for any fiscal
11 year may be used for administrative purposes.

12 “(2) EXCEPTION.—An elementary school or
13 secondary school for Indian students that receives
14 funds from a recipient of a grant under subsection
15 (c) for any fiscal year may use not more than 10
16 percent of the funds for administrative purposes.

17 **“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATION**
18 **AGENCY COLLABORATION.**

19 “The Secretary, in consultation with the Director of
20 the Bureau of Indian Education, shall conduct a study of
21 the relationship among State educational agencies, local
22 educational agencies, and other relevant State and local
23 agencies, and tribes or tribal representatives to—

1 “(1) identify examples of best practices in col-
2 laboration among those entities that result in the
3 provision of better services to Indian students; and

4 “(2) provide recommendations on—

5 “(A) State educational agency functions
6 that tribal educational agencies could perform;

7 “(B) areas and agency functions in which
8 greater State educational agency and tribal
9 education agency collaboration is needed; and

10 “(C) other steps to reducing barriers to
11 serving Indian students, especially such stu-
12 dents who are at risk of academic failure.”.

13 **Subtitle B—Native Hawaiian Edu-**
14 **cation; Alaska Native Education**

15 **SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NA-**
16 **TIVE EDUCATION.**

17 Title VII (20 U.S.C. 7401 et seq.) is amended—

18 (1) in the heading of part B, by inserting “;
19 **ALASKA NATIVE EDUCATION**” after “**NATIVE**
20 **HAWAIIAN EDUCATION**”; and

21 (2) by inserting before section 7201 the fol-
22 lowing:

1 **“Subpart 1—Native Hawaiian Education”.**

2 **SEC. 752. FINDINGS.**

3 Section 7202 (20 U.S.C. 7512) is amended to read
4 as follows:

5 **“SEC. 7202. FINDINGS.**

6 “Congress finds the following:

7 “(1) Native Hawaiians are a distinct and
8 unique indigenous people with a historical continuity
9 to the original inhabitants of the Hawaiian archi-
10 pelago, whose society was organized as a nation and
11 internationally recognized as a nation by the United
12 States, and many other countries.

13 “(2) Native Hawaiians have a cultural, historic,
14 and land-based link to the indigenous people who ex-
15 ercised sovereignty over the Hawaiian Islands.

16 “(3) The political status of Native Hawaiians is
17 comparable to that of American Indians and Alaska
18 Natives.

19 “(4) The political relationship between the
20 United States and the Native Hawaiian people has
21 been recognized and reaffirmed by the United
22 States, as evidenced by the inclusion of Native Ha-
23 waiians in many Federal statutes, including—

24 “(A) the Native American Programs Act of
25 1974 (42 U.S.C. 2991 et seq.);

1 “(B) Public Law 95–341 (commonly
2 known as the ‘American Indian Religious Free-
3 dom Act’ (42 U.S.C. 1996));

4 “(C) the National Museum of the Amer-
5 ican Indian Act (20 U.S.C. 80q et seq.);

6 “(D) the Native American Graves Protec-
7 tion and Repatriation Act (25 U.S.C. 3001 et
8 seq.);

9 “(E) the National Historic Preservation
10 Act (16 U.S.C. 470 et seq.);

11 “(F) the Native American Languages Act
12 (25 U.S.C. 2901 et seq.);

13 “(G) the American Indian, Alaska Native,
14 and Native Hawaiian Culture and Art Develop-
15 ment Act (20 U.S.C. 4401 et seq.);

16 “(H) the Workforce Investment Act of
17 1998 (29 U.S.C. 2801 et seq.); and

18 “(I) the Older Americans Act of 1965 (42
19 U.S.C. 3001 et seq.).

20 “(5) Many Native Hawaiian students lag be-
21 hind other students in terms of—

22 “(A) school readiness factors;

23 “(B) scoring below national norms on edu-
24 cation achievement tests at all grade levels;

1 “(C) underrepresentation in the uppermost
2 achievement levels and in gifted and talented
3 programs;

4 “(D) overrepresentation among students
5 qualifying for special education programs;

6 “(E) underrepresentation in institutions of
7 higher education and among adults who have
8 completed 4 or more years of college.

9 “(6) The percentage of Native Hawaiian stu-
10 dents served by the State of Hawaii Department of
11 Education rose 30 percent from 1980 to 2008, and
12 there are and will continue to be geographically
13 rural, isolated areas with a high Native Hawaiian
14 population density.

15 “(7) The Native Hawaiian people are deter-
16 mined to preserve, develop, and transmit to future
17 generations their ancestral territory and their cul-
18 tural identity in accordance with their own spiritual
19 and traditional beliefs, customs, practices, language,
20 and social institutions.”.

21 **SEC. 753. PURPOSES.**

22 Section 7203 (20 U.S.C. 7513) is amended to read
23 as follows:

24 **“SEC. 7203. PURPOSES.**

25 “The purposes of this part are—

1 “(1) to develop, implement, assess, and evaluate
2 innovative educational programs to improve the aca-
3 demic achievement of Native Hawaiian students by
4 meeting their unique cultural and language needs in
5 order to help such students meet State academic
6 content and achievement standards as described in
7 section 1111(b);

8 “(2) to provide guidance to appropriate Fed-
9 eral, State, and local agencies to more effectively
10 and efficiently focus resources, including resources
11 made available under this part, on the development
12 and implementation of—

13 “(A) innovative educational programs for
14 Native Hawaiians;

15 “(B) rigorous and substantive Native Ha-
16 waiian language programs; and

17 “(C) Native Hawaiian culture-based edu-
18 cational programs; and

19 “(3) to create a system by which information
20 from programs funded under this part will be col-
21 lected, analyzed, evaluated, reported, and used in de-
22 cisionmaking activities regarding the types of grants
23 awarded under this part.”.

1 **SEC. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

2 Section 7204 (20 U.S.C. 7514) is amended to read
3 as follows:

4 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL**
5 **GRANT.**

6 “(a) GRANT AUTHORIZED.—In order to carry out the
7 purposes of this part the Secretary shall award a grant
8 to an education council, as described under subsection (b).

9 “(b) EDUCATION COUNCIL.—

10 “(1) ELIGIBILITY.—To be eligible to receive the
11 grant under subsection (a), the council shall be an
12 education council (referred to in this section as the
13 ‘Education Council’) that meets the requirements of
14 this subsection.

15 “(2) COMPOSITION.—The Education Council
16 shall consist of 15 members of whom—

17 “(A) 1 shall be the President of the Uni-
18 versity of Hawaii (or a designee);

19 “(B) 1 shall be the Governor of the State
20 of Hawaii (or a designee);

21 “(C) 1 shall be the Superintendent of the
22 State of Hawaii Department of Education (or a
23 designee);

24 “(D) 1 shall be the chairperson of the Of-
25 fice of Hawaiian Affairs (or a designee);

1 “(E) 1 shall be the executive director of
2 Hawaii’s Charter School Network (or a des-
3 ignee);

4 “(F) 1 shall be the chief executive officer
5 of the Kamehameha Schools (or a designee);

6 “(G) 1 shall be the chairperson of the
7 Queen Liliuokalani Trust (or a designee);

8 “(H) 1 shall be a member, selected by the
9 other members of the Education Council, who
10 represents a private grant-making entity;

11 “(I) 1 shall be the Mayor of the County of
12 Hawaii (or a designee);

13 “(J) 1 shall be the Mayor of Maui County
14 (or a designee from the Island of Maui);

15 “(K) 1 shall be the Mayor of the County
16 of Kauai (or a designee);

17 “(L) 1 shall be appointed by the Mayor of
18 Maui County from the Island of either Molokai
19 or Lanai;

20 “(M) 1 shall be the Mayor of the City and
21 County of Honolulu (or a designee);

22 “(N) 1 shall be the chairperson of the Ha-
23 waiian Homes Commission (or a designee); and

1 “(O) 1 shall be the chairperson of the Ha-
2 waii Workforce Development Council (or a des-
3 ignee representing the private sector).

4 “(3) REQUIREMENTS.—Any designee serving on
5 the Education Council shall demonstrate, as deter-
6 mined by the individual who appointed such designee
7 with input from the Native Hawaiian community,
8 not less than 5 years of experience as a consumer
9 or provider of Native Hawaiian education or cultural
10 activities, with traditional cultural experience given
11 due consideration.

12 “(4) LIMITATION.—A member (including a des-
13 ignee), while serving on the Education Council, shall
14 not be a recipient of grant funds that are awarded
15 under this part.

16 “(5) TERM OF MEMBERS.—A member who is a
17 designee shall serve for a term of not more than 4
18 years.

19 “(6) CHAIR, VICE CHAIR.—

20 “(A) SELECTION.—The Education Council
21 shall select a Chair and a Vice Chair from
22 among the members of the Education Council.

23 “(B) TERM LIMITS.—The Chair and Vice
24 Chair shall each serve for a 2-year term.

1 “(7) ADMINISTRATIVE PROVISIONS RELATING
2 TO EDUCATION COUNCIL.—The Education Council
3 shall meet at the call of the Chair of the Council,
4 or upon request by a majority of the members of the
5 Education Council, but in any event not less often
6 than every 120 days.

7 “(8) NO COMPENSATION.—None of the funds
8 made available through the grant may be used to
9 provide compensation to any member of the Edu-
10 cation Council or member of a working group estab-
11 lished by the Education Council, for functions de-
12 scribed in this section.

13 “(c) USE OF FUNDS.—The Education Council shall
14 use funds made available through the grant to carry out
15 each of the following activities:

16 “(1) Providing advice about the coordination of,
17 and serving as a clearinghouse for, the educational
18 services and programs for Native Hawaiians.

19 “(2) Providing direction and guidance, such as
20 through the issuance of reports and recommenda-
21 tions, to appropriate Federal, State, and local agen-
22 cies in order to focus and improve the use of re-
23 sources relating to Native Hawaiian education.

1 “(3) provide technical assistance to Native Ha-
2 waiian organizations that are grantees or potential
3 grantees under this part;

4 “(4) assessing and evaluating the individual
5 and aggregate impact of grants and activities funded
6 under this part and how well they meet the needs of
7 Native Hawaiians, including information and data
8 about—

9 “(A) the effectiveness of such grantees in
10 meeting the educational priorities established by
11 the Education Council, as described in para-
12 graph (6)(D), using metrics related to these
13 priorities; and

14 “(B) the effectiveness of such grantees in
15 carrying out any of the activities described in
16 section 7205(c) that are related to the specific
17 goals and purposes of each grantee’s grant
18 project, using metrics related to these priorities;

19 “(5) assess and define the educational needs of
20 Native Hawaiians; and

21 “(6) may use funds to hire an executive director
22 to enable the Council to carry out the activities de-
23 scribed in this subsection.

24 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
25 TIONS.—The Education Council shall use funds made

1 available through the grant under subsection (a) to hold
2 not less than 1 community consultation each year on each
3 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
4 Kauai, at which—

5 “(1) not less than 3 members of the Education
6 Council shall be in attendance;

7 “(2) the Education Council shall gather com-
8 munity input regarding—

9 “(A) current grantees under this part, as
10 of the date of the consultation;

11 “(B) priorities and needs of Native Hawai-
12 ians; and

13 “(C) other Native Hawaiian education
14 issues; and

15 “(3) the Education Council shall report to the
16 community on the outcomes of the activities sup-
17 ported by grants awarded under this part.

18 “(f) REPORTS.—

19 “(1) ANNUAL EDUCATION COUNCIL REPORT.—

20 The Education Council shall use funds made avail-
21 able through the grant under this section to prepare
22 and submit to the Secretary, before the end of each
23 calendar year, annual reports that contain—

1 “(A) a description of the activities of the
2 Education Council during the preceding cal-
3 endar year;

4 “(B) recommendations of the Education
5 Council, if any, regarding priorities to be estab-
6 lished under section 7205(b);

7 “(C) significant barriers to achieving the
8 goals under this subpart;

9 “(D) a summary of each community con-
10 sultation session, as described in subsection (d);
11 and

12 “(E) recommendations to establish funding
13 priorities based on an assessment of—

14 “(i) the educational needs of Native
15 Hawaiians;

16 “(ii) programs and services currently
17 available to address such needs, including
18 the effectiveness of such programs in im-
19 proving educational performance of Native
20 Hawaiians; and

21 “(iii) priorities for funding in specific
22 geographic communities.

23 “(2) REPORT BY THE SECRETARY.—Not later
24 than 2 years after the date of enactment of the Stu-
25 dent Success Act, the Secretary shall prepare and

1 submit to the Committee on Indian Affairs of the
2 Senate and the authorizing committees a report
3 that—

4 “(A) summarizes the annual reports of the
5 Education Council;

6 “(B) describes the allocation and use of
7 funds under this subpart and the information
8 gathered since the first annual report submitted
9 by the Education Council to the Secretary
10 under this section; and

11 “(C) contains recommendations for
12 changes in Federal, State, and local policy to
13 advance the purposes of this subpart.

14 “(g) FUNDING.—For each fiscal year, the Secretary
15 shall use the amount described in section 7206(d)(2), to
16 make a payment under the grant. Funds made available
17 through the grant shall remain available until expended.”.

18 **SEC. 755. GRANT PROGRAM AUTHORIZED.**

19 Section 7205 (20 U.S.C. 7515 et seq.) is amended
20 to read as follows:

21 **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

22 “(a) GRANTS AND CONTRACTS.—In order to carry
23 out programs that meet the purposes of this part, the Sec-
24 retary is authorized to award grants to, or enter into con-
25 tracts with—

1 “(1) Native Hawaiian educational organiza-
2 tions;

3 “(2) Native Hawaiian community-based organi-
4 zations;

5 “(3) public and private nonprofit organizations,
6 agencies, and institutions with experience in devel-
7 oping or operating Native Hawaiian education and
8 workforce development programs or programs of in-
9 struction in the Native Hawaiian language;

10 “(4) charter schools; or

11 “(5) consortia of the organizations, agencies,
12 and institutions described in paragraphs (1) through
13 (4).

14 “(b) PRIORITY.—In awarding grants and entering
15 into contracts under this part, the Secretary shall give pri-
16 ority to—

17 “(1) programs that meet the educational pri-
18 ority recommendations of the Education Council, as
19 described under section 7204(d)(6)(E);

20 “(2) programs designed to improve the aca-
21 demic achievement of Native Hawaiian students by
22 meeting their unique cultural and language needs in
23 order to help such students meet State academic
24 content and achievement standards as described in
25 Section 1111(b) including the use of Native Hawai-

1 ian language and preservation or reclamation of Na-
2 tive Hawaiian culture-based educational practices;
3 and

4 “(3) programs in which a local educational
5 agency, institution of higher education, or a State
6 educational agency apply for a grant or contract as
7 part of a partnership or consortium with a nonprofit
8 entity serving underserved communities within the
9 Native Hawaiian population.

10 “(c) AUTHORIZED ACTIVITIES.—Activities provided
11 through programs carried out under this part may in-
12 clude—

13 “(1) the development and maintenance of a
14 statewide Native Hawaiian early education system to
15 provide a continuum of high-quality early learning
16 services for Native Hawaiian children;

17 “(2) the operation of family-based education
18 centers that provide such services as—

19 “(A) programs for Native Hawaiian par-
20 ents and students;

21 “(B) early education programs for Native
22 Hawaiians; and

23 “(C) research on, and development and as-
24 sessment of, family-based, early childhood, and
25 preschool programs for Native Hawaiians;

1 “(3) activities that enhance beginning reading
2 and literacy in either the Hawaiian or the English
3 language among Native Hawaiian students;

4 “(4) activities to meet the special needs of Na-
5 tive Hawaiian students with disabilities, including—

6 “(A) the identification of such students
7 and their needs;

8 “(B) the provision of support services to
9 the families of such students; and

10 “(C) other activities consistent with the re-
11 quirements of the Individuals with Disabilities
12 Education Act;

13 “(5) activities that address the special needs of
14 Native Hawaiian students who are gifted and tal-
15 ented, including—

16 “(A) educational, psychological, and devel-
17 opmental activities designed to assist in the
18 educational progress of such students; and

19 “(B) activities that involve the parents of
20 such students in a manner designed to assist in
21 the educational progress of such students;

22 “(6) the development of academic and voca-
23 tional curricula to address the needs of Native Ha-
24 waiian students, including curricular materials in
25 the Hawaiian language and mathematics and science

1 curricula that incorporate Native Hawaiian tradition
2 and culture;

3 “(7) professional development activities for edu-
4 cators, including—

5 “(A) the development of programs to pre-
6 pare prospective teachers to address the unique
7 needs of Native Hawaiian students within the
8 context of Native Hawaiian culture, language,
9 and traditions;

10 “(B) in-service programs to improve the
11 ability of teachers who teach in schools with
12 high concentrations of Native Hawaiian stu-
13 dents to meet the unique needs of such stu-
14 dents; and

15 “(C) the recruitment and preparation of
16 Native Hawaiians, and other individuals who
17 live in communities with a high concentration of
18 Native Hawaiians, to become teachers;

19 “(8) the operation of community-based learning
20 centers that address the needs of Native Hawaiian
21 students, parents, families, and communities
22 through the coordination of public and private pro-
23 grams and services, including—

24 “(A) early education programs;

1 “(B) before, after, and Summer school
2 programs, expanded learning time, or weekend
3 academies;

4 “(C) career and technical education pro-
5 grams; and

6 “(D) programs that recognize and support
7 the unique cultural and educational needs of
8 Native Hawaiian children, and incorporate ap-
9 propriately qualified Native Hawaiian elders
10 and seniors;

11 “(9) activities, including program co-location,
12 that ensure Native Hawaiian students graduate col-
13 lege and career ready including—

14 “(A) family literacy services;

15 “(B) counseling, guidance, and support
16 services for students; and

17 “(C) professional development activities de-
18 signed to help educators improve the college
19 and career readiness of Native Hawaiian stu-
20 dents;

21 “(10) research and data collection activities to
22 determine the educational status and needs of Na-
23 tive Hawaiian children and adults;

24 “(11) other research and evaluation activities
25 related to programs carried out under this part; and

1 “(12) other activities, consistent with the pur-
2 poses of this part, to meet the educational needs of
3 Native Hawaiian children and adults.

4 “(d) ADDITIONAL ACTIVITIES.—Notwithstanding
5 any other provision of this part, funds made available to
6 carry out this section as of the day before the date of en-
7 actment of the Student Success Act shall remain available
8 until expended. The Secretary may use such funds to sup-
9 port the following:

10 “(1) The repair and renovation of public
11 schools that serve high concentrations of Native Ha-
12 waiian students.

13 “(2) The perpetuation of, and expansion of ac-
14 cess to, Hawaiian culture and history, such as
15 through digital archives.

16 “(3) Informal education programs that promote
17 traditional Hawaiian knowledge, science, astronomy,
18 and the environment through State museums or
19 learning centers.

20 “(4) Public charter schools serving high con-
21 centrations of Native Hawaiian students.

22 “(e) ADMINISTRATIVE COSTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), not more than 5 percent of funds pro-
25 vided to a recipient of a grant or contract under this

1 section for any fiscal year may be used for adminis-
2 trative purposes.

3 “(2) EXCEPTION.—The Secretary may waive
4 the requirement of paragraph (1) for a nonprofit en-
5 tity that receives funding under this section and
6 allow not more than 10 percent of funds provided to
7 such nonprofit entity under this section for any fis-
8 cal year to be used for administrative purposes.”.

9 **SEC. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION**
10 **OF APPROPRIATIONS.**

11 Section 7206 (20 U.S.C. 7516) is amended to read
12 as follows:

13 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

14 “(a) APPLICATION REQUIRED.—No grant may be
15 made under this part, and no contract may be entered into
16 under this part, unless the entity seeking the grant or con-
17 tract submits an application to the Secretary at such time,
18 in such manner, and containing such information as the
19 Secretary may determine to be necessary to carry out the
20 provisions of this part.

21 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
22 shall provide a copy of all direct grant applications to the
23 Education Council.

24 “(c) SUPPLEMENT NOT SUPPLANT.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), funds made available under this part
3 shall be used to supplement, and not supplant, any
4 State or local funds used to achieve the purposes of
5 this part.

6 “(2) EXCEPTION.—Paragraph (1) shall not
7 apply to any nonprofit entity or Native Hawaiian
8 community-based organization that receives a grant
9 or other funds under this part.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to carry out this section, and sections
13 7204 and 7205, such sums as may be necessary for
14 fiscal year 2016 and each of the 5 succeeding fiscal
15 years.

16 “(2) RESERVATION.—Of the funds appro-
17 priated under this subsection, the Secretary shall re-
18 serve, for each fiscal year after the date of enact-
19 ment of the Student Success Act not less than
20 \$500,000 for the grant to the Education Council
21 under section 7204.

22 “(3) AVAILABILITY.—Funds appropriated
23 under this subsection shall remain available until ex-
24 pended.”.

1 **SEC. 757. DEFINITIONS.**

2 Section 7207 (20 U.S.C. 7517) is amended—

3 (1) by redesignating paragraphs (1) through
4 (6) as paragraphs (2) through (7), respectively; and

5 (2) by inserting before paragraph (2) (as reded-
6 igned by paragraph (1)) the following:

7 “(1) **COMMUNITY CONSULTATION.**—The term
8 ‘community consultation’ means a public gath-
9 ering—

10 “(A) to discuss Native Hawaiian education
11 concerns; and

12 “(B) about which the public has been given
13 not less than 30 days notice.”.

14 **SEC. 758. ALASKA NATIVE EDUCATION.**

15 (a) **IN GENERAL.**—Subpart B of title VII (20 U.S.C.
16 7511 et seq.) is further amended by adding at the end
17 the following:

18 **“Subpart C—Alaska Native Education**

19 **“SEC. 7301. SHORT TITLE.**

20 “This part may be cited as the “Alaska Native Edu-
21 cational Equity, Support, and Assistance Act

22 **“SEC. 7302. FINDINGS.**

23 “Congress finds and declares the following:

24 “(1) It is the policy of the Federal Government
25 to maximize the leadership of and participation by
26 Alaska Native peoples in the planning and the man-

1 agement of Alaska Native education programs and
2 to support efforts developed by and undertaken with-
3 in the Alaska Native community to improve edu-
4 cational opportunity for all students.

5 “(2) Many Alaska Native children enter and
6 exit school with serious educational disadvantages.

7 “(3) Overcoming the magnitude of the geo-
8 graphic challenges, historical inequities, and other
9 barriers to successfully improving educational out-
10 comes for Alaska Native students in rural, village,
11 and urban settings is challenging. Significant dis-
12 parities between academic achievement of Alaska
13 Native students and non-Native students continues,
14 including lower graduation rates, increased school
15 dropout rates, and lower achievement scores on
16 standardized tests.

17 “(4) The preservation of Alaska Native cultures
18 and languages and the integration of Alaska Native
19 cultures and languages into education, positive iden-
20 tity development for Alaska Native students, and
21 local, place-based, and culture-based programming
22 are critical to the attainment of educational success
23 and the long-term well-being of Alaska Native stu-
24 dents.

1 “(5) Improving educational outcomes for Alaska
2 Native students increases access to employment op-
3 portunities.

4 “(6) The programs and activities authorized
5 under this part give priority to Alaska Native orga-
6 nizations as a means of increasing Alaska Native
7 parents’ and community involvement in the pro-
8 motion of academic success of Alaska Native stu-
9 dents.

10 “(7) The Federal Government should lend sup-
11 port to efforts developed by and undertaken within
12 the Alaska Native community to improve educational
13 opportunity for Alaska Native students. In 1983,
14 pursuant to Public Law 98–63, Alaska ceased to re-
15 ceive educational funding from the Bureau of Indian
16 Affairs. The Bureau of Indian Education does not
17 operate any schools in Alaska, nor operate or fund
18 Alaska Native education programs. The program
19 under this part supports the Federal trust responsi-
20 bility of the United States to Alaska Natives.

21 **“SEC. 7303. PURPOSES.**

22 “The purposes of this part are as follows:

23 “(1) To recognize and address the unique edu-
24 cational needs of Alaska Natives in order to help

1 such students meet State academic content and
2 achievement standards as described in 1111(b).

3 “(2) To recognize the role of Alaska Native lan-
4 guages and cultures in the educational success and
5 long-term well-being of Alaska Native students.

6 “(3) To integrate Alaska Native cultures and
7 languages into education, develop Alaska Native stu-
8 dents’ positive identity, and support local place-
9 based and culture-based curriculum and program-
10 ming.

11 “(4) To authorize the development, manage-
12 ment, and expansion of effective supplemental edu-
13 cational programs to benefit Alaska Native people.

14 “(5) To provide direction and guidance to ap-
15 propriate Federal, State, and local agencies to focus
16 resources, including resources made available under
17 this part, on meeting the educational needs of Alas-
18 ka Natives.

19 “(6) To ensure the maximum participation by
20 Alaska Native educators and leaders in the planning,
21 development, implementation, management, and
22 evaluation of programs designed to serve Alaska Na-
23 tives students, and to ensure Alaska Native organi-
24 zations play a meaningful role in providing supple-

1 mental educational services to Alaska Native stu-
2 dents.

3 **“SEC. 7304. PROGRAM AUTHORIZED.**

4 “(a) GENERAL AUTHORITY.—

5 “(1) GRANTS AND CONTRACTS.—To carry out
6 programs that meet the purposes of this subpart,
7 the Secretary is authorized to make grants to, or
8 enter into contracts with:

9 “(A) Alaska Native Organizations; and

10 “(B) Alaska Native Organizations that are
11 in partnership with State educational agencies
12 and local educational agencies.

13 “(2) MANDATORY ACTIVITIES.—Activities pro-
14 vided through the programs carried out under this
15 part shall include the following which shall only be
16 provided specifically in the context of elementary
17 and secondary education:

18 “(A) The development and implementation
19 of plans, methods, strategies, and activities to
20 improve the academic achievement of Alaska
21 Native students by meeting their unique cul-
22 tural and language needs in order to help such
23 students meet State academic content and
24 achievement standards as described in section
25 1111(b).

1 “(B) The collection of data to assist in the
2 evaluation of the programs carried out under
3 this part.

4 “(3) PERMISSIBLE ACTIVITIES.—Activities pro-
5 vided through programs carried out under this part
6 may include the following which shall only be pro-
7 vided specifically in the context of elementary and
8 secondary education:

9 “(A) The development of curricula and
10 programs that address the educational needs of
11 Alaska Native students, including the following:

12 “(i) Curriculum materials that reflect
13 the cultural diversity, languages, history,
14 or the contributions of Alaska Native peo-
15 ple.

16 “(ii) Instructional programs that
17 make use of Alaska Native languages and
18 cultures.

19 “(iii) Networks that develop, test, and
20 disseminate best practices and introduce
21 successful programs, materials, and tech-
22 niques to meet the educational needs of
23 Alaska Native students in urban and rural
24 schools.

1 “(iv) Methods to evaluate teachers’ in-
2 clusion of diverse Alaska Native cultures in
3 their lesson plans.

4 “(B) Training and professional develop-
5 ment activities for educators, including the fol-
6 lowing:

7 “(i) Pre-service and in-service training
8 and professional development programs to
9 prepare teachers to develop appreciation
10 for, and understanding of, Alaska Native
11 history, cultures, values, ways of knowing
12 and learning in order to effectively address
13 the cultural diversity and unique needs of
14 Alaska Native students and incorporate
15 them into lesson plans.

16 “(ii) Recruitment and preparation of
17 Alaska Natives, and other individuals who
18 live in communities with high a concentra-
19 tion of Alaska Natives, to become teachers.

20 “(iii) Programs that will lead to the
21 certification and licensing of Alaska Native
22 teachers, principals, and superintendents.

23 “(C) The development and operation of
24 student enrichment programs, including those

1 in science, technology, engineering, and mathe-
2 matics that—

3 “(i) are designed to prepare Alaska
4 Native students to excel in such subjects;

5 “(ii) provide appropriate support serv-
6 ices to enable such students to benefit
7 from the programs; and

8 “(iii) include activities that recognize
9 and support the unique cultural and edu-
10 cational needs of Alaska Native children,
11 and incorporate appropriately qualified
12 Alaska Native elders and other tradition
13 bearers.

14 “(D) Research and data collection activi-
15 ties to determine the educational status and
16 needs of Alaska Native children and other such
17 research and evaluation activities related to pro-
18 grams funded under this subpart.

19 “(E) Activities designed to increase Alaska
20 Native students’ graduation rates and prepare
21 Alaska Native students to be college or career
22 ready upon graduation from high school, such
23 as—

24 “(i) Remedial and enrichment pro-
25 grams; and

1 “(ii) Culturally based education pro-
2 grams such as—

3 “(I) programs of study and other
4 instruction in Alaska Native history
5 and ways of living to share the rich
6 and diverse cultures of Alaska Native
7 peoples among Alaska Native youth
8 and elders, non-Native students,
9 teachers, and the larger community;

10 “(II) instructing Alaska Native
11 youth in leadership, communication,
12 Native culture, music and the arts,
13 and languages;

14 “(III) providing instruction in
15 Alaska Native history and ways of liv-
16 ing to students and teachers in the
17 local school district;

18 “(IV) intergenerational learning
19 and internship opportunities to Alaska
20 Native youth and young adults;

21 “(V) cultural immersion activi-
22 ties.

23 “(VI) culturally-informed cur-
24 riculum intended to preserve and pro-
25 mote Alaska Native culture;

1 “(VII) Native language immer-
2 sion activities; and

3 “(VIII) school-within-a-school
4 model programs.

5 “(G) Student and teacher exchange pro-
6 grams, cross-cultural immersion programs, and
7 culture camps designed to build mutual respect
8 and understanding among participants.

9 “(H) Education programs for at-risk
10 urban Alaska Native students that are designed
11 to improve academic proficiency and graduation
12 rates, utilize strategies otherwise permissible
13 under this subpart, and incorporate a strong
14 data collection and continuous evaluation com-
15 ponent.

16 “(I) Programs and strategies that provide
17 technical assistance and support to schools and
18 communities to engage adults in promoting the
19 academic progress and overall well-being of
20 Alaska Native people such as through child and
21 youth development, positive youth-adult rela-
22 tionships, improved conditions for learning
23 (school climate, student connection to school
24 and community), and increased connections be-
25 tween schools and families.

1 “(J) Career preparation activities to enable
2 Alaska Native children and adults to prepare
3 for meaningful employment, including programs
4 providing tech-prep, mentoring, training, and
5 apprenticeship activities.

6 “(K) Support for the development and
7 operational activities of regional vocational
8 schools in rural areas of Alaska to provide stu-
9 dents with necessary resources to prepare for
10 skilled employment opportunities.

11 “(L) Regional leadership academies that
12 demonstrate effectiveness in building respect,
13 understanding, and fostering a sense of Alaska
14 Native identity to promote their pursuit of and
15 success in completing higher education or ca-
16 reer training.

17 “(M) Strategies designed to increase par-
18 ents’ involvement in their children’s education.

19 “(N) other activities consistent with the
20 purpose of this part, to meet the educational
21 needs of Alaska Native children and adults.

22 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
23 more than 5 percent of funds provided to an award recipi-
24 ent under this part for any fiscal year may be used for
25 administrative purposes.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this part
3 such sums as may be necessary for the fiscal years 2016
4 through 2020.

5 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

6 “(a) APPLICATION REQUIRED.—

7 “(1) IN GENERAL.—No grant may be made
8 under this part, and no contract may be entered into
9 under this part, unless the Alaska Native Organiza-
10 tion seeking the grant or contract submits an appli-
11 cation to the Secretary in such time, in such man-
12 ner, and containing such information as the Sec-
13 retary may determine necessary to carry out the pro-
14 visions of this part.

15 “(b) CONSULTATION REQUIRED.—Each applicant for
16 an award under this part shall provide for ongoing advice
17 from and consultation with representatives of the Alaska
18 Native community.

19 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
20 TION.—Each applicant for an award under this part shall
21 inform each local educational agency serving students who
22 would participate in the program to be carried out under
23 the grant or contract about the application.

24 “(d) CONTINUATION AWARDS.—An applicant de-
25 scribed in section 6204(a)(2) that receives funding under

1 this part shall periodically demonstrate to the Secretary,
2 during the term of the award, that the applicant is con-
3 tinuing to play the lead role in its partnership and in the
4 implementation and evaluation of the funded program.

5 **“SEC. 7306. DEFINITIONS.**

6 “In this part:

7 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
8 tive’ has the same meaning as the term ‘Native ’ has
9 in section 3(b) of the Alaska Native Claims Settle-
10 ment Act and their descendants.

11 “(2) ALASKA NATIVE ORGANIZATION.—The
12 term ‘Alaska Native Organization’ means a federally
13 recognized tribe or a tribal organization (as the
14 terms are defined by the Indian Self-Determination
15 and Education Assistance Act (25 U.S.C. 450b)),
16 and a consortium of such entities, that—

17 “(A) has expertise or traditional knowledge
18 that is relevant to the purposes and activities
19 described in this part; and

20 “(B) has Alaska Native people in sub-
21 stantive, policymaking, and leadership positions
22 within the organization.”.

23 (b) CONFORMING AMENDMENT.—Part C of title VII
24 (20 U.S.C. 7541 et seq.) is repealed.

1 **TITLE VIII—IMPACT AID**

2 **SEC. 801. PURPOSE.**

3 Section 8001 (20 U.S.C. 7701) is amended by strik-
4 ing “challenging State standards” and inserting “State
5 academic standards”.

6 **SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION**
7 **OF REAL PROPERTY.**

8 Section 8002 (20 U.S.C. 7702) is amended—

9 (1) in subsection (b)(1)(B), by striking “section
10 8014(a)” and inserting “section 3(d)(1)”; and

11 (2) by amending subsection (f) to read as fol-
12 lows:

13 “(f) **SPECIAL RULE.**—Beginning with fiscal year
14 2016, a local educational agency shall be deemed to meet
15 the requirements of subsection (a)(1)(C) if records to de-
16 termine eligibility under such subsection were destroyed
17 prior to fiscal year 2000 and the agency received funds
18 under subsection (b) in the previous year.”;

19 (3) by amending subsection (g) to read as fol-
20 lows:

21 “(g) **FORMER DISTRICTS.**—

22 “(1) **CONSOLIDATIONS.**—For fiscal year 2006
23 and each succeeding fiscal year, if a local edu-
24 cational agency described in paragraph (2) is formed
25 at any time after 1938 by the consolidation of two

1 or more former school districts, the local educational
2 agency may elect to have the Secretary determine its
3 eligibility and any amount for which the local edu-
4 cational agency is eligible under this section for such
5 fiscal year on the basis of one or more of those
6 former districts, as designated by the local edu-
7 cational agency.

8 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
9 CIES.—A local educational agency described in this
10 paragraph is—

11 “(A) any local educational agency that, for
12 fiscal year 1994 or any preceding fiscal year,
13 applied for, and was determined to be eligible
14 under section 2(e) of the Act of September 30,
15 1950 (Public Law 874, 81st Congress) as that
16 section was in effect for that fiscal year; or

17 “(B) a local educational agency formed by
18 the consolidation of 2 or more school districts,
19 at least one of which was eligible for assistance
20 under this section for the fiscal year preceding
21 the year of the consolidation, if—

22 “(i) for fiscal years 2006 through
23 2015, the local educational agency notifies
24 the Secretary not later than 30 days after
25 the date of enactment of the Student Suc-

1 cess Act of the designation described in
2 paragraph (1); and

3 “(ii) for fiscal year 2016, and each
4 subsequent fiscal year, the local edu-
5 cational agency includes the designation in
6 its application under section 8005 or any
7 timely amendment to such application.

8 “(3) AVAILABILITY OF FUNDS.—Notwith-
9 standing any other provision of law limiting the pe-
10 riod during which the Secretary may obligate funds
11 appropriated for any fiscal year after fiscal year
12 2005, the Secretary may obligate funds remaining
13 after final payments have been made for any of such
14 fiscal years to carry out this subsection.”;

15 (4) in subsection (h)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (C)(ii), by strik-
18 ing “section 8014(a)” and inserting “sec-
19 tion 3(d)(1)”;

20 (ii) in subparagraph (D), by striking
21 “section 8014(a)” and inserting “section
22 3(d)(1)”;

23 (B) in paragraph (4), by striking “Impact
24 Aid Improvement Act of 2012” and inserting
25 “Student Success Act”;

1 (5) by repealing subsection (k);

2 (6) by redesignating subsection (l) as subsection
3 (k);

4 (7) by amending subsection (k) (as so redesign-
5 nated) by striking “(h)(4)(B)” and inserting
6 “(h)(2)”;

7 (8) by repealing subsection (m); and

8 (9) by redesignating subsection (n) as sub-
9 section (j).

10 **SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
11 **NECTED CHILDREN.**

12 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
13 (20 U.S.C. 7703(a)) is amended—

14 (1) in the matter preceding subparagraph (A)
15 of paragraph (1), by inserting after “schools of such
16 agency” the following: “(including those children en-
17 rolled in such agency as a result of the open enroll-
18 ment policy of the State in which the agency is lo-
19 cated, but not including children who are enrolled in
20 a distance education program at such agency and
21 who are not residing within the geographic bound-
22 aries of such agency)”;

23 (2) in paragraph (5)(A), by striking “1984”
24 and all that follows through “situated” and inserting
25 “1984, or under lease of off-base property under

1 subchapter IV of chapter 169 of title 10, United
2 States Code, to be children described under para-
3 graph (1)(B) if the property described is within the
4 fenced security perimeter of the military facility or
5 attached to and under any type of force protection
6 agreement with the military installation upon which
7 such housing is situated.”

8 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
9 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
10 8003(b) (20 U.S.C. 7703(b)) is amended—

11 (1) by striking “section 8014(b)” each place it
12 appears and inserting “section 3(d)(2)”;

13 (2) in paragraph (1), by repealing subpara-
14 graph (E);

15 (3) in paragraph (2)—

16 (A) in subparagraph (B)—

17 (i) by striking “CONTINUING” in the
18 heading;

19 (ii) by amending clause (i) to read as
20 follows:

21 “(i) IN GENERAL.—A heavily im-
22 pacted local educational agency is eligible
23 to receive a basic support payment under
24 subparagraph (A) with respect to a num-

1 ber of children determined under sub-
2 section (a)(1) if the agency—

3 “(I) is a local educational agen-
4 cy—

5 “(aa) whose boundaries are
6 the same as a Federal military
7 installation or an island property
8 designated by the Secretary of
9 the Interior to be property that is
10 held in trust by the Federal Gov-
11 ernment; and

12 “(bb) that has no taxing au-
13 thority;

14 “(II) is a local educational agen-
15 cy that—

16 “(aa) has an enrollment of
17 children described in subsection
18 (a)(1) that constitutes a percent-
19 age of the total student enroll-
20 ment of the agency that is not
21 less than 45 percent;

22 “(bb) has a per-pupil ex-
23 penditure that is less than—

24 “(AA) for an agency
25 that has a total student en-

1 rollment of 500 or more stu-
2 dents, 125 percent of the av-
3 erage per-pupil expenditure
4 of the State in which the
5 agency is located; or

6 “(BB) for any agency
7 that has a total student en-
8 rollment less than 500, 150
9 percent of the average per-
10 pupil expenditure of the
11 State in which the agency is
12 located or the average per-
13 pupil expenditure of 3 or
14 more comparable local edu-
15 cational agencies in the
16 State in which the agency is
17 located; and

18 “(cc) is an agency that has
19 a tax rate for general fund pur-
20 poses that is not less than 95
21 percent of the average tax rate
22 for general fund purposes of
23 comparable local educational
24 agencies in the State;

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“(III) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

“(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

“(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund

1 purposes for comparable local
2 educational agencies in the State;

3 “(IV) is a local educational agen-
4 cy that has a total student enrollment
5 of not less than 25,000 students, of
6 which—

7 “(aa) not less than 50 per-
8 cent are children described in
9 subsection (a)(1); and

10 “(bb) not less than 5,000 of
11 such children are children de-
12 scribed in subparagraphs (A) and
13 (B) of subsection (a)(1); or

14 “(V) is a local educational agency
15 that—

16 “(aa) has an enrollment of
17 children described in subsection
18 (a)(1) including, for purposes of
19 determining eligibility, those chil-
20 dren described in subparagraphs
21 (F) and (G) of such subsection,
22 that is not less than 35 percent
23 of the total student enrollment of
24 the agency; and

1 “(bb) was eligible to receive
2 assistance under subparagraph
3 (A) for fiscal year 2001.”; and

4 (iii) in clause (ii)—

5 (I) by striking “A heavily” and
6 inserting the following:

7 “(I) IN GENERAL.—Subject to
8 subclause (II), a heavily”; and

9 (II) by adding at the end the fol-
10 lowing:

11 “(II) LOSS OF ELIGIBILITY DUE
12 TO FALLING BELOW 95 PERCENT OF
13 THE AVERAGE TAX RATE FOR GEN-
14 ERAL FUND PURPOSES.—In a case of
15 a heavily impacted local educational
16 agency that fails to meet the require-
17 ments of clause (i) for a fiscal year by
18 reason of having a tax rate for gen-
19 eral fund purposes that falls below 95
20 percent of the average tax rate for
21 general fund purposes of comparable
22 local educational agencies in the
23 State, subclause (I) shall be applied
24 as if ‘and the subsequent fiscal year’

1 were inserted before the period at the
2 end.”;

3 (B) by striking subparagraph (C);

4 (C) by redesignating subparagraphs (D)
5 through (H) as subparagraphs (C) through (G),
6 respectively;

7 (D) in subparagraph (C) (as so redesign-
8 nated)—

9 (i) in the heading, by striking “REG-
10 ULAR”;

11 (ii) by striking “Except as provided in
12 subparagraph (E)” and inserting “Except
13 as provided in subparagraph (D)”;

14 (iii) by amending subclause (I) of
15 clause (ii) to read as follows:

16 “(ii)(I)(aa) For a local educational agency
17 with respect to which 35 percent or more of the
18 total student enrollment of the schools of the
19 agency are children described in subparagraph
20 (D) or (E) (or a combination thereof) of sub-
21 section (a)(1), and that has an enrollment of
22 children described in subparagraphs (A), (B),
23 or (C) of such subsection equal to at least 10
24 percent of the agency’s total enrollment, the
25 Secretary shall calculate the weighted student

1 units of those children described in subpara-
2 graph (D) or (E) of such subsection by multi-
3 plying the number of such children by a factor
4 of 0.55.

5 “(bb) Notwithstanding subitem (aa), a
6 local educational agency that received a pay-
7 ment under this paragraph for fiscal year 2012
8 shall not be required to have an enrollment of
9 children described in subparagraphs (A), (B),
10 or (C) of subsection (a)(1) equal to at least 10
11 percent of the agency’s total enrollment.”; and

12 (iv) by amending subclause (III) of
13 clause (ii) by striking “(B)(i)(II)(aa)” and
14 inserting “subparagraph (B)(i)(I)”;

15 (E) in subparagraph (D)(i)(II) (as so re-
16 designated), by striking “6,000” and inserting
17 “5,000”;

18 (F) in subparagraph (E) (as so redesign-
19 nated)—

20 (i) by striking “Secretary” and all
21 that follows through “shall use” and in-
22 sserting “Secretary shall use”;

23 (ii) by striking “; and” and inserting
24 a period; and

25 (iii) by striking clause (ii);

1 (G) in subparagraph (F) (as so redesign-
2 nated)—

3 (i) by striking “subparagraph
4 (C)(i)(II)(bb)” and inserting “subpara-
5 graph (B)(i)(II)(bb)(BB)”;

6 (ii) by amending clause (ii) to read as
7 follows:

8 “(ii) beginning in fiscal year 2010, a
9 local educational agency shall be deemed to
10 meet the average tax rate requirements for
11 general fund purposes of this paragraph if
12 the average tax rate calculation submitted
13 to the Department by the agency has
14 been—

15 “(I) calculated by the State edu-
16 cational agency in which the applying
17 agency resides to meet the - require-
18 ments of this paragraph for average
19 tax rate for general fund purposes;
20 and

21 “(II) the Department accepted
22 calculation of average tax rate for
23 general fund purposes from the state
24 educational agency on behalf of the

1 applying agency in at least 5 prior
2 years.

3 “(III) notwithstanding any other
4 provision of law limiting the period
5 during which the Secretary may obli-
6 gate funds appropriated for any fiscal
7 year after 2010, the Secretary may
8 obligate funds remaining after final
9 payments have been made from any
10 funds of such fiscal years in order to
11 carry out this subparagraph.”

12 (H) in subparagraph (G) (as so redesign-
13 nated)—

14 (i) in clause (i)—

15 (I) by striking “subparagraph
16 (B), (C), (D), or (E)” and inserting
17 “subparagraph (B), (C), or (D)”;

18 (II) by striking “by reason of”
19 and inserting “due to”;

20 (III) by inserting after “clause
21 (iii)” the following “, or as the direct
22 result of base realignment and closure
23 or modularization as determined by
24 the Secretary of Defense and force

1 structure change or force relocation”;

2 and

3 (IV) by inserting before the pe-
4 riod, the following: “or during such
5 time as activities associated with base
6 closure and realignment,
7 modularization, force structure
8 change, or force relocation are ongo-
9 ing”; and

10 (ii) in clause (ii), by striking “(D) or
11 (E)” each place it appears and inserting
12 “(C) or (D)”;

13 (4) in paragraph (3)—

14 (A) in subparagraph (B)—

15 (i) by amending clause (iii) to read as
16 follows:

17 “(iii) In the case of a local educational
18 agency providing a free public education to stu-
19 dents enrolled in kindergarten through grade
20 12, but which enrolls students described in sub-
21 paragraphs (A), (B), and (D) of subsection
22 (a)(1) only in grades 9 through 12, and which
23 received a final payment in fiscal year 2009 cal-
24 culated under this paragraph (as this para-
25 graph was in effect on the day before the date

1 of enactment of the Student Success Act) for
2 students in grades 9 through 12, the Secretary
3 shall, in calculating the agency's payment, con-
4 sider only that portion of such agency's total
5 enrollment of students in grades 9 through 12
6 when calculating the percentage under clause
7 (i)(I) and only that portion of the total current
8 expenditures attributed to the operation of
9 grades 9 through 12 in such agency when cal-
10 culating the percentage under clause (i)(II).";
11 and

12 (ii) by adding at the end the fol-
13 lowing:

14 "(v) In the case of a local educational
15 agency that is providing a program of distance
16 education to children not residing within the ge-
17 ographic boundaries of the agency, the Sec-
18 retary shall—

19 "(I) for purposes of the calculation
20 under clause (i)(I), disregard such children
21 from the total number of children in aver-
22 age daily attendance at the schools served
23 by such agency; and

24 "(II) for purposes of the calculation
25 under clause (i)(II), disregard any funds

1 received for such children from the total
2 current expenditures for such agency.”;

3 (B) in subparagraph (C), by striking “sub-
4 paragraph (D) or (E) of paragraph (2), as the
5 case may be” and inserting “paragraph
6 (2)(D)”;

7 (C) by amending subparagraph (D) to read
8 as follows:

9 “(D) RATABLE DISTRIBUTION.—For any
10 fiscal year described in subparagraph (A) for
11 which the sums available exceed the amount re-
12 quired to pay each local educational agency 100
13 percent of its threshold payment, the Secretary
14 shall distribute the excess sums to each eligible
15 local educational agency that has not received
16 its full amount computed under paragraph (1)
17 or (2) (as the case may be) by multiplying—

18 “(i) a percentage, the denominator of
19 which is the difference between the full
20 amount computed under paragraph (1) or
21 (2) (as the case may be) for all local edu-
22 cational agencies and the amount of the
23 threshold payment (as calculated under
24 subparagraphs (B) and (C)) of all local
25 educational agencies, and the numerator of

1 which is the aggregate of the excess sums,
2 by;

3 “(ii) the difference between the full
4 amount computed under paragraph (1) or
5 (2) (as the case may be) for the agency
6 and the amount of the threshold payment
7 as calculated under subparagraphs (B) and
8 (C) of the agency.”; and
9 (D) by inserting at the end the following
10 new subparagraphs:

11 “(E) INSUFFICIENT PAYMENTS.—For each
12 fiscal year described in subparagraph (A) for
13 which the sums appropriated under section
14 3(d)(2) are insufficient to pay each local edu-
15 cational agency all of the local educational
16 agency’s threshold payment described in sub-
17 paragraph (D), the Secretary shall ratably re-
18 duce the payment to each local educational
19 agency under this paragraph.

20 “(F) INCREASES.—If the sums appro-
21 priated under section 3(d)(2) are sufficient to
22 increase the threshold payment above the 100
23 percent threshold payment described in sub-
24 paragraph (D), then the Secretary shall in-
25 crease payments on the same basis as such pay-

1 ments were reduced, except no local educational
2 agency may receive a payment amount greater
3 than 100 percent of the maximum payment cal-
4 culated under this subsection.”; and

5 (5) in paragraph (4)—

6 (A) in subparagraph (A), by striking
7 “through (D)” and inserting “and (C)”; and

8 (B) in subparagraph (B), by striking “sub-
9 paragraph (D) or (E)” and inserting “subpara-
10 graph (C) or (D)”.

11 (c) PRIOR YEAR DATA.—Paragraph (2) of section
12 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
13 lows:

14 “(2) EXCEPTION.—Calculation of payments for
15 a local educational agency shall be based on data
16 from the fiscal year for which the agency is making
17 an application for payment if such agency—

18 “(A) is newly established by a State, for
19 the first year of operation of such agency only;

20 “(B) was eligible to receive a payment
21 under this section for the previous fiscal year
22 and has had an overall increase in enrollment
23 (as determined by the Secretary in consultation
24 with the Secretary of Defense, the Secretary of

1 the Interior, or the heads of other Federal
2 agencies)—

3 “(i) of not less than 10 percent, or
4 100 students, of children described in—

5 “(I) subparagraph (A), (B), (C),
6 or (D) of subsection (a)(1); or

7 “(II) subparagraph (F) and (G)
8 of subsection (a)(1), but only to the
9 extent such children are civilian de-
10 pendents of employees of the Depart-
11 ment of Defense or the Department of
12 the Interior; and

13 “(ii) that is the direct result of closure
14 or realignment of military installations
15 under the base closure process or the relo-
16 cation of members of the Armed Forces
17 and civilian employees of the Department
18 of Defense as part of the force structure
19 changes or movements of units or per-
20 sonnel between military installations or be-
21 cause of actions initiated by the Secretary
22 of the Interior or the head of another Fed-
23 eral agency; or

24 “(C) was eligible to receive a payment
25 under this section for the previous fiscal year

1 and has had an increase in enrollment (as de-
2 termined by the Secretary)—

3 “(i) of not less than 10 percent of
4 children described in subsection (a)(1) or
5 not less than 100 of such children; and

6 “(ii) that is the direct result of the
7 closure of a local educational agency that
8 received a payment under subsection (b)(1)
9 or (b)(2) in the previous fiscal year.”.

10 (d) CHILDREN WITH DISABILITIES.—Section
11 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
12 “section 8014(c)” and inserting “section 3(d)(3)”.

13 (e) HOLD HARMLESS.—

14 (1) IN GENERAL.—The total amount the Sec-
15 retary shall pay a local educational agency under
16 subsection (b)—

17 (A) beginning in fiscal year 2016 and for
18 any fiscal year thereafter in which a local edu-
19 cational agency’s payment is reduced by an
20 amount greater than \$5,000,000 or 20 percent
21 from the amount received in the previous fiscal
22 year, the Secretary shall pay a local educational
23 agency for each of the 3 years following the re-
24 duction under subsection (b)—

1 (i) for the first year shall not be less
2 than 90 percent of the total amount that
3 the local educational agency received under
4 subsection (b)(1) or (b)(2) in the fiscal
5 year prior to the reduction herein referred
6 to as the base year;

7 (ii) for the second year shall not be
8 less than 85 percent of the total amount
9 that the local educational agency received
10 under subsection (b)(1) or (b)(2) in the
11 base year; and

12 (iii) for the third year shall not be less
13 than 80 percent of the total amount that
14 the local educational agency received under
15 subsection (b) (1) or (b) (2) in the base
16 year.

17 (2) RATABLE REDUCTION.—

18 (A) IN GENERAL.—If the sums made avail-
19 able under this title for any fiscal year are in-
20 sufficient to pay the full amounts that all local
21 educational agencies in all States are eligible to
22 receive under paragraph (1) for such year, then
23 the Secretary shall ratably reduce the payments
24 to all such agencies for such year.

1 (B) ADDITIONAL FUNDS.—If additional
2 funds become available for making payments
3 under paragraph (1) for such fiscal year, pay-
4 ments that were reduced under subparagraph
5 (A) shall be increased on the same basis as
6 such payments were reduced.

7 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
8 U.S.C. 7703) is amended by striking subsection (g).

9 **SEC. 804. POLICIES AND PROCEDURES RELATING TO CHIL-**
10 **DREN RESIDING ON INDIAN LANDS.**

11 Section 8004(e)(9) is amended by striking “Bureau
12 of Indian Affairs” and inserting “Bureau of Indian Edu-
13 cation”.

14 **SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS**
15 **8002 AND 8003.**

16 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
17 the matter preceding paragraph (1) by striking “and shall
18 contain such information,”.

19 **SEC. 806. CONSTRUCTION.**

20 Section 8007 (20 U.S.C. 7707) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “section
23 8014(e)” and inserting “section 3(d)(4)”;

24 (B) in paragraph (2), by adding at the end
25 the following:

1 “(C) The agency is eligible under section
2 4003(b)(2) or is receiving basic support pay-
3 ments under circumstances described in section
4 4003(b)(2)(B)(ii).”; and

5 (C) in paragraph (3), by striking “section
6 8014(e)” each place it appears and inserting
7 “section 3(d)(4)”; and

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “section
10 8014(e)” and inserting “section 3(d)(4)”;
11

12 (B) in paragraph (3)—

13 (i) in subparagraph (C)(i)(I), by add-
14 ing at the end the following:

15 “(cc) At least 10 percent of the
16 property in the agency is exempt from
17 State and local taxation under Fed-
18 eral law.”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(F) LIMITATIONS ON ELIGIBILITY RE-
22 QUIREMENTS.—The Secretary shall not limit
23 eligibility—

24 “(i) under subparagraph (C)(i)(I)(aa),
25 to those local educational agencies in which
 the number of children determined under

1 section 8003(a)(1)(C) for each such agency
2 for the preceding school year constituted
3 more than 40 percent of the total student
4 enrollment in the schools of each such
5 agency during the preceding school year;
6 and

7 “(ii) under subparagraph (C)(i)(I)(cc),
8 to those local educational agencies in which
9 more than 10 percent of the property in
10 each such agency is exempt from State and
11 local taxation under Federal law.”;

12 (C) in paragraph (6)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “in such manner,
15 and accompanied by such information”
16 and inserting “and in such manner”; and

17 (ii) by striking subparagraph (F); and
18 (D) by striking paragraph (7).

19 **SEC. 807. FACILITIES.**

20 Section 8008 (20 U.S.C. 7708) is amended in sub-
21 section (a), by striking “section 8014(f)” and inserting
22 “section 3(d)(5)”.

23 **SEC. 808. STATE CONSIDERATION OF PAYMENTS PRO-**
24 **VIDING STATE AID.**

25 Section 8009 (20 U.S.C. 7709) is amended—

1 (1) in subsection (c)(1)(B), by striking “and
2 contain the information”; and

3 (2) in subsection (d)(2)—

4 (A) by striking “A State” and inserting
5 the following:

6 “(A) IN GENERAL.—A State”; and

7 (B) by adding at the end of the following:

8 “(B) STATES THAT ARE NOT EQUALIZED
9 STATES.—A State that has not been approved
10 as an equalized State under subsection (b) shall
11 not consider funds received under section 8002
12 or section 8003 of this title in any State for-
13 mula or place a limit or direct the use of such
14 funds for the purposes of determining a local
15 educational agency’s fund balance.”.

16 **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
17 **VIEW.**

18 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
19 striking “or under the Act” and all the follows through
20 “1994)”.

21 **SEC. 810. DEFINITIONS.**

22 Section 8013 (20 U.S.C. 7713) is amended—

23 (1) in paragraph (1), by striking “and Marine
24 Corps” and inserting “Marine Corps, and Coast
25 Guard”;

1 (2) in paragraph (4), by striking “and title VI”;

2 (3) in paragraph (5)(A)(iii)—

3 (A) in subclause (II), by striking “Stewart
4 B. McKinney Homeless Assistance Act” and in-
5 serting “McKinney-Vento Homeless Assistance
6 Act (42 U.S.C. 11411)”;

7 (B) in subclause (III), by inserting before
8 the semicolon, “(25 U.S.C. 4101 et seq.)”;

9 (4) in paragraph (8)(A), by striking “and
10 verified by” and inserting “, and verified by,”; and

11 (5) in paragraph (9)(B), by inserting a comma
12 before “on a case-by-case basis”.

13 **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 8014 (20 U.S.C. 7801) is amended—

15 (1) by striking “2000” each place it appears
16 and inserting “2016”;

17 (2) by striking “2001” and inserting “2017”;
18 and

19 (3) by striking “2002” and inserting “2018”.

20 **SEC. 812. CONFORMING AMENDMENTS.**

21 Subsection (c) of the Impact Aid Improvement Act
22 of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126
23 Stat. 1748) is amended—

24 (1) (1) by striking paragraphs (1) and (4); and

1 (2) (2) by redesignating paragraphs (2) and
2 (3), as paragraphs (1) and (2), respectively.

3 **TITLE IX—GENERAL**
4 **PROVISIONS**

5 **SEC. 900. GENERAL AMENDMENTS.**

6 (a) GENERAL PROHIBITION.—Section 9527(a) (20
7 U.S.C. 7907(a)) is amended by inserting “specific instruc-
8 tional content, academic standards or assessments,” after
9 “school’s curriculum,”.

10 (b) RULE OF CONSTRUCTION.—Section 9534 (20
11 U.S.C. 7914) is amended by adding at the end the fol-
12 lowing:

13 “(c) RULE OF CONSTRUCTION.—Any public or pri-
14 vate entity that receives funds allocated under this Act
15 including from a State educational agency or local edu-
16 cational agency shall be considered a program under sub-
17 section (a) and be subject to the requirements of sub-
18 section (a) in carrying out programs or activities funded
19 under this Act.”.

20 **Subtitle A—Protecting Students**
21 **From Sexual and Violent Predators**

22 **SEC. 901. BACKGROUND CHECKS.**

23 Subpart 2 of part E of title IX (20 U.S.C. 7901 et
24 seq.) is amended by adding at the end the following:

1 **“SEC. 9537. CRIMINAL BACKGROUND CHECKS.**

2 “(a) IN GENERAL.—A State educational agency that
3 receives funds under this Act shall have in effect—

4 “(1) requirements, policies, and procedures to
5 require and conduct criminal background checks for
6 each school employee including prospective school
7 employees described in subsection (c)(1); and

8 “(2) prohibit the employment of a school em-
9 ployee as described in subsection (c).

10 “(b) REQUIREMENTS.—A criminal background check
11 for a school employee under subsection (a) shall include—

12 “(1) a search of the State criminal and sex of-
13 fender registry or repository in the State where the
14 school employee resides, and each State where such
15 school employee resided during the preceding 5
16 years;

17 “(2) a search of State-based child abuse and
18 neglect registries and databases in the State where
19 the school employee resides, and each State where
20 such school employee resided during the preceding 5
21 years;

22 “(3) a search of the National Crime Informa-
23 tion Center;

24 “(4) a Federal Bureau of Investigation finger-
25 print check using the Integrated Automated Finger-
26 print Identification System; and

1 “(5) a search of the National Sex Offender
2 Registry established under the Adam Walsh Child
3 Protection and Safety Act of 2006 (42 U.S.C.
4 16901 et seq.).

5 “(c) PROHIBITIONS.—

6 “(1) SCHOOL EMPLOYEE.—A school employee
7 shall be ineligible for employment by a local edu-
8 cational agency or State educational agency that is
9 receiving funds under this Act if such individual—

10 “(A) refuses to consent to the criminal
11 background check described in subsection (b);

12 “(B) knowingly makes a materially false
13 statement in connection with such criminal
14 background check;

15 “(C) is registered, or is required to be reg-
16 istered, on a State sex offender registry or re-
17 pository or the National Sex Offender Registry
18 established under the Adam Walsh Child Pro-
19 tection and Safety Act of 2006 (42 U.S.C.
20 16901 et seq.); or

21 “(D) has been convicted of a felony con-
22 sisting of—

23 “(i) murder, as described in section
24 1111 of title 18, United States Code;

25 “(ii) child abuse or neglect;

1 “(iii) a crime against children, includ-
2 ing child pornography;

3 “(iv) spousal abuse;

4 “(v) a crime involving rape or sexual
5 assault;

6 “(vi) kidnapping;

7 “(vii) arson;

8 “(viii) physical assault or battery; or

9 “(ix) a drug-related offense committed
10 during the preceding 5 years; or

11 “(E) has been convicted of a violent mis-
12 demeanor committed as an adult against a
13 child, including the following crimes: child
14 abuse, child endangerment, sexual assault, or of
15 a misdemeanor involving child pornography.

16 “(2) STATE EDUCATIONAL AGENCY OR LOCAL
17 EDUCATIONAL AGENCY.—A State educational agency
18 or local educational agency described in paragraph
19 (1) shall be ineligible for assistance under this Act
20 if the agency employs or contracts with a school em-
21 ployee who is ineligible for employment under para-
22 graph (1).

23 “(d) SUBMISSION OF REQUESTS FOR BACKGROUND
24 CHECKS.—

1 “(1) IN GENERAL.—A State educational agency
2 or local educational agency covered by subsection (c)
3 shall submit a request, to the appropriate State
4 agency designated by a State, for a criminal back-
5 ground check described in subsection (b), for each
6 school employee.

7 “(2) SCHOOL EMPLOYEES.—Subject to para-
8 graph (4), in the case of an individual who became
9 a school employee before the date of enactment of
10 the Student Success Act shall submit such a re-
11 quest—

12 “(A) prior to the last day described in sub-
13 section (k)(1); and

14 “(B) not less often than once during each
15 5-year period following the first submission date
16 under this paragraph for that school employee.

17 “(3) PROSPECTIVE SCHOOL EMPLOYEES.—Sub-
18 ject to paragraph (4), in the case of an individual
19 who is a prospective school employee on or after that
20 date of enactment, the provider shall submit such a
21 request—

22 “(A) prior to the date the individual be-
23 comes a school employee; and

1 “(B) not less than once during each 5-year
2 period following the first submission date under
3 this paragraph for that staff member.

4 “(e) BACKGROUND CHECK RESULTS AND AP-
5 PEALS.—

6 “(1) BACKGROUND CHECK RESULTS.—The
7 State shall carry out the request of a State edu-
8 cational agency or local educational agency for a
9 criminal background check as expeditiously as pos-
10 sible, but not to exceed 45 days after the date on
11 which such request was submitted, and shall provide
12 the results of the criminal background check to such
13 agency provider and to the school employee staff
14 member.

15 “(2) PRIVACY.—

16 “(A) IN GENERAL.—The State shall pro-
17 vide the results of the criminal background
18 check to the State educational agency or local
19 educational agency in a statement that indi-
20 cates whether a school employee is eligible or
21 ineligible for employment described in sub-
22 section (c), without revealing any disqualifying
23 crime or other related information regarding
24 the individual.

1 “(B) INELIGIBLE SCHOOL EMPLOYEE.—If
2 the school employee is ineligible for such em-
3 ployment due to the background check, the
4 State will, when providing the results of the
5 background check, include information related
6 to each disqualifying crime, in a report to the
7 school employee.

8 “(C) PUBLIC RELEASE OF RESULTS.—No
9 State shall publicly release or share the results
10 of individual background checks, except States
11 may release aggregated data by crime as listed
12 under subsection (c)(1)(D) from background
13 check results, as long as such data does not
14 contain personally identifiable information.

15 “(3) APPEALS.—

16 “(A) IN GENERAL.—The State shall pro-
17 vide for a process by which a school employee
18 may appeal the results of a criminal back-
19 ground check conducted under this section to
20 challenge the accuracy or completeness of the
21 information contained in such member’s crimi-
22 nal background report.

23 “(B) APPEALS PROCESS.—The State shall
24 ensure that—

1 “(i) each school employee shall be
2 given notice of the opportunity to appeal;

3 “(ii) a school employee will receive in-
4 structions about how to complete the ap-
5 peals process if the school employee wishes
6 to challenge the accuracy or completeness
7 of the information contained in such em-
8 ployee’s criminal background report; and

9 “(iii) the appeals process is completed
10 in a timely manner for each school em-
11 ployee not to exceed 45 days.

12 “(C) COSTS.—A school employee who has
13 successfully challenged the findings contained in
14 such employee’s criminal background check re-
15 port in the appeals process under this para-
16 graph shall be allowed to seek compensation for
17 any reasonable costs incurred from such appeal.

18 “(4) REVIEW.—

19 “(A) IN GENERAL.—The State shall estab-
20 lish a timely review process not to exceed 45
21 days through which the State may determine
22 that a school employee identified in subsection
23 (c) is eligible for employment with the edu-
24 cational agency.

1 “(B) FACTORS.—The review process shall
2 be an individualized assessment consistent with
3 title VII of the Civil Rights Act of 1964 (42
4 U.S.C. 2000e et seq.) and the U.S. Equal Em-
5 ployment Opportunity Commission Enforcement
6 Guidance on the Consideration of Arrest and
7 Conviction Records in Employment Decisions,
8 and may include consideration of the following
9 factors—

10 “(i) nature and seriousness of the of-
11 fense;

12 “(ii) circumstances under which the
13 offense was committed;

14 “(iii) lapse of time since the offense
15 was committed or the individual was re-
16 leased from prison;

17 “(iv) individual’s age at the time of
18 the offense;

19 “(v) social conditions which may have
20 fostered the offense;

21 “(vi) relationship of the nature of the
22 offense to the position sought;

23 “(vii) number of criminal convictions;

1 “(viii) honesty and transparency of
2 the candidate in admitting the conviction
3 record;

4 “(ix) individual’s work history, includ-
5 ing evidence that the individual performed
6 the same or similar work, post-conviction,
7 with the same or different employer, with
8 no known incidents of criminal conduct;

9 “(x) evidence of rehabilitation as dem-
10 onstrated by the individual’s good conduct
11 while in correctional custody and/or the
12 community; counseling or psychiatric treat-
13 ment received; acquisition of additional
14 academic or vocational schooling; success-
15 ful participation in correctional work-re-
16 lease programs and the recommendations
17 of persons who have or have had the appli-
18 cant under their supervision;

19 “(xi) whether the individual is bonded
20 under Federal, state, or local bonding pro-
21 gram; and

22 “(xii) any other factor that may lead
23 to the conclusion that the individual does
24 not pose a risk to children.

1 “(C) LIMITATION.—This paragraph shall
2 not apply to a school employee who has been
3 convicted of a serious violent or sexual felony
4 against a child, as determined by the State.

5 “(5) NO PRIVATE RIGHT OF ACTION.—Nothing
6 in this section shall be construed to create a private
7 right of action if a State educational agency or local
8 educational agency has acted in accordance with this
9 section.

10 “(f) FEES FOR BACKGROUND CHECKS.—

11 “(1) Fees that a State may charge for the costs
12 of processing applications and administering a criminal
13 background check as required by this section
14 shall not exceed the actual costs to the State for the
15 processing and administration.

16 “(2) A local educational agency or State edu-
17 cational agency may use administrative funds re-
18 ceived under this Act to pay for any reasonable fees
19 charged for conducting a criminal background check
20 under this section.

21 “(g) TRANSPARENCY.—The State must ensure that
22 the policies and procedures under this section are pub-
23 lished on the Web site (or otherwise publicly available
24 venue in the absence of a Web site) of the State and the
25 Web sites of local lead agencies.

1 “(h) CONSTRUCTION.—

2 “(1) DISQUALIFICATION FOR OTHER CRIMES.—

3 Nothing in this section shall be construed to prevent
4 a State from disqualifying individuals as a school
5 employee based on their conviction for crimes not
6 specifically listed in this section that bear upon the
7 fitness of an individual to provide care for and have
8 responsibility for the safety and well-being of chil-
9 dren.

10 “(2) RIGHTS AND REMEDIES.—Nothing in this
11 section shall be construed to alter or otherwise affect
12 the rights and remedies provided for a school em-
13 ployee residing in a State that disqualifies individ-
14 uals as a school employee for crimes not specifically
15 provided for under this section.

16 “(i) REPORTING.—Not later than one year after the
17 date of the enactment of this Act, the Secretary of Edu-
18 cation shall report to Congress on—

19 “(1) any information available about numbers
20 of individuals restricted or disqualified from being a
21 school employee on the basis of a criminal record
22 identified in the background check, pursuant to this
23 section in total, and for each type of conviction, as
24 specified in sections (c)(1)(D) and (c)(1)(E) and

1 disaggregated by race, gender, national origin, and
2 ethnicity;

3 “(2) the identity of each state’s agency with ju-
4 risdiction over the background check results and ap-
5 peals process described in section (e);

6 “(3) the identity of each state’s agency with ju-
7 risdiction over the individualized assessment, as de-
8 scribed in section (e)(4);

9 “(4) the numbers of individuals approved for
10 consideration as a school employee by the individual-
11 ized assessment, as defined in section (e)(4) in total,
12 and for each type of conviction, as specified in sec-
13 tions (c)(1)(D) and (c)(1)(E) and disaggregated by
14 race, gender, national origin, and ethnicity; and

15 “(5) the numbers of successful and unsuccessful
16 appeals to the accuracy and completeness of records
17 or information, in total, by State, and by type of
18 conviction, as specified in section sections (c)(1)(D)
19 and (c)(1)(E) and disaggregated by race, gender,
20 national origin, and ethnicity.

21 “(j) DEFINITION.—In this section, the term ‘school
22 employee’ means—

23 “(1) an employee of, or a person seeking em-
24 ployment with, a local educational agency or State
25 educational agency, and who, as a result of such em-

1 employment, has (or will have) a job duty that results
2 in unsupervised access to elementary school or sec-
3 ondary school students;

4 “(2) any person, or an employee of any person
5 who has a contract or agreement to provide services
6 with an elementary school or secondary school, local
7 educational agency, or State educational agency, and
8 such person or employee, as a result of such contract
9 or agreement, has a job duty that results in unsu-
10 pervised access to elementary school or secondary
11 students; and

12 “(3) an employee of or a person seeking em-
13 ployment with a high-quality prekindergarten pro-
14 gram (as defined in section 1112 of the Student
15 Success Act) who has unsupervised access to chil-
16 dren or a person who has a contract or agreement
17 with such program and has unsupervised access to
18 children.

19 “(k) EFFECTIVE DATE.—

20 “(1) IN GENERAL.—A State that receives funds
21 under this Act shall meet the requirements of this
22 section for the provision of criminal background
23 checks for a school employee described in subsection
24 (d)(1) not later than the last day of the second full

1 fiscal year after the date of enactment of the Stu-
2 dent Success Act.

3 “(2) EXTENSION.—The Secretary may grant a
4 State an extension of time, of not more than 1 fiscal
5 year, to meet the requirements of this section if the
6 State demonstrates a good faith effort to comply
7 with the requirements of this section.

8 “(3) PENALTY FOR NONCOMPLIANCE.—Except
9 as provided in paragraphs (1) and (2), for any fiscal
10 year that a State fails to comply substantially with
11 the requirements of this section, the Secretary shall
12 withhold 5 percent of the funds that would otherwise
13 be allocated to that State in accordance with this
14 Act for the following fiscal year.

15 **“SEC. 9538. EQUALITY IN ATHLETIC PROGRAMS.**

16 “(a) REPORT.—Each coeducational elementary or
17 secondary school that participates in any program under
18 this Act and has an athletic program, shall annually, for
19 the immediately preceding academic year, prepare a report
20 that contains the following information:

21 “(1) The number of students that attended the
22 school and for each student an identification of such
23 student’s—

24 “(A) sex;

25 “(B) race; and

1 “(C) ethnicity.

2 “(2) A listing of the teams that competed in
3 athletic competition and for each such team the fol-
4 lowing data:

5 “(A) The total number of participants as
6 of the day of the first scheduled contest for the
7 team, and for each participant an identification
8 of such participant’s—

9 “(i) sex;

10 “(ii) race; and

11 “(iii) ethnicity.

12 “(B) The year the team began.

13 “(C) The total expenditures for each team
14 from school and nonschool sources, including a
15 listing of the following data for each team:

16 “(i) Expenditures for travel.

17 “(ii) Expenditures for equipment (in-
18 cluding any equipment replacement sched-
19 ule).

20 “(iii) Expenditures for uniforms (in-
21 cluding any uniform replacement sched-
22 ule).

23 “(iv) Expenditures for facilities (in-
24 cluding locker rooms, fields, and gym-

1 nasiums) and their maintenance and re-
2 pair.

3 “(v) Expenditures for training and
4 medical facilities and services.

5 “(vi) Expenditures for publicity for
6 competitions (including press guides, press
7 releases, game programs, and publicity
8 personnel).

9 “(D) The total number of trainers and
10 medical personnel, and for each trainer or med-
11 ical personnel an identification of such per-
12 son’s—

13 “(i) sex;

14 “(ii) employment status (including
15 whether such person is employed full-time
16 or part-time, and whether such person is a
17 head or assistant trainer or medical serv-
18 ices provider) and duties other than pro-
19 viding training or medical services; and

20 “(iii) qualifications, including whether
21 the person is a professional or student.

22 “(E) The total number of coaches, and for
23 each coach an identification of such coach’s—

24 “(i) sex;

1 “(ii) employment status (including
2 whether such coach is employed full-time
3 or part-time, and whether such coach is a
4 head or assistant coach) and duties other
5 than coaching; and

6 “(iii) qualifications, including whether
7 the person is a professional or student.

8 “(F) Total annual revenues generated by
9 the team (including contributions from outside
10 sources such as booster clubs), disaggregated by
11 source.

12 “(G) The total number of competitions
13 scheduled, and for each scheduled competition
14 an indication of what day of the week and time
15 the competition was scheduled.

16 “(H) The total number of practices sched-
17 uled, and for each scheduled practice an indica-
18 tion of what day of the week and time the prac-
19 tice was scheduled.

20 “(I) The season in which the team com-
21 peted.

22 “(J) Whether such team participated in
23 postseason competition, and the success of such
24 team in any postseason competition.

1 “(3) The average annual institutional salary at-
2 tributable to coaching of the head coaches of men’s
3 teams, across all offered sports, and the average an-
4 nual institutional salary attributable to coaching of
5 the head coaches of women’s teams, across all of-
6 fered sports.

7 “(4) The average annual institutional salary at-
8 tributable to coaching of the assistant coaches of
9 men’s teams, across all offered sports, and the aver-
10 age annual institutional salary attributable to coach-
11 ing of the assistant coaches of women’s teams,
12 across all offered sports.

13 “(b) SPECIAL RULE.—For the purpose of reporting
14 the information described in paragraphs (3) and (4) of
15 subsection (a), if a coach has responsibilities for more
16 than 1 team and the school does not allocate such coach’s
17 salary by team, the school should divide the salary by the
18 number of teams for which the coach has responsibility
19 and allocate the salary among the teams on a basis con-
20 sistent with the coach’s responsibilities for the different
21 teams.

22 “(c) DISCLOSURE OF INFORMATION TO STUDENTS
23 AND PUBLIC.—On an annual basis, each coeducational el-
24 ementary or secondary school described in subsection (a)
25 shall—

1 “(1) make available to students, potential stu-
2 dents, and the public, upon request, the information
3 contained in each report by the school under this
4 section by October 15 of each school year; and

5 “(2) ensure that all students at the school and
6 members of the relevant community are informed of
7 their right to request such information.

8 “(d) SUBMISSION; INFORMATION AVAILABILITY.—
9 On an annual basis, each coeducational elementary or sec-
10 ondary school described in subsection (a) shall provide the
11 information contained in each report by the school under
12 this section to the Commissioner for Education Statistics
13 not later than 15 days after the date that the school makes
14 such information available under subsection (c).

15 “(e) DUTIES OF COMMISSIONER FOR EDUCATION
16 STATISTICS.—The Commissioner for Education Statistics
17 shall—

18 “(1) ensure that the data required under this
19 section are posted on the Department of Education’s
20 Web site within a reasonable period of time; and

21 “(2) not later than 180 days after the date of
22 the enactment of the Student Success Act, notify all
23 elementary and secondary schools in all States about
24 the requirements under subsection (c) and issue
25 guidance to all elementary and secondary schools on

1 how to collect and report the information required
2 under this section.”.

3 **SEC. 902. CONFORMING AMENDMENT.**

4 Section 2 is amended by adding after the item relat-
5 ing to section 9536 the following:

 “Sec. 9537. Background checks.

 “Sec. 9538. Equality in athletic programs.”.

6 **Subtitle B—Evaluation Authority**

7 **SEC. 911. EVALUATION AUTHORITY.**

8 Title IX (20 U.S.C. 7801 et seq.) is further amended
9 by amending part F to read as follows:

10 **“PART F—EVALUATION AUTHORITY**

11 **“SEC. 9911. EVALUATION AUTHORITY.**

12 “(a) RESERVATION OF FUNDS.—The Secretary shall
13 reserve not less than 1 percent of the amount appropriated
14 to carry out each categorical program and demonstration
15 project authorized under this Act, except the Secretary
16 may not reserve more than 1 percent of title I, part A
17 to carry out the evaluation activities described in this sec-
18 tion.

19 “(b) EVALUATION ACTIVITIES.—From funds re-
20 served under subsection (a), the reserved amounts—

21 “(1) shall first be used by the Secretary, acting
22 through the Director of the Institute of Education
23 Sciences, to—

1 “(A) conduct comprehensive, high-quality
2 evaluations of the program that—

3 “(i) are consistent with the evaluation
4 plan under subsection (d); and

5 “(ii) primarily include impact evalua-
6 tions that use experimental or quasi-experi-
7 mental designs, where practicable and ap-
8 propriate, and other rigorous methodolo-
9 gies that permit the strongest possible
10 causal inferences;

11 “(B) conduct studies of the effectiveness of
12 the program and the administrative impact of
13 the program on schools and local educational
14 agencies; and

15 “(C) widely disseminate evaluation findings
16 under this section related to programs author-
17 ized under this Act—

18 “(i) in a timely fashion;

19 “(ii) in forms that are understand-
20 able, easily accessible, and usable, or
21 adaptable for use in, the improvement of
22 educational practice;

23 “(iii) through electronic transfer, and
24 other means, such as posting, as available,
25 to the websites of State educational agen-

1 cies, local educational agencies, the Insti-
2 tute of Education Sciences, the Depart-
3 ment, or in another relevant place; and

4 “(iv) in a manner that promotes the
5 utilization of such findings; and

6 “(2) may be used by the Secretary, acting
7 through the Director of the Institute of Education
8 Sciences—

9 “(A) to evaluate the aggregate short- and
10 long-term effects and cost efficiencies across
11 Federal programs assisted or authorized under
12 this Act and related Federal early childhood
13 education, preschool, elementary school, and
14 secondary school programs under any other
15 Federal law; and

16 “(B) assist grantees of such programs in
17 collecting and analyzing data related to con-
18 ducting high-quality evaluations under para-
19 graph (1).

20 “(c) TITLE I.—The Secretary, acting through the Di-
21 rector of the Institute of Education Sciences, shall use
22 funds authorized under subsection(a)(1) to carry out eval-
23 uation activities under this section related to title I.

1 “(d) CONSOLIDATION.—Notwithstanding any other
2 provision of this section the Secretary in consultation with
3 the Director of the Institute of Education Sciences—

4 “(1) may consolidate the funds reserved under
5 subsections (a) or (c) for purposes of carrying out
6 the activities under subsection (b)(1) and subsection
7 (g); and

8 “(2) shall not be required to evaluate under
9 subsection (b)(1) each program authorized under
10 this Act each year.

11 “(e) EVALUATION PLAN.—The Director of the Insti-
12 tute of Education Sciences, shall, on a biennial basis, de-
13 velop, submit to Congress, and make publicly available an
14 evaluation plan, that—

15 “(1) describes the specific activities that will be
16 carried out under subsection (b) for the 2-year pe-
17 riod applicable to the plan, and the timelines of such
18 activities;

19 “(2) contains the results of the activities car-
20 ried out under subsection (b) for the most recent 2-
21 year period; and

22 “(3) describes how programs authorized under
23 this Act will be regularly evaluated.

24 “(f) EVALUATION ACTIVITIES AUTHORIZED ELSE-
25 WHERE.—If, under any other provision of this Act, funds

1 are authorized to be reserved or used for evaluation activi-
2 ties with respect to a program, the Secretary may not re-
3 serve additional funds under this section for the evaluation
4 of that program.”.

5 **Subtitle C—Keeping All Students** 6 **Safe**

7 **SEC. 911. KEEPING ALL STUDENTS SAFE.**

8 Title IX (20 U.S.C. 7801 et seq.) is further amended
9 by adding at the end the following:

10 **“PART G—KEEPING ALL STUDENTS SAFE**

11 **“SEC. 9701. DEFINITIONS.**

12 “In this part:

13 “(1) **CHEMICAL RESTRAINT.**—The term ‘chem-
14 ical restraint’ means a drug or medication used on
15 a student to control behavior or restrict freedom of
16 movement that is not—

17 “(A) prescribed by a licensed physician, or
18 other qualified health professional acting under
19 the scope of the professional’s authority under
20 State law, for the standard treatment of a stu-
21 dent’s medical or psychiatric condition; and

22 “(B) administered as prescribed by the li-
23 censed physician or other qualified health pro-
24 fessional acting under the scope of the profes-
25 sional’s authority under State law.

1 “(2) MECHANICAL RESTRAINT.—The term ‘me-
2 chanical restraint’ has the meaning given the term
3 in section 595(d)(1) of the Public Health Service
4 Act (42 U.S.C. 290jj(d)(1)), except that the mean-
5 ing shall be applied by substituting ‘student’s’ for
6 ‘resident’s’.

7 “(3) PHYSICAL ESCORT.—The term ‘physical
8 escort’ has the meaning given the term in section
9 595(d)(2) of the Public Health Service Act (42
10 U.S.C. 290jj(d)(2)), except that the meaning shall
11 be applied by substituting ‘student’ for ‘resident’.

12 “(4) PHYSICAL RESTRAINT.—The term ‘phys-
13 ical restraint’ mean a personal restriction that im-
14 mobilizes or reduces the ability of an individual to
15 move the individual’s arms, legs, torso, or head free-
16 ly. Such term does not include a physical escort, me-
17 chanical restraint, or chemical restraint.

18 “(5) POSITIVE BEHAVIOR SUPPORTS.—The
19 term ‘positive behavior supports’ means a systematic
20 approach to embed evidence-based practices and
21 data-driven decisionmaking to improve school cli-
22 mate and culture, including a range of systemic and
23 individualized strategies to reinforce desired behav-
24 iors and diminish reoccurrence of problem behaviors,
25 in order to achieve improved academic and social

1 outcomes and increase learning for all students, in-
2 cluding students with the most complex and inten-
3 sive behavioral needs.

4 “(6) PROTECTION AND ADVOCACY SYSTEM.—
5 The term ‘protection and advocacy system’ means a
6 protection and advocacy system established under
7 subtitle C of title I of the Developmental Disabilities
8 Assistance and Bill of Rights Act of 2000 (42
9 U.S.C. 15041 et seq.).

10 “(7) SCHOOL.—The term ‘school’ means an en-
11 tity—

12 “(A) that—

13 “(i) is a public or private—

14 “(I) day or residential elementary
15 school or secondary school; or

16 “(II) early childhood, elementary
17 school, or secondary school program
18 that is under the jurisdiction of a
19 school, local educational agency, edu-
20 cational service agency, or other edu-
21 cational institution or program; and

22 “(ii) receives, or serves students who
23 receive, support in any form from any pro-
24 gram supported, in whole or in part, with

1 funds appropriated under the Student Suc-
2 cess Act; or

3 “(B) that is a school funded or operated
4 by the Department of the Interior.

5 “(8) SCHOOL PERSONNEL.—The term ‘school
6 personnel’ has the meaning—

7 “(A) given the term in section 4151(10);
8 and

9 “(B) given the term ‘school resource offi-
10 cer’ in section 4151(11).

11 “(9) SECLUSION.—The term ‘seclusion’
12 means—

13 “(A) the involuntary confinement of a stu-
14 dent alone in a room or area from which the
15 student is physically prevented from leaving;
16 and

17 “(B) does not include a time out.

18 “(10) STATE-APPROVED CRISIS INTERVENTION
19 TRAINING PROGRAM.—The term ‘State-approved cri-
20 sis intervention training program’ means a training
21 program approved by a State and the Secretary
22 that, at a minimum, provides—

23 “(A) training in evidence-based techniques
24 shown to be effective in the prevention of phys-
25 ical restraint and seclusion;

1 “(B) training in evidence-based techniques
2 shown to be effective in keeping both school
3 personnel and students safe when imposing
4 physical restraint or seclusion;

5 “(C) evidence-based skills training related
6 to positive behavior supports, safe physical es-
7 cort, conflict prevention, understanding ante-
8 cedents, de-escalation, and conflict manage-
9 ment;

10 “(D) training in first aid and
11 cardiopulmonary resuscitation;

12 “(E) information describing State policies
13 and procedures that meet the minimum stand-
14 ards established by regulations promulgated
15 pursuant to section 9702(a); and

16 “(F) certification for school personnel in
17 the techniques and skills described in subpara-
18 graphs (A) through (D), which shall be required
19 to be renewed on a periodic basis.

20 “(11) STUDENT.—The term ‘student’ means a
21 student enrolled in a school defined in paragraph
22 (7), except that in the case of a student enrolled in
23 a private school or private program, such term
24 means a student who receives support in any form
25 from any program supported, in whole or in part,

1 with funds appropriated under the Student Success
2 Act.

3 “(12) TIME OUT.—The term ‘time out’ has the
4 meaning given the term in section 595(d)(5) of the
5 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
6 except that the meaning shall be applied by sub-
7 stituting ‘student’ for ‘resident’.

8 **“SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUC-**
9 **TION.**

10 “(a) MINIMUM STANDARDS.—Not later than 180
11 days after the date of the enactment of the Student Suc-
12 cess Act, to ensure a safe learning environment and pro-
13 tect each student from physical or mental abuse, aversive
14 behavioral interventions that compromise student health
15 and safety, or any physical restraint or seclusion imposed
16 solely for purposes of discipline or convenience or in a
17 manner otherwise inconsistent with this part, the Sec-
18 retary shall promulgate regulations establishing the fol-
19 lowing minimum standards:

20 “(1) School personnel shall be prohibited from
21 imposing on any student the following:

22 “(A) Mechanical restraints.

23 “(B) Chemical restraints.

24 “(C) Physical restraint or physical escort
25 that restricts breathing.

1 “(D) Aversive behavioral interventions that
2 compromise health and safety.

3 “(2) School personnel shall be prohibited from
4 imposing physical restraint or seclusion on a student
5 unless—

6 “(A) the student’s behavior poses an immi-
7 nent danger of physical injury to the student,
8 school personnel, or others;

9 “(B) less restrictive interventions would be
10 ineffective in stopping such imminent danger of
11 physical injury;

12 “(C) such physical restraint or seclusion is
13 imposed by school personnel who—

14 “(i) continuously monitor the student
15 face-to-face; or

16 “(ii) if school personnel safety is sig-
17 nificantly compromised by such face-to-face
18 monitoring, are in continuous direct visual
19 contact with the student;

20 “(D) such physical restraint or seclusion is
21 imposed by—

22 “(i) school personnel trained and cer-
23 tified by a State-approved crisis interven-
24 tion training program (as defined in sec-
25 tion 9701(16)); or

1 “(ii) other school personnel in the
2 case of a rare and clearly unavoidable
3 emergency circumstance when school per-
4 sonnel trained and certified as described in
5 clause (i) are not immediately available
6 due to the unforeseeable nature of the
7 emergency circumstance; and

8 “(E) such physical restraint or seclusion
9 ends immediately upon the cessation of the con-
10 ditions described in subparagraphs (A) and (B).

11 “(3) States, in consultation with local edu-
12 cational agencies and private school officials, shall
13 ensure that a sufficient number of personnel are
14 trained and certified by a State-approved crisis
15 intervention training program (as defined in section
16 9701(16)) to meet the needs of the specific student
17 population in each school.

18 “(4) The use of physical restraint or seclusion
19 as a planned intervention shall not be written into
20 a student’s education plan, individual safety plan,
21 behavioral plan, or individualized education program
22 (as defined in section 602 of the Individuals with
23 Disabilities Education Act (20 U.S.C. 1401)). Local
24 educational agencies or schools may establish poli-
25 cies and procedures for use of physical restraint or

1 seclusion in school safety or crisis plans, provided
2 that such school plans are not specific to any indi-
3 vidual student.

4 “(5) Schools shall establish procedures to be
5 followed after each incident involving the imposition
6 of physical restraint or seclusion upon a student, in-
7 cluding—

8 “(A) procedures to provide to the parent of
9 the student, with respect to each such inci-
10 dent—

11 “(i) an immediate verbal or electronic
12 communication on the same day as the in-
13 cident; and

14 “(ii) written notification within 24
15 hours of the incident; and

16 “(B) any other procedures the Secretary
17 determines appropriate.

18 “(b) SECRETARY OF THE INTERIOR.—The Secretary
19 of the Interior shall ensure that schools operated or fund-
20 ed by the Department of the Interior comply with the reg-
21 ulations promulgated by the Secretary under subsection
22 (a).

23 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to authorize the Secretary to pro-
25 mulgate regulations prohibiting the use of—

1 “(1) time out (as defined in section 9701(20));

2 “(2) devices implemented by trained school per-
3 sonnel, or utilized by a student, for the specific and
4 approved therapeutic or safety purposes for which
5 such devices were designed and, if applicable, pre-
6 scribed, including—

7 “(A) restraints for medical immobilization;

8 “(B) adaptive devices or mechanical sup-
9 ports used to achieve proper body position, bal-
10 ance, or alignment to allow greater freedom of
11 mobility than would be possible without the use
12 of such devices or mechanical supports; or

13 “(C) vehicle safety restraints when used as
14 intended during the transport of a student in a
15 moving vehicle; or

16 “(3) handcuffs by school resource officers (as
17 such term is defined in section 4151(11))—

18 “(A) in the—

19 “(i) case when a student’s behavior
20 poses an imminent danger of physical in-
21 jury to the student, school personnel, or
22 others; or

23 “(ii) lawful exercise of law enforce-
24 ment duties; and

1 “(B) less restrictive interventions would be
2 ineffective.

3 **“SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND**
4 **ENFORCEMENT.**

5 “(a) STATE PLAN.—Not later than 2 years after the
6 Secretary promulgates regulations pursuant to section
7 9702(a), and each year thereafter, each State educational
8 agency shall submit to the Secretary a State plan that pro-
9 vides—

10 “(1) assurances to the Secretary that the State
11 has in effect—

12 “(A) State policies and procedures that
13 meet the minimum standards, including the
14 standards with respect to State-approved crisis
15 intervention training programs, established by
16 regulations promulgated pursuant to section
17 9702(a); and

18 “(B) a State mechanism to effectively
19 monitor and enforce the minimum standards;

20 “(2) a description of the State policies and pro-
21 cedures, including a description of the State-ap-
22 proved crisis intervention training programs in such
23 State; and

24 “(3) a description of the State plans to ensure
25 school personnel and parents, including private

1 school personnel and parents, are aware of the State
2 policies and procedures.

3 “(b) REPORTING.—

4 “(1) REPORTING REQUIREMENTS.—Not later
5 than 2 years after the date the Secretary promul-
6 gates regulations pursuant to section 9702(a), and
7 each year thereafter, each State educational agency
8 shall (in compliance with the requirements of section
9 444 of the General Education Provisions Act (com-
10 monly known as the ‘Family Educational Rights and
11 Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare
12 and submit to the Secretary, and make available to
13 the public, a report that includes the information de-
14 scribed in paragraph (2), with respect to each local
15 educational agency, and each school not under the
16 jurisdiction of a local educational agency, located in
17 the same State as such State educational agency.

18 “(2) INFORMATION REQUIREMENTS.—

19 “(A) GENERAL INFORMATION REQUIRE-
20 MENTS.—The report described in paragraph (1)
21 shall include information on—

22 “(i) the total number of incidents in
23 the preceding full-academic year in which
24 physical restraint was imposed upon a stu-
25 dent; and

1 “(ii) the total number of incidents in
2 the preceding full-academic year in which
3 seclusion was imposed upon a student.

4 “(B) DISAGGREGATION.—

5 “(i) GENERAL DISAGGREGATION RE-
6 QUIREMENTS.—The information described
7 in subparagraph (A) shall be disaggregated
8 by—

9 “(I) the total number of incidents
10 in which physical restraint or seclu-
11 sion was imposed upon a student—

12 “(aa) that resulted in injury;

13 “(bb) that resulted in death;

14 and

15 “(cc) in which the school
16 personnel imposing physical re-
17 straint or seclusion were not
18 trained and certified as described
19 in section 9702(a)(2)(D)(i); and

20 “(II) the demographic character-
21 istics of all students upon whom phys-
22 ical restraint or seclusion was im-
23 posed, including—

24 “(aa) the categories identi-
25 fied in section 1111(h)(1)(C)(i);

1 “(bb) age; and

2 “(cc) disability status (which
3 has the meaning given the term
4 ‘individual with a disability’ in
5 section 7(20) of the Rehabilita-
6 tion Act of 1973 (29 U.S.C.
7 705(20))).

8 “(ii) UNDUPLICATED COUNT; EXCEP-
9 TION.—The disaggregation required under
10 clause (i) shall—

11 “(I) be carried out in a manner
12 to ensure an unduplicated count of
13 the—

14 “(aa) total number of inci-
15 dents in the preceding full-aca-
16 demic year in which physical re-
17 straint was imposed upon a stu-
18 dent; and

19 “(bb) total number of inci-
20 dents in the preceding full-aca-
21 demic year in which seclusion
22 was imposed upon a student; and

23 “(II) not be required in a case in
24 which the number of students in a
25 category would reveal personally iden-

1 tifiable information about an indi-
2 vidual student.

3 “(c) ENFORCEMENT.—

4 “(1) IN GENERAL.—

5 “(A) USE OF REMEDIES.—If a State edu-
6 cational agency fails to comply with subsection
7 (a) or (b), the Secretary shall—

8 “(i) withhold, in whole or in part, fur-
9 ther payments under an applicable pro-
10 gram (as such term is defined in section
11 400(c) of the General Education Provi-
12 sions Act (20 U.S.C. 1221)) in accordance
13 with section 455 of such Act (20 U.S.C.
14 1234d);

15 “(ii) require a State educational agen-
16 cy to submit, and implement, within 1 year
17 of such failure to comply, a corrective plan
18 of action, which may include redirection of
19 funds received under an applicable pro-
20 gram; or

21 “(iii) issue a complaint to compel
22 compliance of the State educational agency
23 through a cease and desist order, in the
24 same manner the Secretary is authorized
25 to take such action under section 456 of

1 the General Education Provisions Act (20
2 U.S.C. 1234e).

3 “(B) CESSATION OF WITHHOLDING OF
4 FUNDS.—Whenever the Secretary determines
5 (whether by certification or other appropriate
6 evidence) that a State educational agency who
7 is subject to the withholding of payments under
8 subparagraph (A)(i) has cured the failure pro-
9 viding the basis for the withholding of pay-
10 ments, the Secretary shall cease the withholding
11 of payments with respect to the State edu-
12 cational agency under such subparagraph.

13 “(2) RULE OF CONSTRUCTION.—Nothing in
14 this subsection shall be construed to limit the Sec-
15 retary’s authority under the General Education Pro-
16 visions Act (20 U.S.C. 1221 et seq.).

17 **“SEC. 9704. GRANT AUTHORITY.**

18 “(a) IN GENERAL.—From the amount appropriated
19 under section 922, the Secretary may award grants to
20 State educational agencies to assist the agencies in—

21 “(1) establishing, implementing, and enforcing
22 the policies and procedures to meet the minimum
23 standards established by regulations promulgated by
24 the Secretary pursuant to section 9702(a);

1 “(2) improving State and local capacity to col-
2 lect and analyze data related to physical restraint
3 and seclusion; and

4 “(3) improving school climate and culture by
5 implementing school-wide positive behavior support
6 approaches.

7 “(b) DURATION OF GRANT.—A grant under this sec-
8 tion shall be awarded to a State educational agency for
9 a 3-year period.

10 “(c) APPLICATION.—Each State educational agency
11 desiring a grant under this section shall submit an appli-
12 cation to the Secretary at such time, in such manner, and
13 accompanied by such information as the Secretary may
14 require, including information on how the State edu-
15 cational agency will target resources to schools and local
16 educational agencies in need of assistance related to pre-
17 venting and reducing physical restraint and seclusion.

18 “(d) AUTHORITY TO MAKE SUBGRANTS.—

19 “(1) IN GENERAL.—A State educational agency
20 receiving a grant under this section may use such
21 grant funds to award subgrants, on a competitive
22 basis, to local educational agencies.

23 “(2) APPLICATION.—A local educational agency
24 desiring to receive a subgrant under this section
25 shall submit an application to the applicable State

1 educational agency at such time, in such manner,
2 and containing such information as the State edu-
3 cational agency may require.

4 “(e) PRIVATE SCHOOL PARTICIPATION.—

5 “(1) IN GENERAL.—A local educational agency
6 receiving subgrant funds under this section shall,
7 after timely and meaningful consultation with appro-
8 priate private school officials, ensure that private
9 school personnel can participate, on an equitable
10 basis, in activities supported by grant or subgrant
11 funds.

12 “(2) PUBLIC CONTROL OF FUNDS.—The control
13 of funds provided under this section, and title to ma-
14 terials, equipment, and property purchased with
15 such funds, shall be in a public agency, and a public
16 agency shall administer such funds, materials, equip-
17 ment, and property.

18 “(f) REQUIRED ACTIVITIES.—A State educational
19 agency receiving a grant, or a local educational agency re-
20 ceiving a subgrant, under this section shall use such grant
21 or subgrant funds to carry out the following:

22 “(1) Researching, developing, implementing,
23 and evaluating strategies, policies, and procedures to
24 prevent and reduce physical restraint and seclusion
25 in schools, consistent with the minimum standards

1 established by regulations promulgated by the Sec-
2 retary pursuant to section 9702(a).

3 “(2) Providing professional development, train-
4 ing, and certification for school personnel to meet
5 such standards.

6 “(3) Carrying out the reporting requirements
7 under section 9703(b) and analyzing the information
8 included in a report prepared under such section to
9 identify student, school personnel, and school needs
10 related to use of physical restraint and seclusion.

11 “(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In ad-
12 dition to the required activities described in subsection (f),
13 a State educational agency receiving a grant, or a local
14 educational agency receiving a subgrant, under this sec-
15 tion may use such grant or subgrant funds for one or more
16 of the following:

17 “(1) Developing and implementing high-quality
18 professional development and training programs to
19 implement evidence-based systematic approaches to
20 school-wide positive behavior supports, including im-
21 proving coaching, facilitation, and training capacity
22 for administrators, teachers, specialized instructional
23 support personnel, and other staff.

24 “(2) Providing technical assistance to develop
25 and implement evidence-based systematic approaches

1 to school-wide positive behavior supports, including
2 technical assistance for data-driven decisionmaking
3 related to behavioral supports and interventions in
4 the classroom.

5 “(3) Researching, evaluating, and disseminating
6 high-quality evidence-based programs and activities
7 that implement school-wide positive behavior sup-
8 ports with fidelity.

9 “(4) Supporting other local positive behavior
10 support implementation activities consistent with
11 this subsection.

12 “(h) EVALUATION AND REPORT.—Each State edu-
13 cational agency receiving a grant under this section shall,
14 at the end of the 3-year grant period for such grant—

15 “(1) evaluate the State’s progress toward the
16 prevention and reduction of physical restraint and
17 seclusion in the schools located in the State, con-
18 sistent with the minimum standards established by
19 regulations promulgated by the Secretary pursuant
20 to section 9702(a); and

21 “(2) submit to the Secretary a report on such
22 progress.

23 “(i) DEPARTMENT OF THE INTERIOR.—From the
24 amount appropriated under section 9708, the Secretary
25 may allocate funds to the Secretary of the Interior for ac-

1 tivities under this section with respect to schools operated
2 or funded by the Department of the Interior, under such
3 terms as the Secretary of Education may prescribe.

4 **“SEC. 9705. NATIONAL ASSESSMENT.**

5 “(a) NATIONAL ASSESSMENT.—The Secretary shall
6 carry out a national assessment to determine the effective-
7 ness of this part, which shall include—

8 “(1) analyzing data related to physical restraint
9 and seclusion incidents;

10 “(2) analyzing the effectiveness of Federal,
11 State, and local efforts to prevent and reduce the
12 number of physical restraint and seclusion incidents
13 in schools;

14 “(3) identifying the types of programs and serv-
15 ices that have demonstrated the greatest effective-
16 ness in preventing and reducing the number of phys-
17 ical restraint and seclusion incidents in schools; and

18 “(4) identifying evidence-based personnel train-
19 ing models with demonstrated success in preventing
20 and reducing the number of physical restraint and
21 seclusion incidents in schools, including models that
22 emphasize positive behavior supports and de-escala-
23 tion techniques over physical intervention.

24 “(b) REPORT.—The Secretary shall submit to the
25 Committee on Education and the Workforce of the House

1 of Representatives and the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate—

3 “(1) not later than 3 years after the date of en-
4 actment of the Student Success Act, an interim re-
5 port that summarizes the preliminary findings of the
6 assessment described in subsection (a); and

7 “(2) not later than 5 years after the date of the
8 enactment of the Student Success Act, a final report
9 of the findings of the assessment.

10 **“SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.**

11 “Protection and Advocacy Systems shall have the au-
12 thority provided under section 143 of the Developmental
13 Disabilities Assistance and Bill of Rights Act of 2000 (42
14 U.S.C. 15043) to investigate, monitor, and enforce protec-
15 tions provided for students under this part.

16 **“SEC. 9707. LIMITATION OF AUTHORITY.**

17 “(a) IN GENERAL.—Nothing in this part shall be
18 construed to restrict or limit, or allow the Secretary to
19 restrict or limit, any other rights or remedies otherwise
20 available to students or parents under Federal or State
21 law or regulation.

22 “(b) APPLICABILITY.—

23 “(1) PRIVATE SCHOOLS.—Nothing in this part
24 shall be construed to affect any private school that
25 does not receive, or does not serve students who re-

1 ceive, support in any form from any program sup-
2 ported, in whole or in part, with funds appropriated
3 to the Department of Education.

4 “(2) HOME SCHOOLS.—Nothing in this part
5 shall be construed to—

6 “(A) affect a home school, whether or not
7 a home school is treated as a private school or
8 home school under State law; or

9 “(B) consider parents who are schooling a
10 child at home as school personnel.

11 **“SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated such sums
13 as may be necessary to carry out this part for fiscal year
14 2016 and each of the 4 succeeding fiscal years.

15 **“SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO**
16 **COMPETITIVE PROCEDURES.**

17 “(a) PRESUMPTION.—It is the presumption of Con-
18 gress that grants awarded under this part will be awarded
19 using competitive procedures based on merit.

20 “(b) REPORT TO CONGRESS.—If grants are awarded
21 under this part using procedures other than competitive
22 procedures, the Secretary shall submit to Congress a re-
23 port explaining why competitive procedures were not
24 used.”.

1 **Subtitle D—Protecting Student**
2 **Athletes From Concussions**

3 **SEC. 931. PROTECTING STUDENT ATHLETES FROM CON-**
4 **CUSSIONS.**

5 Title IX (20 U.S.C. 7801 et seq.) is further amended
6 by adding at the end the following:

7 **“PART H—PROTECTING STUDENT ATHLETES**
8 **FROM CONCUSSIONS**

9 **“SEC. 9801. MINIMUM STATE REQUIREMENTS.**

10 “Beginning with fiscal year 2016, in order to be eligi-
11 ble to receive funds for such year or a subsequent fiscal
12 year under this Act each State educational agency shall
13 issue regulations establishing the following minimum re-
14 quirements in order to protect student academic achieve-
15 ment from the impact of concussions:

16 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-
17 SION SAFETY AND MANAGEMENT PLAN.—Each local
18 educational agency in the State, in consultation with
19 members of the community in which such agency is
20 located, shall develop and implement a standard plan
21 for concussion safety and management that in-
22 cludes—

23 “(A) the education of students, parents,
24 and school personnel about concussions, such
25 as—

1 “(i) the training and certification of
2 school personnel, including coaches, ath-
3 letic trainers, and school nurses, on con-
4 cussion safety and management; and

5 “(ii) using and maintaining standard-
6 ized release forms, treatment plans, obser-
7 vation, monitoring and reporting forms,
8 recordkeeping forms, and post-injury fact
9 sheets;

10 “(B) supports for students recovering from
11 a concussion, such as—

12 “(i) guiding such student in resuming
13 participation in athletic activity and aca-
14 demic activities with the help of a multi-
15 disciplinary team, which may include—

16 “(I) a health care professional,
17 the parents of such student, a school
18 nurse, or other relevant school per-
19 sonnel; and

20 “(II) an individual who is as-
21 signed by a public school to oversee
22 and manage the recovery of such stu-
23 dent;

24 “(ii) providing appropriate academic
25 accommodations; and

1 “(iii) referring students whose symp-
2 toms of concussion reemerge or persist
3 upon the reintroduction of cognitive and
4 physical demands for evaluation of the eli-
5 gibility of such students for services under
6 the Individual with Disabilities Education
7 Act (20 U.S.C. 1400 et seq.) and the Re-
8 habilitation Act of 1973 (29 U.S.C. 701
9 note et seq.); and

10 “(C) best practices designed to ensure,
11 with respect to concussions, the uniformity of
12 safety standards, treatment, and management,
13 such as—

14 “(i) disseminating information on con-
15 cussion management safety and manage-
16 ment to the public; and

17 “(ii) applying uniform standards for
18 concussion safety and management to all
19 students enrolled in public schools.

20 “(2) POSTING OF INFORMATION ON CONCUS-
21 SIONS.—Each public elementary school and each
22 secondary school shall post on school grounds, in a
23 manner that is visible to students and school per-
24 sonnel, and make publicly available on the school
25 website, information on concussions that—

1 “(A) is based on peer-reviewed scientific
2 evidence (such as information made available by
3 the Centers for Disease Control and Preven-
4 tion);

5 “(B) shall include—

6 “(i) the risks posed by sustaining a
7 concussion;

8 “(ii) the actions a student should take
9 in response to sustaining a concussion, in-
10 cluding the notification of school personnel;
11 and

12 “(iii) the signs and symptoms of a
13 concussion; and

14 “(C) may include—

15 “(i) the definition of a concussion;

16 “(ii) the means available to the stu-
17 dent to reduce the incidence or recurrence
18 of a concussion; and

19 “(iii) the effects of a concussion on
20 academic learning and performance.

21 “(3) RESPONSE TO CONCUSSION.—If any school
22 personnel, including coaches and athletic trainers, of
23 a public school suspects that a student has sustained
24 a concussion during a school-sponsored athletic ac-
25 tivity—

1 “(A) the student shall be—

2 “(i) immediately removed from par-
3 ticipation in such activity; and

4 “(ii) prohibited from returning to par-
5 ticipate in school-sponsored athletic activi-
6 ties—

7 “(I) on the day such student sus-
8 tained a concussion; and

9 “(II) until such student submits
10 a written release from a health care
11 professional stating that the student
12 is capable of resuming participation in
13 school-sponsored athletic activities;
14 and

15 “(B) such personnel shall report to the
16 parent or guardian of such student—

17 “(i) the date, time, and extent of the
18 injury suffered by such student; and

19 “(ii) any actions taken to treat such
20 student.

21 “(4) RETURN TO ATHLETICS AND ACA-
22 DEMICS.—Before a student who has sustained a con-
23 cussion in a school-sponsored athletic activity re-
24 sumes participation in school-sponsored athletic ac-
25 tivities or academic activities, the school shall receive

1 a written release from a health care professional,
2 that—

3 “(A) states that the student is capable of
4 resuming participation in such activities; and

5 “(B) may require the student to follow a
6 plan designed to aid the student in recovering
7 and resuming participation in such activities in
8 a manner that—

9 “(i) is coordinated, as appropriate,
10 with periods of cognitive and physical rest
11 while symptoms of a concussion persist;
12 and

13 “(ii) reintroduces cognitive and phys-
14 ical demands on such student on a pro-
15 gressive basis only as such increases in ex-
16 ertion do not cause the reemergence or
17 worsening of symptoms of a concussion.

18 **“SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

19 “Not later than 6 months after promulgating regula-
20 tions pursuant to section 9801 in order to be eligible to
21 receive funds under this Act, each State educational agen-
22 cy shall submit to the Secretary of Education a report that
23 contains—

24 “(1) a description of the State regulations pro-
25 mulgated pursuant to section 9801; and

1 “(2) an assurance that the State has imple-
2 mented such regulations.

3 **“SEC. 9803. RULE OF CONSTRUCTION.**

4 “Nothing in this subtitle shall be construed to alter
5 or supersede State law with respect to education standards
6 or procedures or civil liability.

7 **“SEC. 9804. DEFINITIONS.**

8 “In this subtitle:

9 “(1) CONCUSSION.—The term ‘concussion’
10 means a type of traumatic brain injury that—

11 “(A) is caused by a blow, jolt, or motion
12 to the head or body that causes the brain to
13 move rapidly in the skull;

14 “(B) disrupts normal brain functioning
15 and alters the mental state of the individual,
16 causing the individual to experience—

17 “(i) any period of observed or self-re-
18 ported —

19 “(I) transient confusion, dis-
20 orientation, or impaired consciousness;

21 “(II) dysfunction of memory
22 around the time of injury; and

23 “(III) loss of consciousness last-
24 ing less than 30 minutes;

1 “(ii) any one of four types of symp-
2 toms of a headache, including—

3 “(I) physical symptoms, such as
4 headache, fatigue, or dizziness;

5 “(II) cognitive symptoms, such
6 as memory disturbance or slowed
7 thinking;

8 “(III) emotional symptoms, such
9 as irritability or sadness; and

10 “(IV) difficulty sleeping; and

11 “(C) can occur—

12 “(i) with or without the loss of con-
13 sciousness; and

14 “(ii) during participation in any orga-
15 nized sport or recreational activity.

16 “(2) HEALTH CARE PROFESSIONAL.—The term
17 ‘health care professional’ means a physician, nurse,
18 certified athletic trainer, physical therapist,
19 neuropsychologist or other qualified individual
20 who—

21 “(A) is a registered, licensed, certified, or
22 otherwise statutorily recognized by the State to
23 provide medical treatment;

1 “(B) is experienced in the diagnosis and
2 management of traumatic brain injury among a
3 pediatric population; and

4 “(C) may be a volunteer.

5 “(3) SCHOOL PERSONNEL.—The term ‘school
6 personnel’ has the meaning given such term in sec-
7 tion 4151.

8 “(4) SCHOOL-SPONSORED ATHLETIC ACTIV-
9 ITY.—The term ‘school-sponsored athletic activity’
10 means—

11 “(A) any physical education class or pro-
12 gram of a school;

13 “(B) any athletic activity authorized dur-
14 ing the school day on school grounds that is not
15 an instructional activity; and

16 “(C) any extracurricular sports team, club,
17 or league organized by a school on or off school
18 grounds.”.

19 **TITLE X—EDUCATION FOR**
20 **HOMELESS CHILDREN AND**
21 **YOUTHS**

22 **SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND**
23 **YOUTHS.**

24 Subtitle B of title VII of the McKinney-Vento Home-
25 less Assistance Act is amended to read as follows:

1 **“Subtitle B—Education for**
2 **Homeless Children and Youths**

3 **“SEC. 721. STATEMENT OF POLICY.**

4 “The following is the policy of Congress:

5 “(1) Each State educational agency shall en-
6 sure that each homeless child and youth has access
7 to the same free, appropriate public education, in-
8 cluding a public preschool education, as provided to
9 other children and youth.

10 “(2) In any State where compulsory residency
11 requirements or other requirements of laws, regula-
12 tions, practices, or policies may act as a barrier to
13 the identification, enrollment, attendance, or success
14 in school of homeless children and youth, the State
15 shall review and revise such laws, regulations, prac-
16 tices, or policies to ensure that homeless children
17 and youth are afforded the same free appropriate
18 public education as is provided to other children and
19 youth.

20 “(3) Homelessness is not a sufficient reason to
21 separate students from the mainstream school envi-
22 ronment.

23 “(4) Homeless children and youth shall have
24 access to the education and other services that such
25 children and youth need to ensure that such children

1 and youth have an opportunity to meet the same col-
2 lege and career ready State student academic
3 achievement standards to which all students are
4 held.

5 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
6 **THE EDUCATION OF HOMELESS CHILDREN**
7 **AND YOUTHS.**

8 “(a) GENERAL AUTHORITY.—The Secretary is au-
9 thorized to make grants to States from allotments made
10 under subsection (c) and in accordance with this section
11 to enable such States to carry out the activities described
12 in subsections (d) through (g).

13 “(b) APPLICATION.—In order for a State to be eligi-
14 ble to receive a grant under this section, the State edu-
15 cational agency, in consultation with other relevant State
16 agencies, shall submit an application to the Secretary at
17 such time, in such manner, and containing or accompanied
18 by such information as the Secretary may reasonably re-
19 quire.

20 “(c) ALLOCATION AND RESERVATIONS.—

21 “(1) ALLOCATION.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (C), the Secretary is authorized to allot
24 to each State an amount that bears the same
25 ratio to the amount appropriated for such year

1 under section 727 that remains after the Sec-
2 retary reserves funds under paragraph (2) and
3 uses funds to carry out section 724(d) and (h),
4 as the amount allocated under section 1122 of
5 the Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 6332) to the State for that
7 year bears to the total amount allocated under
8 section 1122 of such Act to all States for that
9 year, except as provided in subparagraph (B)—

10 “(B) MINIMUM ALLOTMENTS.—No State
11 shall receive for a fiscal year less under this
12 paragraph than the greater of—

13 “(i) \$300,000; or

14 “(ii) an amount that bears the same
15 ratio to the amount appropriated for such
16 year under section 727 that remains after
17 the Secretary reserves funds under para-
18 graph (2) and uses funds to carry out sec-
19 tion 724 (d) and (h), as the amount the
20 State received under this paragraph for the
21 preceding fiscal year bears to the total
22 amount received by all States under this
23 paragraph for the preceding fiscal year.

24 “(C) REDUCTION FOR INSUFFICIENT
25 FUNDS.—If there are insufficient funds in a fis-

1 cal year to allot to each State the minimum
2 amount under subparagraph (B), the Secretary
3 shall ratably reduce the allotments to all States
4 based on the proportionate share that each
5 State received under this subsection for the pre-
6 ceding fiscal year.

7 “(2) RESERVATIONS.—

8 “(A) STUDENTS IN TERRITORIES.—The
9 Secretary is authorized to reserve 0.1 percent of
10 the amount appropriated for each fiscal year
11 under section 727 to be allocated by the Sec-
12 retary among the United States Virgin Islands,
13 Guam, American Samoa, and the Common-
14 wealth of the Northern Mariana Islands, ac-
15 cording to their respective need for assistance
16 under this title, as determined by the Secretary.
17 Funds allocated under this subparagraph shall
18 be used for programs that are consistent with
19 the purposes of the programs described in this
20 subtitle.

21 “(B) INDIAN STUDENTS.—

22 “(i) TRANSFER.—The Secretary shall
23 transfer 1 percent of the amount appro-
24 priated for each fiscal year under section
25 727 to the Department of the Interior for

1 programs that are for Indian students
2 served by schools funded by the Secretary
3 of the Interior, as determined under the
4 Indian Self-Determination and Education
5 Assistance Act (25 U.S.C. 450 et seq.),
6 and that are consistent with the purposes
7 of the programs described in this title.

8 “(ii) AGREEMENT.—The Secretary of
9 Education and the Secretary of the Inte-
10 rior shall enter into an agreement, con-
11 sistent with the requirements of this title,
12 for the distribution and use of the funds
13 described in clause (i) under terms that
14 the Secretary of Education determines best
15 meet the purposes of the programs de-
16 scribed in this title. Such agreement shall
17 set forth the plans of the Secretary of the
18 Interior for the use of the funds trans-
19 ferred, including appropriate goals, objec-
20 tives, and milestones for that use.

21 “(d) STATE ACTIVITIES.—Grant funds from a grant
22 made to a State under this section shall be used for the
23 following:

24 “(1) To provide activities for and services to
25 improve the identification of homeless children and

1 youth and enable such children and youth to enroll
2 in, attend, and succeed in school, including in early
3 childhood education programs.

4 “(2) To establish or designate an Office of the
5 Coordinator for Education of Homeless Children and
6 Youth in the State educational agency in accordance
7 with subsection (f) that has sufficient knowledge,
8 authority, and time to carry out the duties described
9 in this title.

10 “(3) To prepare and carry out the State plan
11 described in subsection (g).

12 “(4) To develop and implement professional de-
13 velopment activities for liaisons designated under
14 subsection (g)(1)(J)(ii), other local educational agen-
15 cy school personnel, and community agencies to im-
16 prove their—

17 “(A) identification of homeless children
18 and youth; and

19 “(B) awareness of, and capacity to respond
20 to, specific needs in the education of homeless
21 children and youth.

22 “(e) STATE AND LOCAL SUBGRANTS.—

23 “(1) MINIMUM DISBURSEMENTS BY STATES.—
24 From the grant funds made available each year to
25 a State under subsection (a) to carry out this title,

1 the State educational agency shall distribute not less
2 than 75 percent by making subgrants under section
3 723 to local educational agencies for the purposes of
4 carrying out section 723.

5 “(2) USE BY STATE EDUCATIONAL AGENCY.—
6 A State educational agency may use any grant funds
7 remaining after making subgrants under section 723
8 to conduct activities under subsection (f) directly or
9 through making grants or entering into contracts.

10 “(3) PROHIBITION ON SEGREGATING HOMELESS
11 STUDENTS.—In providing a free public education to
12 a homeless child or youth, no State receiving funds
13 under this title shall segregate such child or youth
14 in a separate school, or in a separate program within
15 a school, based on such child’s or youth’s status as
16 homeless.

17 “(A) EXCEPTION.—Notwithstanding para-
18 graph (3), paragraphs (1)(J)(i) and (3) of sub-
19 section (g), section 723(a)(2), and any other
20 provision of this title relating to the placement
21 of homeless children or youths in schools, a
22 State that has a separate school for homeless
23 children or youths that was operated and in re-
24 ceipt of funds under this title in fiscal year
25 2015 in a covered county shall be eligible to re-

1 ceive funds under this title for programs carried
2 out in such school.

3 “(B) DEFINITION.—For purposes of this
4 paragraph, the term ‘covered county’ means
5 San Diego County, California.

6 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
7 NATOR.—The Coordinator for Education of Homeless
8 Children and Youth established in each State shall—

9 “(1) gather and make publicly available reliable,
10 valid, and comprehensive information on

11 “(A) the nature and extent of the problems
12 homeless children and youth have in gaining ac-
13 cess to public preschool programs, and to public
14 elementary schools and secondary schools;

15 “(B) the difficulties in identifying the spe-
16 cial needs and barriers to participation and
17 achievement of such children and youth;

18 “(C) any progress made by the State edu-
19 cational agency and local educational agencies
20 in the State in addressing such problems and
21 difficulties; and

22 “(D) the success of the programs under
23 this title in identifying homeless children and
24 youth and allowing homeless children and youth
25 to enroll in, attend, and succeed in school; and

1 “(2) develop and carry out the State plan de-
2 scribed in subsection (g);

3 “(3) collect data for and transmit to the Sec-
4 retary, at such time and in such manner as the Sec-
5 retary may require, reports containing such informa-
6 tion as the Secretary determines is necessary to as-
7 sess the educational needs of homeless children and
8 youth within the State including data requested pur-
9 suant to section 724(h);

10 “(4) improve the provision of comprehensive
11 education and related support services to homeless
12 children and youth and their families, and to mini-
13 mize educational disruption, through coordination of
14 activities and collaboration with—

15 “(A) educators, including teachers, admin-
16 istrators, specialized instructional support per-
17 sonnel, and child development and preschool
18 program personnel;

19 “(B) providers of services to homeless chil-
20 dren and youth and homeless families, public
21 and private child welfare and social service
22 agencies, law enforcement agencies, juvenile and
23 family courts, agencies providing mental health
24 services, domestic violence agencies, child care
25 providers, runaway and homeless youth centers,

1 and providers of services and programs funded
2 under the Runaway and Homeless Youth Act
3 (42 U.S.C. 5701 et seq.);

4 “(C) providers of emergency, transitional,
5 and permanent housing to homeless children
6 and youth, and their families, including public
7 housing agencies, shelter operators, operators of
8 transitional housing facilities, and providers of
9 transitional living programs for homeless youth;

10 “(D) local educational agency liaisons des-
11 igned under subsection (g)(1)(J)(ii) for home-
12 less children and youths; and

13 “(E) community organizations and groups
14 representing homeless children and youth and
15 their families; and

16 “(5) provide professional development and tech-
17 nical assistance to and conduct monitoring of local
18 educational agencies, in coordination with local edu-
19 cational agency liaisons designated under subsection
20 (g)(1)(J)(ii), to ensure that local educational agen-
21 cies comply with the requirements of paragraphs (3)
22 through (8) of subsection (g), and subsection (e)(3);
23 and

24 “(g) STATE PLAN.—

1 “(1) IN GENERAL.—Each State shall submit to
2 the Secretary and implement a plan to provide for
3 the education of homeless children and youth within
4 the State. Such plan shall include the following:

5 “(A) A description of how such children
6 and youth are (or will be) given the opportunity

7 “(i) to meet the same challenging
8 State academic achievement standards all
9 students are expected to meet; and

10 “(ii) to become college and career
11 ready.

12 “(B) A description of the procedures the
13 State educational agency will use, in coordina-
14 tion with local educational agencies, to identify
15 such children and youths in the State and to
16 assess their needs.

17 “(C) A description of procedures for the
18 prompt resolution of disputes arising under this
19 title, which shall—

20 “(i) be developed in coordination and
21 collaboration with the liaisons designated
22 under subparagraph (J)(ii);

23 “(ii) be readily available and provided
24 in a written format and, to the extent
25 practicable, in a manner and form under-

1 standable to the parents and guardians of
2 homeless children and youth;

3 “(iii) take into account the edu-
4 cational best interest of the homeless child
5 or youth, or unaccompanied youth, in-
6 volved; and

7 “(iv) ensure that parents and guard-
8 ians of homeless children and youth, and
9 unaccompanied youth, who have exhausted
10 the procedures available under this para-
11 graph are able to appeal to the State edu-
12 cational agency, and are enrolled in school
13 pursuant to paragraph (4)(C) and receive
14 transportation pursuant to subparagraph
15 (J)(iii) pending final resolution of the dis-
16 pute.

17 “(D) A description of programs for school
18 personnel (including the liaisons, principals, at-
19 tendance officers, teachers, enrollment per-
20 sonnel, and specialized instructional support
21 personnel) to increase the awareness of such
22 personnel of the specific needs of homeless ado-
23 lescents, including runaway and homeless
24 youth.

1 “(E) A description of procedures that en-
2 sure that homeless children and youth are able
3 to participate in Federal, State, or local nutri-
4 tion programs.

5 “(F) A description of procedures that en-
6 sure that—

7 “(i) homeless children have access to
8 public preschool programs, administered by
9 the State educational agency or local edu-
10 cational agency, including through the poli-
11 cies and practices required under para-
12 graph (3);

13 “(ii) homeless youths and youth sepa-
14 rated from the public schools, are identi-
15 fied and accorded equal access to appro-
16 priate and available secondary education
17 and support services, including receiving
18 appropriate credit for full or partial
19 coursework satisfactorily completed while
20 attending a prior school, and for work
21 completed after their enrollment in a new
22 school, consistent with State graduation re-
23 quirements and accreditation standards;
24 and

1 “(iii) homeless children and youth
2 who meet the relevant eligibility criteria
3 are able to participate in Federal, State, or
4 local educational programs, such as

5 “(I) innovative school models, in-
6 cluding charter schools, magnet
7 schools, and blended learning schools;

8 “(II) expanded learning time and
9 out-of-school time programs, including
10 before- and after-school programs and
11 summer schools;

12 “(III) middle and secondary
13 school enrichment programs, including
14 career and technical education, ad-
15 vanced placement, international bacca-
16 laureate, and dual enrollment courses;

17 “(IV) online learning opportuni-
18 ties, including virtual schools; and

19 “(V) relevant workforce invest-
20 ment programs.

21 “(G) Strategies to address problems identi-
22 fied in the reports provided to the Secretary
23 under subsection (f)(3).

24 “(H) Strategies to address other problems
25 with respect to the education of homeless chil-

1 dren and youth, including enrollment problems
2 related to—

3 “(i) immunization and other required
4 health records and screenings;

5 “(ii) residency requirements;

6 “(iii) lack of birth certificates, school
7 records, or other documentation;

8 “(iv) guardianship issues; or

9 “(v) uniform or dress code require-
10 ments.

11 “(I) A demonstration that the State edu-
12 cational agency and local educational agencies
13 and schools in the State have developed, and
14 shall review and revise, their policies and prac-
15 tices to remove barriers to the identification,
16 enrollment, attendance, retention, and success
17 of homeless children and youth in schools, in-
18 cluding early childhood education programs, in
19 the State.

20 “(J) Assurances that the following will be
21 carried out—

22 “(i) the State educational agency and
23 local educational agencies in the State will
24 adopt policies and practices to ensure that
25 homeless children and youth are not stig-

1 matized or segregated on the basis of their
2 status as homeless;

3 “(ii) local educational agencies will
4 designate an appropriate staff person as
5 the local educational agency liaison for
6 homeless children and youth, who shall
7 have sufficient training and time to carry
8 out the duties described in paragraph
9 (7)(A), and who may also be a coordinator
10 for other Federal programs.

11 “(iii) the State and local educational
12 agencies in the State will adopt policies
13 and practices to ensure that transportation
14 is provided at the request of the parent or
15 guardian involved (or in the case of an un-
16 accompanied youth, the liaison), to and
17 from the school of origin for as long as the
18 student has the right to attend the school
19 of origin as determined in paragraph
20 (4)(A), in accordance with the following,
21 where applicable:

22 “(I) If the child or youth con-
23 tinues to live in the area served by the
24 local educational agency for the school
25 of origin, the child’s or youth’s trans-

1 portation to and from the school of
2 origin shall be provided or arranged
3 by the local educational agency for the
4 school of origin.

5 “(II) If the child’s or youth’s liv-
6 ing arrangements in the area served
7 by the local educational agency of ori-
8 gin terminate and the child or youth,
9 though continuing the child’s or
10 youth’s education in the school of ori-
11 gin, begins living in an area served by
12 another local educational agency, the
13 local educational agency of origin and
14 the local educational agency for the
15 area in which the child or youth is liv-
16 ing shall agree upon a method to ap-
17 portion the responsibility and cost for
18 providing transportation to and from
19 the school of origin. If the local edu-
20 cational agencies are unable to agree
21 upon such method, the responsibility
22 and costs for transportation shall be
23 shared equally between the agencies.

24 “(iv) The State educational agency
25 and local educational agencies will adopt

1 policies and practices to promote school
2 success for homeless children and youth,
3 including access to full participation in
4 academic and extracurricular activities that
5 are made available to non-homeless stu-
6 dents.

7 “(2) COMPLIANCE.—

8 “(A) IN GENERAL.—Each plan adopted
9 under this subsection shall also describe how
10 the State will ensure that local educational
11 agencies in the State will comply with the re-
12 quirements of paragraphs (3) through (8).

13 “(B) COORDINATION.—Such plan shall in-
14 dicate what technical assistance the State will
15 furnish to local educational agencies and how
16 compliance efforts will be coordinated with the
17 local educational agency liaisons designated
18 under paragraph (1)(J)(ii).

19 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
20 MENTS.—

21 “(A) IN GENERAL.—The local educational
22 agency serving each child or youth to be as-
23 sisted under this title shall, according to the
24 child’s or youth’s best interest—

1 “(i) continue the child’s or youth’s
2 education in the school of origin for the
3 duration of homelessness—

4 “(I) in any case in which the
5 child or youth becomes a homeless
6 child or youth between academic years
7 or during an academic year; or

8 “(II) for the remainder of the
9 academic year, if the child or youth
10 becomes permanently housed during
11 an academic year; or

12 “(ii) enroll the child or youth in any
13 public school that nonhomeless students
14 who live in the attendance area in which
15 the child or youth is actually living are eli-
16 gible to attend.

17 “(B) BEST INTEREST.—In determining the
18 best interest of the child or youth under sub-
19 paragraph (A), the local educational agency
20 shall—

21 “(i) presume that keeping a homeless
22 child or youth in the school of origin is in
23 the child’s or youth’s best interest, except
24 when doing so is contrary to the wishes of
25 the child’s or youth’s parent or guardian;

1 “(ii) consider student-centered factors
2 related to the child’s or youth’s best inter-
3 est, including factors related to the impact
4 of mobility on achievement, education,
5 health, and safety of homeless children and
6 youth, giving priority to the wishes of the
7 homeless child’s or youth’s parent or
8 guardian or the unaccompanied youth in-
9 volved;

10 “(iii) if, after conducting the best in-
11 terest determination described in clause
12 (ii), the local educational agency deter-
13 mines that it is not in the child’s or
14 youth’s best interest to attend the school
15 or origin or the school requested by the
16 parent, guardian, or unaccompanied youth,
17 provide, in coordination with the local edu-
18 cational agency liaison, the homeless
19 child’s or youth’s parent or guardian or
20 the unaccompanied youth, with a written
21 explanation in a manner or form under-
22 standable to such parent, guardian, or
23 youth, to the extent practicable, including
24 a statement regarding the right to appeal
25 under subparagraph (E);

1 “(iv) in the case of an unaccompanied
2 youth, ensure that the homeless liaison
3 designated under paragraph (1)(J)(ii) as-
4 sists in placement or enrollment decisions
5 under this subparagraph, gives priority to
6 the views of such unaccompanied youth,
7 and provides notice to such youth of the
8 right to appeal under subparagraph (E);
9 and

10 “(v) provide transportation pursuant
11 to paragraphs (1)(J)(iii) and (5).

12 “(C) ENROLLMENT.—

13 “(i) ENROLLMENT.—The school se-
14 lected in accordance with this paragraph
15 shall immediately enroll the homeless child
16 or youth, even if the child or youth—

17 “(I) is unable to produce records
18 traditionally required for enrollment,
19 including previous academic records,
20 health records, proof of residency or
21 guardianship, or other documentation;

22 “(II) has unpaid fines or fees
23 from prior schools or is unable to pay
24 fees in the school selected; or

1 “(III) has missed application or
2 enrollment deadlines during any pe-
3 riod of homelessness.

4 “(ii) CONTACTING SCHOOL LAST AT-
5 TENDED.—The enrolling school shall im-
6 mediately contact the school last attended
7 by the child or youth to obtain relevant
8 academic and other records.

9 “(iii) RELEVANT HEALTH RECORDS.—
10 If the child or youth needs to obtain immu-
11 nizations or other required health records,
12 the enrolling school shall immediately en-
13 roll the child or youth and immediately
14 refer the parent or guardian of the child or
15 youth, or the unaccompanied youth, to the
16 local educational agency liaison designated
17 under paragraph (1)(J)(ii), who shall as-
18 sist in obtaining necessary immunizations
19 or screenings or other required health
20 records, in accordance with subparagraph
21 (D).

22 “(iv) NO LIABILITY.—Whenever the
23 school selected enrolls an unaccompanied
24 youth in accordance with this paragraph,
25 no liability shall be imposed upon the

1 school by reason of enrolling the youth
2 without parent or guardian consent.

3 “(D) RECORDS.—Any record ordinarily
4 kept by the school, including immunization or
5 medical records, academic records, birth certifi-
6 cates, guardianship records, and evaluations for
7 special services or programs, regarding each
8 homeless child or youth shall be maintained—

9 “(i) so that the records involved are
10 available when a child or youth enters a
11 new school or school district, even if the
12 child or youth owes fees or fines or did not
13 withdraw from the previous school in con-
14 formance with local withdrawal procedures;
15 and

16 “(ii) in a manner consistent with sec-
17 tion 444 of the General Education Provi-
18 sions Act (20 U.S.C. 1232g).

19 “(E) DISPUTES.—If a dispute arises over
20 eligibility, enrollment, school selection or service
21 in a public school or public preschool, or any
22 other issue relating to services under this
23 title—

24 “(i) in the case of a dispute relating
25 to eligibility for enrollment or school selec-

1 tion, the child or youth shall be imme-
2 diately enrolled in the school in which en-
3 rollment is sought, pending final resolution
4 of the dispute including all available ap-
5 peals;

6 “(ii) the parent or guardian of the
7 child or youth shall be provided with a
8 written explanation of the school’s decision
9 regarding eligibility for enrollment, school
10 selection, or services, made by the school
11 or the local educational agency, which shall
12 include information about the right to ap-
13 peal the decision;

14 “(iii) the child, youth, parent, or
15 guardian shall be referred to the local edu-
16 cational agency liaison designated under
17 paragraph (1)(J)(ii), who shall carry out
18 the dispute resolution process as described
19 in paragraph (1)(C) as expeditiously as
20 possible after receiving notice of such dis-
21 pute; and

22 “(iv) in the case of an unaccompanied
23 youth, the liaison shall ensure that the
24 youth is immediately enrolled in the school

1 in which the youth seeks enrollment, pend-
2 ing resolution of such dispute.

3 “(F) PLACEMENT CHOICE.—The choice re-
4 garding placement shall be made regardless of
5 whether the child or youth involved lives with
6 the homeless parents or has been temporarily
7 placed elsewhere.

8 “(G) SCHOOL OF ORIGIN DEFINED.—

9 “(i) IN GENERAL.—In this paragraph,
10 the term ‘school of origin’ means the
11 school that the child or youth attended
12 when permanently housed or the school in
13 which the child or youth was last enrolled.

14 “(ii) RECEIVING SCHOOL.—When a
15 child or youth completes the final grade
16 level served by the school of origin, as de-
17 scribed in clause (i), the term ‘school of or-
18 igin’ shall include the designated receiving
19 school at the next grade level for the feeder
20 school that the child or youth attended.

21 “(H) CONTACT INFORMATION.—Nothing
22 in this title shall prohibit a local educational
23 agency from requiring a parent or guardian of
24 a homeless child to submit contact information.

1 “(I) PRIVACY.—Information about a home-
2 less child’s or youth’s living situation shall be
3 treated as a student education record under
4 section 444 of the General Education Provi-
5 sions Act (20 U.S.C. 1232g) and shall not be
6 released to housing providers, employers, law
7 enforcement personnel, or other persons or
8 agencies not authorized to have such informa-
9 tion under section 99.31 of title 34, Code of
10 Federal Regulations, paying particular atten-
11 tion to preventing disruption of the living situa-
12 tion of the child or youth and to supporting the
13 safety of such children and youth who are sur-
14 vivors of domestic violence and unaccompanied
15 youth.

16 “(J) ACADEMIC ACHIEVEMENT.—The
17 school selected in accordance with this para-
18 graph shall ensure that homeless children and
19 youth have opportunities to meet the same col-
20 lege and career ready State student academic
21 achievement standards to which other students
22 are held, including implementing the policies
23 and practices required by paragraph (1)(J)(iv).

24 “(4) COMPARABLE SERVICES.—In addition to
25 receiving services provided for homeless children and

1 youth under this title or other Federal, State, or
2 local laws, regulations, policies, or practices, each
3 homeless child or youth to be assisted under this
4 title shall be provided services comparable to services
5 offered to other students in the school selected under
6 paragraph (4), including the following:

7 “(A) Transportation services.

8 “(B) Educational services for which the
9 child or youth meets the eligibility criteria, such
10 as services provided under title I of the Elemen-
11 tary and Secondary Education Act of 1965 (20
12 U.S.C. 6301 et seq.), similar State or local pro-
13 grams, charter schools, magnet schools, edu-
14 cational programs for children with disabilities,
15 and educational programs for students with
16 limited English proficiency.

17 “(C) Programs in vocational and technical
18 education.

19 “(D) Programs for gifted and talented stu-
20 dents.

21 “(E) School nutrition programs.

22 “(F) Health and counseling services, as
23 appropriate.

24 “(5) COORDINATION.—

1 “(A) IN GENERAL.—Each local educational
2 agency shall coordinate—

3 “(i) the provision of services under
4 this title with the services of local social
5 services agencies and other agencies or en-
6 tities providing services to homeless chil-
7 dren and youth and their families, includ-
8 ing services and programs funded under
9 the Runaway and Homeless Youth Act (42
10 U.S.C. 5701 et seq.); and

11 “(ii) transportation, transfer of school
12 records, and other interdistrict activities,
13 with other local educational agencies.

14 “(B) HOUSING ASSISTANCE.—Each State
15 educational agency and local educational agency
16 that receives assistance under this title shall co-
17 ordinate, if applicable, with State and local
18 housing agencies responsible for developing the
19 comprehensive housing affordability strategy
20 described in section 105 of the Cranston-Gon-
21 zalez National Affordable Housing Act (42
22 U.S.C. 12705) to minimize educational disrup-
23 tion for children and youth who become home-
24 less.

1 “(C) COORDINATION PURPOSE.—The co-
2 ordination required under subparagraphs (A)
3 and (B) shall be designed to—

4 “(i) ensure that all homeless children
5 and youth are identified within a reason-
6 able time frame;

7 “(ii) ensure that all homeless children
8 and youth have access to and are in rea-
9 sonable proximity to available education
10 and related support services; and

11 “(iii) raise the awareness of school
12 personnel and service providers of the ef-
13 fects of short-term stays in a shelter and
14 other challenges associated with homeless-
15 ness.

16 “(D) HOMELESS CHILDREN AND YOUTHS
17 WITH DISABILITIES.—For children and youth
18 who are to be assisted both under this title, and
19 under the Individuals with Disabilities Edu-
20 cation Act (20 U.S.C. 1400 et seq.) or section
21 504 of the Rehabilitation Act of 1973 (29
22 U.S.C. 794), each local educational agency shall
23 coordinate the provision of services under this
24 title with the provision of programs for children
25 with disabilities served by such local educational

1 agency and other involved local educational
2 agencies.

3 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

4 “(A) DUTIES.—Each local educational
5 agency liaison for homeless children and youth,
6 designated under paragraph (1)(J)(ii), shall en-
7 sure that—

8 “(i) all homeless children and youths
9 are identified by school personnel and
10 through coordination activities with other
11 entities and agencies;

12 “(ii) homeless children and youth are
13 enrolled in, and have a full and equal op-
14 portunity to succeed in, schools of that
15 local educational agency;

16 “(iii) homeless families, children, and
17 youth have access to educational services
18 for which such families, children, and
19 youth are eligible, including services
20 through Head Start, Early Head Start,
21 early intervention, and Even Start pro-
22 grams, and preschool programs;

23 “(iv) homeless families, and homeless
24 children and youth, receive referrals to
25 health care services, dental services, mental

1 health and substance abuse services, hous-
2 ing services, and other appropriate serv-
3 ices;

4 “(v) homeless children and youth are
5 certified as eligible for free meals offered
6 under the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1751 et seq.)
8 and the Child Nutrition Act of 1966 (42
9 U.S.C. 1771 et seq.), without further ap-
10 plication;

11 “(vi) the parents or guardians of
12 homeless children and youth are informed
13 of the educational and related opportuni-
14 ties available to their children, including
15 early learning opportunities, and are pro-
16 vided with meaningful opportunities to par-
17 ticipate in the education of their children;

18 “(vii) public notice of the educational
19 rights of homeless children and youth is in-
20 corporated into documents related to resi-
21 dency requirements or enrollment, provided
22 upon school enrollment and withdrawal,
23 posted on the local educational agency’s
24 website, and disseminated in locations fre-
25 quented by parents and guardians of

1 homeless children and youth and unaccom-
2 panied youth, including schools, shelters,
3 public libraries, and soup kitchens in a
4 manner and form understandable to par-
5 ents and guardians of homeless children
6 and youth and unaccompanied youth;

7 “(viii) disputes are resolved in accord-
8 ance with paragraph (3)(E);

9 “(ix) the parent or guardian of a
10 homeless child or youth, or any unaccom-
11 panied youth, is fully informed of all trans-
12 portation services, including transportation
13 to the school of origin, as described in
14 paragraph (1)(J)(iii), and is assisted in ac-
15 cessing transportation to the school that is
16 selected under paragraph (4)(A).

17 “(x) school personnel are adequately
18 prepared to implement this title and re-
19 ceive professional development, resource
20 materials, technical assistance, and other
21 support; and

22 “(xi) unaccompanied youth—

23 “(I) are enrolled in school;

24 “(II) have opportunities to meet
25 the same college and career ready

1 State student academic achievement
2 standards to which other students are
3 held, including through implementa-
4 tion of the policies and practices re-
5 quired by subparagraphs (F)(ii) and
6 (J)(iv) of paragraph (1); and

7 “(III) are informed of their sta-
8 tus as independent students under
9 section 480 of the Higher Education
10 Act of 1965 (20 U.S.C. 1087vv), in-
11 cluding through school counselors that
12 have received professional develop-
13 ment about unaccompanied youth,
14 and receive verification of such status
15 for purposes of the Free Application
16 for Federal Student Aid described in
17 section 483 of such Act (20 U.S.C.
18 1090).

19 “(B) NOTICE.—State coordinators ap-
20 pointed under subsection (d)(2) and local edu-
21 cational agencies shall inform school personnel,
22 service providers, and advocates working with
23 homeless families and homeless children and
24 youth of the contact information and duties of
25 the local educational agency liaisons, including

1 publishing an annually updated list of the liai-
2 sons working in the State on the State edu-
3 cational agency's website.

4 “(C) LOCAL AND STATE COORDINATION.—
5 the local educational agency liaisons shall, as a
6 part of their duties, coordinate and collaborate
7 with State coordinators and community and
8 school personnel responsible for the provision of
9 education and related support services to home-
10 less children and youth. Such coordination shall
11 include collecting and providing to the State
12 Coordinator the reliable, valid, and comprehen-
13 sive data needed to meet the requirements of
14 paragraphs (1) and (3) of subsection (f).

15 “(D) PROFESSIONAL DEVELOPMENT.—The
16 local educational agency liaisons shall partici-
17 pate in the professional development and other
18 technical assistance activities provided by the
19 State Coordinator pursuant to subsection (f)(5).

20 “(h) EMERGENCY DISASTER GRANTS.—

21 “(1) IN GENERAL.—The Secretary shall make
22 emergency disaster grants to eligible local edu-
23 cational agencies and eligible States described in
24 paragraph (2), in order to increase the capacity for

1 such local educational agencies and States to re-
2 spond to major disasters.

3 “(2) ELIGIBILITY; APPLICATION.—

4 “(A) ELIGIBILITY.—

5 “(i) LOCAL EDUCATIONAL AGENCY
6 ELIGIBILITY.—A local educational agency
7 shall be eligible to receive an emergency
8 disaster grant under this subsection, based
9 on demonstrated need, if such local edu-
10 cational agency’s enrollment of homeless
11 children and youth has increased as a re-
12 sult of a hurricane, flood, or other natural
13 disaster for which the President declared a
14 major disaster under title IV of the Robert
15 T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5170 et seq.).

17 “(ii) STATE ELIGIBILITY.—A State,
18 through the Office of the Coordinator for
19 Education of Homeless Children and
20 Youths in the State educational agency,
21 shall be eligible to receive an emergency
22 disaster grant under this subsection if
23 there are 1 or more eligible local edu-
24 cational agencies, as described in clause
25 (i), located within the State.

1 “(B) APPLICATION.—In order for an eligi-
2 ble State or an eligible local educational agency
3 to receive a grant under this subsection, the
4 State educational agency, in consultation with
5 other relevant State agencies, or local edu-
6 cational agency shall submit an application to
7 the Secretary at such time, in such manner,
8 and containing or accompanied by such infor-
9 mation as the Secretary may reasonably re-
10 quire.

11 “(3) DISTRIBUTION OF GRANTS.—The Sec-
12 retary shall distribute emergency disaster grant
13 funds—

14 “(A) based on demonstrated need, to State
15 educational agencies or local educational agen-
16 cies for local educational agencies whose enroll-
17 ment of homeless children and youths has in-
18 creased as a result of a hurricane, flood, or
19 other natural disaster for which the President
20 has declared a major disaster under title IV of
21 the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5170 et
23 seq.);

1 “(B) expeditiously, and in no case later
2 than 75 days after such funds are appropriated
3 to the Secretary; and

4 “(C) in a manner that enables local edu-
5 cational agencies to use such funds for the im-
6 mediate needs of disaster response and ongoing
7 disaster recovery.

8 “(4) AMOUNT OF GRANTS.—The Secretary shall
9 distribute grants under this subsection in amounts
10 determined by the Secretary and related to the in-
11 crease in enrollment of homeless children and youths
12 as a result of such major disaster.

13 “(5) USES OF FUNDS.—A local educational
14 agency or State educational agency that receives an
15 emergency disaster grant under this subsection shall
16 use the grant funds to carry out the activities de-
17 scribed in section 723(d).

18 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
19 **THE EDUCATION OF HOMELESS CHILDREN**
20 **AND YOUTH.**

21 “(a) GENERAL AUTHORITY.—

22 “(1) IN GENERAL.—The State educational
23 agency shall, in accordance with section 722(e), and
24 from amounts made available to such agency under
25 section 727, make subgrants to local educational

1 agencies for the purpose of facilitating the identifica-
2 tion, enrollment, attendance, and success in school
3 of homeless children and youth.

4 “(2) SERVICES.—

5 “(A) IN GENERAL.—Services under para-
6 graph (1)—

7 “(i) may be provided through pro-
8 grams on school grounds or at other facili-
9 ties; and

10 “(ii) shall, to the maximum extent
11 practicable, be provided through existing
12 programs and mechanisms that integrate
13 homeless children and youth with non-
14 homeless children and youth.

15 “(B) SERVICES ON SCHOOL GROUNDS.—If
16 services under paragraph (1) are provided to
17 homeless children and youth on school grounds,
18 the schools involved may use funds under this
19 subtitle to provide the same services to other
20 children and youth who are determined by the
21 local educational agency serving the school to be
22 at risk of failing in, or dropping out of, school.

23 “(3) REQUIREMENT.—Services provided under
24 this section shall not replace the regular academic
25 program and shall be designed to expand upon or

1 improve services provided as part of the school's reg-
2 ular academic program.

3 “(4) DURATION OF GRANTS.—Subgrants under
4 this section shall be for terms not to exceed 3 years.

5 “(b) APPLICATION.—A local educational agency that
6 desires to receive a subgrant under this section shall sub-
7 mit an application to the State educational agency at such
8 time, in such manner, and containing or accompanied by
9 such information as the State educational agency may rea-
10 sonably require. Such application shall include the fol-
11 lowing:

12 “(1) An assessment of the educational and re-
13 lated needs of homeless children and youth in the
14 area served by such agency (which may be under-
15 taken as part of a needs assessment for other dis-
16 advantaged group).

17 “(2) A description of the services and programs
18 for which assistance is sought to address the needs
19 identified in paragraph (1).

20 “(3) An assurance that the local educational
21 agency's combined fiscal effort per student, or the
22 aggregate expenditures of that agency and the State
23 with respect to the provision of free public education
24 by such agency for the fiscal year preceding the fis-
25 cal year for which the subgrant determination is

1 made, was not less than 90 percent of such com-
2 bined fiscal effort or aggregate expenditures for the
3 second fiscal year preceding the fiscal year for which
4 the determination is made.

5 “(4) An assurance that the applicant complies
6 with, or will use requested funds to comply with,
7 paragraphs (3) through (7) of section 722(g).

8 “(5) A description of policies and procedures
9 that the agency will implement to ensure that activi-
10 ties carried out by the agency will not isolate or stig-
11 matize homeless children and youth.

12 “(6) An assurance that the local educational
13 agency will collect and promptly provide data re-
14 quested by the State Coordinator pursuant to para-
15 graphs (1) and (3) of section 722(f).

16 “(7) An assurance that the local educational
17 agency has removed the policies and practices that
18 have created barriers to the identification, enroll-
19 ment, attendance, retention, and success in school of
20 all homeless children and youth.

21 “(c) AWARDS.—

22 “(1) IN GENERAL.—The State educational
23 agency shall, in accordance with the requirements of
24 this subtitle and from amounts made available to it
25 under section 722(a), make subgrants on a competi-

1 tive basis to local educational agencies that submit
2 applications under subsection (b). Such subgrants
3 shall be awarded on the basis of the need of such
4 agencies under this subtitle and the quality of the
5 applications submitted.

6 “(2) NEED.—

7 “(A) IN GENERAL.—In determining need
8 under paragraph (1), the State educational
9 agency may consider the number of homeless
10 children and youth enrolled in preschool, ele-
11 mentary schools, and secondary schools within
12 the area served by the local educational agency,
13 and shall consider the needs of such children
14 and youth and the ability of the local edu-
15 cational agency to meet such needs.

16 “(B) OTHER CONSIDERATIONS.—The
17 State educational agency may also consider the
18 following:

19 “(i) The extent to which the proposed
20 use of funds will facilitate the identifica-
21 tion, enrollment, retention, and educational
22 success of homeless children and youth.

23 “(ii) The extent to which the applica-
24 tion reflects coordination with other local

1 and State agencies that serve homeless
2 children and youth.

3 “(ii) The extent to which the applica-
4 tion reflects coordination with other local
5 and State agencies that serve homeless
6 children and youth.

7 “(iii) The extent to which the appli-
8 cant exhibits in the application and in cur-
9 rent practice (as of the date of submission
10 of the application) a commitment to edu-
11 cation for all homeless children and youth.

12 “(iv) Such other criteria as the State
13 agency determines to be appropriate.

14 “(3) QUALITY.—In determining the quality of
15 applications under paragraph (1), the State edu-
16 cational agency shall consider the following:

17 “(A) The applicant’s needs assessment
18 under subsection (b)(1) and the likelihood that
19 the program presented in the application will
20 meet such needs.

21 “(B) The types, intensity, and coordination
22 of the services to be provided under the pro-
23 gram.

24 “(C) The extent to which the applicant will
25 promote meaningful involvement of parents or

1 guardians of homeless children or youth in the
2 education of their children.

3 “(D) The extent to which homeless chil-
4 dren and youths will be integrated into the reg-
5 ular education program involved.

6 “(E) The quality of the applicant’s evalua-
7 tion plan for the program.

8 “(F) The extent to which services provided
9 under this subtitle will be coordinated with
10 other services available to homeless children
11 and youth and their families, including housing
12 and social services and services provided under
13 the Individuals with Disabilities Education Act
14 (20 U.S.C. 1400 et seq.), title I of the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 6301 et seq.), and similar State and
17 local programs.

18 “(G) The extent to which the local edu-
19 cational agency will use the subgrant to lever-
20 age resources, including by maximizing funding
21 for the position of the liaison described in sec-
22 tion 722(g)(1)(J)(ii) and the provision of trans-
23 portation.

24 “(H) The local educational agency’s use of
25 funds to serve homeless children and youth

1 under section 1113(c)(3) of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C.
3 6313(c)(3)).

4 “(I) The extent to which the applicant’s
5 program meets such other measures as the
6 State educational agency considers to be indic-
7 ative of a high-quality program, including the
8 extent to which the local educational agency will
9 provide services to unaccompanied youth and
10 preschool-aged children.

11 “(J) The extent to which the application
12 describes how the applicant will meet the re-
13 quirements of section 722(g)(4).

14 “(d) AUTHORIZED ACTIVITIES.—A local educational
15 agency may use funds awarded under this section for ac-
16 tivities that carry out the purpose of this subtitle, includ-
17 ing the following:

18 “(1) The provision of tutoring, supplemental in-
19 struction, and enriched educational services that are
20 linked to the achievement of the same college and
21 career ready State academic content standards and
22 college and career ready State student academic
23 achievement standards the State establishes for
24 other children and youths.

1 “(2) The provision of expedited evaluations of
2 the strengths, needs, and eligibility of homeless chil-
3 dren and youth, including needs and eligibility for
4 programs and services (including educational pro-
5 grams for gifted and talented students, children with
6 disabilities, and students with limited English pro-
7 ficiency, charter school programs, magnet school
8 programs, programs in career and technical edu-
9 cation, and school nutrition programs).

10 “(3) Professional development and other activi-
11 ties for educators and specialized instructional sup-
12 port personnel that are designed to heighten the un-
13 derstanding and sensitivity of such educators and
14 personnel to the needs of homeless children and
15 youth, the rights of such children and youth under
16 this subtitle, and the specific educational needs of
17 runaway and homeless youth.

18 “(4) The provision of referral services to home-
19 less children and youths for medical, dental, mental,
20 and other health services.

21 “(5) The provision of assistance to defray the
22 excess cost of transportation under paragraphs
23 (1)(J)(iii) and (5)(A) of section 722(g) not otherwise
24 provided through Federal, State, or local funding.

1 “(6) The provision of developmentally appro-
2 priate early childhood education programs, not oth-
3 erwise provided through Federal, State, or local
4 funding.

5 “(7) The provision of services and assistance to
6 attract, engage, and retain homeless children and
7 youth, particularly homeless children and youth who
8 are not enrolled in school, in public school programs
9 and services provided to nonhomeless children and
10 youths.

11 “(8) The provision for homeless children and
12 youths of before- and after-school, mentoring, and
13 summer programs in which a teacher or other quali-
14 fied individual provides tutoring, homework assist-
15 ance, and supervision of educational activities.

16 “(9) If necessary, the payment of fees and
17 other costs associated with tracking, obtaining, and
18 transferring records necessary to facilitate the ap-
19 propriate placement of homeless children and youths
20 in school, including birth certificates, immunization
21 or medical records, academic records, guardianship
22 records, and evaluations for special programs or
23 services.

24 “(10) The provision of education and training
25 to the parents of homeless children and youths about

1 the rights of, and resources available to, such chil-
2 dren and youth, and other activities designed to in-
3 crease the meaningful involvement of families of
4 homeless children or youth in the education of their
5 children.

6 “(11) The development of coordination of ac-
7 tivities between schools and agencies providing serv-
8 ices to homeless children and youths, as described in
9 section 722(g)(6).

10 “(12) The provision of pupil services (including
11 counseling) and referrals for such services.

12 “(13) Activities to address the particular needs
13 of homeless children and youth that may arise from
14 domestic violence and parental mental health or sub-
15 stance abuse problems.

16 “(14) The adaptation of space and purchase of
17 supplies for any nonschool facilities made available
18 under subsection (a)(2) to provide services under
19 this subsection.

20 “(15) The provision of school supplies, includ-
21 ing those supplies to be distributed at shelters or
22 temporary housing facilities, or other appropriate lo-
23 cations.

24 “(16) The provision of assistance to defray the
25 cost of the position of liaison designated pursuant to

1 section 722(g)(1)(J)(ii), not otherwise provided
2 through Federal, State, or local funding.

3 “(17) The provision of other extraordinary or
4 emergency assistance needed to enable homeless chil-
5 dren and youth to enroll, attend, and succeed in
6 school, including in early childhood education pro-
7 grams.

8 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

9 “(a) REVIEW OF STATE PLANS.—In reviewing the
10 State plan submitted by a State educational agency under
11 section 722(g), the Secretary shall use a peer review pro-
12 cess and shall evaluate whether State laws, policies, and
13 practices described in such plan adequately address the
14 problems of all homeless children and youth relating to
15 access to education and placement as described in such
16 plan.

17 “(b) TECHNICAL ASSISTANCE.—The Secretary
18 shall—

19 “(1) provide support and technical assistance to
20 a State educational agencies to assist such agencies
21 in carrying out their responsibilities under this sub-
22 title; and

23 “(2) establish or designate a Federal Office of
24 the Coordinator for Education of Homeless Children
25 and Youths that has sufficient capacity, resources,

1 and support to carry out the responsibilities de-
2 scribed in this subtitle.

3 “(c) NOTICE.—

4 “(1) IN GENERAL.—The Secretary shall, before
5 the next school year that begins after the date of en-
6 actment of the Student Success Act, develop and
7 disseminate a public notice of the educational rights
8 of homeless children and youth. The notice shall in-
9 clude information regarding the definition of home-
10 less children and youth in section 726.

11 “(2) DISSEMINATION.—The Secretary shall dis-
12 seminate the notice nationally. The Secretary also
13 shall disseminate such notice to heads of other De-
14 partment of Education offices, including those re-
15 sponsible for special education programs, higher
16 education, and programs under parts A, B, C, D, G,
17 and H of title I, title III, title IV, and part B of title
18 V of the Elementary and Secondary Education Act
19 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
20 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
21 6801 et seq., 7102 et seq., and 7221 et seq.). The
22 Secretary shall also disseminate such notice to heads
23 of other Federal agencies, and grant recipients and
24 other entities carrying out federally funded pro-
25 grams, including Head Start programs, grant recipi-

1 ents under the Health Care for the Homeless pro-
2 gram of the Health Resources and Services Adminis-
3 tration of the Department of Health and Human
4 Services, grant recipients under the Emergency
5 Food and Shelter National Board Program of the
6 Federal Emergency Management Agency, grant re-
7 cipients under the Runaway and Homeless Youth
8 Act (42 U.S.C. 5701 et seq.), grant recipients under
9 the John H. Chafee Foster Care Independence pro-
10 gram, grant recipients under homeless assistance
11 programs administered by the Department of Hous-
12 ing and Urban Development, and recipients of Fed-
13 eral funding for programs carried out by the Admin-
14 istration on Children, Youth and Families of the De-
15 partment of Health and Human Services.

16 “(d) EVALUATION AND DISSEMINATION.—The Sec-
17 retary shall conduct evaluation, dissemination, and tech-
18 nical assistance activities of programs designed to meet
19 the educational needs of homeless preschool, elementary
20 school, and secondary school students, and may use funds
21 appropriated under section 727 to conduct such activities.

22 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
23 retary shall require applications for grants under section
24 722 to be submitted to the Secretary not later than the
25 expiration of the 120-day period beginning on the date

1 that funds are available for purposes of making such
2 grants and shall make such grants not later than the expi-
3 ration of the 180-day period beginning on such date.

4 “(f) DETERMINATION BY SECRETARY.—The Sec-
5 retary, based on the information received from the States
6 and information gathered by the Secretary under sub-
7 section (h), shall determine the extent to which State edu-
8 cational agencies are ensuring that each homeless child
9 and homeless youth has access to a free appropriate public
10 education, as described in section 721(1). The Secretary
11 shall provide support and technical assistance to State
12 educational agencies in areas in which barriers to a free
13 appropriate public education persist.

14 “(g) PUBLICATION.—The Secretary shall develop,
15 issue, and publish in the Federal Register, not later than
16 90 days after the date of enactment of the Student Suc-
17 cess Act, a summary of the changes enacted by that Act
18 and related strategies, which summary shall include—

19 “(1) strategies by which a State can assist local
20 educational agencies to implement the provisions
21 amended by the Act;

22 “(2) strategies by which a State can review and
23 revise State policies and procedures that may
24 present barriers to the identification, enrollment, at-

1 tendance, and success of homeless children and
2 youth in school; and

3 “(3) strategies by which entities carrying out
4 preschool programs can implement requirements of
5 section 722(g)(3).

6 “(h) INFORMATION.—

7 “(1) IN GENERAL.—From funds appropriated
8 under section 727, the Secretary shall, directly or
9 through grants, contracts, or cooperative agree-
10 ments, periodically, but not less frequently than
11 every two years, collect and disseminate publicly
12 data and information regarding—

13 “(A) the number and location of homeless
14 children and youth;

15 “(B) the education and related support
16 services such children and youth receive;

17 “(C) the extent to which the needs of
18 homeless children and youth are being met;

19 “(D) the academic progress being made by
20 homeless children and youth, including the per-
21 cent or number of homeless children and youth
22 participating in State assessments; and

23 “(E) such other data and information as
24 the Secretary determines to be necessary and
25 relevant to carry out this subtitle.

1 “(2) COORDINATION.—The Secretary shall co-
2 ordinate such collection and dissemination with
3 other agencies and entities that receive assistance
4 and administer programs under this subtitle.

5 “(i) REPORT.—Not later than 4 years after the date
6 of enactment of the Student Success Act, the Secretary
7 shall prepare and submit to the President and the Com-
8 mittee on Education and the Workforce of the House of
9 Representatives and the Committee on Health, Education,
10 Labor, and Pensions of the Senate a report on the status
11 of education of homeless children and youths, which shall
12 include information on—

13 “(1) the education of homeless children and
14 youth; and

15 “(2) the actions of the Secretary and the effec-
16 tiveness of the programs supported under this sub-
17 title.

18 **“SEC. 725. RULE OF CONSTRUCTION.**

19 “Nothing in this subtitle shall be construed to dimin-
20 ish the rights of parents or guardians of homeless children
21 or youth, or unaccompanied youth, otherwise provided
22 under State law, policy, or practice, including laws or poli-
23 cies that authorize the best interest determination in sec-
24 tion 722(g)(3) to be made solely by the parent, guardian,
25 or youth involved.

1 **“SEC. 726. DEFINITIONS.**

2 “In this subtitle:

3 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
4 roll’ and ‘enrollment’ include attending classes and
5 participating fully in school activities.

6 “(2) HOMELESS CHILDREN AND YOUTH.—The
7 term ‘homeless children and youth’—

8 “(A) means individuals who lack a fixed,
9 regular, and adequate nighttime residence
10 (within the meaning of section 103(a)(1));

11 “(B) includes—

12 “(i) children and youth who—

13 “(I) are sharing the housing of
14 other persons due to loss of housing,
15 economic hardship, or a similar rea-
16 son;

17 “(II) are living in motels, hotels,
18 trailer parks, or camping grounds due
19 to the lack of alternative adequate ac-
20 commodations;

21 “(III) are living in emergency or
22 transitional shelters;

23 “(IV) subject to subparagraph
24 (C), are awaiting foster care place-
25 ment; and

26 “(V) are abandoned in hospitals;

1 “(ii) children and youth who have a
2 primary nighttime residence that is a pub-
3 lic or private place not designed for or or-
4 dinarily used as a regular sleeping accom-
5 modation for human beings (within the
6 meaning of section 103(a)(2)(C));

7 “(iii) children and youth who are liv-
8 ing in cars, parks, public spaces, aban-
9 doned buildings, substandard housing, bus
10 or train stations, or similar settings; and

11 “(iv) migratory children (as such term
12 is defined in section 1312 of the Elemen-
13 tary and Secondary Education Act of
14 1965) who qualify as homeless for the pur-
15 poses of this subtitle because the children
16 are living in circumstances described in
17 clauses (i) through (iii); and

18 “(C) 1 year after the date of enactment of
19 the Student Success Act, shall not include the
20 children and youth described in subparagraph
21 (B)(i)(IV).

22 “(3) LOCAL EDUCATIONAL AGENCY; STATE
23 EDUCATIONAL AGENCY.—The terms ‘local edu-
24 cational agency’ and ‘State educational agency’ have
25 the meanings given such terms in section 9101 of

1 the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7801).

3 “(4) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Education.

5 “(5) STATE.—The term ‘State’ means each of
6 the 50 States, the District of Columbia, and the
7 Commonwealth of Puerto Rico.

8 “(6) UNACCOMPANIED YOUTH.—The term ‘un-
9 accompanied youth’ means a homeless child or youth
10 not in the physical custody of a parent or legal
11 guardian.

12 **“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) IN GENERAL.—For the purpose of carrying out
14 this subtitle, other than section 725, there are authorized
15 to be appropriated to the Secretary \$100,000,000 for fis-
16 cal year 2016 and such sums as may be necessary for each
17 of fiscal years 2017 through 2022.

18 “(b) EMERGENCY DISASTER GRANTS.—In addition
19 to sums authorized under subsection (a), there are author-
20 ized to be appropriated to the Secretary to carry out sub-
21 section (h) such additional sums as may be necessary.”.

1 **TITLE XI—PREKINDERGARTEN**
2 **ACCESS**
3 **Subtitle A—Access to Voluntary**
4 **Prekindergarten for Low- and**
5 **Moderate-Income Families**

6 **SEC. 1111. PURPOSES.**

7 The purposes of this subtitle are to—

8 (1) establish a Federal-State partnership to
9 provide access to high-quality public prekindergarten
10 programs for all children from low-income and mod-
11 erate-income families to ensure that they enter kin-
12 dergarten prepared for success;

13 (2) broaden participation in such programs to
14 include children from additional middle-class fami-
15 lies; and

16 (3) promote access to high-quality kindergarten,
17 and high-quality early childhood education programs
18 and settings for children.

19 **SEC. 1112. DEFINITIONS.**

20 In this subtitle:

21 (1) **CHILD WITH A DISABILITY.**—The term
22 “child with a disability” has the meaning given the
23 term in section 602 of the Individuals with Disabil-
24 ities Education Act (20 U.S.C. 1401).

1 (2) COMPREHENSIVE EARLY LEARNING ASSESS-
2 MENT SYSTEM.—The term “comprehensive early
3 learning assessment system”—

4 (A) means a coordinated and comprehen-
5 sive system of multiple assessments, each of
6 which is valid and reliable for its specified pur-
7 pose and for the population with which it will
8 be used, that—

9 (i) organizes information about the
10 process and context of young children’s
11 learning and development to help early
12 childhood educators make informed in-
13 structional and programmatic decisions;
14 and

15 (ii) conforms to the recommendations
16 of the National Research Council reports
17 on early childhood; and

18 (B) includes, at a minimum—

19 (i) child screening measures to iden-
20 tify children who may need follow-up serv-
21 ices to address developmental, learning, or
22 health needs in, at a minimum, areas of
23 physical health, behavioral health, oral
24 health, child development, vision, and hear-
25 ing;

- 1 (ii) child formative assessments;
2 (iii) measures of environmental qual-
3 ity; and
4 (iv) measures of the quality of adult-
5 child interactions.

6 (3) DUAL LANGUAGE LEARNER.—The term
7 “dual language learner” means an individual who is
8 limited English proficient.

9 (4) EARLY CHILDHOOD EDUCATION PRO-
10 GRAM.—The term “early childhood education pro-
11 gram” has the meaning given the term under section
12 103 of the Higher Education Act of 1965 (20
13 U.S.C. 1003).

14 (5) ELEMENTARY SCHOOL.—The term “elemen-
15 tary school” has the meaning given the term in sec-
16 tion 9101 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 7801).

18 (6) ELIGIBILITY DETERMINATION DATE.—The
19 term “eligibility determination date” means the date
20 used to determine eligibility for public elementary
21 school in the community in which the eligible local
22 entity involved is located.

23 (7) ELIGIBLE LOCAL ENTITY.—The term “eligi-
24 ble local entity” means—

1 (A) a local educational agency, including a
2 charter school or a charter management organi-
3 zation that acts as a local educational agency,
4 or an educational service agency in partnership
5 with a local educational agency—

6 (i) that has met the requirement de-
7 scribed in section 1112(9)(B); or

8 (ii) whose teachers are in progress of
9 meeting such requirement within two
10 years;

11 (B) an entity (including a Head Start pro-
12 gram or licensed child care setting) that carries
13 out, administers, or supports an early childhood
14 education program and—

15 (i) that has met the requirement de-
16 scribed in section 1112(9)(B); or

17 (ii) whose teachers are in progress of
18 meeting such requirement within two
19 years; or

20 (C) a consortium of entities described in
21 subparagraph (A) or (B).

22 (8) FULL-DAY.—The term “full-day” means a
23 day that is—

24 (A) equivalent to a full school day at the
25 public elementary schools in a State; and

1 (B) not less than 5 hours a day.

2 (9) HIGH-QUALITY PREKINDERGARTEN PRO-
3 GRAM.—The term “high-quality prekindergarten
4 program” means a prekindergarten program sup-
5 ported by an eligible local entity that includes, at a
6 minimum, the following elements based on nationally
7 recognized standards:

8 (A) Serves children who—

9 (i) are age 4 or children who are age
10 3 or 4, by the eligibility determination date
11 (including children who turn age 5 while
12 attending the program); or

13 (ii) have attained the legal age for
14 State-funded prekindergarten.

15 (B) Requires high qualifications for staff,
16 including that teachers meet the requirements
17 of 1 of the following clauses:

18 (i) The teacher has a bachelor’s de-
19 gree in early childhood education or a re-
20 lated field with coursework that dem-
21 onstrates competence in early childhood
22 education.

23 (ii) The teacher—

24 (I) has a bachelor’s degree in any
25 field;

1 (II) has demonstrated knowledge
2 of early childhood education by pass-
3 ing a State-approved assessment in
4 early childhood education;

5 (III) while employed as a teacher
6 in the prekindergarten program, is en-
7 gaged in on-going professional devel-
8 opment in early childhood education
9 for not less than 2 years; and

10 (IV) not more than 3 years after
11 starting employment as a teacher in
12 the prekindergarten program, enrolls
13 in and completes a State-approved ed-
14 ucator preparation program in which
15 the teacher receives training and sup-
16 port in early childhood education.

17 (iii) The teacher has bachelor's degree
18 with a credential, license, or endorsement
19 that demonstrates competence in early
20 childhood education.

21 (C) Maintains an evidence-based maximum
22 class size.

23 (D) Maintains an evidence-based child to
24 instructional staff ratio.

25 (E) Offers a full-day program.

1 (F) Provides developmentally appropriate
2 learning environments and evidence-based cur-
3 ricula that are aligned with the State's early
4 learning and development standards described
5 in section 1115(1).

6 (G) Offers instructional staff salaries com-
7 parable to kindergarten through grade 12
8 teaching staff.

9 (H) Provides for ongoing monitoring and
10 program evaluation to ensure continuous im-
11 provement.

12 (I) Offers accessible comprehensive services
13 for children that include, at a minimum—

14 (i) screenings for vision, dental, hear-
15 ing, health (including mental health), and
16 development (including early literacy and
17 math skill development) and referrals, and
18 assistance obtaining services, when appro-
19 priate;

20 (ii) family engagement opportunities
21 that take into account home language,
22 such as parent conferences (including par-
23 ent input about their child's development)
24 and support services, such as parent edu-

1 cation, home visiting, and family literacy
2 services;

3 (iii) nutrition services, including nutri-
4 tious meals and snack options aligned with
5 requirements set by the most recent Child
6 and Adult Care Food Program guidelines
7 promulgated by the Department of Agri-
8 culture as well as regular, age-appropriate,
9 nutrition education for children and their
10 families;

11 (iv) programs coordinated with local
12 educational agencies and entities providing
13 programs authorized under section 619
14 and part C of the Individuals with Disabil-
15 ities Education Act (20 U.S.C. 1419 and
16 1431 et seq.);

17 (v) physical activity programs aligned
18 with evidence-based guidelines, such as
19 those recommended by the Institute of
20 Medicine, and which take into account and
21 accommodate children with disabilities;

22 (vi) additional support services, as ap-
23 propriate, based on the findings of the
24 needs analysis as described in section
25 1120; and

1 (vii) on-site coordination, to the max-
2 imum extent feasible.

3 (J) Provides high-quality professional de-
4 velopment for all staff, including regular in-
5 classroom observation for teachers and teacher
6 assistants by individuals trained in such obser-
7 vation and which may include evidence-based
8 coaching.

9 (K) Meets the education performance
10 standards in effect under section 641A(a)(1)(B)
11 of the Head Start Act (42 U.S.C.
12 9836a(a)(1)(B)).

13 (L) Maintains evidence-based health and
14 safety standards.

15 (M) Maintains disciplinary policies that do
16 not include expulsion or an extended suspension
17 of participating children, and that include pro-
18 viding appropriate early educational services for
19 participating children who are suspended for a
20 short period of time.

21 (10) GOVERNOR.—The term “Governor” means
22 the chief executive officer of a State.

23 (11) HOMELESS CHILD.—The term “homeless
24 child” means a child or youth described in section

1 725(2) of the McKinney-Vento Homeless Assistance
2 Act (42 U.S.C. 11434a(2)).

3 (12) INSTITUTION OF HIGHER EDUCATION.—
4 The term “institution of higher education” has the
5 meaning given the term in section 102 of the Higher
6 Education Act of 1965 (20 U.S.C. 1002).

7 (13) INDIAN TRIBE; TRIBAL ORGANIZATION.—
8 The terms “Indian tribe” and “tribal organization”
9 have the meanings given the terms in 658P of the
10 Child Care and Development Block Grant of 1990
11 (42 U.S.C. 9858n).

12 (14) LIMITED ENGLISH PROFICIENT.—The
13 term “limited English proficient” has the meaning
14 given the term in section 637 of the Head Start Act
15 (42 U.S.C. 9832).

16 (15) LOCAL EDUCATIONAL AGENCY; STATE
17 EDUCATIONAL AGENCY; EDUCATIONAL SERVICE
18 AGENCY.—The terms “local educational agency”,
19 “State educational agency”, and “educational service
20 agency” have the meanings given the terms in sec-
21 tion 9101 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7801).

23 (16) MIGRANT OR SEASONAL AGRICULTURAL
24 LABOR.—The term “migrant or seasonal agricultural
25 labor” refers to an individual who is engaged in ag-

1 ricultural labor, including those who have changed
2 their residence from one geographic location to an-
3 other in the proceeding 36 months.

4 (17) MIGRATORY CHILD.—The term “migratory
5 child” has the meaning given the term in section
6 1309 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 6399).

8 (18) OUTLYING AREA.—The term “outlying
9 area” means each of the United States Virgin Is-
10 lands, Guam, American Samoa, the Commonwealth
11 of the Northern Mariana Islands, and the Republic
12 of Palau.

13 (19) POVERTY LINE.—The term “poverty line”
14 means the official poverty line (as defined by the Of-
15 fice of Management and Budget)—

16 (A) adjusted to reflect the percentage
17 change in the Consumer Price Index for All
18 Urban Consumers published by the Bureau of
19 Labor Statistics of the Department of Labor
20 for the most recent 12-month period or other
21 interval for which the data are available; and

22 (B) applicable to a family of the size in-
23 volved.

24 (20) SECONDARY SCHOOL.—The term “sec-
25 ondary school” has the meaning given the term in

1 section 9101 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7801).

3 (21) SECRETARY.—The term “Secretary”
4 means the Secretary of Education.

5 (22) STATE.—Except as otherwise provided in
6 this subtitle, the term “State” means each of the 50
7 States, the District of Columbia, the Commonwealth
8 of Puerto Rico, and each of the outlying areas.

9 (23) STATE ADVISORY COUNCIL ON EARLY
10 CHILDHOOD EDUCATION AND CARE.—The term
11 “State Advisory Council on Early Childhood Edu-
12 cation and Care” means the State Advisory Council
13 on Early Childhood Education and Care established
14 under section 642B(b) of the Head Start Act (42
15 U.S.C. 9837b(b)).

16 **SEC. 1113. PROGRAM AUTHORIZATION.**

17 From amounts made available to carry out this sub-
18 title, the Secretary, in consultation with the Secretary of
19 Health and Human Services, shall award grants to States
20 to implement high-quality prekindergarten programs, con-
21 sistent with the purposes of this subtitle described in sec-
22 tion 1111. For each fiscal year, the funds provided under
23 a grant by a State shall equal the allotment determined
24 for the State under section 1114.

1 **SEC. 1114. ALLOTMENTS AND RESERVATIONS OF FUNDS.**

2 (a) RESERVATION.—From the amount made avail-
3 able each fiscal year to carry out this subtitle, the Sec-
4 retary shall—

5 (1) reserve not less than 1 percent and not
6 more than 2 percent for payments to Indian tribes
7 and tribal organizations;

8 (2) reserve $\frac{1}{2}$ of 1 percent for the outlying
9 areas to be distributed among the outlying areas on
10 the basis of their relative need, as determined by the
11 Secretary in accordance with the purposes of this
12 subtitle;

13 (3) reserve $\frac{1}{2}$ of 1 percent for eligible local en-
14 tities that serve children in families who are engaged
15 in migrant or seasonal agricultural labor; and

16 (4) reserve not more than 1 percent or
17 \$30,000,000, whichever amount is less, for national
18 activities, including administration, technical assist-
19 ance, and evaluation.

20 (b) ALLOTMENTS.—

21 (1) IN GENERAL.—From the amount made
22 available each fiscal year to carry out this subtitle
23 and not reserved under subsection (a), the Secretary
24 shall make allotments to States in accordance with
25 paragraph (2) that have submitted an approved ap-
26 plication.

1 (2) ALLOTMENT AMOUNT.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), the Secretary shall allot the amount
4 made available under paragraph (1) for a fiscal
5 year among the States in proportion to the
6 number of children who are age 4 who reside
7 within the State and are from families with in-
8 comes at or below 200 percent of the poverty
9 line for the most recent year for which satisfac-
10 tory data are available, compared to the num-
11 ber of such children who reside in all such
12 States for that fiscal year.

13 (B) MINIMUM ALLOTMENT AMOUNT.—No
14 State receiving an allotment under subpara-
15 graph (A) may receive less than $\frac{1}{2}$ of 1 percent
16 of the total amount allotted under such sub-
17 paragraph.

18 (3) REALLOTMENT AND CARRY OVER.—

19 (A) IN GENERAL.—If one or more States
20 do not receive an allotment under this sub-
21 section for any fiscal year, the Secretary may
22 use the amount of the allotment for that State
23 or States, in such amounts as the Secretary de-
24 termines appropriate, for either or both of the
25 following:

1 (i) To increase the allotments of
2 States with approved applications for the
3 fiscal year, consistent with subparagraph
4 (B).

5 (ii) To carry over the funds to the
6 next fiscal year.

7 (B) REALLOTMENT.—In increasing allot-
8 ments under subparagraph (A)(i), the Secretary
9 shall allot to each State with an approved appli-
10 cation an amount that bears the same relation-
11 ship to the total amount to be allotted under
12 subparagraph (A)(i), as the amount the State
13 received under paragraph (2) for that fiscal
14 year bears to the amount that all States re-
15 ceived under paragraph (2) for that fiscal year.

16 (4) STATE.—For purposes of this subsection,
17 the term “State” means each of the 50 States, the
18 District of Columbia, and the Commonwealth of
19 Puerto Rico.

20 (c) FLEXIBILITY.—The Secretary may make minimal
21 adjustments to allotments under this subsection, which
22 shall neither lead to a significant increase or decrease in
23 a State’s allotment determined under subsection (b), based
24 on a set of factors, such as the level of program participa-

1 tion and the estimated cost of the activities specified in
2 the State plan under section 1116(a)(2).

3 **SEC. 1115. STATE ELIGIBILITY CRITERIA.**

4 A State is eligible to receive a grant under this sub-
5 title if the State demonstrates to the Secretary that the
6 State—

7 (1) has established or will establish early learn-
8 ing and development standards that describe what
9 children from birth to kindergarten entry should
10 know and be able to do, are universally designed and
11 developmentally, culturally, and linguistically appro-
12 priate, are aligned with the State's challenging aca-
13 demic content standards and challenging student
14 academic achievement standards, as adopted under
15 section 1111(b)(1) of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 6311(b)(1)), and
17 cover all of the essential domains of school readi-
18 ness, which address—

19 (A) physical well-being and motor develop-
20 ment;

21 (B) social and emotional development;

22 (C) approaches to learning, including
23 music and the arts;

24 (D) developmentally appropriate oral and
25 written language and literacy development; and

1 (E) cognition and general knowledge, in-
2 cluding early mathematics and early scientific
3 development;

4 (2) has the ability or will develop the ability to
5 link prekindergarten data with its elementary school
6 and secondary school data for the purpose of col-
7 lecting longitudinal information for all children par-
8 ticipating in the State's high-quality prekindergarten
9 program and any other Federally-funded early child-
10 hood program that will remain with the child
11 through the child's public education through grade
12 12;

13 (3) offers State-funded kindergarten for chil-
14 dren who are eligible children for that service in the
15 State; and

16 (4) has established a State Advisory Council on
17 Early Childhood Education and Care.

18 **SEC. 1116. STATE APPLICATIONS.**

19 (a) IN GENERAL.—To receive a grant under this sub-
20 title, the Governor of a State, in consultation with the In-
21 dian tribes and tribal organizations in the State, if any,
22 shall submit an application to the Secretary at such time,
23 in such manner, and containing such information as the
24 Secretary may reasonably require. At a minimum, each
25 such application shall include—

1 (1) an assurance that the State—

2 (A) will coordinate with and continue to
3 participate in the programs authorized under
4 section 619 and part C of the Individuals with
5 Disabilities Education Act (20 U.S.C. 1419 and
6 1431 et seq.), the Child Care and Development
7 Block Grant Act of 1990 (42 U.S.C. 9858 et
8 seq.), and the maternal, infant, and early child-
9 hood home visiting programs funded under sec-
10 tion 511 of the Social Security Act (42 U.S.C.
11 711) for the duration of the grant;

12 (B) will designate a State-level entity (such
13 as an agency or joint interagency office), se-
14 lected by the Governor, for the administration
15 of the grant, which shall coordinate and consult
16 with the State educational agency if the entity
17 is not the State educational agency; and

18 (C) will establish, or certify the existence
19 of, program standards for all State prekind-
20 garten programs consistent with the definition
21 of a high-quality prekindergarten program
22 under section 1112;

23 (2) a description of the State's plan to—

24 (A) use funds received under this subtitle
25 and the State's matching funds to provide high-

1 quality prekindergarten programs, in accord-
2 ance with section 1117(d), with open enrollment
3 for all children in the State who—

4 (i) are described in section
5 1112(9)(A); and

6 (ii) are from families with incomes at
7 or below 200 percent of the poverty line;

8 (B) develop or enhance a system for moni-
9 toring eligible local entities that are receiving
10 funds under this subtitle for compliance with
11 quality standards developed by the State and to
12 provide program improvement support, which
13 may be accomplished through the use of a
14 State-developed system for quality rating and
15 improvement;

16 (C) if applicable, expand participation in
17 the State's high-quality prekindergarten pro-
18 grams to children from families with incomes
19 above 200 percent of the poverty line;

20 (D) carry out the State's comprehensive
21 early learning assessment system, or how the
22 State plans to develop such a system, ensuring
23 that any assessments are culturally, develop-
24 mentally, and age-appropriate and consistent
25 with the recommendations from the study on

1 Developmental Outcomes and Assessments for
2 Young Children by the National Academy of
3 Sciences, consistent with section 649(j) of the
4 Head Start Act (42 U.S.C. 9844);

5 (E) develop, implement, and make publicly
6 available the performance measures and targets
7 described in section 1119;

8 (F) increase the number of teachers with
9 bachelor's degrees in early childhood education,
10 or with bachelor's degrees in another closely re-
11 lated field and specialized training and dem-
12 onstrated competency in early childhood edu-
13 cation, including how institutions of higher edu-
14 cation will support increasing the number of
15 teachers with such degrees and training, includ-
16 ing through the use of assessments of prior
17 learning, knowledge, and skills to facilitate and
18 expedite attainment of such degrees;

19 (G) coordinate and integrate the activities
20 funded under this subtitle with Federal, State,
21 and local services and programs that support
22 early childhood education and care, including
23 programs supported under this subtitle, the El-
24 ementary and Secondary Education Act of 1965
25 (20 U.S.C. 6301 et seq.), the Individuals with

1 Disabilities Education Act (20 U.S.C. 1400 et
2 seq.), the Head Start Act (42 U.S.C. 9831 et
3 seq.), the Community Services Block Grant Act
4 (42 U.S.C. 9901 et seq.), the Child Care and
5 Development Block Grant Act of 1990 (42
6 U.S.C. 9858 et seq.), the temporary assistance
7 for needy families program under part A of title
8 IV of the Social Security Act (42 U.S.C. 601 et
9 seq.), the State incentive grant program under
10 section 14006 of the American Recovery and
11 Reinvestment Act of 2009 (Public Law 111–5),
12 Federally funded early literacy programs, the
13 maternal, infant, and early childhood home vis-
14 iting programs funded under section 511 of the
15 Social Security Act (42 U.S.C. 711), health im-
16 provements to child care funded under title
17 XIX of the Social Security Act (42 U.S.C. 1396
18 et seq.), the program under subtitle B of title
19 VII of the McKinney-Vento Homeless Assist-
20 ance Act (42 U.S.S. 11431 et seq.), the Invest-
21 ing In Innovation program under section 14007
22 of the American Recovery and Reinvestment
23 Act of 2009 (Public Law 111–5), programs au-
24 thorized under part E of title IV of the Social
25 Security Act (42 U.S.C. 670 et seq.), the Fos-

1 tering Connections to Success and Increasing
2 Adoptions Act of 2008 (Public Law 110–351),
3 and any other Federal, State, or local early
4 childhood education programs used in the
5 State;

6 (H) award subgrants to eligible local enti-
7 ties, and in awarding such subgrants, facilitate
8 a delivery system of high-quality prekind-
9 garten programs that includes diverse pro-
10 viders, such as providers in community-based,
11 public school, and private settings, and consider
12 the system’s impact on options for families;

13 (I) in the case of a State that does not
14 have a funding mechanism for subgranting
15 funds to implement high-quality prekind-
16 garten, use objective criteria in awarding sub-
17 grants to eligible local entities that will imple-
18 ment high-quality prekindergarten programs,
19 including actions the State will take to ensure
20 that eligible local entities will coordinate with
21 local educational agencies or other early learn-
22 ing providers, as appropriate, to carry out ac-
23 tivities to provide children served under this
24 subtitle with a successful transition from pre-

1 school into kindergarten, which activities shall
2 include—

3 (i) aligning curricular objectives and
4 instruction;

5 (ii) providing staff professional devel-
6 opment, including opportunities for joint-
7 professional development on early learning
8 and kindergarten through grade 3 stand-
9 ards, assessments, and curricula;

10 (iii) coordinating family engagement
11 and support services; and

12 (iv) encouraging the shared use of fa-
13 cilities and transportation, as appropriate;

14 (J) use the State early learning and devel-
15 opment standards described in section 1115(1)
16 to address the needs of dual language learners,
17 including by incorporating benchmarks related
18 to English language development;

19 (K) identify barriers, and propose solutions
20 to overcome such barriers, which may include
21 seeking assistance under section 1126, in the
22 State to effectively use and integrate Federal,
23 State, and local public funds and private funds
24 for early childhood education that are available

1 to the State on the date on which the applica-
2 tion is submitted;

3 (L) support articulation agreements (as
4 defined in section 486A of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1093a)) between
6 public 2-year and public 4-year institutions of
7 higher education and other credit-bearing pro-
8 fessional development in the State for early
9 childhood teacher preparation programs and
10 closely related fields;

11 (M) ensure that the higher education pro-
12 grams in the State have the capacity to prepare
13 a workforce to provide high-quality prekinderg-
14 arten programs;

15 (N) support workforce development, in-
16 cluding State and local policies that support
17 prekindergarten instructional staff's ability to
18 earn a degree, certification, or other specializa-
19 tions or qualifications, including policies on
20 leave, substitutes, and child care services, in-
21 cluding non-traditional hour child care;

22 (O) hold eligible local entities accountable
23 for use of funds;

24 (P) ensure that the State's early learning
25 and development standards are integrated into

1 the instructional and programmatic practices of
2 high-quality prekindergarten programs and re-
3 lated programs and services, such as those pro-
4 vided to children under section 619 and part C
5 of the Individuals with Disabilities Education
6 Act (20 U.S.C. 1419 and 1431 et seq);

7 (Q) increase the number of children in the
8 State who are enrolled in high-quality kinder-
9 garten programs and carry out a strategy to
10 implement such a plan;

11 (R) coordinate the State's activities sup-
12 ported by grants under this subtitle with activi-
13 ties in State plans required under the Elemen-
14 tary and Secondary Education Act of 1965 (20
15 U.S.C. 6301 et seq.), the Individuals with Dis-
16 abilities Education Act (20 U.S.C. 1400 et
17 seq.), the Head Start Act (42 U.S.C. 9831 et
18 seq.), the Child Care and Development Block
19 Grant Act of 1990 (42 U.S.C. 9858 et seq.),
20 and the Adult Education and Family Literacy
21 Act (20 U.S.C. 9201 et seq.);

22 (S) encourage eligible local entities to co-
23 ordinate with community-based learning re-
24 sources, such as libraries, arts and arts edu-
25 cation programs, appropriate media programs,

1 family literacy programs, public parks and
2 recreation programs, museums, nutrition edu-
3 cation programs, and programs supported by
4 the Corporation for National and Community
5 Service;

6 (T) work with eligible local entities, in con-
7 sultation with elementary school principals, to
8 ensure that high-quality prekindergarten pro-
9 grams have sufficient and appropriate facilities
10 to meet the needs of children eligible for pre-
11 kindergarten;

12 (U) support local early childhood coordi-
13 nating entities, such as local early childhood
14 councils, if applicable, and help such entities to
15 coordinate early childhood education programs
16 with high-quality prekindergarten programs to
17 ensure effective and efficient delivery of early
18 childhood education program services;

19 (V) support shared services administering
20 entities, if applicable;

21 (W) ensure that the provision of high-qual-
22 ity prekindergarten programs will not lead to a
23 diminution in the quality or supply of services
24 for infants and toddlers or disrupt the care of
25 infants and toddlers in the geographic area

1 served by the eligible local entity, which may in-
2 clude demonstrating that the State will direct
3 funds to provide high-quality early childhood
4 education and care to infants and toddlers in
5 accordance with section 1117(d); and

6 (X) ensure that all high-quality prekindergarten
7 programs the State supports under this
8 Act will conduct criminal history background
9 checks that meet the requirements of section
10 9537 on employees and applicants for employ-
11 ment with unsupervised access to children; and

12 (3) an inventory of the State's higher education
13 programs that prepare individuals for work in a
14 high-quality prekindergarten program, including—

15 (A) certification programs;

16 (B) associate degree programs;

17 (C) baccalaureate degree programs

18 (D) masters degree programs; and

19 (E) other programs that lead to a speciali-
20 zation in early childhood education, or a related
21 field.

22 (b) DEVELOPMENT OF APPLICATION.—In developing
23 an application for a grant under this subtitle, a State shall
24 consult with the State Advisory Council on Early Child-

1 hood Education and Care and incorporate such Council's
2 recommendations, where applicable.

3 (c) CONSTRUCTION.—Nothing in this section shall be
4 construed to alter or otherwise affect the rights, remedies,
5 and procedures afforded school employees, local edu-
6 cational agency employees, and the employees of early
7 childhood education programs under Federal, State, or
8 local laws (including applicable regulations or court or-
9 ders) or under the terms of collective bargaining agree-
10 ments, memoranda of understanding, or other agreements
11 between such employees and their employers.

12 **SEC. 1117. STATE USE OF FUNDS.**

13 (a) RESERVATION FOR QUALITY IMPROVEMENT AC-
14 TIVITIES.—

15 (1) IN GENERAL.—A State that receives a
16 grant under this subtitle may reserve for, not more
17 than the first 4 years such State receives such a
18 grant, not more than 20 percent of the grant funds
19 for quality improvement activities that support the
20 elements of high-quality prekindergarten programs.
21 Such quality improvement activities may include
22 supporting teachers, center directors, and principals
23 in a State's high-quality prekindergarten program,
24 licensed or regulated child care, or Head Start pro-
25 grams to enable such teachers or directors to earn

1 a baccalaureate degree in early childhood education,
2 or closely-related field, through activities which may
3 include—

4 (A) expanding or establishing scholarships,
5 counseling, and compensation initiatives to
6 cover the cost of tuition, fees, materials, trans-
7 portation, and release time for such teachers;

8 (B) providing ongoing professional develop-
9 ment opportunities, including regular in-class-
10 room observation by individuals trained in such
11 observation, for such teachers, directors, prin-
12 cipals, and teachers assistants to enable such
13 teachers, directors, principals, and teachers as-
14 sistants to carry out the elements of high-qual-
15 ity prekindergarten programs, which may in-
16 clude activities that address—

17 (i) promoting children’s development
18 across all of the essential domains of early
19 learning and development;

20 (ii) developmentally appropriate cur-
21 ricula and teacher-child interaction;

22 (iii) effective family engagement;

23 (iv) providing culturally competent in-
24 struction;

1 (v) working with a diversity of chil-
2 dren and families, including children with
3 special needs and dual language learners;

4 (vi) childhood nutrition and physical
5 education programs;

6 (vii) supporting the implementation of
7 evidence-based curricula;

8 (viii) social and emotional develop-
9 ment; and

10 (ix) incorporating age-appropriate
11 strategies of positive behavioral interven-
12 tions and supports; and

13 (C) providing families with increased op-
14 portunities to learn how best to support their
15 children's physical, cognitive, social, and emo-
16 tional development during the first five years of
17 life.

18 (2) NOT SUBJECT TO MATCHING.—The amount
19 reserved under paragraph (1) shall not be subject to
20 the matching requirements under section 1120.

21 (3) COORDINATION.—A State that reserves an
22 amount under paragraph (1) shall coordinate the
23 use of such amount with activities funded under sec-
24 tion 658G of the Child Care and Development Block

1 Grant Act of 1990 (42 U.S.C. 9858e) and the Head
2 Start Act (42 U.S.C. 9831 et seq.).

3 (4) CONSTRUCTION.—A State may not use
4 funds reserved under this subsection to meet the re-
5 quirement described in section 1112(9)(G).

6 (b) SUBGRANTS FOR HIGH-QUALITY PREKINDER-
7 GARTEN PROGRAMS.—A State that receives a grant under
8 this subtitle shall award subgrants of sufficient size to eli-
9 gible local entities to enable such eligible local entities to
10 implement high-quality prekindergarten programs for chil-
11 dren who—

12 (1) are described in section 1112(9)(A);

13 (2) reside within the State; and

14 (3) are from families with incomes at or below
15 200 percent of the poverty line.

16 (c) ADMINISTRATION.—A State that receives a grant
17 under this subtitle may reserve not more than 1 percent
18 of the grant funds for administration of the grant, and
19 may use part of that reservation for the maintenance of
20 the State Advisory Council on Early Childhood Education
21 and Care.

22 (d) EARLY CHILDHOOD EDUCATION AND CARE PRO-
23 GRAMS FOR INFANTS AND TODDLERS.—

24 (1) USE OF ALLOTMENT FOR INFANTS AND
25 TODDLERS.—An eligible State may apply to use, and

1 the appropriate Secretary may grant permission for
2 the State to use, not more than 15 percent of the
3 funds made available through a grant received under
4 this subtitle to award subgrants to early childhood
5 education programs to provide, consistent with the
6 State's early learning and development guidelines for
7 infants and toddlers, high-quality early childhood
8 education and care to infants and toddlers who re-
9 side within the State and are from families with in-
10 comes at or below 200 percent of the poverty line.

11 (2) APPLICATION.—To be eligible to use the
12 grant funds as described in paragraph (1), the State
13 shall submit an application to the appropriate Sec-
14 retary at such time, in such manner, and containing
15 such information as the Secretary may require. Such
16 application shall, at a minimum, include a descrip-
17 tion of how the State will—

18 (A) designate a lead agency which shall ad-
19 minister such funds;

20 (B) ensure that such lead agency, in co-
21 ordination with the State's Advisory Council on
22 Early Childhood Education and Care, will col-
23 laborate with other agencies in administering
24 programs supported under this subsection for
25 infants and toddlers in order to obtain input

1 about the appropriate use of such funds and en-
2 sure coordination with programs for infants and
3 toddlers funded under the Child Care and De-
4 velopment Block Grant Act of 1990 (42 U.S.C.
5 9858 et seq.), the Head Start Act (42 U.S.C.
6 9831 et seq.) (including any Early Learning
7 Quality Partnerships established in the State
8 under section 645B of the Head Start Act, as
9 added by section 202), the Race to the Top and
10 Early Learning Challenge program under sec-
11 tion 14006 of Public Law 111–5 (123 Stat.
12 283), the maternal, infant, and early childhood
13 home visiting programs funded under section
14 511 of the Social Security Act (42 U.S.C. 711),
15 and part C of the Individuals with Disabilities
16 Education Act (20 U.S.C. 1431 et seq.);

17 (C) ensure that infants and toddlers who
18 benefit from amounts made available under this
19 subsection will transition to and have the oppor-
20 tunity to participate in a high-quality pre-
21 kindergarten program supported under this
22 subtitle;

23 (D) in awarding subgrants, give preference
24 to early childhood education programs that
25 have a plan to increase services to children with

1 special needs, including children with develop-
2 mental delays or disabilities, children who are
3 dual language learners, homeless children, chil-
4 dren who are in foster care, children of migrant
5 families, children eligible for free or reduced-
6 price lunch under the Richard B. Russell Na-
7 tional School Lunch Act (42 U.S.C. 1751 et
8 seq.), or children in the child welfare system;
9 and

10 (E) give priority to activities carried out
11 under this subsection that will increase access
12 to high-quality early childhood education pro-
13 grams for infants and toddlers in local areas
14 with significant concentrations of low-income
15 families that do not currently benefit from such
16 programs.

17 (3) ELIGIBLE PROVIDERS.—A State may use
18 the grant funds as described in paragraph (1) to
19 serve infants and toddlers only by working with
20 early childhood education program providers that—

21 (A) offer full-day, full-year care, or other-
22 wise meet the needs of working families; and

23 (B) meet high-quality standards, such as—

1 (i) Early Head Start program per-
2 formance standards under the Head Start
3 Act (42 U.S.C. 9831 et seq.); or

4 (ii) high quality, demonstrated, valid,
5 and reliable program standards that have
6 been established through a national entity
7 that accredits early childhood education
8 programs.

9 (4) FEDERAL ADMINISTRATION.—

10 (A) IN GENERAL.—The Secretary of Edu-
11 cation shall bear responsibility for obligating
12 and disbursing funds to support activities under
13 this subsection and ensuring compliance with
14 applicable laws and administrative require-
15 ments, subject to paragraph (3).

16 (B) INTERAGENCY AGREEMENT.—The Sec-
17 retary of Education and the Secretary of
18 Health and Human Services shall jointly ad-
19 minister activities supported under this sub-
20 section on such terms as such Secretaries shall
21 set forth in an interagency agreement. The Sec-
22 retary of Health and Human Services shall be
23 responsible for any final approval of a State's
24 application under this subsection that addresses

1 the use of funds designated for services to in-
2 fants and toddlers.

3 (C) APPROPRIATE SECRETARY.—In this
4 subsection, the term “appropriate Secretary”
5 used with respect to a function, means the Sec-
6 retary designated for that function under the
7 interagency agreement.

8 **SEC. 1118. ADDITIONAL PREKINDERGARTEN SERVICES.**

9 (a) PREKINDERGARTEN FOR 3-YEAR OLDS.—Each
10 State that certifies to the Secretary that the State pro-
11 vides universally available, voluntary, high-quality pre-
12 kindergarten programs for 4-year old children who reside
13 within the State and are from families with incomes at
14 or below 200 percent of the poverty line may use the
15 State’s allocation under section 1114(b) to provide high-
16 quality prekindergarten programs for 3-year old children
17 who reside within the State and are from families with
18 incomes at or below 200 percent of the poverty line.

19 (b) SUBGRANTS.—In each State that has a city,
20 county, or local educational agency that provides univer-
21 sally available high-quality prekindergarten programs for
22 4-year old children who reside within the State and are
23 from families with incomes at or below 200 percent of the
24 poverty line the State may use amounts from the State’s
25 allocation under section 1114(b) to award subgrants to eli-

1 gible local entities to enable such eligible local entities to
2 provide high-quality prekindergarten programs for 3-year
3 old children who are from families with incomes at or
4 below 200 percent of the poverty line and who reside in
5 such city, county or local educational agency.

6 **SEC. 1119. PERFORMANCE MEASURES AND TARGETS.**

7 (a) IN GENERAL.—A State that receives a grant
8 under this subtitle shall develop, implement, and make
9 publicly available the performance measures and targets
10 for the activities carried out with grant funds. Such meas-
11 ures shall, at a minimum, track the State’s progress in—

12 (1) increasing school readiness across all do-
13 mains for all categories of children, as described in
14 section 1123(b)(7), including children with disabil-
15 ities and dual language learners;

16 (2) narrowing school readiness gaps between
17 minority and nonminority children, and low-income
18 children and more advantaged children, in prepara-
19 tion for kindergarten entry;

20 (3) decreasing placement for children in ele-
21 mentary school in special education programs and
22 services as described in part B of the Individuals
23 with Disabilities Education Act (20 U.S.C. 1411 et
24 seq.);

1 (4) increasing the number of programs meeting
2 the criteria for high-quality prekindergarten pro-
3 grams across all types of local eligible entities, as de-
4 fined by the State and in accordance with section
5 1112;

6 (5) decreasing the need for grade-to-grade re-
7 tention in elementary school;

8 (6) if applicable, ensuring that high-quality pre-
9 kindergarten programs do not experience instances
10 of chronic absence among the children who partici-
11 pate in such programs;

12 (7) increasing the number and percentage of
13 low-income children in high-quality early childhood
14 education programs that receive financial support
15 through funds provided under this subtitle; and

16 (8) providing high-quality nutrition services,
17 nutrition education, physical activity, and obesity
18 prevention programs.

19 (b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A
20 State shall not, in order to meet the performance meas-
21 ures and targets described in subsection (a), engage in
22 practices or policies that will lead to the misdiagnosis or
23 under-diagnosis of disabilities or developmental delays
24 among children who are served through programs sup-
25 ported under this subtitle.

1 **SEC. 1120. MATCHING REQUIREMENTS.**

2 (a) MATCHING FUNDS.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), a State that receives a grant under this
5 subtitle shall provide matching funds from non-Fed-
6 eral sources, as described in subsection (c), in an
7 amount equal to—

8 (A) 10 percent of the Federal funds pro-
9 vided under the grant in the first year of grant
10 administration;

11 (B) 10 percent of the Federal funds pro-
12 vided under the grant in the second year of
13 grant administration;

14 (C) 20 percent of the Federal funds pro-
15 vided under the grant in the third year of grant
16 administration;

17 (D) 30 percent of the Federal funds pro-
18 vided under the grant in the fourth year of
19 grant administration;

20 (E) 40 percent of the Federal funds pro-
21 vided under the grant in the fifth year of grant
22 administration;

23 (F) 50 percent of the Federal funds pro-
24 vided under the grant in the sixth year of grant
25 administration;

1 (G) 75 percent of the Federal funds pro-
2 vided under the grant in the seventh year of
3 grant administration; and

4 (H) 100 percent of the Federal funds pro-
5 vided under the grant in the eighth and fol-
6 lowing years of grant administration.

7 (2) REDUCED MATCH RATE.—A State that
8 meets the requirements under subsection (b) may
9 provide matching funds from non-Federal sources at
10 a reduced rate. The full reduced matching funds
11 rate shall be in an amount equal to—

12 (A) 5 percent of the Federal funds pro-
13 vided under the grant in the first year of grant
14 administration;

15 (B) 5 percent of the Federal funds pro-
16 vided under the grant in the second year of
17 grant administration;

18 (C) 10 percent of the Federal funds pro-
19 vided under the grant in the third year of grant
20 administration;

21 (D) 20 percent of the Federal funds pro-
22 vided under the grant in the fourth year of
23 grant administration;

1 (E) 30 percent of the Federal funds pro-
2 vided under the grant in the fifth year of grant
3 administration;

4 (F) 40 percent of the Federal funds pro-
5 vided under the grant in the sixth year of grant
6 administration;

7 (G) 50 percent of the Federal funds pro-
8 vided under the grant in the seventh year of
9 grant administration;

10 (H) 75 percent of the Federal funds pro-
11 vided under the grant in the eighth year of
12 grant administration; and

13 (I) 100 percent of the Federal funds pro-
14 vided under the grant in the ninth and fol-
15 lowing years of the grant administration.

16 (b) REDUCED MATCH RATE ELIGIBILITY.—A State
17 that receives a grant under this subtitle may provide
18 matching funds from non-Federal sources at the full re-
19 duced rate under subsection (a)(2) if the State—

20 (1)(A) offers enrollment in high-quality pre-
21 kindergarten programs to not less than half of chil-
22 dren in the State who are—

23 (i) age 4 on the eligibility determination
24 date; and

1 (ii) from families with incomes at or below
2 200 percent of the poverty line; and

3 (B) has a plan for continuing to expand access
4 to high-quality prekindergarten programs for such
5 children in the State; and

6 (2) has a plan to expand access to high-quality
7 prekindergarten programs to children from moderate
8 income families whose income exceeds 200 percent of
9 the poverty line.

10 (c) NON-FEDERAL RESOURCES.—

11 (1) IN CASH.—A State shall provide the match-
12 ing funds under this section in cash with non-Fed-
13 eral resources which may include State funding,
14 local funding, or contributions from philanthropy or
15 other private sources, or a combination thereof.

16 (2) FUNDS TO BE CONSIDERED AS MATCHING
17 FUNDS.—A State may include, as part of the State's
18 matching funds under this section, not more than 10
19 percent of the amount of State funds designated for
20 State prekindergarten programs or to supplement
21 Head Start programs under the Head Start Act (42
22 U.S.C. 9831 et seq.) as of the date of enactment of
23 this Act, but may not include any funds that are at-
24 tributed as matching funds, as part of a non-Federal

1 share, or as a maintenance of effort requirement, for
2 any other Federal program.

3 (d) MAINTENANCE OF EFFORT.—

4 (1) IN GENERAL.—If a State reduces its com-
5 bined fiscal effort per student or the aggregate ex-
6 penditures within the State to support early child-
7 hood education programs for any fiscal year that a
8 State receives a grant authorized under this subtitle
9 relative to the previous fiscal year, the Secretary
10 shall reduce support for such State under this sub-
11 title by the same amount as the decline in State and
12 local effort for such fiscal year.

13 (2) WAIVER.—The Secretary may waive the re-
14 quirements of paragraph (1) if—

15 (A) the Secretary determines that a waiver
16 would be appropriate due to a precipitous de-
17 cline in the financial resources of a State as a
18 result of unforeseen economic hardship or a
19 natural disaster that has necessitated across-
20 the-board reductions in State services, including
21 early childhood education programs; or

22 (B) due to the circumstances of a State re-
23 quiring reductions in specific programs, includ-
24 ing early childhood education, if the State pre-
25 sents to the Secretary a justification and dem-

1 onstration why other programs could not be re-
2 duced and how early childhood programs in the
3 State will not be disproportionately harmed by
4 such State action.

5 (e) SUPPLEMENT NOT SUPPLANT.—Grant funds re-
6 ceived under this title shall be used to supplement and
7 not supplant other Federal, State, and local public funds
8 expended on public prekindergarten programs in the
9 State.

10 **SEC. 1121. ELIGIBLE LOCAL ENTITY APPLICATIONS.**

11 (a) IN GENERAL.—An eligible local entity desiring to
12 receive a subgrant under section 1117(b) shall submit an
13 application to the State, at such time, in such manner,
14 and containing such information as the State may reason-
15 ably require.

16 (b) CONTENTS.—Each application submitted under
17 subsection (a) shall include the following:

18 (1) PARENT AND FAMILY ENGAGEMENT.—A de-
19 scription of how the eligible local entity plans to en-
20 gage the parents and families of the children such
21 entity serves and ensure that parents and families of
22 eligible children, as described in clauses (i) and (ii)
23 of section 1116(a)(2)(A), are aware of the services
24 provided by the eligible local entity, which shall in-
25 clude a plan to—

1 (A) carry out meaningful parent and fam-
2 ily engagement, through the implementation
3 and replication of evidence-based or promising
4 practices and strategies, which shall be coordi-
5 nated with parent and family engagement strat-
6 egies supported under the Individuals with Dis-
7 abilities Education Act (20 U.S.C. 1400 et seq.)
8 and part A of title I and title V of the Elemen-
9 tary and Secondary Education Act of 1965 (20
10 U.S.C. 6311 et seq. and 7201 et seq.), if appli-
11 cable, to—

12 (i) provide parents and family mem-
13 bers with the skills and opportunities nec-
14 essary to become engaged and effective
15 partners in their children’s education, par-
16 ticularly the families of dual language
17 learners and children with disabilities,
18 which may include access to literacy serv-
19 ices;

20 (ii) improve child development; and

21 (iii) strengthen relationships among
22 prekindergarten staff and parents and
23 family members; and

24 (B) participate in community outreach to
25 encourage families with eligible children to par-

1 participate in the eligible local entity's high-quality
2 prekindergarten program, including—

- 3 (i) homeless children;
4 (ii) dual language learners;
5 (iii) children in foster care;
6 (iv) children with disabilities; and
7 (v) migrant children.

8 (2) COORDINATION & ALIGNMENT.—A descrip-
9 tion of how the eligible local entity will—

10 (A) coordinate, if applicable, the eligible
11 local entity's activities with—

12 (i) Head Start agencies (consistent
13 with section 642(e)(5) of the Head Start
14 Act (42 U.S.C. 9837(e)(5)), if the local en-
15 tity is not a Head Start agency;

16 (ii) local educational agencies, if the
17 eligible local entity is not a local edu-
18 cational agency;

19 (iii) providers of services under part C
20 of the Individuals with Disabilities Edu-
21 cation Act (20 U.S.C. 1431 et seq.);

22 (iv) programs carried out under sec-
23 tion 619 of the Individuals with Disabil-
24 ities Education Act (20 U.S.C. 1419); and

1 (v) if feasible, other entities carrying
2 out early childhood education programs
3 and services within the area served by the
4 local educational agency.

5 (B) develop a process to promote con-
6 tinuity of developmentally appropriate instruc-
7 tional programs and shared expectations with
8 local elementary schools for children's learning
9 and development as children transition to kin-
10 dergarten;

11 (C) organize, if feasible, and participate in
12 joint training, when available, including transi-
13 tion-related training for school staff and early
14 childhood education program staff;

15 (D) establish comprehensive transition
16 policies and procedures, with applicable elemen-
17 tary schools and principals, for the children
18 served by the eligible local entity that support
19 the school readiness of children transitioning to
20 kindergarten, including the transfer of early
21 childhood education program records, with pa-
22 rental consent;

23 (E) conduct outreach to parents, families,
24 and elementary school teachers and principals

1 to discuss the educational, developmental, and
2 other needs of children entering kindergarten;

3 (F) help parents, including parents of chil-
4 dren who are dual language learners, under-
5 stand and engage with the instructional and
6 other services provided by the kindergarten in
7 which such child will enroll after participation
8 in a high-quality prekindergarten program; and

9 (G) develop and implement a system to in-
10 crease program participation of underserved
11 populations of eligible children, especially home-
12 less children, children eligible for a free or re-
13 duced-price lunch under the Richard B. Russell
14 National School Lunch Act (42 U.S.C. 1751 et
15 seq.), parents of children who are dual language
16 learners, and parents of children with disabil-
17 ities.

18 (3) PROTECTIONS FOR SPECIAL POPU-
19 LATIONS.—A description of how the eligible local en-
20 tity will meet the diverse needs of children in the
21 community to be served, including children with dis-
22 abilities, children whose native language is not
23 English, children with other special needs, children
24 in the State foster care system, and homeless chil-

1 dren. Such description shall demonstrate, at a min-
2 imum, how the entity plans to—

3 (A) ensure the eligible local entity’s high-
4 quality prekindergarten program is accessible
5 and appropriate for children with disabilities
6 and dual language learners;

7 (B) establish effective procedures for pro-
8 viding necessary early screening for learning
9 issues and delays in early literacy and math
10 skill development and intervening services based
11 on these screenings to children with disabilities
12 prior to an eligibility determination by the State
13 or local agency responsible for providing serv-
14 ices under section 619 or part C of the Individ-
15 uals with Disabilities Education Act (20 U.S.C.
16 1419 and 1431 et seq.);

17 (C) establish effective procedures for time-
18 ly referral of children with disabilities to the
19 State or local agency described in subparagraph
20 (B);

21 (D) ensure that the eligible local entity’s
22 high-quality prekindergarten program works
23 with appropriate entities to address the elimi-
24 nation of barriers to immediate and continuous
25 enrollment for homeless children; and

1 (E) ensure access to and continuity of en-
2 rollment in high-quality prekindergarten pro-
3 grams for migratory children, if applicable, and
4 homeless children, including through policies
5 and procedures that require—

6 (i) outreach to identify migratory chil-
7 dren and homeless children;

8 (ii) immediate enrollment, including
9 enrollment during the period of time when
10 documents typically required for enroll-
11 ment, including health and immunization
12 records, proof of eligibility, and other docu-
13 ments, are obtained;

14 (iii) continuous enrollment and par-
15 ticipation in the same high-quality pre-
16 kindergarten program for a child, even if
17 the child moves out of the program's serv-
18 ice area, if that enrollment and participa-
19 tion are in the child's best interest, includ-
20 ing by providing transportation when nec-
21 essary;

22 (iv) professional development for high-
23 quality prekindergarten program staff re-
24 garding migratory children and homeless-

1 ness among families with young children;
2 and

3 (v) in serving homeless children, col-
4 laboration with local educational agency li-
5 aisons designated under section
6 722(g)(1)(J)(ii) of the McKinney-Vento
7 Homeless Assistance Act (42 U.S.C.
8 11432(g)(1)(J)(ii)), and local homeless
9 service providers.

10 (4) ACCESSIBLE COMPREHENSIVE SERVICES.—

11 A description of how the eligible local entity plans to
12 provide accessible comprehensive services, described
13 in section 1112(9)(I), to the children the eligible
14 local entity serves. Such description shall provide in-
15 formation on how the entity will—

16 (A) conduct a data-driven community as-
17 sessment in coordination with members of the
18 community, including parents and community
19 organizations, or use a recently conducted data-
20 driven assessment, which—

21 (i) may involve an external partner
22 with expertise in conducting such needs
23 analysis, to determine the most appro-
24 priate social or other support services to
25 offer through the eligible local entity's on-

1 site comprehensive services to children who
2 participate in high-quality prekindergarten
3 programs; and

4 (ii) shall consider the resources avail-
5 able at the school, local educational agen-
6 cy, and community levels to address the
7 needs of the community and improve child
8 outcomes; and

9 (B) have a coordinated system to facilitate
10 the screening, referral, and provision of services
11 related to health, nutrition, mental health, dis-
12 ability, and family support for children served
13 by the eligible local entity.

14 (5) WORKFORCE.—A description of how the eli-
15 gible local entity plans to support the instructional
16 staff of such entity's high-quality prekindergarten
17 program, which shall, at a minimum, include a plan
18 to provide high-quality professional development, or
19 facilitate the provision of high-quality professional
20 development through an external partner with exper-
21 tise and a demonstrated track record of success,
22 based on scientifically valid research, that will im-
23 prove the knowledge and skills of high-quality pre-
24 kindergarten teachers and staff through activities,
25 which may include—

1 (A) acquiring content knowledge and learn-
2 ing teaching strategies needed to provide effec-
3 tive instruction that addresses the State's early
4 learning and development standards described
5 under section 1115(1), including professional
6 training to support the social and emotional de-
7 velopment of children;

8 (B) enabling high-quality prekindergarten
9 teachers and staff to pursue specialized training
10 in early childhood development;

11 (C) enabling high-quality prekindergarten
12 teachers and staff to acquire the knowledge and
13 skills to provide instruction and appropriate
14 language and support services to increase the
15 English language skills of dual language learn-
16 ers;

17 (D) enabling high-quality prekindergarten
18 teachers and staff to acquire the knowledge and
19 skills to provide developmentally appropriate in-
20 struction for children with disabilities;

21 (E) promoting classroom management;

22 (F) providing high-quality induction and
23 support for incoming high-quality prekind-
24 ergarten teachers and staff in high-quality pre-
25 kindergarten programs, including through the

1 use of mentoring programs and coaching that
2 have a demonstrated track record of success;

3 (G) promoting the acquisition of relevant
4 credentials, including in ways that support ca-
5 reer advancement through career ladders; and

6 (H) enabling high-quality prekindergarten
7 teachers and staff to acquire the knowledge and
8 skills to provide culturally competent instruc-
9 tion for children from diverse backgrounds.

10 **SEC. 1122. REQUIRED SUBGRANT ACTIVITIES.**

11 (a) IN GENERAL.—An eligible local entity that re-
12 ceives a subgrant under section 1117(b) shall use
13 subgrant funds to implement the elements of a high-qual-
14 ity prekindergarten program for the children described in
15 section 1117(b).

16 (b) COORDINATION.—

17 (1) LOCAL EDUCATIONAL AGENCY PARTNER-
18 SHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION
19 PROGRAMS.—A local educational agency that re-
20 ceives a subgrant under this subtitle shall provide an
21 assurance that the local educational agency will
22 enter into strong partnerships with local early child-
23 hood education programs, including programs sup-
24 ported through the Head Start Act (42 U.S.C. 9831
25 et seq.).

1 (2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT
2 LOCAL EDUCATIONAL AGENCIES.—An eligible local
3 entity that is not a local educational agency that re-
4 ceives a subgrant under this subtitle shall provide an
5 assurance that such entity will enter into strong
6 partnerships with local educational agencies.

7 **SEC. 1123. REPORT AND EVALUATION.**

8 (a) IN GENERAL.—Each State that receives a grant
9 under this subtitle shall prepare an annual report, in such
10 manner and containing such information as the Secretary
11 may reasonably require.

12 (b) CONTENTS.—A report prepared under subsection
13 (a) shall contain, at a minimum—

14 (1) a description of the manner in which the
15 State has used the funds made available through the
16 grant and a report of the expenditures made with
17 the funds;

18 (2) a summary of the State's progress toward
19 providing access to high-quality prekindergarten pro-
20 grams for children eligible for such services, as de-
21 termined by the State, from families with incomes at
22 or below 200 percent of the poverty line, including
23 the percentage of funds spent on children from fami-
24 lies with incomes—

1 (A) at or below 100 percent of the poverty
2 line;

3 (B) at or below between 101 and 150 per-
4 cent of the poverty line; and

5 (C) at or below between 151 and 200 per-
6 cent of the poverty line;

7 (3) an evaluation of the State's progress toward
8 achieving the State's performance targets, described
9 in section 1119;

10 (4) data on the number of high-quality pre-
11 kindergarten program teachers and staff in the
12 State (including teacher turnover rates and teacher
13 compensation levels compared to teachers in elemen-
14 tary schools and secondary schools), according to the
15 setting in which such teachers and staff work (which
16 settings shall include, at a minimum, Head Start
17 programs, public prekindergarten, and child care
18 programs) who received training or education during
19 the period of the grant and remained in the early
20 childhood education program field;

21 (5) data on the kindergarten readiness of chil-
22 dren in the State;

23 (6) a description of the State's progress in ef-
24 fectively using Federal, State, and local public funds
25 and private funds, for early childhood education;

1 (7) the number and percentage of children in
2 the State participating in high-quality prekindergarten
3 programs, disaggregated by race, ethnicity,
4 family income, child age, disability, whether the children
5 are homeless children, and whether the children
6 are dual language learners;

7 (8) data on the availability, affordability, and
8 quality of infant and toddler care in the State;

9 (9) the number of operational minutes per week
10 and per year for each eligible local entity that receives
11 a subgrant;

12 (10) the local educational agency and zip code
13 in which each eligible local entity that receives a
14 subgrant operates;

15 (11) information, for each of the local educational
16 agencies described in paragraph (10), on
17 the percentage of the costs of the public early childhood
18 education programs that is funded from Federal, from State,
19 and from local sources, including
20 the percentages from specific funding programs;

21 (12) data on the number and percentage of
22 children in the State participating in public kindergarten
23 programs, disaggregated by race, family income,
24 child age, disability, whether the children are
25 homeless children, and whether the children are dual

1 language learners, with information on whether such
2 programs are offered—

3 (A) for a full-day; and

4 (B) at no cost to families;

5 (13) data on the number of individuals in the
6 State who are supported with scholarships, if appli-
7 cable, to meet the baccalaureate degree requirement
8 for high-quality prekindergarten programs, as de-
9 fined in section 1112; and

10 (14) information on—

11 (A) the numbers and rates of expulsion,
12 suspension, and similar disciplinary action, of
13 children in the State participating in high-qual-
14 ity prekindergarten programs, provided by any
15 eligible local entity, as defined in section
16 1112(7) of this title;

17 (B) the State's progress in establishing
18 policies on effective behavior management strat-
19 egies and training that promote positive social
20 and emotional development to eliminate expul-
21 sions and extended suspensions of children par-
22 ticipating in high-quality prekindergarten pro-
23 grams; and

24 (C) the State's policies on providing early
25 learning services to children in the State par-

1 participating in high-quality prekindergarten pro-
2 grams who have been suspended.

3 (c) SUBMISSION.—A State shall submit the annual
4 report prepared under subsection (a), at the end of each
5 fiscal year, to the Secretary, the Secretary of Health and
6 Human Services, and the State Advisory Council on Early
7 Childhood Education and Care.

8 (d) COOPERATION.—An eligible local entity that re-
9 ceives a subgrant under this subtitle shall cooperate with
10 all Federal and State efforts to evaluate the effectiveness
11 of the program the entity implements with subgrant funds.

12 (e) NATIONAL REPORT.—The Secretary shall compile
13 and summarize the annual State reports described under
14 subsection (c) and shall prepare and submit an annual re-
15 port to Congress that includes a summary of such State
16 reports.

17 **SEC. 1124. PROHIBITION OF REQUIRED PARTICIPATION OR**
18 **USE OF FUNDS FOR ASSESSMENTS.**

19 (a) PROHIBITION ON REQUIRED PARTICIPATION.—A
20 State receiving a grant under this subtitle shall not re-
21 quire any child to participate in any Federal, State, local,
22 or private early childhood education program, including a
23 high-quality prekindergarten program.

24 (b) PROHIBITION ON USE OF FUNDS FOR ASSESS-
25 MENT.—A State receiving a grant under this subtitle and

1 an eligible local entity receiving a subgrant under this sub-
2 title shall not use any grant or subgrant funds to carry
3 out any of the following activities:

4 (1) An assessment that provides rewards or
5 sanctions for individual children, teachers, or prin-
6 cipals.

7 (2) An assessment that is used as the primary
8 or sole method for assessing program effectiveness.

9 (3) Evaluating children, other than for the pur-
10 poses of—

11 (A) improving instruction or the classroom
12 environment;

13 (B) targeting professional development;

14 (C) determining the need for health, men-
15 tal health, disability, or family support services;

16 (D) program evaluation for the purposes of
17 program improvement and parent information;

18 and

19 (E) improving parent and family engage-
20 ment.

21 **SEC. 1125. COORDINATION WITH HEAD START PROGRAMS.**

22 (a) INCREASED ACCESS FOR YOUNGER CHILDREN.—

23 Not later than 1 year after the date of enactment of this
24 Act, the Secretary and the Secretary of Health and
25 Human Services shall develop a process—

1 (1) for use in the event that Head Start pro-
2 grams funded under the Head Start Act (42 U.S.C.
3 9831 et seq.) operate in States or regions that have
4 achieved sustained universal, voluntary access to 4-
5 year old children who reside within the State and
6 who are from families with incomes at or below 200
7 percent of the poverty line to high-quality prekinderg-
8 garten programs; and

9 (2) for how such Head Start programs will
10 begin converting slots for children who are age 4 on
11 the eligibility determination date to children who are
12 age 3 on the eligibility determination date, or, when
13 appropriate, converting Head Start Programs into
14 Early Head Start programs to serve infants and tod-
15 dlers.

16 (b) **COMMUNITY NEED AND RESOURCES.**—The proc-
17 ess described in subsection (a) shall—

18 (1) be carried out on a case-by-case basis and
19 shall ensure that sufficient resources and time are
20 allocated for the development of such a process so
21 that no child or cohort is excluded from currently
22 available services; and

23 (2) ensure that any conversion shall be based
24 on community need and not on the aggregate num-
25 ber of children served in a State or region that has

1 achieved sustained, universal, voluntary access to
2 high-quality prekindergarten programs.

3 (c) PUBLIC COMMENT AND NOTICE.—Not fewer than
4 90 days after the development of the proposed process de-
5 scribed in subsection (a), the Secretary and the Secretary
6 of Health and Human Services shall publish a notice de-
7 scribing such proposed process for conversion in the Fed-
8 eral Register providing at least 90 days for public com-
9 ment. The Secretaries shall review and consider public
10 comments prior to finalizing the process for conversion of
11 Head Start slots and programs.

12 (d) REPORTS TO CONGRESS.—Concurrently with
13 publishing a notice in the Federal Register as described
14 in subsection (c), the Secretaries shall provide a report
15 to the Committee on Education and the Workforce of the
16 House of Representatives and the Committee on Health,
17 Education, Labor, and Pensions of the Senate that pro-
18 vides a detailed description of the proposed process de-
19 scribed in subsection (a), including a description of the
20 degree to which Head Start programs are providing State-
21 funded high-quality prekindergarten programs as a result
22 of the grant opportunity provided under this subtitle in
23 States where Head Start programs are eligible for conver-
24 sion described in subsection (a).

1 **SEC. 1126. TECHNICAL ASSISTANCE IN PROGRAM ADMINIS-**
2 **TRATION.**

3 In providing technical assistance to carry out activi-
4 ties under this title, the Secretary shall coordinate that
5 technical assistance, in appropriate cases, with technical
6 assistance provided by the Secretary of Health and
7 Human Services to carry out the programs authorized
8 under the Head Start Act (42 U.S.C. 9831 et seq.), the
9 Child Care and Development Block Grant Act of 1990 (42
10 U.S.C. 9858 et seq.), and the maternal, infant and early
11 childhood home visiting programs assisted under section
12 511 of the Social Security Act (42 U.S.C. 711).

13 **SEC. 1127. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to carry out
15 this subtitle—

16 (1) \$1,300,000,000 for fiscal year 2016;

17 (2) 3,250,000,000 for fiscal year 2017;

18 (3) \$5,780,000,000 for fiscal year 2018;

19 (4) \$7,580,000,000 for fiscal year 2019;

20 (5) \$8,960,000,000 for fiscal year 2020; and

21 (6) such sums as may be necessary for each of
22 fiscal years 2021 through 2025.

1 **Subtitle B—Prekindergarten**
2 **Development Grants**

3 **SEC. 1151. PREKINDERGARTEN DEVELOPMENT GRANTS.**

4 (a) **IN GENERAL.**—From the amounts appropriated
5 under subsection (f), the Secretary of Education, in con-
6 sultation with the Secretary of Health and Human Serv-
7 ices, shall award competitive grants to States that wish
8 to increase the capacity and build the infrastructure with-
9 in the State to offer high-quality prekindergarten pro-
10 grams.

11 (b) **ELIGIBILITY.**—A State that is not receiving funds
12 under section 1115 may compete for grant funds under
13 this subtitle if the State provides an assurance that the
14 State will, through the support of grant funds awarded
15 under this subtitle, meet the eligibility requirements of
16 section 1115 not later than 3 years after the date the
17 State first receives grant funds under this subtitle.

18 (c) **GRANTS.**—

19 (1) **DURATION.**—The Secretary shall award
20 grants to States under this subtitle for a period of
21 not more than 3 years and such grants shall not be
22 renewed.

23 (2) **AUTHORITY TO SUBGRANT.**—

24 (A) **IN GENERAL.**—A State receiving a
25 grant under this subtitle may use the grant

1 funds to make subgrants to eligible local enti-
2 ties (defined in section 1112(7)) to carry out
3 activities under the grant.

4 (B) ELIGIBLE LOCAL ENTITIES.—An eligi-
5 ble local entity receiving a subgrant under sub-
6 paragraph (A) shall comply with the require-
7 ments for States receiving a grant under this
8 subtitle, as appropriate.

9 (d) APPLICATION.—

10 (1) IN GENERAL.—A Governor of a State that
11 desires to receive a grant under this subtitle shall
12 submit an application to the Secretary of Education
13 at such time, in such manner, and accompanied by
14 such information as the Secretary may reasonably
15 require, including a description of how the State
16 plans to become eligible for grants under section
17 1115 by not later than 3 years after the date the
18 State first receives grant funds under this subtitle.

19 (2) DEVELOPMENT OF APPLICATION.—In devel-
20 oping an application for a grant under this subtitle,
21 a Governor of a State shall consult with the State
22 Advisory Council on Early Childhood Education and
23 Care, and incorporate their recommendations, where
24 applicable.

25 (e) MATCHING REQUIREMENT.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under this subtitle, a State shall contribute for
3 the activities for which the grant was awarded non-
4 Federal matching funds in an amount equal to not
5 less than 20 percent of the amount of the grant.

6 (2) NON-FEDERAL FUNDS.—To satisfy the re-
7 quirement of paragraph (1), a State may use—

8 (A) cash; or

9 (B) an in-kind contribution.

10 (3) FINANCIAL HARDSHIP WAIVER.—The Sec-
11 retary may waive paragraph (1) or reduce the
12 amount of matching funds required under that para-
13 graph for a State that has submitted an application
14 for a grant under this subtitle if the State dem-
15 onstrates, in the application, a need for such a waiv-
16 er or reduction due to extreme financial hardship, as
17 determined by the Secretary of Education.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this sub-
20 title—

21 (1) \$750,000,000 for fiscal year 2016; and

22 (2) such sums as may be necessary for each of
23 fiscal years 2017 through 2025.

