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113TH CONGRESS
*1st Session*

HOUSE OF REPRESENTATIVES

REPORT
113–158

# PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5) TO SUPPORT STATE AND LOCAL ACCOUNTABILITY FOR PUBLIC EDUCATION, PROTECT STATE AND LOCAL AUTHORITY, INFORM PARENTS OF THE PERFORMANCE OF THEIR CHILDREN'S SCHOOLS, AND FOR OTHER PURPOSES

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## R E P O R T

OF THE

## COMMITTEE ON RULES

TO ACCOMPANY

## H. Res. 303

JULY 17, 2013.—Referred to the House Calendar and ordered to be printed

**PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5) TO SUPPORT STATE AND LOCAL ACCOUNTABILITY FOR PUBLIC EDUCATION, PROTECT STATE AND LOCAL AUTHORITY, INFORM PARENTS OF THE PERFORMANCE OF THEIR CHILDREN'S SCHOOLS, AND FOR OTHER PURPOSES**

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JULY 17, 2013.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules,
submitted the following

# R E P O R T

[To accompany H. Res. 303]

The Committee on Rules, having had under consideration House Resolution 303, by a vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

## SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5, the Student Success Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–18 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by its proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of section 3(j)(2) of H. Res. 5 (113th Congress). While the Committee on Education and the Workforce statement in its report does not include the required specific references to reports from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance, the Committee on Education and the Workforce has determined that the bill streamlines and eliminates more than seventy existing elementary and secondary education programs.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

*Rules Committee record vote No. 56*

Motion by Mr. McGovern to report an open rule. Defeated: 4–8

| Majority Members | Vote | Minority Members | Vote |
|---|---|---|---|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Bishop of Utah | Nay | Mr. McGovern | Yea |
| Mr. Cole | Nay | Mr. Hastings of Florida | Yea |
| Mr. Woodall | Nay | Mr. Polis | Yea |
| Mr. Nugent | | | |
| Mr. Webster | Nay | | |
| Ms. Ros-Lehtinen | Nay | | |
| Mr. Burgess | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

*Rules Committee record vote No. 57*

Motion by Mr. Polis to make in order and provide the appropriate waivers for amendment #24, offered by Rep. Polis (CO), which establishes a comprehensive federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity. Defeated: 5–7.

| Majority Members | Vote | Minority Members | Vote |
|---|---|---|---|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Bishop of Utah | Nay | Mr. McGovern | Yea |
| Mr. Cole | Nay | Mr. Hastings of Florida | Yea |
| Mr. Woodall | Nay | Mr. Polis | Yea |
| Mr. Nugent | | | |
| Mr. Webster | Nay | | |
| Ms. Ros-Lehtinen | Yea | | |
| Mr. Burgess | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

*Rules Committee record vote No. 58*

Motion by Ms. Foxx to report the rule. Adopted: 8–4.

| Majority Members | Vote | Minority Members | Vote |
|---|---|---|---|
| Ms. Foxx | Yea | Ms. Slaughter | Nay |
| Mr. Bishop of Utah | Yea | Mr. McGovern | Nay |

| Majority Members | Vote | Minority Members | Vote |
|---|---|---|---|
| Mr. Cole | Yea | Mr. Hastings of Florida | Nay |
| Mr. Woodall | Yea | Mr. Polis | Nay |
| Mr. Nugent | | | |
| Mr. Webster | Yea | | |
| Ms. Ros-Lehtinen | Yea | | |
| Mr. Burgess | Yea | | |
| Mr. Sessions, Chairman | Yea | | |

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Kline (MN), Rokita (IN): MANAGERS Clarifies that a state opting not to receive funds for a program under the Act shall not be required to carry out any of the requirements of such program and that states and school districts can support civics education efforts, and makes other technical improvements. (10 minutes)

2. Young, Don (AK), Gabbard (HI), Hanabusa (HI), McCollum (MN): Restores, and makes policy improvements to, educational support programs for American Indian, Alaska Native, and Native Hawaiian students which are currently authorized under Title VII of the Elementary and Secondary Education Act and would be diminished by H.R. 5, the Student Success Act. (10 minutes)

3. Cárdenas (CA): Increases the authorized funding level to $775,000,000 until FY 2019. (10 minutes)

4. Luetkemeyer (MO): Expresses the sense of the Congress that States and local education agencies should maintain the rights and responsibilities of determining curriculum and assessments for elementary and secondary education. (10 minutes)

5. Jackson Lee (TX): States that if funding for awards to states is not sufficient then funding will be targeted to schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievements of such students. (10 minutes)

6. Bentivolio (MI): Requires State educational agencies to consult with private sector employers and entrepreneurs as part of its education plan. It also requires the Secretary to have representatives from private sector employers appointed to the peer-review process by reducing practitioners from 75 percent to 65 percent. (10 minutes)

7. McMorris Rodgers (WA): Reinstates the 1 percent cap as it relates to students with the most significant cognizant disabilities participating in the alternate assessments; ensures alternate assessments are tied to academic content standards for grade in which student enrolled; and ensures parents are involved in the development of assessments as it relates to the student's individualized education program. (10 minutes)

8. Reed (NY), McKinley (WV), Owens (NY): Clarifies that LEA's and SEA's are able to use multiple measures when identifying academic performance measurements instead of the current one-size-fits-all testing assessments. (10 minutes)

9. Benishek (MI): Encourages states to include the number of students attaining career and technical education proficiencies enrolled in public secondary schools, in its annual State report card. This information is already required to be collected by the Perkins Act, and would simply streamline access to information to the public. (10 minutes)

10. Heck (NV): Provides LEAs with the option of entering into partnerships or contracts with other entities to implement programs that serve youth in, or transitioning out of, institutions and correctional facilities, and youth at-risk of dropping out of school. This would provide LEAs with the option to partner with organizations that have the existing experience and resources to enhance the effectiveness of services provided by school districts to vulnerable populations through the Neglected/Delinquent program in an integrated fashion. (10 minutes)

11. Schock (IL), Meehan (PA): Ensures that greater authority and governance are restored to local educational agencies as delegated by their States. It also ensures that the Secretary of Education does not impose any additional requirements or burdens on local educational agencies unless explicitly authorized by federal law. (10 minutes)

12. Scalise (LA), Bishop, Rob (UT): States that under Title II in H.R. 5 there would be no federal mandate for States to conduct teacher evaluations. (10 minutes)

13. Moore, Gwen (WI), Wilson (FL): Delays implementation of new Title II formula until the Secretary of Education determines that the implementation will not reduce funding for schools serving high percentages of students in poverty. (10 minutes)

14. Bishop, Rob (UT): Eliminates Subsection C of Section 2111, which allows grant money to bypass states and go directly from the Department of Education to local districts. (10 minutes)

15. Tonko (NY): Reserves 10% of existing grant funding under the Teacher and Principal Training and Recruiting Fund for competitive subgrants that would allow organizations with STEM expertise to provide STEM professional development and instructional materials throughout the state for elementary and secondary education. (10 minutes)

16. Brooks, Susan (IN), Polis (CO): Clarifies that federal funds may be used for computer science education. (10 minutes)

17. Polis (CO), Petri (WI): Allows charter schools to use grant funds for teacher preparation, professional development, and improving school conditions; ensures that charter schools expand outreach to low-income and underserved populations. (10 minutes)

18. Velázquez (NY): Requires that applicants consider how to target their services to low-income students and parents, including low-income students and parents who are not proficient in English. (10 minutes)

19. Mullin, Markwayne (OK): Strikes language in the bill that allows consolidated districts to be eligible for payment if they do not qualify after consolidation; strikes language allowing for mid-year adjustment for student counts; makes the 8007 Construction Program a competitive grant program. (10 minutes)

20. Garrett (NJ): Clarifies that states that opt out of receiving funds, or are not awarded funds, under this Act are not required to carry out any of the requirements of the programs under this Act. The amendment also clarifies that states are not required to participate in any program under this Act. (10 minutes)

21. Broun (GA): Requires the Secretary of Education to include in their report to Congress the average salary of employees who were determined to be associated with eliminated or consolidated programs or projects by the underlying legislation and a report on

the average salaries of the employees of the Department according to their job function. (10 minutes)

22. Culberson (TX): Empowers States by giving them the opportunity to accept or reject federal grant money. Grant money rejected by State legislatures would be dedicated to paying off our outstanding national debt. (10 minutes)

23. Fitzpatrick (PA), Meehan (PA): Provides a funding condition for a state or local educational agency to be eligible for funds, agency personnel cannot facilitate the transfer of an employee if they know, or have probable cause to believe, that the employee has engaged in sexual misconduct with a minor. Agencies must also require employees be subjected to background checks in compliance with the Adam Walsh Child Protection and Safety Act. (10 minutes)

24. Jackson Lee (TX): Creates a report containing recommendations regarding the advisability of authorizing a state education authority to close a school district over the opposition of a locally elected school board, and regarding best practices governing the exercise of authority by a state education agency in monitoring, supervising and controlling under-performing school districts with particular emphasis on rural and underserved school districts. (10 minutes)

25. Cantor (VA), Bishop, Rob (UT): Allows Title I funds to follow students to other public schools or charter schools, upon the state opting to allow it. (10 minutes)

26. Miller, George (CA): SUBSTITUTE Reauthorizes the Elementary and Secondary Education Act to maintain the civil rights and equity focus of the law and to ensure all students have access to an education that prepares them for college and the workforce. Supports all students, and in particular those who are historically disadvantaged, through access to high quality state-developed standards, a meaningful but flexible accountability and school improvement system, improved and targeted professional development and working conditions for teachers and school leaders, additional learning time and after-school programs, and dedicated supports for wrap-around services for students and a well-rounded education. (20 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KLINE OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 25, line 5, insert ", at the State's discretion," after "and".

Page 28, line 13, strike "and".

Page 28, line 18, strike the period and insert ", and".

Page 28, after line 18, insert the following:

> "(xiv) where practicable, be developed using the principles of universal design for learning as defined in section 103(24) of the Higher Education Act of 1965 (20 U.S.C. 1003(24)).".

Page 54, beginning on line 17, strike "and early college high schools" and insert ", early college high schools, and Advanced Placement or International Baccalaureate programs".

Page 195, line 16, strike "**AND TRIBES**" and insert "**, TRIBES, AND ALASKA NATIVE ORGANIZATIONS**".

Page 195, line 19, strike "and Indian tribes" and insert ", Indian tribes, and Alaska Native organizations".

Page 197, after line 8, insert the following:

"(d) ALASKA NATIVE ORGANIZATIONS.—With respect to an Alaska Native organization that desires to receive a grant under subsection (c), subsection (c) shall be applied—

"(1) by substituting 'Alaska Native organization' for 'Indian tribe'; and

"(2) by substituting 'Alaska Native children' for 'Indian children'.".

Page 198, line 16, strike "or Indian tribes" and insert ", Indian tribes, or Alaska Native organizations".

Page 224, line 25, insert "(including an Alaska Native organization)" after "organization".

Page 236, line 8, insert "(including Alaska Native organizations)" after "organizations".

Page 236, line 10, insert "(including Alaska Native organizations)" after "organizations".

Page 237, after line 8, insert the following new paragraph:

"(3) ALASKA NATIVE ORGANIZATION.—The term "Alaska Native organization" means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policymaking positions within the organization.".

Page 237, line 9, strike "(3)" and insert "(4)".

Page 237, line 17, strike "(4)" and insert "(5)".

Page 251, after line 8, insert the following new subparagraphs:

"(F) representatives of public charter school authorizers;

"(G) public charter school leaders;".

Page 251, line 9, strike "(F)" and insert "(H)".

Page 251, line 11, strike "(G)" and insert "(I)".

Page 267, line 19, insert ", including for teachers of civic education" after "teachers".

Page 268, line 21, strike "and dual enrollment" and insert ", dual enrollment, Advanced Placement, or International Baccalaureate".

Page 285, line 15, strike "and dual enrollment" and insert ", dual enrollment, Advanced Placement, or International Baccalaureate".

Page 317, beginning on line 11, strike "From the amount reserved under section 3102(b)(1), the Secretary shall" and insert "The Secretary shall not use less than 50 percent of the amount reserved under section 3102(b)(1) to".

Page 320, line 7, strike "both" and insert "more".

Page 320, after line 18, insert the following new paragraph:

"(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.".

Page 363, line 2, strike "and".

Page 363, line 7, strike the period and insert "; and".

Page 363, after line 7, insert the following:

"(11) an assurance that the State will support projects from each of the categories listed in section 3204(b)(1)(D) in awarding subgrants to local educational agencies.".

Page 366, line 6, insert "including civic education," after "programs,".

Page 372, after line 23, insert the following new paragraph, and redesignate the succeeding paragraphs accordingly:

(1) in subsection (a)(1)(C), by amending the matter preceding clause (i) to read as follows:

"(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—".

Page 377, line 13, strike "each of".

Page 377, line 14, strike "2012, 2013, and 2014" and insert "2012 and 2013".

Page 377, line 17, strike "each of".

Page 377, beginning on line 17, strike "2012, 2013, and 2014" and insert "2012 and 2013".

Page 470, line 7, insert "incentivize," after "direct,".

Page 470, line 10, insert "incentive," after "direction,".

Page 475, after line 19, insert the following new section:

**"SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.**

"Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.".

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## 2. An Amendment To Be Offered by Representative Young of Alaska or His Designee, Debatable for 10 Minutes

Page 4, line 21, after the dollar amount insert "(reduced by $195,399,345)".

Page 9, strike lines 2 and 3.

Page 11, strike line 3.

Page 11, strike lines 19 and 20.

Page 194, strike line 1 and all that follows through page 238, line 15.

Page 487, strike lines 13 through 16 and insert the following (and amend the table of contents accordingly):

# TITLE VI—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

**SEC. 601. THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION.**

Title VI of the Act (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

"PART A—INDIAN EDUCATION

**"SEC. 6101. STATEMENT OF POLICY.**

"It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

**"SEC. 6102. PURPOSE.**

"It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

"(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet State student academic achievement standards.

"(2) to ensure that Indian and Alaskan Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

"(3) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

"SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

**"SEC. 6111. PURPOSE.**

"It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities to improve the academic achievement of American Indian and Alaska Native students by providing for their unique cultural, language, and educational needs and ensuring that they are prepared to meet State academic standards.

**"SEC. 6112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.**

"(a) IN GENERAL.—In accordance with this section and section 6113, the Secretary may make grants from allocations made under section 6113, to—

"(1) local educational agencies;

"(2) Indian tribes;

"(3) Indian organizations; and

"(4) Alaska Native Organizations

"(b) LOCAL EDUCATIONAL AGENCIES.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 6117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, an Indian reservation.

"(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND CONSORTIA.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 6114(c)(4) for such grant, an Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities that represents not less than 1/3 of the eligible Indian or Alaska Native children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such applicant were a local educational agency for purposes of this subpart.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities shall not be subject to the requirements of section 6114(c)(5), 6118(c), or 6119.

"(3) ELIGIBILITY.—If more than 1 applicant qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian and Alaska Native children who are served by the local educational agency shall be eligible to receive the grant or the applicants may apply in consortium and jointly operate a program.

"(d) INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—

"(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, tribal organization, Alaska Native Organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, Indian and Alaska Na-

tive community-based organizations serving the community of the local educational agency may apply for the grant.

"(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, Alaska Native Organization, or consortium .

"(3) DEFINITION OF INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—In this subsection, the term 'Indian and Alaska Native community-based organizations' means any organizations that—

"(A) are composed primarily of the family members of Indian or Alaska Native students, Indian or Alaska Native community members, tribal government education officials, and tribal members from a specific community;

"(B) assist in the social, cultural, and educational development of Indians or Alaska Natives in such community;

"(C) meet the unique cultural, language, and academic needs of Indian or Alaska Native students; and

"(D) demonstrate organizational and administrative capacity to effectively manage the grant.

**"SEC. 6113. AMOUNT OF GRANTS.**

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 6117 and served by such agency; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per pupil expenditure of all the States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

"(b) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 6112, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

"(c) DEFINITION.—For the purpose of this section, the term average per pupil expenditure", used with respect to a State, means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

"(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Education; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per pupil expenditure of all the States.

"(2) SPECIAL RULE.—Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 6114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 6114(c)(5), section 6118(c), or section 6119.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year to carry out this subpart are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

**"SEC. 6114. APPLICATIONS.**

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian and Alaska Native children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with the State, tribal, and local plans submitted under other provisions of this Act; and

"(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on State academic content and student academic achievement standards adopted under title I for all children;

"(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that serve such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 6115;

"(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian or Alaska Native community are prepared to work with Indian and Alaska Native children;

"(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

"(C) those family members of Indian and Alaska Native children and representatives of tribes who are on the committee described in (c)(5) will participate in the planning of professional development materials

"(6) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee described in subsection (c)(5); and

"(ii) the community served by the local educational agency; and

"(iii) the tribes whose children are served by the local educational agency

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

"(7) explicitly delineates—

"(A) a formal, collaborative process that the local educational agency used to directly involve tribes, Indian organizations, or Alaska Native Organizations in the development of the comprehensive programs and the results of such process; and

"(B) how the local educational agency plans to ensure that tribes, Indian organizations, or Alaska Native Organizations will play an active, meaningful, and ongoing role in the functioning of the comprehensive programs.

"(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

"(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this sub-

part, such agency would make available for services described in this subsection, and not to supplant such funds;

"(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;

"(3) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this subpart; and

"(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian and Alaska Native students served by such agency; and

"(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students.

"(4) the program for which assistance is sought—

"(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian or Alaska Native community; and

"(C) was developed by such agency in open consultation with the families of Indian or Alaska Native children, Indian or Alaska Native teachers, Indian or Alaska Native students from secondary schools, and representatives of tribes, Indian organizations, or Alaska Native Organizations in the community including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(5) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) family members of Indian and Alaska Native children that are attending the local educational agency's schools;

"(ii) teachers in the schools; and

"(iii) Indian and Alaska Native students attending secondary schools of the agency;

"(B) a majority of whose members are family members of Indian and Alaska Native children that are attending the local educational agency's schools;

"(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 6115(c), that has—

"(i) reviewed in a timely fashion the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

"(iii) will directly enhance the educational experience of American Indian and Alaska Native students; and

"(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"(6) the local educational agency conducted adequate outreach to family members to meet the requirements under subsection (c)(5).

**"SEC. 6115. AUTHORIZED SERVICES AND ACTIVITIES.**

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 6111, for services and activities that—

"(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 6114(a) solely for the services and activities described in such application;

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders;

"(2) culturally related activities that support the program described in the application submitted by the local educational agency;

"(3) early childhood and family programs that emphasize school readiness;

"(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

"(5) integrated educational services in combination with other programs including programs that enhance student achievement by promoting increased involvement of parents and families in school activities;

"(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

"(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

"(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;

"(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

"(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children and ensures that children are better able to meet State standards;;

"(11) family literacy services;

"(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

"(13) dropout prevention strategies for Indian and Alaska Native students; and

"(14) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian and Alaska Native students who are transitioning from such facilities to schools served by local educational agencies;

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee established pursuant to section 6114(c)(5) approves the use of the funds for the schoolwide program;

"(2) the schoolwide program is consistent with the purpose described in section 6111; and

"(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the American Indian and Alaska Native students that would not be achieved if the funds were not used in a schoolwide program.

"(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

"(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

**"SEC. 6116. INTEGRATION OF SERVICES AUTHORIZED.**

"(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

"(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

"(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

"(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

"(1) identify the programs or funding sources to be consolidated;

"(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

"(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

"(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

"(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

"(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

"(9) be approved by a committee formed in accordance with section 6114(c)(5), if such a committee exists.

"(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

"(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity

to amend the plan or to petition the Secretary to reconsider such disapproval.

"(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Student Success Act of 2013, the Secretary of Education, the Secretary of the Interior, the Secretary of the Department of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

"(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other entity.

"(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

"(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

"(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

"(l) ADMINISTRATION OF FUNDS.—

"(1) IN GENERAL.—Program funds for the consolidated programs shall be administered in such a manner as to allow for

a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

"(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

"(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

"(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

"(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives. and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

"(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

"(p) DEFINITIONS.—For the purposes of this section, the term Secretary″ means—

"(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other entity.

**"SEC. 6117. STUDENT ELIGIBILITY FORMS.**

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—The form described in subsection (a) shall include—

"(1) either—

"(A)(i) the name of the tribe or band of Indians (as defined in section 6151) with respect to which the child claims membership;

"(ii) the enrollment or membership number establishing the membership of the child (if readily available); and

"(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

"(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

"(3) the name and address of the parent or legal guardian of the child;

"(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(5) any other information that the Secretary considers necessary to provide an accurate program profile.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 6151.

"(d) DOCUMENTATION AND TYPES OF PROOF.—

"(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 6113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local education agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

"(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act of 2013

and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.

"(e) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

"(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds from the grant that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 6113.

"(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

"(1) A count of the number of students in the schools certified by the Bureau.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(g) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (f)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 6114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

**"SEC. 6118. PAYMENTS.**

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 6113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE TO MAINTAIN EFFORT.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

"(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) WAIVER.—

"(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for

any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

**"SEC. 6119. STATE EDUCATIONAL AGENCY REVIEW.**

"Before submitting an application to the Secretary under section 6114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

"SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH

**"SEC. 6121. SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.**

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

"(2) COORDINATION.—The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children and youth.

"(b) ELIGIBLE ENTITIES.—In this section, the term eligible entity" means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), Alaska Native Organization, or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children and youth;

"(B) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian and Alaska Native children in one or more of the core

academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, emotional, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

"(F) comprehensive guidance, counseling, and testing services;

"(G) high quality early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

"(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

"(K) family literacy services;

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

"(M) high quality professional development of teaching professionals and paraprofessionals; or

"(N) other services that meet the purpose described in this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made

substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

"(2) DISSEMINATION GRANTS.—

"(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

"(i) has been adequately reviewed;

"(ii) has demonstrated educational merit; and

"(iii) can be replicated.

"(3) APPLICATION.—

"(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program for the activities is a scientifically based research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

"(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

**"SEC. 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.**

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian and Alaska Native teachers and administrators serving Indian and Alaska Native students;

"(2) to provide training to qualified Indian and Alaska Native individuals to become educators and education support service professionals; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term eligible entity" means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

"(3) an Indian tribe or organization, in consortium with an institution of higher education; and

"(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support, and may include programs designed to train tribal elders and seniors.

"(2) SPECIAL RULES.—

"(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum

"(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

**"SEC. 6123. TRIBAL EDUCATION AGENCIES COOPERATIVE AGREEMENTS.**

"(a) PURPOSE.—Tribes may enter into written cooperative agreements with the State educational agency and the local educational agencies operating a school or schools within Indian lands. For purposes of this section, the term 'Indian land' has the meaning given that term in section 8013.

"(b) COOPERATIVE AGREEMENT.—If requested by the Indian tribe, the State educational agency or the local educational agency may enter into a cooperative agreement with the Indian tribe. Such cooperative agreement—

"(1) may authorize the tribe or such tribe's respective tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency;

"(2) may authorize the tribe or such tribe's respective tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary; and

"(3) shall—

"(A) only confer the tribe or such tribe's respective tribal education agency with responsibilities to conduct activities described in paragraph (1) such that the burden assumed by the tribe or the tribal education agency for conducting such is commensurate with the benefit that doing so conveys to all parties of the agreement; and

"(B) be based solely on terms of the written agreement decided upon by the Indian tribe and the State educational agency or local education agency.

"(c) DISAGREEMENT.—Agreements shall only be valid if the Indian tribe and State educational agency or local educational agency agree fully in writing to all of the terms of the written cooperative agreement.

"(d) COMPLIANCE WITH APPLICABLE LAW.—Nothing in this section shall be construed to relieve any party to a cooperative agreement from complying with all applicable Federal, State, local laws. State and local educational agencies are still the ultimate responsible, liable parties for complying with all laws and funding requirements for any functions that are conveyed to tribes and tribal education agencies through the cooperative agreements.

"(e) DEFINITION.—For the purposes of this subpart, the term 'Indian Tribe' means any tribe or band that is officially recognized by the Secretary of the Interior.

"SUBPART 3—NATIONAL ACTIVITIES

**"SEC. 6131. NATIONAL RESEARCH ACTIVITIES.**

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available to carry out this subpart for each fiscal year to—

"(1) conduct research related to effective approaches for improving the academic achievement and development of Indian and Alaska Native children and adults;

"(2) collect and analyze data on the educational status and needs of Indian and Alaska Native students; and

"(4) carry out other activities that are consistent with the purpose of this part.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be coordinated with appropriate offices within the Department; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, the Office of Educational Research and Improvement, the Bureau of Indian Education, and the Institute of Education Sciences.

**"SEC. 6132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.**

"(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

"(1) Native American language programs that—

"(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

"(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

"(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

"(D) provide support for professional development activities; and

"(E) include a goal of all students achieving—

"(i) fluency in a Native American language; and

"(ii) academic proficiency in mathematics, English, reading or language arts, and science.

"(2) Native American language restoration programs that—

"(A) provide instruction in not less than 1 Native American language;

"(B) provide support for professional development activities for teachers of Native American languages;

"(C) develop instructional materials for the programs; and

"(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

"(d) APPLICATION.—

"(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

"(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multi-year basis. Each such grant shall be for a period not to exceed 5 years.

"(f) DEFINITION.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

"(g) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

**"SEC. 6133. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.**

"(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

"(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

"(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

## "SUBPART 4—FEDERAL ADMINISTRATION

### "SEC. 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the Council"), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

**"SEC. 6142. PEER REVIEW.**

"The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

**"SEC. 6143. PREFERENCE FOR INDIAN APPLICANTS.**

"In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

**"SEC. 6144. MINIMUM GRANT CRITERIA.**

"The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, contract, or cooperative agreement that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

"(2) based on relevant research findings.

"SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

**"SEC. 6151. DEFINITIONS.**

"For the purposes of this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Alaska Native, as defined in section 6206(1); or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(4) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' has the same meaning as defined in section 6206(2).

**"SEC. 6152. AUTHORIZATIONS OF APPROPRIATIONS.**

"(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $98,245,425 for each of fiscal years 2014 through 2019.

"(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $33,303,534 for each of fiscal years 2014 through 2019.

## "PART B—ALASKA NATIVE EDUCATION

**"SEC. 6201. SHORT TITLE.**

"This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

**"SEC. 6202. FINDINGS.**

"Congress finds and declares the following:

"(1) The preservation of culture and language is critical to the attainment of educational success, to the betterment of the conditions, and to the long-term well-being, of Alaska Natives. Alaska Native students must be afforded a culturally relevant education.

"(2) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"(3) Many Alaska Native children enter and exit school with serious educational disadvantages.

"(4) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

"(5) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

"(6) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

"(7) The programs and activities authorized under this part give priority to Alaska Native organizations as a means of increasing Alaska Native parents' and community involvement in the promotion of academic success of Alaska Native students.

"(8) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

**"SEC. 6203. PURPOSES.**

"The purposes of this part are as follows:

"(1) To recognize and address the unique educational needs of Alaska Natives.

"(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

"(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.

"(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

"(5) To provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations

play a meaningful role in supplemental educational services provided to Alaska Native students.

**"SEC. 6204. PROGRAM AUTHORIZED.**

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, State educational agencies, local educational agencies, educational entities with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives, and consortia of organizations and entities described in this paragraph, to carry out programs that meet the purposes of this part.

"(2) ADDITIONAL REQUIREMENT.—A State educational agency, local educational agency, educational entity with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organization with experience in developing or operating programs to benefit the educational needs of Alaska Natives, or consortium of such organizations and entities is eligible for an award under this part only as part of a partnership involving an Alaska Native organization.

"(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following which shall only be provided specifically in the context of elementary and secondary education:

"(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

"(B) The collection of data to assist in the evaluation of the programs carried out under this part.

"(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following which shall only be provided specifically in the context of elementary and secondary education:

"(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

"(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Natives.

"(ii) Instructional programs that make use of Alaska Native languages and cultures.

"(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

"(B) Training and professional development activities for educators, including the following:

"(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, ways of knowing and learning

in order to effectively address the cultural diversity and unique needs of Alaska Native students.

"(ii) Recruitment and preparation of teachers who are Alaska Native.

"(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

"(C) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

"(i) are designed to prepare Alaska Native students to excel in such subjects;

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

"(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

"(D) Research and data collection activities to determine the educational status and needs of Alaska Native children.

"(E) Other research and evaluation activities related to programs carried out under this part.

"(F) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

"(G) Culturally based education programs designed and provided by an entity with demonstrated experience in—

"(i) providing programs of study, both on site and in local schools, to share the rich and diverse cultures of Alaska Native peoples among youth, elders, teachers, and the larger community;

"(ii) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

"(iii) increasing the high school graduation rate of Alaska Native students who are served;

"(iv) providing instruction in Alaska Native history and ways of living to students and teachers in the local school district;

"(v) providing intergenerational learning and internship opportunities to Alaska Native youth and young adults; and

"(vi) providing cultural immersion activities aimed at Alaska Native cultural preservation.

"(H) Statewide on-site exchange programs, for both students and teachers, that work to facilitate cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion.

"(I) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that work to increase graduation rates among such students and that—

"(i) include culturally-informed curriculum intended to preserve and promote Alaska Native culture;

"(ii) partner effectively with the local school district by providing a school-within-a school program model;

"(iii) provide high-quality academic instruction, small classroom sizes, and social-emotional support for students from elementary school through high school, including residential support;

"(iv) work with parents to increase parental involvement in their students' education;

"(v) work to improve academic proficiency and increase graduation rates;

"(vi) provide college preparation and career planning; and

"(vii) incorporate a strong data collection and continuous evaluation component at all levels of the program.

"(J) Statewide programs that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people through child and youth development, positive youth-adult relationships, improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

"(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

"(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

"(M) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(N) Regional leadership academies that demonstrate effectiveness in building respect, understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

"(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

"(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native Organizations. Such priority shall be explicitly delineated in the Secretary's process for evaluating applications and applied consistently and transparently to all applications from Alaska Native Organizations.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $31,453,135 for each of fiscal years 2014 through 2019.

**"SEC. 6205. ADMINISTRATIVE PROVISIONS.**

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—No grant may be made under this part, and no contract may be entered into under this part, unless the Alaska Native organization or entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(2) REQUIREMENT FOR CERTAIN APPLICANTS.—An applicant described in section 6204(a)(2) shall, in the application submitted under this paragraph—

"(A) demonstrate that an Alaska Native organization was directly involved in the development of the program for which the application seeks funds and explicitly delineate the meaningful role that the Alaska Native organization will play in the implementation and evaluation of the program for which funding is sought; and

"(B) provide a copy of the Alaska Native organization's governing document.

"(b) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(c) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

"(d) CONTINUATION AWARDS.—An applicant described in section 6204(a)(2) that receives funding under this part shall periodically demonstrate to the Secretary, during the term of the award, that the applicant is continuing to meet the requirements of subsection (a)(2)(A).

**"SEC. 6206. DEFINITIONS.**

"In this part:

"(1) ALASKA NATIVE.—The term 'Alaska Native' has the same meaning as the term 'Native ' has in section 3(b) of the Alaska Native Claims Settlement Act and their descendants.

"(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and an organization, that—

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policymaking positions within the organization.

"PART C—NATIVE HAWAIIAN EDUCATION

**"SEC. 6301. FINDINGS.**

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, and many other countries.

"(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

"(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

"(4) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in many Federal statutes, including—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) Public Law 95–341 (commonly known as the 'American Indian Religious Freedom Act' (42 U.S.C. 1996));

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

"(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

"(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(5) Many Native Hawaiian students lag behind other students in terms of—

"(A) school readiness factors;

"(B) scoring below national norms on education achievement tests at all grade levels;

"(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

"(D) overrepresentation among students qualifying for special education programs;

"(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college;

"(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(7) The Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

**"SEC. 6302. PURPOSES.**

"The purposes of this part are—

"(1) to authorize, develop, implement, assess, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education

programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards;

"(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

"(A) innovative educational programs for Native Hawaiians;

"(B) rigorous and substantive Native Hawaiian language programs; and

"(C) Native Hawaiian culture-based educational programs; and

"(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.

**"SEC. 6303. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

"(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

"(b) EDUCATION COUNCIL.—

"(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

"(2) COMPOSITION.—The Education Council shall consist of 15 members of whom—

"(A) 1 shall be the President of the University of Hawaii (or a designee);

"(B) 1 shall be the Governor of the State of Hawaii (or a designee);

"(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

"(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

"(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

"(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

"(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

"(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grantmaking entity;

"(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

"(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

"(K) 1 shall be the Mayor of the County of Kauai (or a designee);

"(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

"(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

"(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

"(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

"(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

"(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

"(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

"(6) CHAIR, VICE CHAIR.—

"(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

"(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.

"(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

"(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

"(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

"(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

"(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

"(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

"(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

"(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

"(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through the grant to—

"(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

"(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

"(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

"(B) the effectiveness of such grantees in carrying out any of the activities described in section 6304(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

"(3) assess and define the educational needs of Native Hawaiians;

"(4) assess the programs and services available to address the educational needs of Native Hawaiians;

"(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals;

"(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

"(A) a description of the activities of the Education Council during the calendar year;

"(B) a description of significant barriers to achieving the goals of this part;

"(C) a summary of each community consultation session described in subsection (e); and

"(D) recommendations to establish priorities for funding under this part, based on an assessment of—

"(i) the educational needs of Native Hawaiians;

"(ii) programs and services available to address such needs;

"(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State student academic achievement standards; and

"(iv) priorities for funding in specific geographic communities.

"(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available though the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

"(1) not less than 3 members of the Education Council shall be in attendance;

"(2) the Education Council shall gather community input regarding—

"(A) current grantees under this part, as of the date of the consultation;

"(B) priorities and needs of Native Hawaiians; and

"(C) other Native Hawaiian education issues; and

"(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

"(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 6305(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

"(g) REPORT.—Beginning not later than 2 years after the date of enactment of the Student Success Act, and for each subsequent year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

"(1) summarizes the annual reports of the Education Council;

"(2) describes the allocation and use of funds under this part and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

"(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

**"SEC. 6304. GRANT PROGRAM AUTHORIZED.**

"(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

"(1) Native Hawaiian educational organizations;

"(2) Native Hawaiian community-based organizations;

"(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

"(4) charter schools; and

"(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

"(b) PRIORITY.—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

"(1) programs that meet the educational priority recommendations of the Education Council, as described under section 6303(d)(6)(D);

"(2) the repair and renovation of public schools that serve high concentrations of Native Hawaiian students;

"(3) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards, including activities relating to—

"(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

"(B) the educational needs of at-risk children and youth;

"(C) professional development for teachers and administrators;

"(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

"(E) other programs relating to the activities described in this part; and

"(4) programs in which a local educational agency, institution of higher education, or a State educational agency in partnership with a nonprofit entity serving underserved communities within the Native Hawaiian population apply for a grant or contract under this part as part of a partnership or consortium.

"(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(1) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of high-quality early learning services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

"(2) the operation of family-based education centers that provide such services as—

"(A) early care and education programs for Native Hawaiians; and

"(B) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;

"(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(A) the identification of such students and their needs;

"(B) the provision of support services to the families of such students; and

"(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

"(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;

"(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricula materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

"(7) professional development activities for educators, including—

"(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

"(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

"(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

"(A) early education programs;

"(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

"(C) career and technical education programs; and

"(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

"(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

"(A) family literacy services;

"(B) counseling, guidance, and support services for students; and

"(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

"(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

"(11) other research and evaluation activities related to programs carried out under this part; and

"(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

"(d) ADDITIONAL ACTIVITIES.—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary shall use such funds to support the following:

"(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

"(2) The perpetuation of, and expansion of access to, Hawaiian culture and history through digital archives.

"(3) Informal education programs that connect traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

"(4) Public charter schools serving high concentrations of Native Hawaiian students.

"(e) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.

**"SEC. 6305. ADMINISTRATIVE PROVISIONS.**

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.

"(c) SUPPLEMENT NOT SUPPLANT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this part $32,397,259 for each of fiscal years 2014 through 2019.

"(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 6303.

"(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.".

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CÁRDENAS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 22, strike "2019." and insert "2019, of which 775,000,000 for each of such fiscal years are authorized for subpart 4 of such part.".

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUETKEMEYER OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 21, insert the following new section:

**SEC. 7. SENSE OF THE CONGRESS.**

(a) FINDINGS.—The Congress finds as follows:

(1) The Elementary and Secondary Education Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under such Act.

(2) The Elementary and Secondary Education Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(3) The Secretary of Education, through 3 separate initiatives, has created a system of waivers and grants that influence, incentivize, and coerce State educational agencies into implementing common national elementary and secondary standards and assessments endorsed by the Secretary.

(4) The Race to the Top Fund encouraged and incentivized States to adopt Common Core State Standards developed by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers.

(5) The Race to the Top Assessment grants awarded to the Partnership for the Assessment of Readiness for College and Careers (PARCC) and SMARTER Balanced Assessment Consortium (SMARTER Balance) initiated the development of Common Core State Standards aligned assessments that will, in turn, inform and ultimately influence kindergarten through 12th-grade curriculum and instructional materials.

(6) The conditional Elementary and Secondary Education Act flexibility waiver authority employed by the Department of Education coerced States into accepting Common Core State Standards and aligned assessments.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that States and local educational agencies should maintain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, line 6, strike "low-performing schools" and insert "neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students".

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BENTIVOLIO OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 20, line 21, strike "and parents" and insert "parents, private sector employers, and entrepreneurs".

Page 39, line 10, strike "and local educational agencies" and insert "local educational agencies, and private sector employers (including representatives of entrepreneurial ventures)".

Page 39, line 15, strike "75 percent" and insert "65 percent".

Page 39, line 16, insert "and 10 percent are representatives of private sector employers" before the period at the end.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCMORRIS RODGERS OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 22, line 14, insert "in each subject being assessed" after "student".

Page 22, line 15, insert, "alternate academic achievement" before "standards".

Page 22, line 17, strike "standards" and insert "content standards for the grade in which the student is enrolled".

Page 22, line 19, strike "promote" and insert "provide".

Page 22, line 20, strike "and".

Page 22, line 23, strike the period and insert a semicolon.

Page 22, after line 23, insert the following:

> "(IV) are vertically aligned;
>
> "(V) reflect concepts and skills that students should know and understand for each grade and the enduring understandings of the content being tested (such as concepts and skills that identify core concepts, principles, theories, and processes, serve to organize important facts, skills, or actions around central ideas, and are transferable to other contexts or other disciplines); and
>
> "(VI) are supported by evidence-based learning progressions to age and grade-level performance.".

Page 28, beginning on line 20, strike "aligned with" and insert "based on".

Page 28, line 21, strike "standards" and insert "achievement standards".

Page 29, line 11, strike "are informed" and insert ", as part of the individualized education program team for such students, are involved in the decision".

Page 29, line 14, strike "standards" and insert "academic achievement standards".

Page 29, line 16, strike "precludes" and insert "may preclude".

Page 29, line 20, strike "demonstrates" and insert "provides evidence".

Page 29, line 21, strike ", to the extent practicable,".

Page 29, after line 24, insert the following:

> "(iv) certifies that the State's requirements for academic assessments under this paragraph and subparagraphs (A) and (B) are universally designed to be accessible to students, including students with sensory, physical, and intellectual disabilities;".

Page 30, line 1, strike "(iv)" and insert "(v)".

Page 30, line 2, insert "make available," after "about,".

Page 30, line 2, strike "appropriate" and insert "reasonable adaptations and appropriate".

Page 30, line 4, strike "disabilities" and insert "the most significant cognitive disabilities".

Page 30, line 4, strike "who" and insert "participating in grade-level academic instruction and takes steps to ensure the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who".

Page 30, beginning on line 6, strike "for the grade in which a student is enrolled".

Page 30, line 7, strike "and".

Page 30, line 8, strike "(v)" and insert "(vi)".

Page 30, line 11, strike "assessments" and insert "assessments based on alternate academic achievement standards adopted in accordance with paragraph (1)(D)".

Page 30, line 13, strike the period and insert a semicolon.

Page 30, after line 13, insert the following:

"(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed;

"(viii) ensures that, if a student's individualized education program includes goals for a subject assessed based on alternate academic achievement standards, such goals are based on academic content standards for the grade in which the student is enrolled; and

"(ix) ensures that students assessed on alternate academic standards are not precluded from the opportunity to earn a secondary school diploma.".

Page 34, after line 23, insert the following:

"(C) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—When measuring the academic achievement of students against the State's academic content standards under subparagraph (B)(I) or, if applicable, measuring adequate student growth against such standards under such subparagraph, States and local educational agencies may include, for all schools in the State or local educational agency, the performance of the State's or local educational agency's students with the most significant cognitive disabilities on alternate assessments described in subsection (b)(2)□) in the subjects included in the State's accountability system, if the total number of the students taking such alternate assessments based on alternate academic achievement standards in all grades assessed and for each subject in the accountability system does not exceed 1 percent of all students at the State and local educational agency levels, separately, in the grades assessed in each subject.".

Page 34, line 24, strike "(C)" and insert "(D)".

Page 35, line 5, strike "(D)" and insert "(E)".

Page 429, line 11, strike "SIGNIFICANT" and insert "THE MOST SIGNIFICANT".

Page 429, line 13, strike "aligned to" and insert "based on".

Page 429, lines 17 through 21, strike "diploma" and all that follows through "Education Act" and insert the following: "diploma aligned with the State's academic content standards, which has

been developed by a team of experts including organizations representing such students and their families".

Page 429, line 23, insert after "Act" the following ", except that not more than 1 percent of students served by a State or a local educational agency, as appropriate, shall be counted as graduates with a regular high school diploma under this subparagraph".

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REED OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 23, strike "and".

Page 34, after line 13, insert the following:

"(III) other measures of school success; and".

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BENISHEK OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 45, line 15, insert before the period, the following: ", such as the number of students enrolled in each public secondary school in the State attaining career and technical proficiencies, as defined in section 113(b)(2)(A) of the Carl D. Perkins Career and Technical Education Act of 2006, and reported by the State in a manner consistent with section 113(c) of such Act".

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HECK OF NEVADA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 138, line 4, strike "Funds" and insert "(a) IN GENERAL.—Funds".

Page 139, after line 2, insert the following:

"(b) CONTRACTS AND GRANTS.—A local educational agency may use a grant received under this chapter to carry out the activities described under paragraphs (1) through (5) of subsection (a) directly or through grants, contracts, or cooperative agreements.".

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHOCK OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 245, line 11, insert ", including those representatives and members nominated by local and national stakeholder representatives" after "title".

Page 245, line 15, after "information." insert the following: "Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.".

Page 248, beginning on line 6, after "assessment" insert the following: "(which shall include a representative sampling of local educational agencies based on local educational agency enrollment, urban, suburban, or rural character, and other factors impacted by the proposed regulation)".

Page 248, line 12, strike "and".

Page 248, line 15, strike the period and insert "; and".

Page 248, after line 15, insert the following new subparagraph:

"(C) the proposed regulation, which thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially, operationally, and educationally viable at the local level.".

Page 475, after line 19, insert the following new section:

**"SEC. 5530. LOCAL CONTROL.**

"The Secretary shall not—

"(1) impose any requirements or exercise any governance or authority over school administration, including the development and expenditure over school budgets, unless explicitly authorized under this Act;

"(2) issue any regulations or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns; or

"(3) deny any local educational agency the right to object to any administrative requirement, including actions that place additional burdens or cost on the local educational agency.".

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCALISE OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 253, line 3, insert before "develop" the following: "if a State educational agency or local educational agency so chooses,"

Page 257, line 21 through page 258, line 2, strike paragraph (5).

Page 258, line 3 through line 14, strike paragraph (6) and insert the following:

"(5) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement a teacher or school leader evaluation system.".

Page 258, line 15, strike "(7)" and insert "(6)".

Page 261, line 2, strike "to" and all that follows through "fulfill" on line 19, and insert "to fulfill".

Page 261, after line 24, insert the following:

"(A) provide training and technical assistance to local educational agencies on—

"(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

"(I) the development and implementation of a teacher evaluation system; and

"(II) training school leaders in using such evaluation system; or

"(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system;".

Page 262, line 1, strike "(A)" and insert "(B)".

Page 262, line 7, strike "(B)" and insert "(C)".

Page 262, line 9, strike "2123(2)(D)" and insert "2123(6)".

Page 262, line 10, strike "(C)" and insert "(D)".

Page 264, line 21 through page 265, line 2, strike subparagraph (C).

Page 265, beginning on line 3, strike "how," and all that follows through "system" and insert "if applicable, how".

Page 265, line 7, insert before the semicolon the following: "in developing and implementing a teacher evaluation system".

Page 265, line 9 through line 12, strike subparagraph (E).

Page 265, beginning on line 13, amend paragraph (2) to read as follows:

> "(2) If applicable, a description of how the local educational agency will develop and implement a teacher or school leader evaluation system.".

Page 265, line 25, strike "subpart" and all that follows through "shall use such funds" on page 266, line 1, and insert "subpart may use such funds for".

Page 266, line 2, strike "(A) to develop and implement" and insert "(1) the development and implementation of".

Page 266, line 3, insert "may" after "that".

Page 266, line 4, strike "(i) uses" and insert "(A) use".

Page 266, line 10, strike "(ii) uses" and insert "(B) use".

Page 266, line 12, strike "(iii) has" and insert "(C) have".

Page 266, line 14, strike "(iv) shall" and insert "(D)".

Page 266, line 17, strike "(v) is" and insert "(E) be".

Page 266, line 20, strike "or".

Page 266, line 21, strike "(B)" and insert "(2)".

Page 266, line 23, strike "to implement" and insert "implementing".

Page 266, line 24, strike "and".

Page 266, strike line 25.

Page 267, line 1, strike "(A)" and insert "(3)".

Page 267, line 3, insert "or school leaders" before "under".

Page 267, line 3, strike "evaluation system described" and insert "or school leader evaluation system,"

Page 267, strike line 4.

Page 267, line 6, strike "(B)" and insert "(4)".

Page 267, line 10, strike "(C)" and insert "(5)".

Page 267, line 15, strike "(D)" and insert "(6)".

Page 267, line 18, strike "(i)" and insert "(A)".

Page 267, line 20, strike "(ii)" and insert "(B)".

Page 267, line 22, strike "(iii)" and insert "(C)".

Page 268, line 3, strike "(iv)" and insert "(D)".

Page 268, line 9, strike "(v)" and insert "(E)".

Page 268, line 13, strike "(vi)" and insert "(F)".

Page 268, line 16, strike "(vii)" and insert "(G)".

Page 268, line 20, strike "(viii)" and insert "(H)".

Page 268, line 4, insert "or school leaders" before "identified".

Page 268, line 6, insert "or school leader" before "evaluation".

Page 268, beginning on line 6, strike "described in subparagraph (A) or (B) of paragraph (1)".

Page 268, line 24, strike "(E)" and insert "(7)".

Page 269, line 5, strike "(F)" and insert "(8)".

Page 269, line 7, strike "(G)" and insert "(9)".

Page 269, beginning line 23, amend paragraph (3) to read as follows:

> "(3) in the case of a local educational agency implementing a teacher or school leader evaluation system, the results of such evaluation system, except that such report shall not re-

veal personally identifiable information about an individual teacher or school leader; and".

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 255, after line 7, insert the following:

"(C) APPLICABILITY.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to a fiscal year unless the Secretary certifies in writing to Congress for that fiscal year that the amount of funds allotted under subparagraph (A) to local educational agencies that serve a high percentage of students from families with incomes below the poverty line is not less than the amount allotted to such local educational agencies for fiscal year 2013.

"(ii) SPECIAL RULE.—For a fiscal year for which subparagraph (A) does not apply, the Secretary shall allocate to each State the funds described in subparagraph (A) according to the formula set forth in subsection (b)(2)(B)(i) of this section as in effect on the day before the date of enactment of the Student Success Act.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 255, line 8 through page 256, line 17, strike subsection (c).
Page 256, line 18, strike "(d)" and insert "(c)".

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 260, line 15, strike "95" and insert "85".
Page 260, line 17, strike "and".
Page 260, after line 17, insert the following new paragraph:

"(2) reserve 10 percent of the grant funds to make subgrants in accordance with subsection (c); and".

Page 260, line 18, strike "(2)" and insert "(3)".
Page 262, after line 20, insert the following new subsection:

"(c) STEM PROFESSIONAL DEVELOPMENT AND INSTRUCTIONAL MATERIALS GRANTS.—A State receiving a grant under section 2111 shall use the funds described in subsection (a)(2) to award grants, on a competitive basis, to nonprofit organizations, and other entities, with expertise and a demonstrated record of success in science, technology, engineering, and mathematics fields to enable such organizations and entities to develop and provide professional development and instructional materials to support elementary and secondary education for science, technology, engineering, and mathematics in the State.".

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROOKS OF INDIANA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 267, line 19, insert ", including for teachers of computer science and other science, technology, engineering, and mathematics subjects" after "teachers".

Page 268, line 19, insert "and teachers of computer science and other science, technology, engineering, and mathematics subjects" after "teachers".

Page 276, line 16, insert "computer science and other" after "including".

Page 284, line 23, insert "computer science and other" after "from".

Page 366, line 5, strike "academic subject specific programs" and insert "academic subject specific programs (including computer science and other science, technology, engineering, and mathematics programs)".

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 311, line 4, strike "and" at the end.

Page 311, line 15, strike the period at the end and insert a semicolon.

Page 315, after line 15, insert the following:

> "(H) the entity will ensure that each charter school provides substantive outreach to students from low-income families and other underserved populations in its plans to open new charter schools, replicate high-quality charter school models, or expand existing high-quality charter schools; and
>
> "(I) the entity willl allow per pupil revenues to shared between local educational agencies to reflect split student enrollment in 2 or more part-time educational programs operated or authorized by different local educational agencies.".

Page 315, line 22, strike "schools." and insert the following:

"schools, which may include (1) paying costs associated with preparing teachers to ensure strong school starts; (2) purchasing instructional materials and implementing teacher and principal professional development programs; and (3) providing the necessary renovations and minor facilities repairs, excluding construction, to ensure a strong school opening or to meet the needs of increased student enrollment.".

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 351, after line 12, insert the following:

> "(5) A description of the steps the applicant will take to target services to low-income students and parents.".

Page 351, line 12, redesignate paragraph (5) as paragraph (6).

Page 353, line 23, strike "and" after the semicolon.

Page 354, line 2, strike the period and insert "; and".

Page 354, after line 2, insert the following:

"(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.".

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULLIN OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 373, lines 11 through 22, strike paragraph (1), and redesignate the succeeding paragraphs accordingly.

Page 391, beginning on line 12, strike "agencies" and all that follows through page 392, line 20, and insert "agencies)."

Page 394, beginning on line 17, amend section 406 to read as follows:

**SEC. 406. CONSTRUCTION.**

Section 8007 (20 U.S.C. 7707) is amended to read as follows:

**"SEC. 8007. CONSTRUCTION.**

"(a) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From 100 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary—

"(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

"(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

"(2) PRIORITY.—In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications in accordance with the following:

"(A) The Secretary shall first give priority to applications for emergency grants from local educational agencies that meet the requirements of paragraph (3)(A) and, among such applications for emergency grants, shall give priority to those applications from local educational agencies based on the severity of the emergency, as determined by the Secretary.

"(B) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of paragraph (3)(B) and, among such applications for modernization grants, shall give priority to those applications from local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

"(3) ELIGIBILITY REQUIREMENTS.—

"(A) EMERGENCY GRANTS.—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

"(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—

"(I) has no practical capacity to issue bonds; or

"(II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit of bonded indebtedness; or

"(ii) the agency is eligible to receive assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

"(B) MODERNIZATION GRANTS.—A local educational agency is eligible to receive a modernization grant under paragraph (2)(B) if—

"(i) the agency receives a basic support payment under section 8003(b) for the fiscal year; or

"(ii) the agency receives a Federal properties payment under section 8002 for the fiscal year.

"(C) RULE OF CONSTRUCTION.—For purposes of subparagraph (A)(i), a local educational agency—

"(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than $25,000,000; and

"(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is at least $25,000,000 but not more than $50,000,000.

"(4) AWARD CRITERIA.—In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

"(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—

"(i) the agency's level of bonded indebtedness;

"(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;

"(iii) the agency's total tax rate for school purposes (or for capital expenditures, if applicable) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and

"(iv) funds that are available to the agency, from any other source, including subsection (a), that may be used for capital expenditures.

"(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.

"(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) served in the school facility with the emergency or served

in the school facility proposed for modernization, as the case may be.

"(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.

"(E) In the case of a modernization grant—

"(i) the severity of the need for modernization, as measured by such factors as—

"(I) overcrowding, as evidenced by the use of portable classrooms, or the potential for future overcrowding because of increased enrollment; or

"(II) the agency's inability to utilize technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and

"(ii) the age of the school facility proposed for modernization.

"(5) OTHER AWARD PROVISIONS.—

"(A) GENERAL PROVISIONS.—

"(i) LIMITATIONS ON AMOUNT OF FUNDS.—

"(I) IN GENERAL.—The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) of paragraph (3)(A)(i) for purposes of eligibility under subparagraph (A) or (B) of paragraph (3)—

"(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

"(bb) shall not exceed $4,000,000 during any 4-year period.

"(II) IN-KIND CONTRIBUTIONS.—A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

"(ii) PROHIBITIONS ON USE OF FUNDS.—A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

"(I) a project for a school facility for which the agency does not have full title or other interest;

"(II) stadiums or other school facilities that are primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public; or

"(III) the acquisition of real property.

"(iii) SUPPLEMENT, NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency re-

pairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

"(iv) MAINTENANCE COSTS.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

"(v) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(vi) CARRY-OVER OF CERTAIN APPLICATIONS.—A local educational agency that applies for an emergency grant or a modernization grant under this subsection for a fiscal year and does not receive the grant for the fiscal year shall have the application for the grant considered for the following fiscal year, subject to the priority requirements of paragraph (2) and the award criteria requirements of paragraph (4).

"(B) EMERGENCY GRANTS; PROHIBITION ON USE OF FUNDS.—A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective than correcting the identified emergency.

"(6) APPLICATION.—A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain the following:

"(A) A description of how the local educational agency meets the award criteria under paragraph (4), including the information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4).

"(B) In the case of an application for an emergency grant—

"(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

"(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

"(C) In the case of an application for a modernization grant—

"(i) an explanation of the need for the school facility modernization project;

"(ii) the date on which original construction of the facility to be modernized was completed;

"(iii) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility; and

"(iv) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located.

"(D) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

"(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

"(F) Such other information and assurances as the Secretary may reasonably require.

"(7) REPORT.—

"(A) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

"(B) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means—

"(i) the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives; and

"(ii) the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate.".

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 475, after line 19, insert the following new section:

**"SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.**

"Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.".

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 481, line 19, strike "and".

Page 481, line 22, strike the period and insert "; and".

Page 481, after line 22, insert the following:

"(D) the average salary of the employees described in subparagraph (B) whose positions were eliminated; and

"(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized under this Act by the Department, disaggregated by employee function with each such program or project.".

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CULBERSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 481, after line 22, insert the following new subpart:

## "Subpart 4—Restoration of State Sovereignty Over Public Education and Parental Rights Over the Education of Their Children

**"SEC. 5561. STATES TO RETAIN RIGHTS AND AUTHORITIES THEY DO NOT EXPRESSLY WAIVE.**

"(a) RETENTION OF RIGHTS AND AUTHORITIES.—No officer, employee, or other authority of the Secretary shall enforce against an authority of a State, nor shall any authority of a State have any obligation to obey, any requirement imposed as a condition of receiving assistance under a grant program established under this Act, nor shall such program operate within a State, unless the legislature of that State shall have by law expressly approved that program and, in doing so, have waived the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

"(b) AMENDMENT OF TERMS OF RECEIPT OF FEDERAL FINANCIAL ASSISTANCE.—An officer, employee, or other authority of the Secretary may release assistance under a grant program established under this Act to a State only after the legislature of the State has by law expressly approved the program (as described in subsection (a)). This approval may be accomplished by a vote to affirm a State budget that includes the use of such Federal funds and any such State budget must expressly include any requirement imposed as a condition of receiving assistance under a grant program established under this Act so that by approving the budget, the State legislature is expressly approving the grant program and, in doing so, waiving the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

"(c) SPECIAL RULE FOR STATES WITH BIENNIAL LEGISLATURES.—In the case of a State with a biennial legislature—

"(1) during a year in which the State legislature does not meet, subsections (a) and (b) shall not apply; and

"(2) during a year in which the State legislature meets, subsections (a) and (b) shall apply, and, with respect to any grant program established under this Act during the most recent year in which the State legislature did not meet, the State may by law expressly disapprove the grant program, and, if such disapproval occurs, an officer, employee, or other authority of the Secretary may not release any additional assistance to the State under that grant program.

"(d) DEFINITION OF STATE AUTHORITY.—As used in this section, the term 'authority of a State' includes any administering agency of the State, any officer or employee of the State, and any local government authority of the State.

"(e) EFFECTIVE DATE.—This section applies in each State beginning on the 90th day after the end of the first regular session of the legislature of that State that begins 5 years after the date of

the enactment of the Student Success Act and shall continue to apply in subsequent years until otherwise provided by law.

**"SEC. 5562. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.**

"Notwithstanding any formula reallocations stipulated under the Student Success Act, any funds under such Act not allocated to a State because a State did not affirmatively agree to the receipt of such funds shall not be reallocated among the States.

**"SEC. 5563. DEFINITION OF STATE WITH BIENNIAL LEGISLATURE.**

"In this Act, the term 'State with a biennial legislature' means a State the legislature of which meets every other year.

**"SEC. 5564. INTENT OF CONGRESS.**

"It is the intent of Congress that other than the terms and conditions expressly approved by State law under the terms of this subpart, control over public education and parental rights to control the education of their children are vested exclusively within the autonomous zone of independent authority reserved to the States and individual Americans by the United States Constitution, other than the Federal Government's undiminishable obligation to enforce minimum Federal standards of equal protection and due process.".

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FITZPATRICK OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subpart 3 of part E of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, add the following new section:

**"SEC. 5552. CRIMINAL BACKGROUND CHECKS.**

"(a) CONDITION OF RECEIPT OF FUNDS.—A local educational agency or State educational agency shall be ineligible for funds under this Act if such agency—

"(1) employs an individual who—

"(A) refuses to consent to a criminal background check that includes—

"(i) a search of the State criminal registry or repository in the State where the individual resides and each State where such individual previously resided;

"(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where such individual previously resided;

"(iii) a search of the National Crime Information Center;

"(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

"(v) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

"(B) makes a false statement in connection with such criminal background check;

"(C) is registered or is required to be registered on a State sex offender registry or the National Sex Offender

Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

"(D) has been convicted of a felony consisting of—

"(i) homicide;

"(ii) child abuse or neglect;

"(iii) a crime against children, including child pornography;

"(iv) domestic violence;

"(v) a crime involving rape or sexual assault;

"(vi) kidnapping;

"(vii) arson; or

"(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of the individual's criminal background check under this section; or

"(2) knowingly facilitates the transfer of an employee if the agency knows, or has probable cause to believe, that the employee engaged in sexual misconduct with a student.

"(b) FEES FOR BACKGROUND CHECKS.—The Attorney General or a State may charge any applicable fees for conducting a criminal background check under this section.".

At the end of the bill add the following:

# TITLE VIII—MISCELLANEOUS PROVISIONS

**SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

(a) FINDINGS.—The Congress finds as follows:

(1) To avoid negative attention and litigation, some local educational agencies have entered into agreements with employees who are suspected of abusing or are known to have abused students.

(2) Instead of reporting sexual misconduct with minors to the proper authorities such as the police or child welfare services, under such agreements the local educational agencies, schools, and employees keep the information private and facilitate the employee's transfer to another local educational agency.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) confidentiality agreements between local educational agencies or schools and suspected child sex abusers should be prohibited;

(2) the practice of employee transfers after suspected or proven sexual misconduct should be stopped, and States should require local educational agencies and schools to provide law enforcement with all information regarding sexual conduct between an employee and a minor; and

(3) Congress should help protect children and help stop this unacceptable practice in our schools.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill add the following:

# TITLE VIII—MISCELLANEOUS PROVISIONS

**SEC. 801. STUDY AND REPORT.**

(a) STUDY.—The Secretary shall conduct a study on—

(1) the use of State educational agencies to monitor, supervise, or control underperforming local educational agencies; and

(2) whether equal educational opportunities are being provided to students in the local educational agencies described in paragraph (1), and the impact the use of State educational agencies as described in such paragraph would have on such opportunities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall report to Congress the results of the study conducted under subsection (a). Such report shall include recommendations regarding—

(1) the advisability of authorizing a State educational agency to close a local educational agency over the opposition of a locally elected school board; and

(2) best practices governing the exercise of authority by a State educational agency in monitoring, supervising, and controlling underperforming local educational agencies, with particular emphasis on rural local educational agencies and urban local educational agencies that are disproportionately minority.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CANTOR OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 128, the following new section:

**SEC. 129. TITLE I PORTABILITY.**

Chapter B of subpart 1 of part A of title I (20 U.S.C. 6331 et seq.) is amended by adding at the end the following new section:

**"SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME CHILD STATE OPTION.**

"(a) IN GENERAL.—Notwithstanding any other provision of law and to the extent permitted under State law, a State educational agency may allocate grant funds under this chapter among the local educational agencies in the State based on the number of eligible children enrolled in the public schools served by each local educational agency.

"(b) ELIGIBLE CHILD.—

"(1) DEFINITION.—In this section, the term 'eligible child' means a child aged 5 to 17, inclusive, from a family with an income below the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce.

"(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of this section, a State educational agency shall use the criteria of poverty used by the Census Bureau in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

"(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

"(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency that receives grant funding in accordance with subsection (a) shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency.

"(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Based on the identification of eligible children in paragraph (1), the State educational agency shall provide to a local educational agency an amount equal to the sum of the amount available for each eligible child in the State multiplied by the number of eligible children identified by the local educational agency under paragraph (1).

"(3) DISTRIBUTION TO SCHOOLS.—Each local educational agency that receives funds under paragraph (2) shall distribute such funds to the public schools served by the local educational agency—

"(A) based on the number of eligible children enrolled in such schools; and

"(B) in a manner that would, in the absence of such Federal funds, supplement the funds made available from non-Federal resources for the education of pupils participating in programs under this subpart, and not to supplant such funds.".

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## 26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike the text and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Student Success Act".

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

**SEC. 3. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. References.
Sec. 3. Table of contents.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. State plans.
Sec. 104. Eligible school attendance areas.
Sec. 105. Academic assessment and local educational agency and school improvement; school support and recognition.
Sec. 106. Parental involvement.
Sec. 107. Comparable allocation of expenditures.
Sec. 108. Coordination requirements.

Sec. 109. Reservation of funds for the outlying areas and Bureau of Indian Education schools.
Sec. 110. Support for high-quality assessments.

TITLE II—TEACHERS AND LEADERS

Sec. 201. Great teachers and leaders.
Sec. 202. HEA conforming amendments.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

Sec. 301. Language instruction.

TITLE IV—21ST CENTURY SCHOOLS

Sec. 401. 21st Century schools.

TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

Subtitle A—Public Charter Schools

Sec. 501. Purpose.
Sec. 502. Program authorized.
Sec. 503. Grants to support high-quality charter schools.
Sec. 504. Facilities Financing Assistance.
Sec. 505. National activities.
Sec. 506. Records transfer.
Sec. 507. Definitions.
Sec. 508. Authorization of appropriations.
Sec. 509. Conforming amendments.

Subtitle B—Fund for the Improvement of Education

Sec. 511. Fund for the Improvement of Education.

Subtitle C—Family Engagement in Education Programs

Sec. 521. Family engagement in education programs.

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

Sec. 601. Flexibility and accountability.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 701. In general.

Subtitle A—Indian Education

Sec. 711. Purpose.

PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

Sec. 721. Formula grant purpose.
Sec. 722. Grants to local educational agencies, tribes, and indian organizations.
Sec. 723. Amount of grants.
Sec. 724. Applications.
Sec. 725. Authorized services and activities.
Sec. 726. Student eligibility forms.
Sec. 727. Technical assistance.

PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Sec. 731. Professional development for teachers and education professionals.

PART 3—NATIONAL ACTIVITIES

Sec. 741. National activities.
Sec. 742. Improvement of academic success for students through Native American language.

Subtitle B—Native Hawaiian Education; Alaska Native Education

Sec. 751. Native Hawaiian education and Alaska Native education.
Sec. 752. Findings.
Sec. 753. Purposes.
Sec. 754. Native Hawaiian Education Council grant.

Sec. 755. Grant program authorized.
Sec. 756. Administrative provisions; authorization of appropriations.
Sec. 757. Definitions.

TITLE VIII—IMPACT AID

Sec. 801. Purpose.
Sec. 802. Payments relating to Federal acquisition of real property.
Sec. 803. Payments for eligible federally connected children.
Sec. 804. Policies and procedures relating to children residing on Indian lands.
Sec. 805. Application for payments under sections 8002 and 8003.
Sec. 806. Construction.
Sec. 807. Facilities.
Sec. 808. State consideration of payments providing State aid.
Sec. 809. Administrative hearings and judicial review.
Sec. 810. Definitions.
Sec. 811. Authorization of appropriations.
Sec. 812. Conforming amendments.

TITLE IX—GENERAL PROVISIONS

Sec. 900. General amendments.

Subtitle A—Protecting Students From Sexual and Violent Predators

Sec. 901. Background checks.
Sec. 902. Conforming amendment.

Subtitle B—Evaluation Authority

Sec. 911. Evaluation authority.

Subtitle C—Keeping All Students Safe

Sec. 911. Keeping All Students Safe.

Subtitle D—Protecting Student Athletes From Concussions

Sec. 931. Protecting Student Athletes from Concussions.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

Sec. 1001. Education for Homeless Children and Youths.

# TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

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

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

**"SEC. 1001. STATEMENT OF PURPOSE.**

"The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and to graduate ready to succeed in college and the workforce by—

"(1) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, English learners, migrant children, children with disabilities, Indian children, and neglected or delinquent children;

"(2) ensuring high-quality college and career ready standards, academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are developed and implemented to prepare students to compete in the global economy;

"(3) closing the achievement gap between high- and low-performing children, especially between minority and nonminority

students and between disadvantaged children and their more advantaged peers;

"(4) holding schools, local educational agencies, and States accountable for improving the academic achievement for all students including the mastery of content knowledge and the ability to think critically, solve problems, and communicate effectively, ensuring all students graduate ready to succeed in college and the workforce;

"(5) distributing and targeting resources to support local educational agencies and schools with the greatest need;

"(6) improving and maintaining accountability for student achievement and graduation rates, and increasing local flexibility and authority to improve schools; and

"(7) ensuring parents have substantial and meaningful opportunities to participate in the education of their children.".

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

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

(1) by amending subsection (a) to read as follows:

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated $30,000,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years.";

(2) in subsection (c)—

(A) by striking "$410,000,000" and inserting "$500,000,000"; and

(B) by striking "2002" and inserting "2014"; and

(3) in subsection (d)—

(A) by striking "$50,000,000" and inserting "$55,000,000"; and

(B) by striking "2002" and inserting "2014".

**SEC. 103. STATE PLANS.**

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

**"SEC. 1111. STATE PLAN.**

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, specialized instructional support personnel, early childhood education providers, parents, community organizations, communities representing underserved populations, and Indian tribes, that satisfies the requirements of this section, and that is coordinated with other programs of this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as a part of a consolidated plan under section 9302.

"(b) COLLEGE AND CAREER READY CONTENT STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STANDARDS.—

"(1) GENERAL REQUIREMENTS.—Each State plan shall include evidence that the State's college and career ready content standards, assessments, and achievement standards under this subsection are—

"(A) vertically aligned from kindergarten through grade 12; and

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

"(i) according to written affirmation from the State's public institutions of higher education, placement in credit-bearing, nonremedial courses at the 2-and 4-year public institutions of higher education in the State; and

"(ii) success on relevant State career and technical education standards.

"(2) COLLEGE AND CAREER READY CONTENT STANDARDS.—

"(A) IN GENERAL.—Each State plan shall demonstrate that, not later than the 2013–2014 school year the State educational agency will adopt and implement high-quality, college and career ready content standards that comply with this paragraph.

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

"(C) ELEMENTS.—College and career ready content standards under this paragraph shall—

"(i) be developed through participation in a State-led process that engages—

"(I) kindergarten through-grade-12 education experts (including teachers and educational leaders); and

"(II) representatives of institutions of higher education, the business community, and the early learning community;

"(ii) be rigorous, internationally benchmarked, and evidence-based, requiring students to demonstrate the ability to think critically, solve problems, and communicate effectively;

"(iii) be either—

"(I) validated, including through written affirmation from the State's public institutions of higher education, to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

"(aa) placement in credit-bearing, nonremedial courses at the 2-and 4-year public institutions of higher education in the State; and

"(bb) success on relevant State career and technical education standards; or

"(II) State-developed and voluntarily adopted by a significant number of States;

"(iv) for standards from kindergarten through grade 3, reflect progression in how children develop and learn the requisite skills and content from earlier grades (including preschool) to later grades; and

"(v) apply to all schools and students in the State.

"(D) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State educational agency shall develop and implement statewide, high-quality English language proficiency standards that—

"(i) are aligned with the State's academic content standards;

"(ii) reflect the academic language that is required for success on the State educational agency's academic content assessments;

"(iii) predict success on the applicable grade level English language arts content assessment;

"(iv) ensure proficiency in each of the domains of speaking, listening, reading, and writing in the appropriate amount of time; and

"(v) address the different proficiency levels of English learners.

"(E) EARLY LEARNING STANDARDS.—The State educational agency shall, in collaboration with the State agencies responsible for overseeing early care and education programs and the State early care and education advisory council, develop and implement early learning standards across all major domains of development for preschoolers that—

"(i) demonstrate alignment with the State academic content standards;

"(ii) are implemented through dissemination, training, and other means to applicable early care and education programs;

"(iii) reflect research and evidence-based developmental and learning expectations;

"(iv) inform teaching practices and professional development and services; and

"(v) for preschool age children, appropriately assist in the transition to kindergarten.

"(F) ASSURANCE.—Each State plan shall include an assurance that the State has implemented the same content standards for all students in the same grade and does not have a policy of using different content standards for any student subgroup.

"(3) HIGH-QUALITY ASSESSMENTS.—

"(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency will adopt and implement high-quality assessments in English language arts, math, and science not later than the 2014–2015 school year that comply with this paragraph.

"(B) ELEMENTS.—Such assessments shall—

"(i) be valid, reliable, appropriate, and of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

"(ii) measure the knowledge and skills necessary to demonstrate proficiency in the academic content standards under paragraph (2) for the grade in which the student is enrolled;

"(iii) be developed as part of a system of assessments providing data (including individual student achievement data and individual student growth data), that shall be used to—

"(I) improve teaching, learning, and program outcomes; and

"(II) make determinations of individual principal and teacher effectiveness for the purposes of evaluation and professional development under title II;

"(iv) be used in determining the performance of each local educational agency and school in the State in accordance with the State's accountability system under subsection (c);

"(v) provide an accurate measure of—

"(I) student achievement at all levels of student performance; and

"(II) student academic growth;

"(vi) allow for complex demonstrations or applications of knowledge and skills including the ability to think critically, solve problems, and communicate effectively;

"(vii) be accessible for all students, including students with disabilities and English learners, by—

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

"(II) being interoperable when using any digital assessment, such as computer-based and online assessments.

"(viii) provide for accommodations, including for computer-based and online assessments, for students with disabilities and English learners to provide a valid and reliable measure of such students' achievement;

"(ix) produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

"(x) may be partially delivered in the form of portfolios, projects, or extended performance tasks as long as such assessments meet the requirements of this subsection.

"(C) ADMINISTRATION.—Such assessments shall—

"(i) be administered to all students, including all subgroups described in subsection (c)(3)(A), in the same grade level for each content area assessed, except as provided under subparagraph (E), through—

"(I) a single summative assessment each school year; or

"(II) multiple statewide assessments over the course of the school year that result in a single summative score that provides valid, reliable, and transparent information on student achievement for each tested content area in each grade level;

"(ii) for English language arts and math—

"(I) be administered annually, at a minimum, for students in grade 3 through grade 8; and

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

"(iii) for science, be administered at least once during grades 3 through 5, grades 6 through 8, and grades 9 through 12.

"(D) NATIVE LANGUAGE ASSESSMENTS.—Each State educational agency with at least 10,000 English learners, at least 25 percent of which speak the same language that is not English, shall adopt and implement native language assessments for that language consistent with State law. Such assessments shall be for students—

"(i) for whom the academic assessment in the student's native language would likely yield more accurate and reliable information about such student's content knowledge;

"(ii) who are literate in the native language and have received formal education in such language; or

"(iii) who are enrolled in a bilingual or dual language program and the native language assessment is consistent with such program's language of instruction.

"(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In the case of a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities described in paragraph (4)(D), the State shall adopt and implement high-quality statewide alternate assessments aligned to such alternate achievement standards that meet the requirements of subparagraphs (B) and (C), so long as the State ensures that in the State the total number of students in each grade level assessed in each subject does not exceed the cap established under subsection (c)(3)(E)(iii)(II).

"(F) ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS.—Each State educational agency shall adopt and implement statewide English language proficiency assessments that—

"(i) are administered annually and aligned with the State's English language proficiency standards and academic content standards;

"(ii) are accessible, valid, and reliable;

"(iii) measure proficiency in reading, listening, speaking, and writing in English both individually and collectively;

"(iv) assess progress and growth on language and content acquisition; and

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

"(G) SPECIAL RULE WITH RESPECT TO BUREAU FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Department of the Interior's Bureau of Indian Education receiving funds under this part, the following shall apply:

"(i) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

"(ii) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

"(iii) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

"(H) ASSURANCE.—Each State plan shall include an assurance that the State educational agency will conduct an inventory of statewide and local educational agency-wide student assessments, including an analysis of assessment purposes, practices, and use, and a description of the actions the State will take to reduce duplicative assessments.

"(I) ACCOMMODATIONS.—Each State plan shall describe the accommodations for English learners and students with disabilities on the assessments used by the State and include evidence of their effectiveness in maintaining valid results for the appropriate population.

"(J) ADAPTIVE ASSESSMENTS.—In the case of a State educational agency that develops and administers computer adaptive assessments, such assessments shall meet the requirements of this paragraph, and must measure, at a minimum, each student's academic proficiency against the State's content standards as described in paragraph (2) for the grade in which the student is enrolled.

"(4) COLLEGE AND CAREER READY ACHIEVEMENT AND GROWTH STANDARDS.—

"(A) IN GENERAL.—Each State plan shall demonstrate that the State will adopt and implement college and career ready achievement standards in English language arts, math, and science by the 2013–2014 school year that comply with this paragraph.

"(B) ELEMENTS.—Such academic achievement standards shall establish at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that differentiate levels of performance to—

"(i) describe 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3); and

"(ii) describe a third level of achievement (catch-up) that provides information about the progress of a student toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3).

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

"(i) placement in credit-bearing, nonremedial courses at the 2- and 4-year public institutions of higher education in the State; and

"(ii) success on relevant State career and technical education standards.

"(D) ALTERNATE ACHIEVEMENT STANDARDS.—If a State educational agency adopts alternate achievement standards for students with the most significant cognitive disabilities, such academic achievement standards shall establish, at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that—

"(i) are aligned to the State's college and career ready content standards under paragraph (2);

"(ii) are vertically aligned to ensure that a student who achieves at the on-target or advanced level under clause (v)(I) signifies that the student is on-track to access a postsecondary education or career;

"(ii) reflect concepts and skills that students should know and understand for each grade;

"(iv) are supported by evidence-based learning progressions to age and grade-level performance; and

"(v) establish, at a minimum—

"(I) 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student with the most significant cognitive disabilities is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E); and

"(II) a third level of achievement (catch-up) that provides information about the progress of a student with the most significant cognitive disabilities toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E).

"(E) STUDENT GROWTH STANDARDS.—Each State plan shall demonstrate that the State will adopt and implement student growth standards for students in the assessed grades that comply with this subparagraph, as follows:

"(i) ON-TARGET AND ADVANCED LEVELS.—For a student who is achieving at the on-target or advanced level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to remain at that level of student achievement for not less than 3 years.

"(ii) CATCH-UP LEVEL.—For a student who is achieving at the catch-up level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to achieve an on-target level of achievement by the end of the student's current grade span or within 3 years, whichever occurs first.

"(F) MODIFIED ACHIEVEMENT STANDARDS.—If a State educational agency has modified achievement standards in accordance with section 200.1(e) of title 34, Code of Federal Regulations, prior to the date of the enactment the Student Success Act, the State educational agency may continue to use such modified achievement standards for the purposes established as of the day before the date of enactment of such Act through not later than the implementation of the assessments under paragraph (3).

"(5) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to prescribe the use of the academic assessments established pursuant to such paragraph for student promotion or graduation purposes.

"(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT SYSTEM.—The State plan shall demonstrate that not later than the 2013–2014 school year, the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, parents, community organizations, communities representing underserved populations, and Indian tribes, has developed a single statewide accountability and school improvement system (in this subsection known as the 'accountability system') that ensures all students have the knowledge and skills to successfully enter the workforce or postsecondary education without the need for remediation by complying with this subsection as follows:

"(1) ELEMENTS.—Each State accountability system shall, at a minimum—

"(A) annually measure academic achievement for of all students, including each subgroup described in paragraph (3)(A), in each public school, including each charter school, in the State, including—

"(i) student academic achievement in accordance with the academic achievement standards described in subsection (b)(4);

"(ii) student growth in accordance with the student growth standards described in subsection (b)(4)(E); and

"(iii) graduation rates in diploma granting schools;

"(B) set clear performance and growth targets in accordance with paragraph (2) to improve the academic achievement of all students as measured under subparagraph (A) of this paragraph and to close achievement gaps so that all students graduate ready for postsecondary education and the workforce;

"(C) annually differentiate performance of schools based on the achievement measured under subparagraph (A) and whether the schools meet the performance and growth targets set under paragraph (2), and identify for the purposes under section 1116, at a minimum—

"(i) persistently low-achieving schools that—

"(I) have the lowest performance in the local educational agency and the State using current and prior year academic achievement, growth, and graduation rate data;

"(II) have a 4-year adjusted cohort graduation rate at or below 60 percent; or

"(III) as of the date of enactment of the Student Success Act, have been identified under section 1003(g);

"(ii) schools in need of improvement that have not met one or more of the performance targets set under paragraph (2) for any subgroup described in paragraph (3)(A) in the same grade level and subject, for two consecutive years; and

"(iii) reward schools that have—

"(I) the highest performance in the State for all students and student subgroups described in paragraph (3)(A); or

"(II) made the most progress over at least the most recent 2-year period in the State in increasing student academic achievement and graduation rates for all students and student subgroups described in paragraph (3)(A);

"(D) establish improvement indicators to diagnose school challenges and measure school progress within the improvement system described in section 1116, including factors to measure—

"(i) student engagement, including student attendance rates, student discipline data including suspension and expulsion rates, incidents of bullying and harassment, and surveys of student engagement;

"(ii) student advancement, such as student on-time promotion rates, on-time credit accumulation rates, course failure rates, postsecondary entry rates, and workforce entry rates;

"(iii) educator quality, such as teacher attendance, vacancies, turnover, and rates of qualified or effective teachers; and

"(iv) academic learning, such as the percentage of students taking a college-preparatory curriculum, and student success on State or local educational agency end-of-course examinations; and

"(E) may establish multiple measures for all students described in paragraph (3)(A), including as an index, to further differentiate among the categories of schools described in subparagraph (C) and as part of the improvement system described in section 1116, which may include indicators that measure—

"(i) college and career readiness, such as—

"(I) credit accumulation in and completion of a college and career ready course of study aligned with admissions requirements set by institutions of higher education in the State;

"(II) participation and success on Advanced Placement (AP), International Baccalaureate (IB), SAT, WorkKeys, ASVAB, or State-developed college readiness or career readiness assessments; or

"(III) college enrollment and persistence rates;

"(ii) evidence of academic learning, such as—

"(I) valid and reliable academic assessments that meet the requirements of subsection (3) in subjects other than reading and math, such as science, social studies, or writing;

"(II) percentage of students successfully completing rigorous coursework that aligns with State college and career ready standards described under subsection (b)(2) such as dual enrollment, Advanced Placement (AP), or International Baccalaureate (IB) courses;

"(III) assessments developed by local educational agencies that meet the requirements of subsection (3)(b), are aligned with State college and career ready standards, and are comparable across all schools within the local educational agency; or

"(IV) student performance-based assessments that are valid, reliable, and comparable across a local educational agency and meet the requirements of subsection (3)(b);

"(iii) Evidence of successful learning conditions, such as the improvement indicators described in subparagraph (D); or

"(iv) Evidence of parent and family engagement.

"(2) GOALS AND TARGETS.—

"(A) IN GENERAL.—Each State educational agency shall establish goals and targets for the State accountability and school improvement system that comply with this paragraph. Such targets shall be established separately for all elementary school and secondary school students, economically disadvantaged students, students from major racial

and ethnic groups, students with disabilities, and English learners.

"(B) ACHIEVEMENT GOALS.—Each State educational agency shall set goals that are consistent with the academic and growth achievement standards under subsection (b)(4) to ensure that all students graduate prepared to enter the workforce or postsecondary education without the need for remediation.

"(C) PERFORMANCE TARGETS.—Each State educational agency shall set ambitious, but achievable annual performance targets separately for each subgroup of students described in paragraph (3)(A), for each grade level and in English language arts and math, to assist the State educational agency in achieving its academic achievement goals established under subparagraph (B) that either—

"(i) within 6 years of setting such performance targets, reduce by half the percentage of all students and each subgroup described in paragraph (3)(A), who are not, according to student performance as of the year such targets are set, at the on-target or advanced level of achievement; or

"(ii) result in ambitious, but achievable annual targets for local educational agencies and schools for all students and each subgroup of students described in paragraph (3)(A) within a specified period of time, approved by the Secretary, such that—

"(I) the targets are equally rigorous as those in subsection (i); and

"(II) the targets reflect the progress required for all students and each subgroup of students described in paragraph (3)(A) to reach the on-target or advanced level of achievement within the specified period of time.

"(D) GROWTH TARGETS.—Each State educational agency shall set ambitious but achievable growth targets that—

"(i) assist the State in achieving the academic achievement goals described in subparagraph (B); and

"(ii) include targets that ensure all students, including the subgroups of students described in paragraph (3)(A), meet the growth standards described in subsection (b)(4)(E).

"(E) GRADUATION RATE GOALS AND TARGETS.—

"(i) GRADUATION GOALS.—Each State educational agency shall set a graduation goal of not less than 90 percent.

"(ii) GRADUATION RATE TARGETS.—Each State educational agency shall establish graduation rate targets which shall not be less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

"(iii) EXTENDED-YEAR GRADUATION RATE TARGETS.—In the case of a State that chooses to use an extended-year graduation rate in the accountability and school improvement system described under this subsection, the State shall set extended-year graduation rate tar-

gets that are more rigorous than the targets set under clause (ii) and, if applicable, are not less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

"(3) FAIR ACCOUNTABILITY.—Each State educational agency shall establish fair and appropriate policies and practices, as a component of the accountability system established under this subsection, to measure school, local educational agency, and State performance under the accountability system that, at a minimum, comply with this paragraph as follows:

"(A) DISAGGREGATE.—Each State educational agency shall disaggregate student achievement data in a manner that complies with the State's group size requirements under subparagraph (B) for the school's, local educational agency's, and the State's performance on its goals and performance targets established under paragraph (2), by each content area and each grade level for which such goals and targets are established, and, if applicable, by improvement indicators described in paragraph (1)(D) for each of the following groups:

"(i) All public elementary and secondary school students.

"(ii) Economically disadvantaged students.

"(iii) Students from major racial and ethnic groups.

"(iv) Students with disabilities.

"(v) English learners.

"(B) SUBGROUP SIZE.—Each State educational agency shall establish group size requirements for performance measurement and reporting under the accountability system that—

"(i) is the same for all subgroups described in subparagraph (A);

"(ii) does not exceed 15 students;

"(iii) yields statistically reliable information; and

"(iv) does not reveal personally identifiable information about an individual student.

"(C) PARTICIPATION.—Each State educational agency shall ensure that—

"(i) not less than 95 percent of the students in each subgroup described subparagraph (A) take the State's assessments under subsection (b)(2); and

"(ii) any school or local educational agency that does not comply with the requirement described in clause (i) of this subparagraph may not be considered to have met its goals or performance targets under paragraph (2).

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

"(E) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

"(i) IN GENERAL.—In calculating the percentage of students scoring at the on-target levels of achievement and the graduation rate for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2), a State shall include all students with disabilities, even those students with the most significant cognitive disabilities, and—

"(I) may include the on-target and advanced scores of students with the most significant cognitive disabilities taking alternate assessments under subsection (b)(3)(E) provided that the number and percentage of such students who score at the on-target or advanced level on such alternate assessments at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii) in the grades assessed and subjects used under the accountability system established under this subsection; and

"(II) may include students with the most significant cognitive disabilities, who are assessed using alternate assessments described in subsection (b)(3)(E) and who receive a State-defined standards-based alternate diploma aligned with alternate achievement standards described in subparagraph (4)(D) and with completion of the student's right to a free and appropriate public education under the Individuals with Disabilities Education Act, as graduating with a regular secondary school diploma, provided that the number and percentage of those students who receive a State-defined standards-based alternate diploma at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii).

"(ii) STATE REQUIREMENTS.—If the number and percentage of students taking alternate assessments or receiving a State-defined standards-based alternate diploma exceeds the cap under clause (iii) at the local educational agency or State level, the State educational agency, in determining whether the local educational agency or State, respectively, has met its performance targets under paragraph (2), shall—

"(I) include all students with the most significant cognitive disabilities;

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

"(III) include such students at the catch-up level of achievement or as not graduating in each applicable subgroup at the school, local educational agency, and State level; and

"(IV) ensure that parents are informed of the actual academic achievement levels and graduation

status of their children with the most significant cognitive disabilities.

"(iii) SECRETARIAL DUTIES.—The Secretary shall establish a cap for the purposes of this subparagraph which—

"(I) shall be based on the most recently available data on—

"(aa) the incidence of students with the most significant cognitive disabilities;

"(bb) the participation rates, including by disability category, on alternate assessments using alternate achievement standards pursuant to subsection (b)(3)(E);

"(cc) the percentage of students, including by disability category, scoring at each achievement level on such alternate assessments; and

"(dd) other factors the Secretary deems necessary; and

"(II) may not exceed 1 percent of all students in the combined grades assessed.

"(4) TRANSITION PROVISIONS.—

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

"(B) TRANSITION.—To enable the successful transition described in this paragraph, each State educational agency receiving funds under this part shall—

"(i) administer assessments that were in existence on the day before the date of enactment of the Student Success Act and beginning not later than the 2014–2015 school year, administer high-quality assessments described in subsection (b)(3);

"(ii) report student performance on the assessments described in subparagraph (I), consistent with the requirements under this title;

"(iii) set a new baseline for performance targets, as described in paragraph (2)(C) and (2)(D), once new high-quality assessments described in subsection (b)(3) are implemented;

"(iv) implement the accountability and school improvement requirements of sections 1111 and 1116, except—

"(I) the State shall not be required to identify new persistently low achieving schools or schools in need of improvement under section 1116 for 1 year after high-quality assessments described in subsection (b)(3) have been implemented; and

"(II) shall continue to implement school improvement requirements of section 1116 in persistently low achieving schools and schools in need of improvement that were identified as such in the

year prior to implementation of new high-quality assessments; and

"(v) assist local educational agencies in providing training and professional development on the implementation of new college and career ready standards and high-quality assessments.

"(C) END OF TRANSITION.—The transition described in this paragraph shall be completed by no later than 2 years from the date of enactment of the Student Success Act.

"(d) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain the following:

"(1) DESCRIPTIONS.—A description of—

"(A) how the State educational agency will carry out the responsibilities of the State under section 1116;

"(B) a plan to identify and reduce inequities in the allocation of State and local resources, including personnel and nonpersonnel resources, between schools that are receiving funds under this title and schools that are not receiving such funds under this title, consistent with the requirements in section 1120A, including—

"(i) a description of how the State will support local educational agencies in meeting the requirements of section 1120A; and

"(ii) a description of how the State will support local educational agencies to align plans under subparagraph (A), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the equitable allocation of resources as described in this subsection;

"(C) how the State educational agency will ensure that the results of the State assessments described in subsection (b)(3) and the school evaluations described in subsection (c)(1), respectively, will be provided to local educational agencies, schools, teachers, and parents promptly, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed, and in a manner that is clear and easy to understand;

"(D) how the State educational agency will meet the diverse learning needs of students by—

"(i) identifying and addressing State-level barriers to implementation of universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports; and

"(ii) developing and making available to local educational agencies technical assistance for implementing universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports;

"(E) for a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities under subsection (b)(4)(D)—

"(i) the clear and appropriate guidelines for individualized education program teams to apply in deter-

mining when a student's significant cognitive disability justifies alternate assessment based on alternate achievement standards, which shall include guidelines to ensure—

"(I) students with the most significant cognitive disabilities have access to the general education curriculum for the grade in which the student is enrolled;

"(II) participation in an alternate assessment does not influence a student's placement in the least restrictive environment;

"(III) determinations are made separately for each subject and are re-determined each year during the annual individualized education program team meeting;

"(IV) the student's mode of communication has been identified and accommodated to the extent possible; and

"(V) parents of such students are informed of and understand that their child's achievement will be based on alternate achievement standards and whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma; and

"(ii) the procedures the State educational agency will use to ensure and monitor that individualized education program teams implement the requirements of clause (i); and

"(iii) the plan to disseminate information on and promote use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are assessed using achievement standards described in subparagraphs (B) and (C) of subsection (b)(4);

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

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

"(ii) the entrance and exit requirements for students enrolled in limited English proficient classes, which shall—

"(I) be based on rigorous English language standards; and

"(II) prepare such students to successfully complete the State's assessments; and

"(iii) timelines and targets for moving students from the lowest levels of English language proficiency to the State-defined English proficient level, including an assurance that—

"(I) such targets will be based on student's initial language proficiency level when first identified as limited English proficient and grade; and

"(II) such timelines will ensure students achieve English proficiency by 18 years of age, unless the

State has obtained prior approval by the Secretary;

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

"(H) how the State educational agency will develop and improve the capacity of local educational agencies to use technology to improve instruction; and

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

"(i) ensuring the quality of the authorized public chartering agencies in the State by establishing—

"(I) a system of periodic evaluation and certification of public chartering agencies using nationally-recognized professional standards; or

"(II) a statewide, independent chartering agency that meets nationally-recognized professional standards;

"(ii) including in the procedure established pursuant to clause (i) requirements for—

"(I) the annual filing and public reporting of independently audited financial statements including disclosure of amount and duration of any nonpublic financial and in-kind contributions of support, by each public chartering agency, for each school authorized by such agency, and by each local educational agency and the State; and

"(II) a legally binding charter or performance contract between each charter school and the school's authorized public chartering agency that—

"(aa) describes the rights, duties, and remedies of the school and the public chartering agency; and

"(bb) bases charter renewal and revocation decisions on an agreed-to school accountability plan which includes financial and organizational indicators, with significant weight given to the student achievement on the achievement goals, performance targets, and growth targets established pursuant to subparagraphs (B), (C), and (D) of subsection (c)(2), respectively, for each student subgroup described in subsection (c)(3)(A), as well as

"(iii) developing and implementing, in consultation and coordination with local educational agencies, a system of intervention, revocation, or closure for charter schools and public chartering agencies failing to meet the requirements and standards described in clauses (i) and (ii), which, at a minimum provides for—

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

"(II) intervention, revocation, or closure of any charter school identified for school improvement under section 1116.

"(2) ASSURANCES.—Assurances that—

"(A) the State educational agency will participate in biennial State academic assessments of 4th, 8th, and 12th grade reading, mathematics, and science under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act, if the Secretary pays the costs of administering such assessments;

"(B) the State educational agency will—

"(i) notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs; and

"(ii) fulfill the State educational agency's responsibilities regarding local educational agency and school improvement under section 1116;

"(C) the State educational agency will encourage local educational agencies to consolidate funds from other Federal, State, and local sources for school improvement activities under 1116 and for schoolwide programs under section 1114;

"(D) the State educational agency has modified or eliminated State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

"(E) that State educational agency will coordinate data collection efforts to fulfill the requirements of this Act and reduce the duplication of data collection to the extent practicable;

"(F) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(G) the State educational agency will inform local educational agencies in the State of the local educational agency's authority—

"(i) to transfer funds under title VI;

"(ii) to obtain waivers under part D of title IX; and

"(iii) if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

"(H) the State educational agency will work with other agencies, including educational service agencies or other local consortia and comprehensive centers established under the Educational Technical Assistance Act of 2002, and institutions to provide professional development and technical assistance to local educational agencies and schools;

"(I) the State educational agency will ensure that local educational agencies in the State comply with the require-

ments of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. lll17); and

"(J) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under its jurisdiction in order to—

"(i) improve the coordination of activities under this Act;

"(ii) meet the purpose of this title; and

"(iii) meet the unique cultural, language, and educational needs of Indian students.

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

"(1) a description of the State's criteria and schedule for review and approval of local educational agency engagement policies and practices pursuant to section 1112(e)(3);

"(2) a description of the State's system and process for assessing local educational agency implementation of section 1118 responsibilities;

"(3) a description of the State's criteria for identifying local educational agencies that would benefit from training and support related to family engagement in education;

"(4) a description of the State's statewide system of capacity-building and technical assistance for local educational agencies and schools on effectively implementing family engagement in education practices and policies to increase student achievement;

"(5) an assurance that the State will refer to Statewide Family Engagement Centers, as described in section 5702, those local educational agencies that would benefit from training and support related to family engagement in education; and

"(6) a description of the relationship between the State educational agency and Statewide Family Engagement Centers, parent training and information centers, and community parent resource centers in the State established under sections 671 and 672 of the Individuals with Disabilities Education Act.

"(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) SECRETARIAL DUTIES.—The Secretary shall—

"(A) establish a peer-review process to assist in the review of State plans;

"(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, local educational agencies, and experts and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

"(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

"(D) if the Secretary determines that the State plan does not meet the requirements of this section immediately notify the State of such determination and the reasons for such determination;

"(E) not decline to approve a State's plan before—

"(i) offering the State an opportunity to revise its plan;

"(ii) providing technical assistance in order to assist the State to meet the requirements of this section; and

"(iii) providing a hearing; and

"(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

"(2) STATE REVISIONS.—A State plan shall be revised by the State educational agency if the revision is necessary to satisfy the requirements of this section.

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

"(A) State plans submitted or resubmitted by a State;

"(B) peer review comments;

"(C) State plan determinations by the Secretary, including approvals or disapprovals;

"(D) amendments or changes to State plans; and

"(E) hearings.

"(g) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part or 4 years, whichever is shorter; and

"(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part, including information on progress the State has made in—

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

"(A) implementing college- and career-ready content and achievement standards and high-quality assessments described in paragraph (b);

"(B) meeting its goals and performance targets described in subsection (c)(2); and

"(C) improving the capacity and skills of teachers and principals as described in section 2112.

"(2) ADDITIONAL INFORMATION.—If significant changes are made to a State's plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or new performance goals or target, growth goals or targets, or graduation goals or targets, such information shall be submitted to the Secretary for approval.

"(h) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, the Secretary may withhold

funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

"(i) REPORTS.—

"(1) ANNUAL STATE REPORT CARD.—

"(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate an annual State report card. Such dissemination shall include, at a minimum, publicly posting the report card on the home page of the State educational agency's website.

"(B) IMPLEMENTATION.—The State report card shall be—

"(i) concise; and

"(ii) presented in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

"(C) REQUIRED INFORMATION.—The State shall include in its annual State report card—

"(i) information, in the aggregate, and disaggregated and cross-tabulated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation and cross-tabulation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student on—

"(I) student achievement at each achievement level on the State academic assessments described in subsection (b)(3), including the most recent 2-year trend;

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

"(III) the four-year adjusted cohort rate, the extended-year graduation rate (where applicable), and the graduation rate by type of diploma, including the most recent 2-year trend;

"(IV) the State established improvement indicators under subsection (c)(1)(D);

"(V) the percentage of students who did not take the State assessments; and

"(VI) the most recent 2-year trend in student achievement and student growth in each subject area and for each grade level, for which assessments under this section are required;

"(ii) information that provides a comparison between the actual achievement levels and growth of each group of students described in subsection (c)(3)(A) and the performance targets and growth targets in subsection (c)(2) for each such group of students on each of the academic assessments and for graduation rates required under this part;

"(iii) if a State adopts alternate achievement standards for students with the most significant cognitive disabilities, the number and percentage of students

taking the alternate assessments and information on student achievement at each achievement level and student growth, by grade and subject;

"(iv) the number of students who are English learners, and the performance of such students, on the State's English language proficiency assessments, including the students' attainment of, and progress toward, higher levels of English language proficiency;

"(v) information on the performance of local educational agencies in the State regarding school improvement, including the number and names of each school identified for school improvement under section 1116 and information on the outcomes of the improvement indicators outlined in section 1111(c)(1)(D);

"(vi) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

"(vii) information on teacher effectiveness, as described in section 2112(b)(1)(C), in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

"(viii) a clear and concise description of the State's accountability system, including a description of the criteria by which the State educational agency evaluates school performance, and the criteria that the State educational agency has established, consistent with subsection (c), to determine the status of schools with respect to school improvement; and

"(ix) outcomes related to quality charter authorizing standards as described in subsection (d)(1)(I), including, at a minimum, annual filing as described in subsection (d)(1)(I)(ii)(I).

"(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

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

"(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

"(i) in the case of a local educational agency—

"(I) the number and percentage of schools identified for school improvement under section 1116 and how long the schools have been so identified; and

"(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole;

"(III) per-pupil expenditures from Federal, State, and local sources, including personnel and nonpersonnel resources, for each school in the local educational agency, consistent with the requirements under section 1120A;

"(IV) the number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by leaver code, and the number and percentage of students from each adjusted cohort that have been enrolled in high school for more than 4 years but have not graduated with a regular diploma; and

"(V) information on the number of military-connected students (students who are a dependent of a member of the Armed Forces, including reserve components thereof) served by the local educational agency and how such military-dependent students achieved on the statewide academic assessment compared to all students served by the local educational agency; and

"(ii) in the case of a school—

"(I) whether the school has been identified for school improvement; and

"(II) information that shows how the school's students achievement on the statewide academic assessments and other improvement indicators compared to students in the local educational agency and the State as a whole.

"(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

"(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

"(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the report cards described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an accessible, understandable, and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Student Success Act may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

"(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

"(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

"(A) information on the State's progress in developing and implementing

"(i) the college and career ready standards described in subsection (b)(2);

"(ii) the academic assessments described in subsection (b)(3);

"(iii) the accountability and school improvement system described in subsection (c); and

"(iv) teacher and principal evaluation systems described in section 2112(b)(1); and

"(B) the annual State report card under paragraph (1).

"(6) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (4).

"(7) PARENTS RIGHT-TO-KNOW.—

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

"(i) information on the level of achievement and growth of the parent's child on each of the State academic assessments and, as appropriate, other improvement indicators adopted in accordance with this subpart; and

"(ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not qualified or has been found to be ineffective consistent with the local educational agency evaluation, as described in section 2112(b)(1).

"(B) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part, information regarding the professional qualifications of the student's

classroom teachers, including, at a minimum, the following:

"(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

"(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

"(iii) Whether the teacher is currently enrolled in an alternative certification program.

"(iv) Whether the child is provided services by paraprofessionals or specialized instructional support personnel and, if so, their qualifications.

"(C) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

"(j) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

"(k) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of college and career ready standards, high-quality academic assessments, and goals and targets that are valid and reliable, and other relevant areas.

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

"(m) DEFINITIONS.—In this section:

"(1) ADJUSTED COHORT; EXTENDED-YEAR; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

"(A) ADJUSTED COHORT.—Subject to subparagraph (D)(ii) through (G), the term 'adjusted cohort' means the difference of—

"(i) the sum of—

"(I) the entering cohort; plus

"(II) any students that transferred into the cohort in any of grades 9 through 12; minus

"(ii) any students that are removed from the cohort as described in subparagraph (E).

"(B) EXTENDED YEAR.—The term 'extended year' when used with respect to a graduation rate, means the fifth or sixth year after the school year in which the entering cohort, as described in subparagraph (C), is established for the purpose of calculating the adjusted cohort.

"(C) ENTERING COHORT.—The term 'entering cohort' means the number of first-time 9th graders enrolled in a secondary school 1 month after the start of the secondary school's academic year.

"(D) TRANSFERRED INTO.—The term 'transferred into' when used with respect to a secondary school student, means a student who—

"(i) was a first-time 9th grader during the same school year as the entering cohort; and

"(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

"(E) TRANSFERRED OUT.—

"(i) IN GENERAL.—The term 'transferred out' when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred to another—

"(I) school from which the student is expected to receive a regular secondary school diploma; or

"(II) educational program from which the student is expected to receive a regular secondary school diploma.

"(ii) CONFIRMATION REQUIREMENTS.—

"(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

"(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a non-graduate for reporting and accountability purposes under this section.

"(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

"(F) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

"(G) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged-out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

"(H) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

"(2) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' means the percent obtained by calculating the product of—

"(A) the result of—

"(i) the number of students who—

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

"(II) graduate in 4 years or less with a regular secondary school diploma; divided by

"(ii) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

"(B) 100.

"(3) EXTENDED-YEAR GRADUATION RATE.—The term 'extended-year graduation rate' for a school year is defined as the percent obtained by calculating the product of the result of—

"(A) the sum of—

"(i) the number of students who—

"(I) form the adjusted cohort for that year's graduating class; and

"(II) graduate in an extended year with a regular secondary school diploma; or

"(III) graduate before exceeding the age for eligibility for a free appropriate public education (as defined in section 602 of the Individuals with Disabilities Education Act) under State law; divided by

"(ii) the result of—

"(I) the number of students who form the adjusted cohort for that year's graduating class; plus

"(II) the number of students who transferred in during the extended year defined in paragraph (1)(B), minus

"(III) students who transferred out, emigrated, or died during the extended year defined in paragraph (1)(B); multiplied by

"(B) 100.

"(4) LEAVER CODE.—The term 'leaver code' means a number or series of numbers and letters assigned to a categorical reason for why a student left the high school from which she or he is enrolled without having earned a regular high school diploma, except that—

"(A) an individual student with either a duplicative code or whom has not been assigned a leaver code shall not be removed from the cohort assigned for the purpose of calculating the adjusted cohort graduation rate; and

"(B) the number of students with either a duplicative leaver code or who have not been assigned a leaver code shall be included in reporting requirements for the leaver code.

"(5) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessment, and research-based interventions matched to student needs, and educational decision-making using student outcome data.

"(6) GRADUATION RATE.—The term 'graduation rate' means a 4-year adjusted cohort graduation rate and the extended-year graduation rate.

"(7) REGULAR SECONDARY SCHOOL DIPLOMA.—The term 'regular secondary school diploma' means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include GED's, certificates of attendance, or any lesser diploma award.".

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

Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amended to read as follows:

"(3) RESERVATION.—

"(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(i) homeless children who are attending any public school served by the local educational agency, including providing educationally related support services to children in shelters and other locations where children may live;

"(ii) children in local institutions for neglected children; and

"(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.

"(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

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

**SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.**

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

**"SEC. 1116. SCHOOL IMPROVEMENT.**

"(a) LOCAL REVIEW.—

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

"(A) use the State academic assessments, including measures of student growth, and graduation rates to review, annually, the progress of each school served under this part to determine whether the school is meeting the performance targets, growth targets, and graduation targets established under section 1111(c)(2);

"(B) based on the review conducted under subparagraph (A), determine whether a school served under this part is—

"(i) in need of improvement as described under section 1111(c)(1)(C)(ii); or

"(ii) a persistently low-achieving school that meets the State parameters established under paragraph (2);

"(C) publicize and disseminate the results of the local annual review described in subparagraph (A) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the college and career ready achievement standards established under section 1111(b); and

"(D) use the school improvement indicators established under section 1111(c)(1)(D), and may include the multiple measures described under section 1111(c)(1)(E), to diagnose school challenges and measure school progress in carrying out the school improvement activities under this section.

"(2) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—The State educational agency shall establish parameters, consistent with section 1111(c)(1)(C)(i), to assist local educational agencies in identifying persistently low-achieving schools within the local educational agency that—

"(A) shall use student achievement on the assessments under section 1111(b)(3), including prior year data;

"(B) shall use student growth data on the assessments under section 1111(b)(3), including prior year data;

"(C) shall use graduation rate data, including prior year data;

"(D) shall include schools with 4-year adjusted cohort graduation rates below 60 percent as persistently low-achieving schools; and

"(E) may use data on the improvement indicators established under section 1111(c)(1)(D) and the multiple measures described under section 1111(c)(1)(E), except that the local educational agency may not use such indicators to change the schools identified based on the parameters established under subparagraphs (A) through (D).

"(3) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

"(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school as a school in need of improvement or a persistently low-achieving school under paragraph (1), a local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

"(B) EVIDENCE.—If the principal of a school proposed as a school in need of improvement or a persistently low-achieving school believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

"(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with

the opportunity to review such school-level data, the local educational agency shall make public a final determination on the status of the school with respect to identification as a school in need of improvement or a persistently low-achieving school.

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—Each school served under this part determined to be a school in need of improvement pursuant to section 1111(c)(1)(C)(ii) or a persistently low-achieving school pursuant to 1111(c)(1)(C)(i), shall form a school improvement team described in paragraph (2) to develop and implement a school improvement plan described in paragraph (3) to improve educational outcomes for all students.

"(2) SCHOOL IMPROVEMENT TEAM.—

"(A) IN GENERAL.—Each school described in paragraph (1) shall form a school improvement team, which shall include school leaders, teachers, parents, community members, and specialized instructional support personnel.

"(B) SCHOOLS IN NEED OF IMPROVEMENT.—Each school improvement team for a school in need of improvement may include an external partner and representatives of the local educational agency and the State educational agency.

"(C) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—Each school improvement team for a persistently low-achieving school shall include an external partner and representatives of the local educational agency and the State educational agency.

"(3) SCHOOL IMPROVEMENT PLAN.—

"(A) IN GENERAL.—A school improvement team shall develop, implement, and make publicly available a school improvement plan that uses information available under the accountability and school improvement system established under section 1111(c), data available under the early warning indicator system established under subsection (c)(5), and other relevant data to identify—

"(i) each area in which the school needs support for improvement;

"(ii) the type of support required;

"(iii) how the school plans to use comprehensive, evidence-based strategies to address such needs;

"(iv) how the school will measure progress in addressing such needs using the goals and targets and improvement indicators established under paragraphs (2) and (1)(D) of section 1111(c), respectively, and identify which of the goals and targets are not currently being met by the school; and

"(v) how the school will review its progress and make adjustments and corrections to ensure continuous improvement.

"(B) PLANNING PERIOD.—The school improvement team may use a planning period, which shall not be longer than one school year to develop and prepare to implement the school improvement plan.

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

"(i) PLANNING AND PREPARATION.—The activities during the planning period, including—

"(I) the preparation activities conducted to effectively implement the budgeting, staffing, curriculum, and instruction changes described in the plan; and

"(II) how the school improvement team engaged parents and community organizations.

"(ii) TARGETS.—The performance, growth, and graduation targets that contributed to the school's status as a school in need of improvement or persistently low-achieving school, and the school challenges identified by the school improvement indicators under section 1111(c)(1)(D).

"(iii) EVIDENCE-BASED, SCHOOL IMPROVEMENT STRATEGIES.—Evidence-based, school improvement strategies to address the factors and challenges described in clause (ii), to improve instruction, including in all core academic subjects, to improve the achievement of all students and address the needs of students identified at the catch-up level of achievement.

"(iv) NEEDS AND CAPACITY ANALYSIS.—A description and analysis of the school's ability and the resources necessary to implement the evidence-based, school improvement strategies identified under clause (iii), including an analysis of—

"(I) staffing resources, such as the number, experience, training level, effectiveness, responsibilities, and stability of existing administrative, instructional, and non-instructional staff;

"(II) budget resources, including how Federal, State, and local funds are being spent for instruction and operations to determine how existing resources can be aligned and used to support improvement;

"(III) the school curriculum;

"(IV) the use of time, such as the school's schedule and use of additional learning time; and

"(V) any additional resources and staff necessary to effectively implement the school improvement activities identified in the school improvement plan.

"(v) IDENTIFYING ROLES.—The roles and responsibilities of the State educational agency, the local educational agency, the school and, if applicable, the external partner in the school improvement activities, including providing interventions, support, and resources necessary to implement improvements.

"(vi) PLAN FOR EVALUATION.—The plan for continuous evaluation of the evidence-based, school improvement strategies, including implementation of and fidelity to the school improvement plan, that includes at least quarterly reviews of the effectiveness of such activities.

"(D) ADDITIONAL REQUIREMENTS FOR PERSISTENTLY LOW-ACHIEVING SCHOOLS.—For a persistently-low achieving school, the school improvement plan shall, in addition to the requirements described in subparagraph (B), describe how the school will—

"(i) address school-wide factors to improve student achievement, including—

"(I) establishing high expectations for all students, which at a minimum, align with the achievement standards and growth standards under section 1111(b)(4);

"(II) improving school climate, including student attendance and school discipline, through the use of school-wide positive behavioral supports and interventions and other evidence based approaches to improving school climate;

"(III) ensuring that the staff charged with implementing the school improvement plan are engaged in the plan and the school turnaround effort;

"(IV) establishing clear—

"(aa) benchmarks for implementation of the plan; and

"(bb) targets for improvement on the indicators under section 1111(c)(1)(D);

"(ii) organize the school to improve teaching and learning, including through—

"(I) strategic use of time, such as—

"(aa) establishing common planning time for teachers and interdisciplinary teams who share common groups of students;

"(bb) redesigning the school calendar year or day, such as through block scheduling, summer learning programs, or increasing the number of hours or days, in order to create additional learning time; or

"(cc) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, enrichment activities, or service learning; and

"(II) alignment of resources to improvement goals, such as through ensuring that students in transition grades are taught by teachers prepared to meet their specific learning needs;

"(iii) increase teacher and school leader effectiveness, as described in section 2112(b)(1), including through—

"(I) replacing the principal, or demonstrating the principal has the skills, capacity, and record of success to significantly improve student achievement and lead a school turnaround;

"(II) screening all existing staff at the school, with the leadership team, through a process that ensures a rigorous and fair review of their applications that shall include—

"(aa) the results of teacher and principal evaluations and determinations of effectiveness, as described in section 2112(b)(1); and

"(bb) a review of individual staff member's engagement in the school improvement for the school;

"(III) improving the recruitment and retention of effective teachers and principals to work in the school;

"(IV) professional development activities that respond to student and school-wide needs aligned with the school improvement plan, such as—

"(aa) training teachers, leaders, and administrators together with staff from schools making achievement goals and performance targets under the accountability system under section 1111(c) that serve similar populations and in such schools;

"(bb) establishing peer learning and coaching among teachers; or

"(cc) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar schools;

"(V) appropriately identifying teachers for each grade and course; and

"(VI) the development of effective leadership structures, supports, and clear decision making processes, such as through developing distributive leadership and leadership teams;

"(iv) improve curriculum and instruction, including through—

"(I) demonstrating the relevance of the curriculum and learning for all students, including instruction in all core academic subjects, and may include the use of online course-work as long as such course-work meets standards of quality and best practices for online education;

"(II) increasing access to rigorous and advanced course-work, including adoption and implementation of a college- and career-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

"(III) increasing access to contextualized learning opportunities aligned with readiness for post-secondary education and the workforce, such as providing—

"(aa) work-based, project-based, and service-learning opportunities; or

"(bb) a high-quality, college preparatory curriculum in the context of a rigorous career and technical education core;

"(IV) regularly collecting and using data to inform instruction, such as—

"(aa) through use of formative assessments;

"(bb) creating and using common grading rubrics; or

"(cc) identifying effective instructional approaches to meet student needs; and

"(V) emphasizing core skills instruction, such as literacy, across content areas;

"(v) provide students with academic and social support to address individual student learning needs, including through—

"(I) ensuring access to services and expertise of specialized instructional support personnel;

"(II) supporting students at the catch-up level of achievement who need intensive intervention;

"(III) increasing personalization of the school experience through learning structures that facilitate the development of student and staff relationships such as—

"(aa) implementing grade 9 academies or thematic smaller learning communities;

"(bb) establishing teams of teachers who work exclusively with small groups of students; or

"(cc) creating advisor positions to provide students with study, organizational, and social supports;

"(IV) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

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

"(VI) coordinating and increasing access to integrated services, such as providing special instructional support personnel;

"(VII) providing transitional support between grade-spans, including postsecondary planning; and

"(VIII) meeting the diverse learning needs of all students through strategies such as multi-tier system of supports and universal design for learning, as described in section 5429(b)(21);

"(IX) engage families and community partners, including community-based organizations, organizations representing underserved populations, Indian tribes (as appropriate), organizations assisting parent involvement, institutions of higher education, and businesses, in school improvement activities through evidence-based strategies; and

"(X) be provided control over governance policies, including flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options.

"(E) SUBMISSION AND APPROVAL.—The school improvement team shall submit the school improvement plan to the local educational agency or the State educational agency, as determined by the State educational agency based on the local educational agency's ability to effectively monitor the school improvement activities. Upon receiving the plan, the local educational agency or the State educational agency, as appropriate, shall—

"(i) establish a peer review process to assist with review of the school improvement plan; and

"(ii) promptly review the plan, work with the school improvement team as necessary, and approve the plan if the plan meets the requirements of this paragraph.

"(F) REVISION OF PLAN.—A school improvement team may revise the school improvement plan as additional information and data is available.

"(G) IMPLEMENTATION.—A school with the support and assistance of the local educational agency shall implement the school improvement plan expeditiously, but not later than the beginning of the next full school year after identification for improvement.

"(4) EVALUATION OF SCHOOL IMPROVEMENT.—

"(A) IN GENERAL.—

"(i) REVIEW.—The State educational agency or local educational agency, as determined by the State in accordance with paragraph (3)(D) shall, annually, review data with respect to each school in need of improvement and each persistently low-achieving school to set clear benchmarks for progress, to guide adjustments and corrections, to evaluate whether the school supports and interventions for the school are effective and the school is meeting the targets for improvement established under its school improvement plan, and to specify what actions ensue for schools not making progress.

"(ii) DATA.—In carrying out the annual review under clause (i), the school, the local educational agency, or State educational agency shall measure progress on—

"(I) student achievement, student growth, and graduation rates against the goals and targets established under section 1111(c)(2); and

"(II) improvement indicators as established under section 1111(c)(1)(D).

"(B) SCHOOLS IN NEED OF IMPROVEMENT.—If, after 3 years of implementing its school improvement plan, a school in need of improvement does not meet the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school and the improvement indicators established under section 1111(c)(1)(D), then—

"(i) the local educational agency shall evaluate school performance and other data, and provide intensive assistance to that school in order to improve the effectiveness of the interventions; and

"(ii) the State educational agency or the local educational agency, as determined by the State, shall determine whether school shall partner with an external partner—

"(I) to revise the school improvement plan; and

"(II) to improve, and as appropriate, revise, school improvement strategies that meet the requirements of paragraph (3)(B)(iii).

"(C) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—If, after 3 years of implementing its school improvement plan, a persistently low-achieving school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school or the improvement indicators established under section 1111(c)(1)(D), then—

"(i) the local educational agency, in collaboration with the State educational agency, shall determine whether to implement school closure, replacement, or State take-over of such school;

"(ii) the local educational agency, and as appropriate the State educational agency, shall develop and implement a plan to assist with the transition of the school under clause (i) that—

"(I) is developed in consultation with parents and the community;

"(II) addresses the needs of the students at the school by considering strategies such as—

"(aa) opening a new school;

"(bb) graduating out current students and closing the school in stages; and

"(cc) enrolling the students who attended the school in other schools in the local educational agency that are higher achieving, provided the other schools are within reasonable proximity to the closed school and ensures receiving schools have the capacity to enroll incoming students; and

"(III) provides information about high-quality educational options and transition and support services to students who attended that school and their parents.

"(D) PERSISTENTLY LOW ACHIEVING SCHOOL.—If, after 5 years of implementing its school improvement plan, a persistently low achieving school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan, then the local educational agency, in collaboration with the State educational agency, shall determine whether to implement school closure, replacement, or State take-over of such school as required under subparagraph "(C).

"(c) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—A local educational agency served by this part, in supporting the schools identified as a school in need of improvement or a persistently low-achieving school served by the agency, shall—

"(1) address local educational agency-wide factors to improve student achievement by—

"(A) supporting the use of data to improve teaching and learning through—

"(i) improving longitudinal data systems;

"(ii) regularly analyzing and disseminating usable data to educators, parents, and students;

"(iii) building the data and assessment literacy of teachers and principals; and

"(iv) evaluating at kindergarten entry the kindergarten readiness of children and addressing the educational and development needs determined by such evaluation;

"(B) addressing school transition needs of the local educational agency by—

"(i) using kindergarten readiness data to consider improving access to high-quality early education opportunities; and

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

"(C) developing human capital systems that ensure there is a sufficient pool of effective teachers and school leaders to work in schools served by the local educational agency;

"(D) developing support for school improvement plans among key stakeholders such as parents and families, community groups representing underserved populations, Indian tribes, educators, and teachers;

"(E) carrying out administrative duties under this section, including evaluation for school improvement and technical assistance for schools; and

"(F) coordinating activities under this section with other relevant State and local agencies, as appropriate;

"(2) address time and resources factors to improve student achievement by—

"(A) ensuring the local educational agency budget calendar is aligned with school staff and budgeting needs; and

"(B) targeting resources and support to those schools identified as persistently low-performing or as in need of improvement;

"(3) address teacher and school leader effectiveness by supporting professional development activities aligned to school improvement activities;

"(4) address curriculum and instruction factors to improve student achievement by—

"(A) ensuring curriculum alignment with the State's early learning standards and postsecondary education programs;

"(B) providing academically rigorous education options such as—

"(i) effective dropout prevention, credit and dropout recovery and recuperative education programs for disconnected youth and students who are not making sufficient progress to graduate high school in the stand-

ard number of years or who have dropped out of high school;

"(ii) providing students with postsecondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

"(I) an associate's degree; or

"(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

"(iii) integrating rigorous academic education with career training, including training that leads to postsecondary credentials for students;

"(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

"(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement; and

"(C) considering how technology can be used to support school improvement activities;

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

"(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

"(i) identifying and analyzing the academic risk factors that most reliably predict dropouts by using longitudinal data of past cohorts of students;

"(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decision making;

"(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

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

"(B) identifying and implementing strategies for pairing academic support with integrated student services and case-managed interventions for students requiring intensive supports which may include partnerships with other external partners;

"(6) promote family outreach and engagement in school improvement activities to improve student achievement;

"(7) for each school identified for school improvement, ensure the provision of technical assistance as the school develops and implements the school improvement plan throughout the plan's duration; and

"(8) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them.

"(d) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency served by this part, in supporting schools identified as a school in need of improvement or a persistently low-achieving school and the local educational agencies serving such schools, shall—

"(1) assess and address local capacity constraints to ensure that its local educational agencies can meet the requirements of this section;

"(2) provide support and technical assistance, including assistance to school leaders, teachers, and other staff, to assist local educational agencies and schools in using data to support school improvement and in addressing the improvement indicators described in section 1111(c)(1)(D) and multiple measures described in section 1111(c)(1)(E), where applicable;

"(3) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them;

"(4) target resources and support to those schools in the State that are identified as a school in need of improvement or a persistently low-achieving school and to local educational agencies serving such schools;

"(5) leverage resources from other funding sources, such as school improvement funds, technology funds, and professional development funds to support school improvement activities;

"(6) provide a statewide system of support, including regional support services, to improve teaching, learning, and student outcomes;

"(7) assist local educational agencies in developing early warning indicator systems;

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

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

"(B) maintain an updated list of approved external partners across the State;

"(C) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved external partners, and for withdrawing approval from external partners that fail to improve persistently low-achieving schools; and

"(D) may identify external partners as approved, consistent with the requirements under paragraph (7), who agree to provide services on the basis of receiving payments only when student achievement has increased at an appropriate level as determined by the State educational agency and school improvement team under subsection (b)(2); and

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

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees

under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers;

"(2) to require a child to participate in an early learning program; or

"(3) to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

"(f) DEFINITION.—In this section, the term 'external partner' means an entity—

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

"(2) that has demonstrated expertise, effectiveness, and a record of success in providing evidence-based strategies and targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students.".

**SEC. 106. PARENTAL INVOLVEMENT.**

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

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

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

"(a) IN GENERAL.—Each local educational agency and each school receiving funds under this part shall develop policies and practices for family engagement in education that meet the following principles and standards for family-school partnerships:

"(1) Welcome all families to be active participants in the life of the school, so that they feel valued and connected to each other, school staff, and student learning.

"(2) Communicate effectively by ensuring regular two-way, meaningful communication between family members and local educational agency and school staff in a manner, language, and with technology that family members can understand and access.

"(3) Support student success by fostering continuous collaboration between family members and local educational agency and school staff to support student learning and healthy student development at school and at home.

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

"(5) Ensure that family members, local educational agencies, and school staff are equal partners in family engagement in education decisionmaking.

"(6) Collaborate with community organizations and groups to turn the school into a hub of community life.

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

"(8) Train and support superintendents, principals, teachers, and specialized instructional support personnel to fully engage families in the education of their children.".

(b) WRITTEN POLICY.—Section 1118(b)(2), as redesignated by subsection (a), is amended—

(1) in subparagraph (C), by striking "subsection (e)" and inserting "subsection (f)";

(2) in subparagraph (E), by striking "and" after the semicolon;

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

(4) by adding at the end the following:

"(G) participate in evaluations of the effectiveness of family engagement in education strategies and policies; and

"(H) participate in developing recommendations for creating a positive school climate and safe and healthy schools.".

(c) RESERVATION.—Section 1118(b)(3)(A), as redesignated by subsection (a), is amended to read as follows:

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

(d) DISTRIBUTION.—Section 1118(b)(3)(C), as redesignated by subsection (a), is amended to read as follows:

"(C) DISTRIBUTION.—Not more than 20 percent of the funds reserved under subparagraph (A) shall be available for local educational agency programming and technical assistance to schools served under this part.".

(e) RESERVED FUNDS.—Section 1118(b)(3), as redesignated by subsection (a), is amended—

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

(2) by inserting after subparagraph (A) the following:

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

"(i) Increasing capacity through establishment of a dedicated office or dedicated office or dedicated personnel within the local educational agency or at the school level for family engagement in education.

"(ii) Supporting schools and nonprofit organizations in providing professional development on family engagement in education for school staff, parent leadership training, family literacy and numeracy programs, home visitation programs, family volunteerism programs, and other innovative programs that meaningfully engage families.

"(iii) Providing technical assistance and training to schools on the implementation and assessment of family engagement in education policies and practices.

"(iv) Providing additional support to schools that have been identified for improvement under section

1116(b) to assist in the implementation of family engagement in education coordinators.

"(v) Partnering with the Statewide Family Engagement Center and local community-based organizations to identify community resources, services, and supports to remove economic obstacles to family engagement in education by meeting families' needs.

"(vi) Supporting schools and eligible entities in the development and implementation of research-based practices and programs that emphasize the importance of family engagement in academic success and positive development by addressing factors such as—

"(I) successful transitions from early learning to kindergarten through grade 12 settings;

"(II) improved understanding of and shared responsibility for student success;

"(III) improved understanding and use of student and school data;

"(IV) open, effective communication between schools and families;

"(V) early warning indicators that a student is at risk of not graduating on time;

"(VI) improved understanding of State and local accountability systems, academic standards and student assessments;

"(VII) parent and community advocacy to increase parent participation;

"(VIII) improved understanding of the parents' role in academic, social, and financial preparation for postsecondary education, including career and technical education.

"(vii) Assisting schools in the development, implementation, and assessment of family engagement in education plans.

"(viii) Monitoring and evaluating the family engagement in education in education policies and practices funded under this section.

"(ix) Supporting other activities approved in the local educational agency's plan for improving family engagement in education.".

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

(g) SHARED RESPONSIBILITY FOR HIGH STUDENT ACHIEVEMENT.—Section 1118(e), as redesignated by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking "subsection (b)" and inserting "subsection (c)"; and

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

"(1) describe the school's responsibility to—

"(A) provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student academic achievement standards, and the ways in

which parents and families will support their children's learning, such as—

"(i) monitoring attendance and homework completion;

"(ii) volunteering in their child's classroom or school; and

"(iii) participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

"(B) engage families in the development of recommendations for student attendance, expectations, behavior, and school safety, including the development of reasonable disciplinary policies and interventions, such as the implementation of school-wide positive behavior interventions and supports and the phase-out of out-of-school suspension and expulsion and to address bullying and harassment; and".

**SEC. 107. COMPARABLE ALLOCATION OF EXPENDITURES.**

(a) AMENDMENT.—Section 1120A(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6321(c)) is amended to read as follows:

"(c) COMPARABLE ALLOCATION OF EXPENDITURES.—

"(1) IN GENERAL.—

"(A) COMPARABLE FUNDING.—Not later than 5 full school years after the date of enactment the Student Success Act, except as provided in paragraphs (5), (6), and (7), a local educational agency may receive funds under this part for a fiscal year only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, in each school served under this part was at least comparable to the average combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, across all schools served by the local educational agency that are not receiving funds under this part.

"(B) COMPARABLE FUNDING AMONG TITLE I SCHOOLS.—In any case where all of the schools served by a local educational agency receive support under this part, such agency may receive funds under this part only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds in each higher poverty school is at least comparable to the average combined expenditure per pupil of State and local funds across all lower poverty schools.

"(2) EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1), and to be eligible to receive funds under this part, if—

"(A) such agency has filed annually with the State educational agency a school-by-school listing of per-pupil expenditures of State and local funds, as described in paragraph (1), for each school served by the agency for the preceding fiscal year; and

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

"(3) BASIS.—A local educational agency may meet the requirements of paragraphs (1) or (2) across all schools or among schools serving a particular grade span, if the local educational agency compares schools within not more than three grade spans.

"(4) REQUIREMENTS.—

"(A) REQUIREMENTS OF THE SECRETARY.—The Secretary shall issue regulations concerning the responsibilities of State educational agencies and local educational agencies for meeting the requirements of this subsection.

"(B) REQUIREMENTS OF STATES.—Each State educational agency receiving funds under this part shall—

"(i) create and distribute to local educational agencies, and make available to the public, regulations on the responsibilities of local educational agencies for meeting the requirements of this subsection; and

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

"(C) REQUIREMENTS OF LOCAL EDUCATIONAL AGENCIES.—Not later than 18 months after the date of enactment of the Student Success Act, each local educational agency receiving funds under this part shall develop and submit to the State educational agency a plan, which shall be made available to the public, that will ensure comparable allocation of resources as described in paragraph (1) not later than 5 full school years after the date of enactment of the Student Success Act, including information on—

"(i) a timeline and annual benchmarks for making progress toward achieving comparable allocation of resources; and

"(ii) how the local educational agency is aligning school improvement efforts described under section 1116(b) and (c), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the comparable allocation of resources as described in this subsection;

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

"(6) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency—

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

"(B) shall exclude State and local funds expended for the excess costs of providing services to children with disabilities as determined by the local educational agency;

"(C) may exclude capital expenditures; and

"(D) may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purpose of this part.

"(7) EXCLUSIONS.—A local educational agency need not include unpredictable or significant changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining the comparable allocation of expenditures under this subsection.

"(8) TRANSITIONAL COMPLIANCE.—Beginning on the date of enactment of Student Success Act, for no more than 5 full school years a local educational agency shall be deemed to be in compliance with paragraph (1) and paragraph (4)(C)(i) for any school year, if the teachers hired to fill vacancies for individual schools served under this part, and for the schools not served under this part, improve the comparable allocation of combined State and local per pupil expenditures compared to the preceding school year.

"(9) WAIVER.—A local educational agency may apply to the Secretary to waive the requirement of paragraph (1), for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(10) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(11) NO FORCED TRANSFERS.—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this subsection.".

**SEC. 108. COORDINATION REQUIREMENTS.**

Section 1120B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6321(c)) is amended to read as follows:

**"SEC. 1120B. COORDINATION REQUIREMENTS.**

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

"(1) coordinate, as feasible, with early childhood programs to carry out the activities described in subsection (b); and

"(2) develop agreements with Head Start agencies to carry out the activities described in subsection (b).

"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood development programs serving children who will attend the schools of the local educational agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood development program;

"(2) establishing channels of communication between school staff and in such Head Start agencies or other entities carrying

out early their counterparts (including teachers, social workers, and health staff) childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children;

"(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood development program staff; and

"(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.".

**SEC. 109. RESERVATION OF FUNDS FOR THE OUTLYING AREAS AND BUREAU OF INDIAN EDUCATION SCHOOLS.**

Section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is amended to read as follows:

"(a) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—From the amount appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f), the Secretary shall reserve—

"(A) for each fiscal year until the fiscal year described in paragraph (2), a total of 1 percent to provide assistance to—

"(i) the outlying areas in the amount determined in accordance with subsection (b); and

"(ii) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d); and

"(B) for the fiscal year described in paragraph (2) and each succeeding fiscal year—

"(i) 0.50 percent to provide assistance to the outlying areas in the amount determined in accordance with subsection (b); and

"(ii) 0.75 percent to provide assistance to the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

"(2) DESCRIPTION OF FISCAL YEAR.—A fiscal year described in this paragraph is a fiscal year for which the total amount allocated under this part for each State, after reserving funds in accordance with paragraph (1)(B), would be an amount that is not less than the total amount allocated under this part for such State for fiscal year 2014.".

**SEC. 110. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

(a) AMENDMENT.—Part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following new subpart:

## "Subpart 3—Support for High-Quality Assessments

**"SEC. 1131. SUPPORTING COLLEGE AND CAREER READY ASSESSMENTS.**

"From funds made available to carry out this subpart, the Secretary shall make grants to States to enable a State—

"(1) to pay the costs of the development of college and career ready assessments and standards required by section 1111(b), including—

"(A) the costs of working in voluntary partnerships with other States, where applicable;

"(B) developing high-quality science assessments in accordance with section 1111(b)(3);

"(C) if a State uses alternate assessments aligned with alternate achievement standards for students with the most significant cognitive disabilities, improving the quality and rigor of such assessments to meet the requirements of section 1111(b)(3)(E);

"(D) in accordance with section 1111(b)(3)(D), developing native language assessments; and

"(E) improving assessments of English language proficiency necessary to comply with section 1111(b)(3)(F); and

"(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as—

"(A) developing college and career ready academic content and student achievement standards and aligned assessments that meet the requirements of section 1111(b)(3) in academic subjects for which standards and assessments are not required by section 1111(b);

"(B) ensuring the continued validity and reliability of State assessments, including through evaluating and addressing the predictability of assessment components;

"(C) refining State assessments to ensure their continued alignment with the State's college and career ready content standards and to improve the alignment of curricula and instructional materials;

"(D) developing and implementing formative assessments aligned to the college and career ready standards to support teaching and learning;

"(E) strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities to support assessment literacy and help teachers and school leaders effectively use data to improve instruction;

"(F) supporting the accessibility of State assessment systems for all students, including students with disabilities and English learners, by incorporating principles of uni-

versal design for learning, as described in section 5429(b)(21);

"(G) expanding the range of accommodations available to English learners and students with disabilities, including professional development activities to increase effective use of accommodations; and

"(H) improving the dissemination of information on student achievement and school performance to parents and the community.

**"SEC. 1132. GRANTS FOR HIGH-QUALITY ASSESSMENTS.**

"(a) GRANT PROGRAM AUTHORIZED.—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met, for the following:

"(1) To enable States or consortia of States to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, accessibility, validity, and reliability of college and career ready assessments described in section 1111(b)(3).

"(2) To measure student academic achievement including the ability to think critically, solve problems, and communicate effectively, for, at a minimum, the grade in which the student is enrolled using multiple measures of student academic achievement from multiple sources.

"(3) To measure student growth over time.

"(4) To evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

"(b) APPLICATION.—Each State educational agency wishing to apply for funds under this section shall include in its State plan under this part such information as the Secretary may require.

"(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

**"SEC. 1133. COMPETENCY-BASED ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.**

"(a) DEFINITIONS.—In this part:

"(1) COLLEGE AND CAREER READY STANDARDS.—The term 'college and career ready standards' means the academic content and student academic achievement standards adopted by a State under section 1111(b).

"(2) COMPETENCY.—The term 'competency' means a target for student learning representing key content-specific concepts and higher order skills, such as critical thinking, problem solving, and self directed learning that is—

"(A) applied within or across content domains; and

"(B) aligned with college and career ready content standards as described in section 1111(b).

"(3) CORE INDICATORS.—The term 'core indicators' means—

"(A) State academic assessments that meet the requirements of section 1111(b)(3) and that provide data that can be compared with data regarding the State academic assessments required under section 1111(b)(3); and

"(B) graduation rates.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency or consortium of State educational agencies.

"(5) MASTERY.—The term 'mastery' means a level of knowledge or skill development demonstrated by a student signifying that the student has met a standard and is prepared to progress to a subsequent standard.

"(6) PERFORMANCE ASSESSMENT.—The term 'performance assessment' means a multi-step assessment that—

"(A) includes complex activities with clear criteria, expectations, and processes that enable students to interact with meaningful content; and

"(B) measures the depth at which students learn content and apply complex skills to create or refine an original product or solution.

"(b) DEMONSTRATION AUTHORITY.—

"(1) IN GENERAL.—The Secretary may provide eligible entities, in accordance with paragraph (3), with the authority to incorporate competency-based accountability into the State accountability system required under section 1111(c) in accordance with an application approved under subsection (c).

"(2) DEMONSTRATION PERIOD.—Each award of demonstration authority under this part shall be for a period of 3 years.

"(3) INITIAL DEMONSTRATION AUTHORITY; EXPANSION; RENEWAL.—

"(A) INITIAL LIMIT.—During the initial 3- year period of demonstration authority under this section, the Secretary may not provide more than 3 eligible entities with the authority described in paragraph (1).

"(B) EXPANSION OF DEMONSTRATION AUTHORITY.—After the end of the initial demonstration period described in subparagraph (A), the Secretary may provide additional eligible entities with demonstration authority described in paragraph (1), subject to each of the requirements of this part as applicable, if the Secretary determines that the demonstration authority provided under this part during the initial demonstration period has effectively supported student progress on core indicators among students served by the eligible entities, including subgroups of students described in section 1111(c)(3)(A).

"(C) RENEWAL REQUIREMENTS.—The Secretary may renew an award of demonstration authority under this part for additional 2-year periods if the eligible entity demonstrates progress on core indicators.

"(c) APPLICATIONS.—To be eligible to participate in the demonstration under this part, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, that describes the competency-based accountability system that will be used by the eligible entity, including—

"(1) an assurance that the competency-based accountability system will only utilize summative assessments for accountability purposes that—

"(A) are determined by the Secretary to provide comparable data across the eligible entity, demonstrate inter-rater reliability, and meet the requirements for assessments described in section 1111(b)(3);

"(B) have been field-tested;

"(C) are aligned to college and career ready standards and State-approved competencies;

"(D) have been developed in collaboration with stakeholders representing the interests of students with disabilities, English learners, and civil rights organizations in the State, as demonstrated through modifications made to the assessments resulting from such collaboration; and

"(E) incorporate the principles of universal design as defined in section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a));

"(2) how the competency-based accountability system will—

"(A) incorporate a system of formative, interim, and summative assessments, including the use of performance assessments and other sources of evidence of student learning that determine mastery of State-approved competencies aligned to college and career ready standards and competencies;

"(B) allow students to demonstrate progress toward mastery of such standards and State-approved competencies;

"(C) assess mastery of State-approved competencies when students are ready to demonstrate mastery of such standards and competencies;

"(D) provide students with multiple opportunities to demonstrate mastery of such standards and competencies;

"(E) ensure that summative assessments comply with the requirements for academic assessments, as described in section 1111(b)(3), while engaging and supporting teachers in scoring assessments, including the use of high quality professional development, standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State;

"(F) provide educators, students, and parents with real-time data to inform instructional practice and continuously improve student performance;

"(G) be used in conjunction with the accountability requirements described in section 1111(c) and section 1116 to improve the academic outcomes of persistently low-achieving schools and schools in need of improvement identified under section 1116, and all other schools that fail to meet the school performance targets, established in accordance with section 1111(c)(2), for any subgroup described in section 1111(c)(3)(A);

"(H) require not less than 1 year of academic growth within a school year for each student and assure instructional support and targeted intervention are in place for those students performing below their peers; and

"(I) only utilize a student's individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act, for purposes specifically allowed under such Act;

"(3) the eligible entity's plan to—

"(A) ensure that all students, including each student subgroup described in section 1111(c)(3)(A)—

"(i) are held to the same high standard;

"(ii) demonstrate annually, at a minimum, at least 1 year of academic growth consistent with the requirement in section1111(b)(4)(E); and

"(iii) receive the instructional support needed to attain mastery of college and career ready standards and State-approved competencies;

"(B) train local educational agency and school staff to implement the assessments described in paragraph (2)(A);

"(C) acclimate students to the new assessment and accountability systems; and

"(D) ensure that each local educational agency has the technological infrastructure to operate the competency-based accountability system described in this section; and

"(4) a description of how instruction and professional development will be enhanced within the competency-based system to personalize the educational experience for each student to ensure all students graduate college and career ready, as determined in accordance with State academic achievement standards under section 1111(b).

"(d) PEER REVIEW.—The Secretary shall—

"(1) implement a peer review process, which shall include a review team comprised of practitioners and experts who are knowledgeable about competency-based learning systems, to inform the awarding of the demonstration authority under this part; and

"(2) make publicly available the applications submitted under subsection (c) and the peer comments and recommendations on such applications.

"(e) DEMONSTRATION AUTHORITY WITHDRAWN.—The Secretary may withdraw the demonstration authority provided to an eligible entity under this part if—

"(1) at any point after the first 2 years of the 3-year demonstration period described in subsection (b)(2), the Secretary determines that student performance for all students served by the eligible entity or any student subgroup described under section 1111(c)(3)(A) has declined on core indicators; or

"(2) after providing a State with a renewal of demonstration authority under subsection (b)(3), the Secretary makes a determination that student performance has declined on core indicators for all students or any student subgroup described under section 1111(c)(3)(A) for 2 consecutive years during the State's participation in the demonstration under this part.

"(f) DISSEMINATION OF BEST PRACTICES.—The Secretary shall disseminate best practices on the implementation of competency-based accountability systems, including on—

"(1) the effective use of formative, interim, and summative assessments to inform instruction;

"(2) the development of summative assessments that meet the requirements of section 1111(b)(3), can be compared with the State assessments required under section 1111(b)(3), and include assessment tasks that determine mastery of State-approved competencies aligned to college and career ready standards; and

"(3) the development of standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State.

**"SEC. 1134. FUNDING.**

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 2014, and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(b) ALLOTMENT OF APPROPRIATED FUNDS.—

"(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a), the Secretary shall—

"(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

"(B) reserve one-half of 1 percent for the outlying areas; and

"(C) from the remainder, allocate to each State an amount equal to—

"(i) $3,000,000; and

"(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

"(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

"(A)(i) To award funds under sections 1132 and 1133 to States according to the quality, needs, and scope of the State application under that section.

"(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

"(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

**"SEC. 1135. STATE DEFINED.**

"In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(b) CONFORMING AMENDMENT.—Subpart 1 of part A of title VI (20 U.S.C. 7301 et seq.) is repealed.

# TITLE II—TEACHERS AND LEADERS

**SEC. 201. GREAT TEACHERS AND LEADERS.**

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

# "TITLE II—GREAT TEACHERS AND LEADERS

**"SEC. 2001. PURPOSE.**

"The purpose of this title is to help States and local educational agencies support teachers and school leaders to improve student achievement for all students, including English learners and students with disabilities, by—

"(1) promoting and enhancing the teaching profession;

"(2) supporting the development of effective of teachers and school leaders;

"(3) recruiting, rewarding, and retaining effective teachers and other school leaders and fostering excellent instructional teams, especially in high-need local educational agencies, schools, fields, and subjects;

"(4) providing teachers with the knowledge, skills, data, support, and collaborative opportunities needed to be effective in the classroom and to the meet the diverse learning needs of their students;

"(5) providing all students with access to effective teachers and school leaders; and

"(6) improving the management of the education workforce in States and local educational agencies.

**"SEC. 2002. DEFINITIONS.**

"In this title:

"(1) CAREER LADDERS.—The term 'career ladders' means promotion and professional growth opportunities, beyond moving into administration, for teachers who have been rated as at least effective by a teacher evaluation system that meets the requirements of section 2112(b)(1), including teacher leaders, instructional or curriculum specialists, and teacher mentors, who help improve teaching and learning in a school or local educational agency.

"(2) HIGH-NEED FIELD.—The term 'high-need field' refers to the fields of special education, bilingual education, and English language acquisition.

"(3) HIGH-NEED SUBJECT.—The term 'high-need subject' means mathematics, science, and any other content area—

"(A) that is designated by a State educational agency or the Secretary as a teacher shortage area; or

"(B) with respect to which a local educational agency determines, based on the needs assessment required under

section 2122(a)(2), that, in the schools or a subset of schools of the agency, there is a shortage of teachers who have been rated by a State-approved teacher and principal evaluation that meets the requirements of section 2112(b)(1) as at least effective.

"(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

"(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

"(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

"(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

"(5) QUALIFIED TEACHER.—The term 'qualified teacher' means a teacher who meets the minimum qualifications to teach in a State and—

"(A) when used with respect to a middle school or high school teacher who is entering the profession in a State for the first time, means that the teacher—

"(i) holds at least a bachelor's degree;

"(ii) has demonstrated to the State, content knowledge in the content area that the teacher will teach as determined—

"(I) by passing a rigorous State assessment; or

"(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content area that the teacher will teach;

"(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment;

"(iv) has successfully completed a traditional or alternative teacher preparation program; and

"(v) at the State's discretion, may be enrolled in an alternative teacher preparation program, and—

"(I) be on track to successful completion of such program; and

"(II) be supervised by a mentor teacher who has been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1);

"(B) when used with respect to an elementary school teacher who is entering the profession in a State for the first time, means that the teacher—

"(i) holds at least a bachelor's degree;

"(ii) has demonstrated to the State, content knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum—

"(I) by passing a rigorous passing a rigorous State assessment or State-required test in reading, writing, mathematics, science, and other areas of the basic elementary school curriculum; or

"(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content areas that the teacher will teach;

"(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment;

"(iv) has successfully completed a traditional or alternative teacher preparation program;

"(v) at the State's discretion, may be enrolled in an alternative teacher preparation program; and

"(I) be on track to successful completion of such program; and

"(II) be supervised by a mentor teacher who has been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1); and

"(C) means any teacher who is highly qualified as defined in section 9101(23) or section 602(10) of the Individuals with Disabilities Education Act, as such section was in effect on the day before the date of enactment of the Student Success Act.

"(6) INDUCTION.—The term 'induction' means a program for new teachers and new principals, as appropriate, during at least their first 2 years of practice, that is designed to increase effectiveness and retention of new teachers and new principals, and that includes—

"(A) high-quality mentoring;

"(B) development of skills and knowledge in areas needed for new teachers, including, content knowledge and pedagogy, instructional strategies for teaching students with diverse learning needs, classroom management (including strategies that improve the school-wide climate for learning, which may include positive behavioral interventions and supports), formative assessment of student learning, and the analysis and use of student assessment data to improve instruction;

"(C) frequent, structured time for collaboration and professional development with teachers and principals in the same field, grade, or subject area, and opportunities to draw directly on the expertise of other school and local educational agency staff, staff of high-performing pathways, and other organizations that provide high-quality induction supports;

"(D) regular and structured observation and feedback by mentors, school leaders, or teachers who have been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1); and

"(E) where feasible, team teaching, reduced teaching load and activities designed to ensure that teachers have appropriate teaching tools and instructional materials for their classroom.

"(7) MENTORING.—The term 'mentoring' means the mentoring of new teachers and principals, as appropriate, so as to increase the effectiveness and retention of those teachers and principals through a program tat—

"(A) includes clear criteria for the selection of teacher and principal mentors that take into account a candidate's effectiveness as a teacher or principals and that individuals ability to facilitate adult learning;

"(B) provides high-quality training for the mentors on how to support new teachers and principals effectively;

"(C) provides regularly scheduled time for collaboration and for examination of student work and achievement data, and on-going opportunities for mentors and mentees to observe each other's practice; and

"(D) matches, when possible, each mentee with a mentor who is in the same field, grade, or subject area as the mentee.

"(8) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means coordinated and aligned activities with evidence of increasing effectiveness of educators, which may include teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and other school staff that—

"(A) fosters collective responsibility for improved student performance;

"(B) is comprised of professional learning that—

"(i) aligns with State academic content and achievement standards and early learning standards, as appropriate, with local educational agency and school improvement goals and plans, including those identified under section 1116, and with school instructional materials;

"(ii) is aligned to a State-approved teacher and principal evaluation system the meets the requirements of section 2112(b)(1) ;

"(iii) is conducted among educators at the school and facilitated by trained school principals and school-based professional development coaches, mentors, master teachers, or other teacher leaders;

"(iv) supports family engagement in their children's education;

"(v) primarily occurs frequently and during significant blocks of time among established teams of teachers, principals, and other instructional staff members where the teams of educators engage in a continuous cycle of improvement that—

"(I) defines a clear set of educator learning goals based on the rigorous analysis of data and individual evaluations under section 2112(b)(1) and improves content knowledge, pedagogical skills, and the ability to analyze and use data;

"(II) achieves the educator learning goals based identified under subclause (I) by implementing coherent, sustained, and evidence-based learning strategies, such as lesson study and the development of formative assessments, that improve instructional effectiveness and student achievement;

"(III) provides job-embedded coaching or other forms of assistance to support the transfer of new knowledge and skills to the classroom;

"(IV) regularly assesses the effectiveness of the professional development in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State academic achievement standards;

"(V) informs ongoing improvements in teaching and student learning;

"(VI) may support joint professional development activities for school staff and early childhood educators that address the transition to elementary school, including issues related to school readiness across all major domains of early learning; and

"(VII) may be supported by external assistance with relevant expertise, including content expertise; and

"(C) may be supplemented by activities such as courses, workshops, institutes, networks, and conferences that—

"(i) address the learning goals and objectives established for professional development by educators at the school level;

"(ii) advance the ongoing school-based professional development; and

"(iii) are provided for by for-profit and non-profit entities outside the school such as universities, education service agencies, technical assistance providers, networks of content-area specialists, and other education organizations and associations.

"(9) SCHOOL LEADER.—The term 'school leader' means a principal, an assistant principal, or an individual who is—

"(A) is and employee or officer of a school; and

"(B) is responsible for the managerial operations and instructional leadership of that school.

"(10) SCHOOL LEADERSHIP TEAM.—The term 'school leadership team' means a group that includes the principal, other school leaders, and teachers at a school who work together to develop school plans or goals for the school.

"(11) STATE TEACHER PERFORMANCE ASSESSMENT.—The term 'State-teacher performance assessment' means a rigorous assessment used to measure teacher performance that is developed and approved in collaboration with teachers, and administered by the State and—

"(A) is based on professional teaching standards;

"(B) are aligned to State academic content and achievement and early learning standards;

"(C) is used to document the effectiveness of a teacher's—

"(i) curriculum planning;

"(ii) instruction of students, including appropriate supports for students who are English learners and students who are children with disabilities; and

"(iii) assessment of students, including analysis of evidence of student learning;

"(D) is validated based on professional assessment standards;

"(E) is regularly monitored to ensure the quality, reliability, validity, fairness, consistency, and objectivity of the evaluators' determinations;

"(F) is reliably scored by trained evaluators with appropriate oversight of the process to ensure consistency; and

"(G) the results of which are used to support continuous improvement of educator practice.

"(12) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

"(A) teaches alongside a mentor teacher, who is the teacher of record, for at least one year;

"(B) receives concurrent instruction in the teaching of the content area in which the teacher will become certified or licensed;

"(C) receives concurrent instruction in effective teaching skills; and

"(D) attains full State teacher certification or licensure, and becomes qualified prior to, or upon, completion of the program.

"(13) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice' means evidence gathered through multiple formats and from multiple sources that demonstrate effective teaching skills and—

"(A) shall include—

"(i) multiple classroom observations based on rigorous teacher performance standards or rubrics and conducted by trained personnel consistent with section 2112(b)(1);

"(ii) information on the teacher's successful use of data to improve instruction and raise student achievement;

"(iii) student work, lesson plans, feedback provided to students and teacher developed classroom assessments;

"(iv) demonstration of professional responsibility; and

"(B) may include, but which shall have a weight that is less than the weight assigned to the requirements described in subparagraph (A)—

"(i) videos of teacher practice;

"(ii) teacher portfolios; and

"(iii) parent, student, and peer feedback.

"(14) EVIDENCE OF SCHOOL LEADERSHIP.—The term 'evidence of school leadership' means evidence gathered through multiple

formats and from multiple sources that shall include an evaluation of—

"(A) data on student learning gains, including evidence of student learning;

"(B) gains in student achievement, including passage of required exams for course progression, credit accumulation, completion of promotion standards, and graduation rates;

"(C) increases in student attendance rates;

"(D) percentage of effective teachers on staff;

"(E) retention rates of effective teachers rated by a teacher evaluation that meets the requirements of section 2112(b)(1) to those teachers rated below effective by such an evaluation;

"(F) evidence of successful use of teacher evaluation and alignment to effective professional development, including support for teachers to improve effectiveness status;

"(G) demonstration of instructional leadership, including use of data and assessment to inform decision-making;

"(H) improvement of teacher effectiveness of teachers in the school;

"(I) demonstration of effective fiscal management, where applicable;

"(J) evidence of effective community and parent engagement;

"(K) improved teacher attendance rates;

"(L) establishment of learning communities where principals and teachers—

"(i) share a school mission and goals with an explicit vision of quality teaching and learning that guides all instructional decisions;

"(ii) commit to improving student outcomes and performances;

"(iii) set a continuous cycle of collective inquiry and improvement;

"(iv) foster a culture of collaboration where teachers and principals work together on a regular basis to analyze and improve teaching and learning; and

"(v) support and share leadership; and

"(M) develop and maintain a positive school culture where students, teachers and other staff are motivated to collaborate and work together to achieve goals.

"(15) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means data that shall be based on multiple, valid and reliable indicators of student academic growth towards State content and achievement standards, which shall be based significantly on—

"(A) student learning gains on the State student academic assessments under section 1111(c) and, for grades and subjects not covered by the State's student academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency for the grade or class for which the assessment is administered; and

"(B) other evidence of student learning that is comparable across schools within an local educational agency such as—

"(i) formative and summative assessments;

"(ii) objective performance-based assessments; and

"(iii) representative samples of student work, including progress towards performance standards and evidence of student growth.

"(16) MENTOR PRINCIPAL.—The term 'mentor principal' means an individual with—

"(A) Strong instructional leadership skills in an elementary school or secondary school setting;

"(B) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate assessments; and

"(C) Knowledge and skills to—

"(i) establish and maintain a professional learning community that effectively utilizes data to improve the school culture and personalize instruction to increase student achievement;

"(ii) create and maintain a learning culture within the school that provides a climate conducive to the development of all members of the school community, including one of continuous learning for adults tied to student learning and other school goals;

"(iii) engage in continuous professional development, utilizing a combination of academic study, developmental simulation exercises, self-reflection, mentorship and internship;

"(iv) understand youth development appropriate to the age level served by the school and from this knowledge sets high expectations and standards for the academic, social, emotional and physical development of all students; and

"(v) actively engage the community to create shared responsibility for student academic performance and successful development.

# "PART A—EFFECTIVE TEACHER AND LEADER STATE GRANTS

**"SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $3,500,000,000 for fiscal year 2014, and such sums as may be necessary for each of the 5 succeeding fiscal years, to carry out this part.

## "Subpart 1—Grants to States

**"SEC. 2111. ALLOCATIONS TO STATES.**

"(a) RESERVATIONS.—From the amounts made available under section 2101 for this subpart for each fiscal year, the Secretary shall reserve—

"(1) one-half of one percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative

need, as determined by the Secretary, for activities consistent with the purposes of this title;

"(2) one-half of one percent for the Secretary of the Interior, for activities, consistent with the purposes of this title described in section 2001, in schools operated by or funded by the Bureau of Indian Education; and

"(3) one-half of one percent for a competitive grant program to encourage consortia of States to develop instructional supports aligned to new college- and career-ready standards that are made widely available to all States and local educational agencies.

"(b) ALLOTMENTS TO STATES, REDUCTIONS.—

"(1) IN GENERAL.—From the amounts made available under section 2101 for this subpart for each fiscal year that remain after the Secretary reserves funds under subsection (a) of this section, the Secretary shall allot to each State with an approved application under section 2112 the sum of—

"(A) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals age five through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(B) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals age five through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(2) FISCAL YEAR 2014.—Notwithstanding paragraph (1), for fiscal year 2014, no State shall receive less than 90 percent of the State's allocation under this part for fiscal year 2013, as such part was in effect on the day before the date of enactment of the Student Success Act.

"(3) SUCCEEDING FISCAL YEARS.—Notwithstanding paragraph (1), for fiscal year 2014 and each succeeding fiscal year, no State shall receive an allotment under paragraph (1) that is less than 90 percent of the State's allotment under such paragraph for the preceding fiscal year.

"(c) RATABLE REDUCTIONS.—If the funds made available to carry out paragraph (1) of subsection (b) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (2) or (3) of such subsection for any fiscal year, the Secretary shall ratably reduce each such amount for such fiscal year.

"(d) REALLOTMENTS.—If any State does not apply for an allotment under this section, or has its application disapproved by the Secretary, the Secretary shall reallot the amount of that State's allotment to the remaining States that have approved applications in accordance with this subpart.

**"SEC. 2112. STATE APPLICATIONS.**

"(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

The Secretary shall provide the State educational agency with the opportunity to apply for funds under this part and part B through a consolidated application.

"(b) CONTENTS.—Each application submitted under this section shall include the following—

"(1) a description of how, within 3 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 shall implement either a State model teacher and principal evaluation system or a State-approved teacher and principal evaluation system that, at a minimum—

"(A) is designed primarily to—

"(i) increase student learning and improve instruction for students;

"(ii) inform professional development for teachers and principals and support interventions for students; and

"(iii) using the results of a teacher's or principal's evaluation, provide on-going and timely, individual and meaningful feedback, and substantive support to the teacher or principal;

"(B) is developed, implemented, and adopted in collaboration with teachers, principals, and other education stakeholders and through the State or local process for determining terms and conditions of employment in the State or local educational agency;

"(C) includes—

"(i) meaningful weight on multiple measures of teacher and principal performance, including—

"(I) in the case of teachers, evidence of classroom practice; and

"(II) in the case of principals, evidence of school leadership;

"(ii) meaningful weight on evidence of student learning;

"(iii) meaningful weight on contributions to student growth including higher order thinking skills, citizenship, and social and emotional development; and

"(iv) differentiated levels of teacher and principal performance that are clearly articulated using not less than 3 rating categories, which are aligned with the State's standards and criteria for defining each of the rating categories required;

"(D) provides results that are comparable and consistent across all teachers and principals within a local educational agency consistent with section 2301, including using standards and rubrics for conducting evaluations (including for the information in described in subparagraph (C)) that reflect the ages and grades being taught and consistent within individual grade levels and subject areas in each local educational agency;

"(E) evaluates, annually, each teacher and principal in the local educational agency and takes into consideration the experience and performance level of the teacher or principal;

"(F) uses evaluation results to inform—

"(i) professional improvement plans for teachers and principals, which shall be developed in collaboration with teachers and principals, that are appropriate to the level of the individual being evaluated, including support and timelines to carry out each plan;

"(ii) comprehensive support, mentoring, interventions and timelines to carry out each plan; and

"(iii) personnel decisions; and

"(G) establishes appropriate training for evaluators and staff being evaluated including—

"(i) a clear articulation of the evaluation system and the process, systems, ratings, and the implications of the results provided to teachers and principals;

"(ii) how the system provides teachers and principals the opportunity and assistance to improve consistent with subparagraph (F)(i); and

"(iii) how to identify working conditions that affect teaching and learning, such as facilities and resources, and school climate and safety, and isolating educator impact on student outcomes from these factors;

"(2) a description of how the State educational agency will ensure that within 4 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 makes public the results of the evaluation system described in paragraph (1), in accordance with the accountability requirements of subpart 4;

"(3) a description of how, within 2 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 shall conduct an annual assessment of educator support and working conditions that—

"(A) evaluates supports for teachers, leaders, and other school personnel, such as—

"(i) teacher and principal perceptions of availability of high-quality professional development and instructional materials and opportunities for collaboration;

"(ii) timely availability of data on student academic achievement and growth;

"(iii) the presence of high-quality instructional leadership; and

"(iv) opportunities for professional growth such as career ladders and mentoring and induction programs;

"(B) evaluates working conditions for teachers, leaders and other school personnel, such as—

"(i) school climate;

"(ii) school safety;

"(iii) class size;

"(iv) availability and use of common planning time and opportunities to collaborate; and

"(v) community engagement;

"(C) is developed with for teachers, leaders and other school personnel, parents, students, and the community;

"(D) develops and implements an plan with the groups described in subparagraph (C) and with, at a minimum,

annual benchmarks to address the results of the assessment carried described in this paragraph; and

"(E) publicly reports on the results of the evaluations described in subparagraph (A) and (B) and the plan described in subparagraph (C);

"(4) a description of the educator supports the State has developed to assist in the implementation of new college- and career-ready standards, including the State's plan for making those supports available to its local educational agencies and for prioritizing the introduction of those supports, in conjunction with the appropriate local educational agency, into the State's lowest performing schools;

"(5) a description of how a State will develop and implement a plan for the equitable distribution of teachers and principals that—

"(A) ensures teachers and principals who have been rated in the lowest rating categories, as such categories are defined by the State under the State-approved teacher and principal evaluation system under paragraph (1)(C)(iii), within each local educational agency and among the local educational agencies within the State, so that low-income and minority students are not taught at higher rates than are other students by teachers not deemed qualified and who are rated in the lowest evaluation rating categories or assigned to schools administered by principals who have been rated in the lowest evaluation rating categories at higher rates than other students;

"(B) includes—

"(i) percentage of teachers by evaluation rating category for schools in the top quartile of poverty against the schools in the bottom quartile of poverty;

"(ii) percentage of teachers by evaluation rating category for schools in the top quartile in percentage of minority students against the bottom quartile of percentage of minority students;

"(iii) specific and measurable goals and strategies to close gaps identified in the plan; and

"(C) before the teacher and principal evaluation system is established under this part, uses a combined measure of indicators such as a composite to carry out the plan described in this paragraph—

"(i) shall include—

"(I) the percentage of first year teachers; and

"(II) the percentage of qualified teachers; and

"(ii) may include—

"(I) with respect middle schools and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for such courses;

"(II) the percentage of teachers whose licensure exam scores fall one standard deviation above passing score of teachers within the State;

"(III) the percent of teachers with more than 10 absences over the course of the school year; and

"(IV) the percentage of teachers hired after the first day of school;

"(6) the State definition of teacher-of-record, how local educational agencies report to the State on the teacher-of-record, and how the definition is used, including for evaluation, compensation, teacher preparation evaluation, and to ensure equitable distribution of effective and highly effective teachers;

"(7) a description of how the State will establish and maintain a data system that within 3 years after the date of enactment of the Student Success Act—

"(A) supports data sharing among local educational agencies and a teacher and leader preparation program described in section 200(6)(A)(IV) of the Higher Education Act of 1965, as amended by section 202 of the Student Success Act, on the program's graduates' students' achievement and growth, including on the information provided in the evidence of student learning definition; and

"(B) publically reports the percentage of teachers and leaders in each rating category, as defined by the State in paragraph (1)(C)(iii), by preparation program;

"(8) a description of the State's plan to—

"(A) implement the plan within the required timelines, including annual benchmarks for implementation; and

"(B) report annually to the Secretary on its progress implementing the plan and meeting annual benchmarks outlined under subparagraph (A);

"(9) the State's definition of, or standards and criteria for—

"(A) a qualified teacher;

"(B) each rating category under paragraph (1)(C)(iii); and

"(C) additional definitions related to the requirements under the teacher and principal evaluation system under paragraph (1);

"(10) a description of how the State will, on a regular basis, evaluate how well the results of local educational agency's teacher and principal evaluation systems align with the results produced by the state's statewide measure of evidence of student learning;

"(11) a description of any performance measures in addition to those described in subpart 4 that the State will use to measure the performance of the State and of each local educational agency that receives a subgrant under subpart 2; and

"(12) a description of how the State will carry out the activities outlined in section 2113.

"(c) COMPLIANCE AND DISAPPROVAL.—If the Secretary finds that a State's application does not comply in whole or in part with the requirements of this subpart, the Secretary shall—

"(1) notify the State regarding the specific provisions in the application that do not comply with the requirements of this subpart;

"(2) request any additional information needed to determine whether the application will comply with the requirements of this subpart; and

"(3) before disapproving the application, give the State notice and an opportunity for a hearing.

**"SEC. 2113. STATE USES OF FUNDS.**

"(a) IN GENERAL.—A State that receives a grant under this subpart shall use—

"(1) 90 percent of the grant funds to award subgrants under subpart 2 to local educational agencies with approved applications under section 2122;

"(2) not more than 5 percent of the grant funds, to plan and administer the activities of the State under this subpart, including the awarding of the subgrants under subpart 2 and the monitoring and enforcement of the requirements for the subgrants, including—

"(A) developing model teacher and principal evaluation systems that local educational agencies could adopt at their discretion;

"(B) implementing the plan for equitable distribution described in section 2112(b)(5);

"(C) reviewing the teacher and principal evaluation system that meets the requirements of section 2112(b)(1) used by each local educational agency in the State, including—

"(i) providing technical assistance to local educational agencies on the development and implementation of such system;

"(ii) the role of teachers, school leaders, and other school personnel in the development and implementation of such system;

"(iii) opportunities for teachers and principals to provide feedback on the quality and usefulness of such system; and

"(iv) evaluating the reliability of such systems; and

"(D) reviewing the assessment of educator support and working conditions described in section 2112(b)(3), including—

"(i) how the assessment was conducted;

"(ii) how the plan was developed; and

"(iii) implementation of the associated improvement plan described in subparagraph (D) of section 2112(b)(3);

"(3) developing, based on the assessment described in section 2112(b)(3), educator supports to assist with the implementation of new college- and career-ready standards, particularly in the State's lowest performing schools;

"(4) at least 2 percent of the grant funds to—

"(A) develop, with appropriate stakeholders, a State plan, based on an analysis of relevant data (including data on projected workforce needs), to—

"(i) improve the effectiveness principals and, at the State's discretion, other school leaders; and

"(ii) ensure the equitable distribution of principals consistent with section 2112(b)(5);

"(B) implement activities to carry out the State plan, which may include such activities as—

"(i) developing, periodically reviewing, and revising State policies and standards related to principals and, at the State's discretion, other school leaders so that those policies and standards—

"(I) reflect the best practices identified in schools with effective principals;

"(II) focus on raising student achievement in subjects that contribute to a well-rounded education, especially in high-need and low-performing schools and among the lowest-performing subgroups in the State, and on improving teacher effectiveness; and

"(III) are designed to improve preparation, certification or licensure, and evaluation for all principals, including those in high-need and low-performing schools; and

"(C) activities designed to recruit, support, and retain effective and highly effective principals for high-need and low-performing schools, such as—

"(i) strengthening principal preparation programs to ensure that they are highly selective include in-depth residency for at least one-year or field-based experience in a high-need or low-performing school, and provide induction or other support for at least the first year of a principal's service, including coaching from a mentor principal in instructional leadership and organizational management;

"(ii) provide training in school and personnel management, including management of the organization, staff and resources, developing a school climate and instructional program, developing effective relationships with community and parents, and using student-level and school level-data to inform decision-making;

"(iii) training on child development, improving instruction and closing achievement gaps;

"(iv) providing compensation incentives to attract, retain, and reward effective principals and other school leaders for high-need and low-performing schools;

"(v) developing teacher career ladders with a performance-based selection process that distribute school leadership responsibilities and develop a pipeline of individuals who gain the experience necessary to become an effective principal; and

"(vi) activities to improve the effectiveness of school superintendents, principal supervisors, human resources directors, and other local educational agency managers; and

"(5) use any remaining funds reserved at the State level to—

"(A) carry out any other activities designed to help the State make progress toward carrying out the purposes of this title and showing improvement on the performance measures described in subpart 4 and any additional measures described in the State's application, including activities designed to—

"(i) align the State's professional teaching standards, teacher and principal certification or licensure requirements, teacher-preparation programs, and professional-development requirements with kindergarten-

through-grade-12 academic content and achievement standards that build toward college-and-career-readiness;

"(ii) reform teacher and school leader compensation, including by modifying policies and practices and providing technical assistance to local educational agencies, in order to enable those agencies to recruit, reward, and retain effective teachers and school leaders in high-need schools, fields, subjects, and areas;

"(iii) support the training of teachers, principals, and other school leaders in meeting the diverse learning needs of their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition instruction;

"(iv) support the training of teachers, principals, and other school leaders in effectively integrating technology (including technology for students with disabilities) into curricula and instruction and in how to use technology for on-line communication and for collaboration and data analysis;

"(v) strengthen human resource systems in local educational agencies to recruit, train, hire, and place individuals who are or are most likely to be highly effective teachers and principals, provide highly effective teachers and principals with support and development opportunities focused on increasing student achievement, and retain highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for job-embedded professional development;

"(vi) develop and provide professional development, including through joint professional development opportunities, for early-childhood educators, teachers, principals, specialized instructional support personnel, and other school leaders;

"(vii) develop and implement policies and practices that position the State to be a competitive applicant for grants under part B of this title;

"(viii) support the training of teachers, principals, and other school leaders on how to accelerate the learning of students who are performing below grade level; and

"(ix) provide professional development for teachers, principals and other school administrators in early elementary grades that includes specialized knowledge about child development and learning, developmentally-appropriate curricula and teaching practices, meaningful family engagement and collaboration with early care and education programs;

"(B) provide technical assistance, as necessary, to each local educational agency that receives a subgrant under

subpart 2, in order to help the local educational agency improve performance on the measures described in subpart 4;

"(C) establish policies and practices to ensure the quality of the data reported under this part and the effectiveness of the methods used to analyze those data; and

"(D) develop and disseminate the State report card required under subpart 4, and use the information in the report card to guide efforts under this title.

"(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

## "Subpart 2—Subgrants to Local Educational Agencies

**"SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) IN GENERAL.—Each State educational agency that receives an allocation under subpart 1 shall allocate to each local educational agency in the State that has an application approved by the State under section 2122 the sum of—

"(1) the amount that bears the same relationship to 20 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined; and

"(2) the amount that bears the same relationship to 80 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined.

"(b) MINIMUM ALLOTMENTS.—

"(1) FISCAL YEAR 2014.—For fiscal year 2014, no local educational agency shall receive an allocation under subsection (a) that is less than 90 percent of the allocation the local educational agency received under this part for fiscal year 2013, as this part was in effect on the day before the date of enactment of the Student Success Act.

"(2) SUBSEQUENT FISCAL YEARS.—For fiscal year 2015 and each succeeding fiscal year, no local educational agency receiving an allotment under subsection (a) shall receive less than 90 percent of the allotment the local educational agency received under this subpart for the preceding fiscal year.

"(c) RATABLE REDUCTION.—If the funds described in subsection (a) are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for any fiscal year, the State shall ratably reduce such amounts for such fiscal year.

**"SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESSMENT AND APPLICATIONS.**

"(a) IN GENERAL.—To receive a subgrant under this subpart a local educational agency shall—

"(1) submit an application to the State educational agency involved at such time, in such manner, and containing such information and assurances as the State educational agency may reasonably require; and

"(2) conduct, in developing its application, and with the involvement of teachers, principals, and other stakeholders, as applicable, an assessment of educator support and working conditions consistent with section 2112(b)(3), in the areas set forth under the performance measures described in subpart 4, identified under the school improvement plans under section 1116, as applicable, and the needs of schools receiving funds under title I.

"(b) CONTENTS.—Each application submitted under this section shall include—

"(1) a description of—

"(A) the results of the needs assessment conducted under subsection (a)(2);

"(B) the performance measures and activities the local education agency will use to address the needs identified under the assessment;

"(C) the local educational agency's current system for evaluating teachers and principals, and whether that system is consistent with the definitions the State has developed in the State's application under section 2112(b)(1);

"(D) the local educational agency's plan for using the subgrant under this subpart, and other local, State, and Federal funds, to ensure the equitable distribution of teachers and principals, within the local educational agency so that low-income and minority students are not taught at higher rates than are other students by teachers not deemed qualified and who are rated in the lowest teacher evaluation rating categories or assigned to schools administered by principals who have been rated in the lowest principal evaluation rating categories at higher rates than other students within the local educational agency;

"(E) the local educational agency's plan for using the subgrant under this subpart to support teachers in meeting the diverse learning needs of all their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition; and

"(F) a description of the educator supports the local educational agency will provide to assist with the implementation of new college- and career-ready standards and early learning standards, including the local educational agency's plan for prioritizing the introduction of those supports in its lowest performing schools;

"(G) a description of how the local education agency will, as appropriate, involve in the delivery of activities and services under this part, external providers that have dem-

onstrated expertise and experience in using evidence-based strategies and programs to deliver evidence-based professional development and to raise the quality of teaching and school leadership; and

"(2) an assurance that, within 5 years of receiving a subgrant under this subpart, the local educational agency will—

"(A) conduct a second needs assessment, with the involvement of teachers, principals, and other stakeholders, as applicable, in the areas set forth in subpart 4 and identified in plans under section 1116, as applicable, particularly the needs of schools receiving funds under title I; and

"(B) submit a revised application to the State, consistent with the requirements of this section.

**"SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

"(a) USE OF FUNDS.—Subject to the requirements of the State consistent with section 2112(a), a local educational agency that receives a subgrant under this subpart shall, directly, or with other local educational agencies or the State educational agency, use the subgrant funds for activities designed to increase academic achievement for all students, including English learners and students with disabilities, by increasing the number and percentage of its teachers and principals who have been rated by the local educational agency's teacher and principal evaluation system as at least effective, and to ensure the equitable distribution of those teachers and principals who have been rated at least effective, through activities that—

"(1) develop and implement, or improve, a teacher and principal evaluation system that, at a minimum, meets the requirements described in section 2112(b)(1);

"(2) provide meaningful feedback to teachers and principals on evaluation results, and use those results in making decisions about professional development and retention;

"(3) recruit teachers who are qualified and teachers and principals who have been rated, or are likely to be rated, by the evaluation system as at least effective, especially teachers and principals who are needed for high-need and low-performing schools and high-need fields and subjects, including teachers and principals who come from underrepresented backgrounds;

"(4) implement the assessment of educator support and working conditions in accordance with section 2112(b)(3);

"(5) implement the local educational agency's plan for ensuring the equitable distribution of teachers and principals who have been rated by the teacher and principal evaluation system as at least effective;

"(6) develop and implement an induction program that is designed to increase the effectiveness of new teachers and retain effective teachers, especially in high-need and low-performing schools, such as a program that provides reduced teaching assignments for new teachers, training for instructional coaches or mentors who will participate in induction activities, access to on-line support systems, and frequent feedback to promote continuous learning and instructional improvement;

"(7) reduce class size for kindergarten through third grade by an amount and to a level consistent with what research has found to improve student academic achievement at a minimum

in the schools in the lowest quartile of poverty in the local educational agency;

"(8) improve within-school equity in the distribution of teachers who have been rated at least effective so that low-income and minority students are not taught at higher rates than are other students by teachers rated in one of the two lowest evaluation rating categories;

"(9) plan and administer activities carried out under this subpart, including other activities to improve effectiveness and the equity of distribution as required in accordance with the local educational agency's needs assessments under subsection (a)(2);

"(10) develop a plan of action for providing additional academic supports, opportunities, or resources that ensure an appropriate opportunity to learn to any student assigned in any subject, for two consecutive years, to teachers rated in the lowest category under the local educational agency's teacher evaluation system; and

"(11) develop a plan of action to ensure that no student in a school in either the bottom quartile of poverty in the local educational agency or a low-performing school is assigned in any subject, for two consecutive years, to a teacher rated in the lowest category under the local educational agency's teacher evaluation system.

"(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

"(c) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this part.

## "Subpart 3—National Leadership Activities

**"SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

"From the funds made available under section 2101 for this subpart for any fiscal year, the Secretary may to reserve up to 3 percent for research, development, technical assistance, outreach, and dissemination activities, carried out either directly or through grants, contracts, or cooperative agreements. Such activities may include—

"(1) activities to strengthen teacher and principal evaluation, including establishing a national center to gather, provide benchmarks on, and disseminate best practices and provide technical assistance on teacher and principal evaluation so as to support States and local educational agencies in developing robust and reliable evaluation systems that take student growth into account;

"(2) development and dissemination of model surveys on the quality of educator support and working conditions consistent with section 2112(b)(3);

"(3) direct assistance to nonprofit organizations to enhance their support for local educational agencies and schools, including to community-based organizations that can support multiple local educational agencies in strengthening their teacher

and principal pipelines and human-resource practices and provide high-quality, sustained professional development targeted to low-performing schools;

"(4) activities to support development of a leadership academy to train school leaders in effective school management and instructional leadership, with a primary focus on turning around low-performing schools, including—

"(A) effective management of the organization, staff, and resources;

"(B) developing a school climate and instructional program and related evidence-based professional development aligned to the needs of the students and school;

"(C) effective relationships with community and parents; and

"(D) using student-level and school level-data to inform decision-making; and

"(5) activities to strengthen evaluation of superintendents including developing model evaluations.

## "Subpart 4—Accountability

**"SEC. 2141. EQUITY ACCOUNTABILITY.**

"(a) STATE REQUIREMENTS.—

"(1) IN GENERAL.—Each State that receives a grant under subpart 1 shall—

"(A) in a case in which the comparisons conducted under section 2112(b)(5) of the State plan indicate the inequalities described in paragraph (2) with respect to high-poverty and high-minority local educational agencies—

"(i) in consultation with the local educational agencies in the State, established 2, 4 and 5 year improvement goals that will substantially reduce or eliminate the inequities in the schools of such high-poverty and high-minority local educational agencies; and

"(ii) establish a support plan to assist such high-poverty and high-minority local educational agencies meet such improvement goals; and

"(B) in a case in which a high-poverty and high-minority local educational agency has not achieved the 2-year improvement goals established under subparagraph (A)(i), use 2.5 percent of the grant funds received under subpart 2 to carry out the activities described in subparagraph (A).

"(2) INEQUALITIES.—The inequalities described in this paragraph are as follows:

"(A) Before the teacher and principal evaluation systems that meets the requirements of section 2112(b)(1) is established under this part by the local educational agencies in the State, students in high poverty and high minority local educational agencies in the State were being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority local educational agencies in the State.

"(B) Once the evaluation systems are established, students in high poverty and high minority local educational

agencies are being taught at higher rates by teachers rated in one of the two lowest rating categories under such evaluation systems, as compared to students in low poverty and low minority local educational agencies.

"(b) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (3), a high-poverty or high-minority local educational agency described in paragraph (2) and with respect to which a State established improvement goals under subsection (a)(1)(A)(i), shall—

"(A) in a case in which the local educational agency fails to meet its 2 year improvement goals established under such subsection, use all funds made available through the subgrant to carry out the activities described in section 2112(b)(5);

"(B) in a case in which the local educational agency fails to meet its 4 year improvement goals established under such subsection—

"(i) receive a subgrant from the State under subpart 2 equal to not more than 50 percent of the subgrant received by the local educational agency in the preceding year under such subpart; and

"(ii) make non-Federal contributions in an amount equal to not less than the Federal funds provided under the subgrant; and

"(C) in a case in which the local educational agency fails to meet its 5 year improvement goals established under such subsection, the local educational agency shall be prohibited from receiving a subgrant subpart 2.

"(2) DESCRIPTION OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is a local educational agency that—

"(A) before the evaluation system is established under this part, students in high poverty and high minority schools are being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority schools; and

"(B) once the evaluation system is established, that students in high poverty and high minority schools are being taught at higher rates by teachers rated in one of the two lowest rating categories under the local educational agency's evaluation system comparable to students in low poverty and low minority schools.

"(3) EXCEPTION.—Paragraph (1) shall not apply to high poverty and high minority schools where students are being taught at higher rates by teachers rated in one of the two lowest rating categories under the local educational agency's evaluations system compared to students in low poverty and low minority schools in the local educational agency if the performance of the high poverty or high minority school's students, including each group of students described in section 1111(b)(2)(C)(v)(II), on the State's annual student academic assessments has exceeded the statewide average performance for students overall in that subject for at least the previous 2 years.

"(4) INAPPLICABILITY.—This section shall not apply to a local education agency that does not have more than one building for each grade span.

"(5) TRANSITIONAL COMPLIANCE.—Beginning on the date of enactment of the Student Success Act, for no more than 4 full school years a local educational agency shall be deemed to be in compliance with this section for any school year, if the teachers hired to fill vacancies in local education agencies served under this part, improve the equity in distribution of teachers rated in the highest rating categories between students served by high poverty or high minority schools and students served by low poverty or low minority schools as described in paragraph (2).

"(6) WAIVER.—A local education agency may apply to the Secretary for a temporary waiver of the requirements of this section in the case of a natural disaster or unpredictable or significant personnel assignments that occur after the beginning of a school year that would affect determination of compliance with this section.

"(7) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to require a local education agency to transfer school personnel in order to comply with this section.

## "Subpart 5—Public Reporting

**"SEC. 2151. PUBLIC REPORTING.**

"(a) IN GENERAL.—

"(1) STATE REPORT CARD.—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, and make public, a State report card on program performance and results under the grant, in a manner prescribed by the Secretary and containing, analyzing, and updating the information required under subsection (b).

"(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, and make public—

"(A) a report on the local educational agency's program performance and results under the subgrant, in a manner prescribed by the State or the Secretary, containing, analyzing, and updating the information required under subsection (c); and

"(B) the notifications to parents described in subsection (d).

"(3) PRIVACY.—Information required under this subpart shall be collected, reported, and disseminated in a manner that protects the privacy of individuals.

"(b) STATE REPORT CARD REQUIREMENTS.—Each State described in subsection (a)(1) shall report the following information in accordance with such subsection:

"(1) With respect to the State overall and for each local educational agency State, disaggregated by poverty quartile and minority quartile—

"(A) the number and percentage of teachers and principals, for each grant year, who—

"(i) are classified as qualified;

"(ii) are rated at each level under a local educational agency's evaluation system consistent with the requirements of section 2112(b)(1);

"(iii) have taught for less than one full school year; and

"(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach;

"(B) with respect to middle and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course;

"(C) information required under equitable distribution plans for the State and each local educational agency under sections 2112(b)(5) and 2123(a), respectively;

"(D) staff retention rates differentiated by performance levels as rated under the local educational agency's evaluation system; and

"(E) any other performance measures the State is using to measure the performance of local educational agencies that receive a subgrant under subpart 2.

"(2) Results of the data collection reporting under section 2112(b)(7).

"(3) Progress towards meeting the equitable distribution requirements under section 2112(b)(5).

"(4) Results of the assessment of educator support and working conditions described in section 2112(b)(3).

"(5) Results of the needs assessment required under subpart 2 by each school in the State and compared to the rubric which was used to conduct the needs assessment.

"(c) LOCAL EDUCATIONAL AGENCY REPORT CARD REQUIREMENTS.—Each local educational described in subsection (a)(2) shall report the following information, for each grant year, in accordance with such subsection:

"(1) With respect to the local educational agency overall and for schools in the agency by poverty quartile and minority quartile—

"(A) the number and percentage of teachers and principals, for each grant year, who—

"(i) are classified as qualified;

"(ii) are rated at each level under a local educational agency's evaluation system consistent with the requirements of section 2112(b)(1);

"(iii) have taught for less than one full school year; and

"(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach; and

"(B) with respect to middle school and high school, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course.

"(d) PARENTS' RIGHT TO KNOW.—Each local educational agency that receives a subgrant under subpart 2 shall ensure that each school served by the local educational agency provides, on an annual basis and at the beginning of the school year—

"(1) written notification to the parent of each student who has, for 2 consecutive years, been assigned a teacher rated in the lowest rating category on the local educational agency's evaluation system, that such student has been so assigned; and

"(2) a description of—

"(A) the supports the school and local educational agency will offer the student to compensate for the teacher assignment;

"(B) the local educational agency's plan for ensuring this assignment pattern does not continue; and

"(C) the teacher's qualified status based on the definition under section 2002(5), including whether the teacher meets the status based on the requirement in subparagraph (A)(v) of such section.

## "PART B—TEACHER AND LEADER INNOVATION FUND

**"SEC. 2201. TEACHER AND LEADER INNOVATION FUND.**

"The purpose of this part is to support States and local educational agencies in improving the effectiveness of their teachers and school leaders, especially those teachers and school leaders working in high-need schools, by creating the conditions needed to identify, recruit, prepare, retain, reward, and advance effective teachers, principals, and school leadership teams in such schools.

**"SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—There are authorized to be appropriated $950,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years to carry out this part.

"(b) CONTINUATION.—From the funds made available under subsection (a), the Secretary may reserve funds to continue funding the Teacher Incentive Fund authorized under the fourth, fifth, and sixth provisos of the 'Innovation and Improvement Account' under title III of Public Law 109–149, in accordance with the terms and conditions of such Fund that were in effect on the day before the enactment of the Student Success Act.

**"SEC. 2203. GRANTS.**

"(a) IN GENERAL.—From the funds made available under section 2202 and not reserved under subsection (b) of such section, for each fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to carry out the purpose of this part.

"(b) ELIGIBLE ENTITY.—In this part, the term 'eligible entity' means—

"(1) a State educational agency or a consortium of such agencies;

"(2) a high-need local educational agency or a consortium of such agencies;

"(3) one or more of the entities described in paragraphs (1) and (2) in partnership with one or more institutions of higher education, nonprofit organization,; or educational service agencies; or

"(4) an entity described in paragraph (1) in partnership with 1or more local educational agencies at least one of which is a high-need local educational agency.

"(c) DURATION.—The Secretary shall award a grant under this part to an eligible entity for an initial period of not more than 3 years, and may renew the grant for up to an additional 2 years if the Secretary finds that the eligible entity is achieving the objectives of the grant and has shown improvement against baseline measures on performance indicators.

**"SEC. 2204. APPLICATIONS.**

"(a) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall contain—

"(1) a description of—

"(A) how the eligible entity will differentiate levels of teacher and principal performance by effectiveness, and the criteria it will use to determine that differentiation, which shall include the use of evidence of student learning as a significant factor, as well as other measures; and

"(B) how that differentiation will be—

"(i) consistent with the teacher and principal evaluation system that meets the requirements of section 2112(b)(1); and

"(ii) used by the local educational agency served by the eligible entity to make decisions about professional development and retention;

"(2) a description of the rigorous performance standards that the eligible entity has established, or will establish, within 2 years of the date of enactment of Student Success Act, that will be used to evaluate performance;

"(3) a plan, developed with appropriate stakeholders, setting forth the activities to be implemented under the grant and how those activities will be aligned with the results of—

"(A) an analysis of workforce data (including teacher and principal surveys) that identifies strengths and weaknesses in the working conditions provided to teachers, school leaders, and other school personnel and the current and future staffing needs within the State or local educational agency;

"(B) a public review of any State or local educational agency statutes, policies, and practices, including employment policies and practices that pose a barrier to staffing schools, particularly high-need schools, with teachers and principals who have been rated in the highest rating categories;

"(C) an analysis of the effectiveness and the cost-effectiveness of applicable State or local educational agency policies and practices related to increasing teacher and principal effectiveness;

"(D) an analysis of the alignment of the policies and practices reviewed and analyzed under subparagraphs (B) and (C) with the goal of ensuring that educators are pre-

pared to help all students achieve to college-and-career-ready standards; and

"(E) as applicable, an analysis of the extent to which the local educational agency's human capital strategies, including career advancement opportunities, salary schedules (including incentives for graduate credit and advanced degrees), and incentives, reward actions, and strategies that improve instruction and student learning; and

"(4) evidence of involvement and support for the proposed grant activities from—

"(A) in the case of an application from an eligible entity that includes a local educational agency or a consortium of such agencies, a local school board, teachers union (where there is a designated exclusive representative for the purpose of collective bargaining), teachers, principals, and other stakeholders; and

"(B) in the case of an application from a State educational agency or consortium of such agencies, the State board of education, State agency for higher education, any participating local educational agency, and other stakeholders.

"(c) SELECTION CRITERION.—In making grants under this part, the Secretary shall consider the extent to which the eligible entity's activities that are carried out through a grant under part A or through State and local funds are aligned with the entity's plan under subsection (b)(3) and the purpose of this part.

"(d) PRIORITY.—The Secretary shall give priority to applications that address particular needs in improving the effectiveness of the education workforce in high-need schools or the needs of local educational agencies to fill positions in high-need fields and subjects.

**"SEC. 2205. USE OF FUNDS.**

"(a) IN GENERAL.—A eligible entity under this part—

"(1) shall use its grant funds for activities to—

"(A) improve the use of teacher and principal effectiveness information, which shall include, once a local educational agency has adopted an evaluation system as described in section 2112(b)(1), using such evaluation results in consequential decisionmaking, including in—

"(i) paying bonuses and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to highly effective teachers or principals who work in high-need schools;

"(ii) activities under sections 2112 and 2122;

"(iii) reforming the local educational agency's system of compensating teachers and principals; and

"(iv) developing and implementing a human capital system; and

"(B) improve teacher and school-leader compensation and career-development systems, which may include instituting performance pay, career advancement systems (such as career ladders or incentives for assuming additional roles and responsibilities intended to improve student academic achievement), or market-based compensation for a high-need school; and

"(2) may use its grant funds for activities to—

"(A) help ensure that high-need and low-performing schools are staffed more effectively and efficiently, such as through—

"(i) the implementation or use of earlier hiring timelines;

"(ii) more effective recruitment strategies (including strategies for recruiting candidates from underrepresented groups);

"(iii) more selective screening; and

"(iv) data systems for tracking attendance, teacher and principal evaluation results, tenure decisions, participation in professional development, and the results of that participation;

"(B) recruit, prepare, support, and evaluate principals who serve in high-need or low-performing schools; and

"(C) recruit and retain teachers and leaders in rural and remote areas.

"(b) STATE GRANTEES.—A State educational agency that is a grantee under this part shall use its grant funds for activities to—

"(1) modify State policies and practices, as needed, to enable local educational agencies to carry out their activities under subsection (a);

"(2) develop and implement improvements to the State's certification or licensure requirements, which shall include using teacher and principal evaluation results in certification or licensure decisions (such as by making them a significant factor in the granting of a full certification or license); and

"(3) implement a human capital system, including pre-service programs providing teachers and principals to schools within the State, that increases the numbers of highly effective teachers and principals, particularly in high-need schools by—

"(A) identifying, recruiting, training, hiring, and placing individuals who are or are most likely to be highly effective teachers and principals;

"(B) distributing highly effective teachers and principals strategically to high need schools;

"(C) providing highly effective teachers and principals with support and development opportunities focused on increasing student achievement; and

"(D) retaining highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for internal professional development.

## "PART C—GENERAL PROVISIONS

### "SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH STATE AND LOCAL LAWS AND AGREEMENTS.

"Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders as well as requirements that local educational agencies negotiate and or meet and

confer in good faith) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

**"SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION SYSTEMS.**

"No State or local educational agency receiving funding under this title shall publicly report personally identifiable information included in an individual teacher or principal evaluation, including information that can be used to distinguish an individual's identity when combined with other personal or identifying information.".

**SEC. 202. HEA CONFORMING AMENDMENTS.**

(a) QUALIFIED TEACHER.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 200 (20 U.S.C. 1021)—

(A) by amending paragraph (13) to read as follows:

"(13) QUALIFIED.—The term 'qualified' has the meaning given the term 'qualified teacher' in section 2002(5), as amended by section 201 of the Student Success Act.

"(B) in paragraph (17)(B)(ii), by striking 'highly qualified' and inserting 'qualified'; and

"(C) in paragraph (22)(D)(i), by striking 'highly qualified' and inserting 'qualified'.";

(2) in section 201(3) (20 U.S.C. 1022(3)), by striking "highly qualified teachers" and inserting "qualified teachers";

(3) in section 202 (20 U.S.C. 1022)—

(A) in subsection (b)(6)(H), by striking "highly qualified teachers" and inserting "qualified teachers";

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I), by striking "highly qualified" and inserting "qualified"; and

(II) in subparagraph (B)(iii), by striking "highly qualified" and inserting "qualified"; and

(ii) in paragraph (5), by striking "highly qualified teachers" and inserting "qualified teachers"; and

(C) in subsection (e)(2)(C)(iii)(IV), by striking "highly qualified teacher, as defined in section 9101," and inserting "qualified teacher, as defined in section 2002(5), as amended by section 201 of the Student Success Act";

(4) in section 204(a)(4) (20 U.S.C. 1022c) by striking "highly qualified teachers" each place it appears and inserting "qualified teachers";

(5) in section 205(b)(1)(I) (20 U.S.C. 1022d(b)(1)(I)), by striking "highly qualified teachers" and inserting "qualified teachers";

(6) in section 207(a)(1) (20 U.S.C. 1022f(a)(1)), by striking "highly qualified teachers" and inserting "qualified teachers";

(7) in section 208(b) (20 U.S.C. 1022g(b)), by striking "highly qualified" each place it appears and inserting "qualified";

(8) in section 242(b) (20 U.S.C. 1033a), by striking "highly qualified" each place it appears and inserting "qualified";

(9) in section 251(b) (20 U.S.C. 1034(b)), by striking "highly qualified" each place it appears and inserting "qualified"; and

(10) in section 258(d)(1) (20 U.S.C. 1036(d)(1)), by striking "highly qualified" and inserting "qualified".such partner institution.

(c) DEFINITIONS.—Section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended—

(1) by amending paragraph (6) to read as follows:

"(6) ELIGIBLE PARTNERSHIP.—Except as otherwise provided in section 251, the term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a high-need local educational agency;

"(ii)(I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or

"(II) as applicable, a high-need early childhood education program; or

"(iii)(I) the following entities—

"(aa) a partner institution.

"(bb) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a 4-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this title; and

"(cc) a school or department of arts and sciences within such partner institution; or

"(II) an entity operating a program that provides alternative routes to State certification of teachers that has a teacher preparation program—

"(aa) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; and

"(bb) that requires each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience, and each student in the program is preparing to become a qualified teacher; and

"(B) may include any of the following:

"(i) The Governor of the State.

"(ii) The State educational agency.

"(iii) The State board of education.

"(iv) The State agency for higher education.

"(v) A business.

"(vi) A public or private nonprofit educational organization.

"(vii) An educational service agency.

"(viii) A teacher organization.

"(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

"(x) A charter school (as defined in section 5210).

"(xi) A school or department within a partner institution that focuses on psychology and human development.

"(xii) A school or department within a partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

"(xiv) A school, department, or program of education within a partner institution.

"(xv) A school or department of arts and sciences within a partner institution.";

(2) by amending paragraph (10) to read as follows:

"(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ″high-need local educational agency has the meaning given such term in section 2002(4), as amended by section 201 of the Student Success Act.";

(3) by amending paragraph (14) to read as follows:

"(14) INDUCTION PROGRAM.—The term 'induction program' has the meaning given the term 'induction' in section 2002(6), as amended by section 201 of the Student Success Act."; and

(4) by amending paragraph (21) to read as follows:

"(21) TEACHER MENTORING.—The term 'teacher mentoring' has the meaning given the term 'mentoring' in section 2002(7), as amended by section 201 of the Student Success Act.".

(d) PURPOSE.—Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by inserting at the end the following:

"(5) improve teacher effectiveness.".

(e) PARTNERSHIP GRANTS.—Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022a) is amended—

(1) in subsection (b)(6)—

(A) in subparagraph (E)(ii), by striking "student academic" and inserting "college-and-career ready student academic";

(B) in subparagraph (H)—

(i) in the matter preceding clause (i), by inserting "or alternative route entity" after "partner institution";

(ii) in clause (i), by striking "that incorporate" and all that follows through "instruction" and inserting "consistent with part A of title IV of the Elementary and Secondary Education Act of 1965";

(iii) in clause (i), insert "and other educators, including mutli-tiered systems of support and universal design for learning, as described in section 5429(b)(21)" after "secondary school teachers";

(iv) in clause (ii), insert " and writing instruction" after "reading"; and

(v) after clause (ii) insert the following:

"(iii) provide high-quality professional development activities to strengthen the instructional and leadership skills of elementary school and secondary school principals and district superintendents, if the partner institution has a principal preparation program;";

(C) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(D) by inserting after subparagraph (H), the following:

"(I) how the partnership will prepare teachers to use data to analyze student performance and adjust teaching practices to improve student achievement;"; and

(2) in subsection (d)(6)(A), by striking "that incorporate the essential components of literacy instruction" and inserting "aligned with part A of title IV of the Elementary and Secondary Education Act of 1965".

(f) ADMINISTRATIVE PROVISIONS.—Section 203(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1022b(b)(2)(A)) is amended by inserting "or alternative route entity" after ″institution of higher education

(g) ACCOUNTABILITY AND EVALUATION.—Section 204(a) of the Higher Education Act of 1965 (20 U.S.C. 1022c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2), the following:

"(3) teachers rated as at least effective by a teacher evaluation system that meets the requirements of section 2112(b)(1), as amended by section 201 of the Student Success Act;".

(h) INFORMATION ON PREPARATION PROGRAMS.—Section 205(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1022d(b)) is amended—

(1) in the matter preceding subparagraph (A), by striking "teacher preparation program" and inserting "teacher and school leader preparation program"; and

(2) by adding at the end the following:

"(M) Within 3 years of the date of enactment of the Student Success Act, information on the impact of each program's graduates on the student achievement of the students that such graduates teach, if that information is available.

"(N) The percentage of each program's graduates who teach in a high-need school.

"(O) The percentage of each program's graduates who are prepared to teach a high-need subject.

"(P) The percentage of each program's graduates who become effective and highly effective teachers or principals according to such graduates' ratings by the local educational agency's teacher evaluation system that meets the requirements of section 2112(b)(1) of the Elementary and

Secondary Education Act of 1965, as amended by section 201 of the Student Success Act.

"(Q) The 3-year retention rate of each program's graduates who become effective and highly effective teachers or principals according to such graduates' ratings by such system.".

# TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

**SEC. 301. LANGUAGE INSTRUCTION.**

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in section 3001, by striking "fiscal year 2002" and inserting "fiscal year 2014" each place it appears;

(2) by striking "No Child Left Behind Act of 2001" and inserting "Student Success Act" each place it appears;

(3) in section 3244, by striking "2002 through 2008" and inserting "2014 through 2020";

(4) by striking "adequate yearly progress" and inserting "progress" each place it appears;

(5) in sections 3102(8)(B), 3113(b)(5)(B), and 3116(b)(3)(B), by striking ", as described in section 1111(b)(2)(B)";

(6) in section 3122(a)(3)(A)(iii), by striking "as described in section 1111(b)(2)(B)";

(7) by repealing section 3122;

(8) in section 3111(b)(2)(D), by striking "annual measurable achievement objectives pursuant to section 3122" and inserting "performance targets described in section 1111(c)";

(9) in sections 3113(b), 3116(b), 3121(d)(3), and 3302(b), by striking "annual measurable achievement objectives described in section 3122" and inserting "performance targets described in section 1111(c)" each place it appears;

(10) in section 3122, by striking "annual measurable achievement objectives" and inserting "performance targets" each place it appears;

(11) by striking "section 1111(b)(7)" and inserting "section 1111(b)(3)(F)" each place it appears; and

(12) by striking "section 1111(b)(1)" and inserting "section 1111(b)(4)" each place it appears.

# TITLE IV—21ST CENTURY SCHOOLS

**SEC. 401. 21ST CENTURY SCHOOLS.**

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

# "TITLE IV—21ST CENTURY SCHOOLS

## "PART A—21ST CENTURY LEARNING PARTNERSHIPS

**"SEC. 4001. PURPOSE.**

"The purpose of this part is to provide opportunities for communities to establish or expand activities through learning partnerships that—

"(1) provide opportunities for academic enrichment, increased academic achievement, and student success in schools by providing students with additional learning time for more expansive, relevant and rigorous learning opportunities, including opportunities to catch students up in their coursework, and help students accelerate their learning;

"(2) provide a broad array of additional services, programs and activities for a well-rounded education, including youth development activities, art, music, outdoor and recreation programs, technology education programs, and character education programs that are designed to reinforce and compliment the regular academic program for participating students;

"(3) provide teachers and staff in learning partnerships with increased opportunities to work collaboratively, and to participate in professional planning and professional development, within and across grades and subjects to improve teaching and learning;

"(4) provide students with safe learning environments and additional resources to increase student engagement in school; and

"(5) offer families of students served by partnerships opportunities for literacy development and related educational development.

**"SEC. 4002. ALLOTMENT TO STATES.**

"(a) RESERVATION.—From the funds appropriated under section 4009 for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

"(b) STATE ALLOTMENTS.—

"(1) DETERMINATION.—From the funds appropriated under section 4009 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

"(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

**"SEC. 4003. STATE ACTIVITIES.**

"(a) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4002(b) for—

"(1) the administrative costs of carrying out its responsibilities under this part; and

"(2) providing technical assistance as described in subsection (b) to learning partnerships;

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The technical assistance described in this paragraph includes the following:

"(A) Assisting learning partnerships who are prioritized in section 4005(g) including rural and urban schools by—

"(i) informing those learning partnerships that are prioritized in section 4005(g) that they have a priority for competing for grants under section 4005;

"(ii) providing technical assistance to the learning partnership for the development of the applications described in section 4005(b), including assisting the learning partnership in identifying which elementary schools and secondary schools to serve;

"(iii) providing technical assistance to the learning partnership if they do not receive a grant under section 4005 so that they may re-compete in following competitions;

"(B) Assisting each learning partnership that receives an award under section 4005 to plan and implement additional learning time with such funds, including assisting the learning partnership in—

"(i) determining how to implement additional learning time in the schools the learning partnership intends to serve based on the results of the needs assessment described in section 4005(b)(2)(C)(i);

"(ii) identifying additional community partners, which may include multicounty public entities, and resources that may be utilized to implement the additional learning time;

"(iii) strengthening the existing partnerships of the learning partnership, identifying appropriate roles for each of the partners in the implementation of additional learning time in schools served by the learning partnership, and ensuring that the partnership is effective in maintaining strong communication, information sharing, and joint planning and implementation;

"(C) Identifying best practices for professional development for teachers and staff in learning partnerships receiving funding under this part to implement the authorized activities described in section 4006.

"(D) Identifying best practices for using additional learning time to improve academic enrichment, and student academic achievement in schools, and providing technical assistance to the learning partnership in using such best practices to implement and improve additional learning time initiatives.

"(E) Providing guidance on how to provide programs that are age appropriate and address the varying needs of students in elementary (including preschool), middle, and diploma granting schools.

"(2) SUBGRANTS FOR TECHNICAL ASSISTANCE.—A State educational agency may use a portion of the funds described in paragraph (1) to award subgrants to entities including intermediaries, educational service agencies or other public entities with demonstrated expertise in additional learning time capacity building, or evaluation to carry out the technical assistance described in subparagraph (A).

**"SEC. 4004. STATE APPLICATION.**

"(a) IN GENERAL.—In order to receive an allotment under section 4002(b) for any fiscal year, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may require, an application that—

"(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

"(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

"(3) contains an assurance that the State educational agency, in making awards under section 4005, will give priority to learning partnerships that propose to serve—

"(A) students attending schools in need of improvement and persistently low-achieving schools;

"(B) schools with a high number or percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell School Lunch Act (42 U.S.C. 1751 et seq.);

"(4) describes the peer review process as described in section 4005(e) and the selection criteria the State educational agency will use to evaluate applications from, and select, learning partnerships to receive awards under section 4005;

"(5) describes the steps the State educational agency will take to ensure that activities and programs carried out by learning partnerships using such awards—

"(A) implement evidence-based strategies; and

"(B) ensure learning partnerships have the capacity to implement high-quality additional learning time activities that are different from methods which have been proven ineffective during the regular school day;

"(6) describes how the State educational agency will use the indicators under section 4007(a)(3) to measure the performance, on an annual basis, of learning partnerships, and

"(A) use outcomes from multiple indicators and not rely on one indicator in isolation; and

"(B) provide ongoing technical assistance and training and dissemination of promising practices;

"(7) provides an assurance that the State educational agency will set up a process to allow learning partnerships who receive an award under section 4005 and who operate a proven and effective program based on the measures of performance

described in paragraph (6) to recompete in their last year of funding for an additional 5-year cycle;

"(8) describes how the State educational agency will, to the extent practicable, distribute funds under this part equitably among geographic areas within the State, including urban and rural areas;

"(9) includes information identifying the per-pupil funding amount range the State educational agency will use to ensure that awards made under section 4005 are of sufficient size and scope to carry out the purposes of the award,

"(10) includes an assurance that in determining award amounts in accordance with paragraph (9), the State educational agency shall take into consideration—

"(A) diverse geographical areas; and

"(B) the quality of activities and programs proposed by learning partnerships applying for such awards;

"(11) provides an assurance that the application will be developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering additional learning time, the heads of the State health and mental health agencies or their designees, teachers, parents, students, the business community, and community-based organizations;

"(12) describes how activities and programs carried out by the learning partnerships under this part will be coordinated with programs under this Act, and other programs as appropriate;

"(13) describes how the State educational agency will provide a fair and transparent competition for learning partnerships that apply for grant funds under section 4005(b);

"(14) provides an assurance that the State educational agency in determining grant awards to learning partnerships will award grants based solely on the quality of the application in relationship to the needs identified by the learning partnership through the needs assessment described in section 4005(b)(2)(C)(i); and

"(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

"(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

"(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and opportunity for a hearing.

"(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

"(1) give the State educational agency notice and an opportunity for a hearing; and

"(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

"(A) cite the specific provisions in the application that are not in compliance; and

"(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

"(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

"(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

"(2) the expiration of the 120-day period described in subsection (b).

"(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**"SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.**

"(a) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under section 4002(b), for each fiscal year for awards to learning partnerships under this section.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an award under this part, a learning partnership shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include the following:

"(A) IMPLEMENTATION PLAN.—A description of the planning activities that will be conducted during the planning phase, if applicable, that shall include a budget for the planning activities;

"(B) ROLES AND RESPONSIBILITIES.—A description of the learning partnership and the roles and responsibilities of each of the partners of the learning partnership.

"(C) ADDITIONAL LEARNING TIME ACTIVITIES.—A description of—

"(i) the activities that will be carried out by the learning partnership during the additional learning time based solely on the learning partnership's determination of the results of a needs assessment that considers—

"(I) school-wide needs, including planning time and instructional time for teachers and staff in the learning partnership;

"(II) individual student learning needs;

"(III) school and student safety; and

"(IV) the number of additional hours (during the regular school day or outside of the regular school day, as applicable) needed for supervised student

enrichment, determined through school, family, and community input;

"(ii) a description of how the learning partnership will align the activities described in this subparagraph with—

"(I) school improvement plans developed and implemented pursuant to section 1116, if applicable;

"(II) academic instruction that occurs during the regular school day at the school proposed to be served by the learning partnership; and

"(III) in the case of a learning partnership implementing additional learning time as described in section 4008(2)(B), school improvement efforts supported by other programs under this Act and other relevant State and local programs;

"(iii) the anticipated number of hours of additional learning time the average student will receive and how the number of hours are appropriate based on the needs assessment described in clause (i) and the requirements of (ii);

"(iv) the grade or grade spans (including preschool) to be served by the learning partnerships using award funds;

"(v) how students participating in the activities will travel safely to and from the additional learning time center and home, as applicable; and

"(vi) a description of how the learning partnership will ensure that staff employed by the learning partnership will coordinate to develop and implement activities described in this subparagraph using, in part, the data described in subparagraph (F).

"(D) SELECTION OF SCHOOLS.—A description of the process, considerations, and criteria the learning partnership will use to select schools to implement additional learning time programs and activities that shall take into account the priorities described in section 4005(g);

"(E) FACILITY ASSURANCE.—An assurance that the activities described in subparagraph (C) will take place in a safe and easily accessible facility and a description of how the learning partnership will disseminate information about the facility to the parents and community in a manner that is understandable and accessible;

"(F) DATA SHARING.—An assurance that relevant student level data will be shared within the learning partnership consistent with the requirements of section 444 of the General Education Provisions Act so that the activities described in subparagraph (C)(i) are aligned according to subparagraph (C)(ii).

"(G) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A description of how the learning partnership will provide professional development to the staff employed by the learning partnership.

"(H) PUBLIC RESOURCES.—An identification of Federal, State, and local programs that will be combined or coordi-

nated with the additional learning time program to make the most effective use of public resources.

"(I) SUPPLEMENT, NOT SUPPLANT.—An assurance that funds under this section will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

"(J) EXPERIENCE.—A description of past performance and record of effectiveness of the community based organization within the partnership in providing the activities described in subparagraph (C).

"(K) CONTINUATION AFTER FEDERAL FUNDING.—A description of a preliminary plan for how the additional learning time will continue when funding under this part ends.

"(L) CAPACITY.—An assurance that the learning partnership has the capacity to collect the data relevant to the indicators described under section 4007(a)(3).

"(M) NOTICE OF INTENT.—An assurance that the community of the learning partnership will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application.

"(N) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the State educational agency may reasonably require.

"(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this section for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

"(d) NON-FEDERAL MATCH.—

"(1) IN GENERAL.—A State educational agency shall require a learning partnership to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal funds.

"(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

"(A) the relative poverty of the population to be targeted by the learning partnership; and

"(B) the ability of the learning partnership to obtain such matching funds.

"(3) IN-KIND CONTRIBUTIONS.—Each State educational agency shall permit the community-learning partnership to provide all or any portion of such match in the form of in-kind contributions.

"(e) PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(f) DURATION OF AWARDS.—Grants under this section may be awarded for a period of 5 years. Learning partnerships that receive

funding under this section and who operate a proven and effective program based on the measures of performance established in section 4004(a)(6) shall be allowed to recompete in their last year of funding for an additional 5 year grant.

"(g) PRIORITY.—In awarding grants under this part, a State educational agency shall give priority to applications proposing to target services to—

"(1) students (including preschool students) who attend schools in need of improvement and persistently low-achieving schools; and

"(2) learning partnerships that propose to serve schools with a high percentage or number of students that are eligible for free and reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

**"SEC. 4006. LOCAL ACTIVITIES.**

"(a) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Each learning partnership that receives an award under section 4005 shall use the award funds to implement additional learning time activities that are consistent with section 4005(b)(2).

"(2) PLANNING PERIOD.—Each learning partnership may use funds under this section for a planning period of not longer than 6 months to develop an implementation plan described in section 4005(b)(2)(A) to carry out the additional learning time activities.

**"SEC. 4007. REPORTING.**

"(a) REPORT BY LEARNING PARTNERSHIPS.—Each learning partnership shall, not later than 1 year after the first day of the first school year in which the additional learning time is implemented, prepare and submit to the State educational agency a report—

"(1) containing a detailed description of the additional learning time activities that were carried out under this part;

"(2) with respect to each school served by the partnership—

"(A) on the actual expenses associated with, carrying out the additional learning time programs and activities in the first school year; and

"(B) a description of how the additional learning time programs and activities were implemented and whether such programs and activities were carried out during non-school hours or periods when school is not in session or added to expand the school day, school week, or school year schedule; and

"(3) containing measures of performance, aggregated and disaggregated, on the following indicators—

"(A) student academic achievement as measured by—

"(i) high-quality State academic assessments; and

"(ii) student growth in accordance with student growth standards;

"(B) for diploma granting schools served by the learning partnerships, graduation rates;

"(C) student attendance;

"(D) performance on a set of comprehensive school performance indicators that may include—

"(i) as appropriate, rate of earned on-time promotion from grade-to-grade;

"(ii) for high schools served by the learning partnerships, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

"(iii) the percentage of student suspensions and expulsions;

"(iv) indicators of school readiness for entering kindergartners;

"(v) evidence of increased parent and family engagement and support for children's learning;

"(vi) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared;

"(vii) evidence of mastery of non-academic skills which may include problem solving, learning to work in teams, and social and civic responsibility;

"(viii) improved personal attitude, which may include initiative, self-confidence, self-esteem and sense of self-efficacy; and

"(ix) development of social skills, which may include behavior, communication, relationships with peers and adults.

"(b) REPORT BY STATE EDUCATIONAL AGENCY.—A State Educational Agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by learning partnerships under the jurisdiction of the agency, aggregated and disaggregated, provided under subsection (a).

"(c) PUBLICATION AND AVAILABILITY OF THE REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under subsection (b).

**"SEC. 4008. DEFINITIONS.**

"In this part:

"(1) LEARNING PARTNERSHIP.—The term 'learning partnership' means—

"(A) a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies, in a partnership with 1 or more community-based organizations or other public or private entities; or

"(B) a community-based organization, or other public or private entity, in a partnership with a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies.

"(2) ADDITIONAL LEARNING TIME.—The term 'additional learning time' means—

"(A) time added during non-school hours or periods when school is not in session, such as before or after school or during summer recess for activities that—

"(i) provide opportunities for student academic enrichment, including hands-on, experiential and project-based learning opportunities for subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, geography, health education, physical education, environmental literacy, and activities such as tutoring and service learning that—

"(I) assist students in meeting State and local academic achievement standards in core academic subjects,

"(II) use evidence-based skill training approaches and active forms of learning to promote healthy development, and engage students in learning;

"(III) align and coordinate with the regular school day and school year curriculum;

"(IV) align to school improvement plans developed pursuant to section 1116, as applicable; and

"(V) align to the learning needs of individual students at the school served by the learning partnership;

"(ii) provide students with opportunities for personal and social development;

"(iii) serve the learning needs and interests of all students, including those who already meet or exceed student academic achievement standards as measured by high-quality State academic assessments, and especially those who may not be achieving at grade level in the traditional classroom setting;

"(iv) are developmentally and age appropriate; and

"(v) involve a broad group of stakeholders (including educators, parents, students, and community partners) in carrying out additional learning time programs and activities described in this subparagraph; or

"(B) time added to expand the school day, school week, or school year schedule, that—

"(i) increases the total number of school hours for the school year at a school based on evidence supporting the amount of additional learning time needed to achieve the objectives described in clause (ii);

"(ii) is used to redesign the school's program and schedule—

"(I) to support innovation in teaching, in order to improve the academic achievement of students aligned to the school improvement plan, if applicable, especially those students who may not be achieving at grade level, in reading or language arts, mathematics, science, history and civics, and other core academic subjects;

"(II) to improve the performance of all students, including those students who are struggling to meet college and career ready standards or State early learning standards, as appropriate, and those students who already meet or exceed college

and career ready standards as measured by high-quality State academic assessments;

"(III) for additional subjects and enrichment activities that reflect student interest, connect to effective community partners, and contribute to a well-rounded education, which may include music and the arts, health education, physical education, service learning, and experiential and work-based learning opportunities (such as community service, learning apprenticeships, internships, and job shadowing);

"(IV) to advance student learning by providing a learning environment and supporting learning activities that engage students, develop social skills, and cultivate positive personal attitude; and

"(V) for teachers and staff in learning partnerships to collaborate, and plan, within and across grades and subjects;

"(iii) provides school-wide services that are—

"(I) aligned to school improvement plans developed pursuant to section 1116, as applicable; and

"(II) aligned to individual student achievement needs as identified by the school-site staff at the school served by the community-learning partnership; and

"(iv) involve a broad group of stakeholders (including educators, parents, students and community partners) in planning and carrying out additional learning time programs and activities described in this subparagraph.

**"SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part $1,200,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.

"PART B—GRANTS TO SUPPORT STUDENT SAFETY, HEALTH, AND SUCCESS

**"SEC. 4201. PURPOSE.**

"The purposes of this part are—

"(1) to support local educational agencies and schools in providing comprehensive systems of learning supports to students and their families so that students receive their education in safe environments and graduate from school college and career ready;

"(2) to enhance the ability of local educational agencies and schools to leverage resources within schools and within communities to improve instruction, strengthen programs, and identify gaps in existing programs for students;

"(3) to ensure the academic, behavioral, emotional, health, mental health, and social needs of all students, including students from low income families, students with disabilities, English learners, and youth who are involved in or who are identified by evidence-based risk assessment methods as being

at high risk of becoming involved in juvenile delinquency or criminal street gangs;

"(4) to support programs and activities that prevent violence in and around schools (including bullying and harassment), that prevent the illegal use of alcohol, tobacco, and drugs by students, and provide resources to foster a safe and drug-free learning environment to support student academic achievement; and

"(5) to enhance partnerships between schools, parents, and communities, and better support family and community engagement in education.

**"SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

"(a) IN GENERAL.—From the amount made available under section 4210 to carry out this part for each fiscal year, the Secretary—

"(1) shall reserve 1 percent of such amount for grants to Guam, American Samoa, the United States Virgin Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this part; and

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs described in this part for Indian youth.

"(b) STATE ALLOTMENTS.—Except as provided in subsection (a), the Secretary shall, for each fiscal year, allot among the States—

"(1) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(2) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

"(c) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(d) REALLOTMENT OF UNUSED FUNDS.—

"(1) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

"(2) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (b).

**"SEC. 4203. STATE APPLICATIONS.**

"(a) APPLICATION.—To receive a grant under this part, a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require, and containing the information described in subsection (b).

"(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

"(1) An assurance that the State educational agency will review existing resources and programs across the State and coordinate any new plans and resources under this part with such existing programs and resources.

"(2) A description of how the State educational agency will identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

"(3) A description of the State educational agency's comprehensive school safety plan, which shall address bullying and harassment, provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, address school-sponsored, off-premises, overnight field trips, disaster preparedness, and crisis and emergency management; and any other issues determined necessary by the State educational agency (existing plans may be used to satisfy the requirements of this section if such existing plans include the information required by this section, or can be modified to do so, and are submitted to the Secretary with such modifications) which—

"(A) shall be submitted to the Secretary not later than 1 year after the enactment of the Student Success Act;

"(B) shall be developed in consultation with public safety and community partners, including police, fire, emergency medical services, emergency management agencies, parents, and other such organizations;

"(C) shall be made available to the public in a manner that is understandable and accessible; and

"(D) the State educational agency shall require all local educational agencies to adopt the plan within 1 year of approval (existing plans may be used to satisfy the requirements of this section if such existing plans are approved by the State educational agency and include the information required by this section, or can be modified to do so).

"(4) A description of how grant funds will be used to identify best practices for professional development for sustainable comprehensive program development.

"(5) A description of how the State educational agency will monitor the implementation of activities under this part, and provide technical assistance to local eligible entities.

"(6) A description of how the State educational agency will ensure subgrants to eligible entities will facilitate school-community planning and effective service coordination, integration, and provision at the local level to achieve high performance standards based on the system developed in paragraph (7).

"(7) A description of how the State educational agency will develop a system for reporting and measuring eligible entity performance, and assist eligible entities in developing and implementing systems for measuring performance based on the indicators in section 4208(a)(3).

"(8) An assurance that the State educational agency will set up a process to allow local eligible entities who receive an award under section 4206 and who operate a proven and effective program based on the measures of performance described

in paragraph (7) to recompete in their last year of funding for an additional 5-year cycle.

"(9) A description of the steps the State educational agency will take to ensure that activities and programs carried out by local eligible entities will implement evidence based strategies.

"(10) A description of how the number of youth involved in juvenile delinquency and criminal justice systems will not increase as a results of activities funded under this grant.

"(c) APPROVAL PROCESS.—

"(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

"(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

"(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

"(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

"(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

"(i) cite the specific provisions in the application that are not in compliance; and

"(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

"(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

"(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

"(B) the expiration of the 120-day period described in paragraph (1).

"(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit local educational agencies or individual schools from incorporating additional elements to the State-devel-

oped comprehensive school safety plan to improve student and school safety reflective of the individual agency or school community.

**"SEC. 4204. STATE USE OF FUNDS.**

"(a) 95 PERCENT OF FUNDS.—Each State educational agency that receives a grant under this part shall reserve not less than 95 percent of the grant amount, for each fiscal year to award subgrants to local eligible entities in accordance with section 4206.

"(b) 5 PERCENT OF FUNDS.—A State educational agency shall use not more than 5 percent, of which not more than 1 percent may be used for administration of a grant received under this subpart or may subgrant a portion of such funds to educational service agencies, or other public entities with demonstrated expertise to carry out the following activities:

"(1) Identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

"(2) Assist local eligible entities who are prioritized in section 4205(b) including those eligible entities that plan to serve rural and urban schools by—

"(A) informing those local eligible entities that they have a priority for competing for grants;

"(B) providing technical assistance to the local eligible entities for the development of the applications described in section 4206;

"(C) providing technical assistance to the local eligible entities if they do not receive a grant under section 4206 so that they may recompete in following competitions;

"(3) Identify best practices for professional development and capacity building for local educational agencies for the delivery of a comprehensive system of learning supports for teachers, administrators, and specialized instructional support personnel in schools that are served by the eligible entity receiving funding under this part to implement the authorized activities described in section 4207.

"(4) Reporting and evaluation activities.

**"SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.**

"(a) IN GENERAL.—A State educational agency shall use grant funds received under this part to award subgrants to eligible entities.

"(b) ABSOLUTE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give priority to—

"(1) local eligible entities that propose to serve a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

"(2) local eligible entities proposing to serve students who attend schools in need of improvement and persistently low-achieving schools;

"(c) COMPETITIVE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give competitive priority to—

"(1) in the case of local eligible entities that intend to implement programs described in section 4207(2)(A), local eligible entities that serve schools that implement, or have plans to implement disciplinary policies that are research based and focus on multi-tiered systems of support; and

"(2) in the case of eligible entities that intend to implement programs described in section 4207(2)((C), eligible entities proposing to serve geographic areas most in need of these services and that commit to working with local Promise Coordinating Councils.

"(d) DURATION OF SUBGRANT.—A State educational agency shall award under this part subgrants to eligible local entities for 5 years.

"(e) RENEWAL.—

"(1) IN GENERAL.—A State educational agency may renew a subgrant awarded under this part for a period of 5 years.

"(2) RENEWAL APPLICATION.—To renew a subgrant, an eligible entity shall submit an application to the Secretary every 5 years as long as the eligible entity can demonstrate that they operate a proven and effective program based on performance on the indicators in section 4208(a)(3).

**"SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.**

"(a) IN GENERAL.—A local eligible entity that seeks a grant under this part shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including the information described in subsection (b).

"(b) CONTENTS.—An application submitted under subsection (a) shall include the following:

"(1) The results of a comprehensive needs assessment (which shall include incident data, and teacher, parent, or community surveys) and assets assessment which shall include a comprehensive analysis of the following—

"(A) the safety of the schools served by the local eligible entity (which shall include a comprehensive analysis of incidents and prevalence of bullying and harassment at schools served by the local eligible entity);

"(B) the incidence and prevalence of drug, alcohol and substance abuse at schools served by the local eligible entity;

"(C) the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, including an assessment of the number of youth who are involved or at-risk of involvement in juvenile delinquency and criminal street gang activity and the number of chronically truant youth;

"(D) the number of specialized instructional support personnel employed by schools served by the local eligible entity and the services provided by those personnel;

"(E) the prevalence of student health (including mental health, physical fitness, and nutrition) needs at schools served by the local eligible entity;

"(F) existing programs and services intended to provide a comprehensive system of support within schools served

by local eligible entities, including the support of school governance and leadership for the programs and services;

"(G) resources available in the community, including public agencies and nonprofit organizations, that could be leveraged by schools served by the local eligible entity to create comprehensive systems of support within the schools;

"(H) school discipline data including in-school suspensions, out-of-school suspensions, expulsion, school-based arrests, referrals to law enforcement, and referrals to alternative schools; and

"(I) additional needs identified by the local eligible entity.

"(2) A description of the methodology used in conducting the needs assessment described in (1);

"(3) A description of the plan to implement grant funds (taking into account the cultural and linguistic needs of the community) which shall include the following components:

"(A) A description of the services (taking into account the cultural and linguistic needs of the community) that will be provided by the local eligible entity which shall include prevention, intervention, and systematic efforts to address student learning needs as identified and prioritized by the needs assessment in paragraph (1).

"(B) A description of how existing resources, services, and programs will be coordinated and integrated with new resources, services, and programs to create a comprehensive system of learning supports that is aligned with school improvement plans required under section 1116, as applicable.

"(C) A description of the partners within the eligible entity and their roles as they relate to the implementation of the comprehensive system of learning supports that will be implemented to address the needs outlined in the needs and assets assessment described in subsection (b)(1).

"(D) A description of how the grant will be used to enhance administrator's, teacher's, and specialized instructional support personnel's identification and response to student learning needs for providing learning supports through professional development, and how school capacity will be enhanced to handle problems facing students such as those identified in the needs assessment.

"(E) A description of how the eligible entity will identify the financial savings from deferred or eliminated costs, or other benefits as a result of the programs or activities implemented by the eligible entities (in the case of an eligible entity who implements programs described in section 4207(2)(C), a comparative analysis of potential savings from criminal justice costs, public assistance costs, and other costs avoided by such programs).

"(F) A description of how the local eligible entity will measure performance based on the indicators described in section 4208(a)(3).

"(G) A description of the process for periodically reviewing the needs of students and assets within the school and

community, and involving more community partners as applicable, and how data on performance on the indicators described in section 4208(a)(3) will be used to provide feedback on progress, and institutionalize support mechanisms to maintain and continually improve activities including when grant funds end.

"(c) SPECIAL RULE.—A local eligible entity may use—

"(1) an existing needs assessment to satisfy the requirements of subsection (b)(1), if the assessment includes the information required by such subsection, or can be modified to do so; and

"(2) an existing plan to satisfy the requirements of subsection (b)(3), if the plan meets the requirements of such subsection and is approved by the State educational agency.

**"SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

"A local eligible entity that receives a subgrant under this part shall use such funds to carry out the following activities:

"(1) Implement a comprehensive plan as described in section 4206(b)(3).

"(2) Programs and activities that address the needs of the schools served by the eligible entity as identified by the needs and assets assessment in section 4206(b)(1), which may include—

"(A) violence prevention programs, including—

"(i) programs to provide safe passage to and from school;

"(ii) programs to prevent and appropriately respond to incidents of bullying and harassment (including professional development for teachers and other school personnel);

"(iii) programs that promote positive school environments for learning and reduce the need for suspensions, expulsions, referral to law enforcement, and other practices that remove students from instruction;

"(iv) conflict resolution and restorative practice and mediation programs;

"(v) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against violence and appropriate consequences of violence;

"(vi) professional development and training for, and involvement of, school personnel, specialized instructional personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to violence prevention;

"(vii) reporting criminal offenses committed on school property;

"(viii) emergency intervention services following traumatic crisis events, such as shooting, or a major accident that has disrupted the learning environment;

"(ix) establishing and maintaining a school safety hotline;

"(x) programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide; or

"(xi) programs that respond to the needs of students who are faced with domestic violence or child abuse;

"(B) drug and alcohol abuse prevention programs, including—

"(i) age appropriate and developmentally based activities that—

"(I) address the consequences of violence and illegal use of drugs, as appropriate;

"(II) promote a sense of individual responsibility and teach students that most people do not illegally use drugs;

"(III) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use; and

"(IV) teach students about the dangers of emerging drugs;

"(ii) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against illegal use of drugs and appropriate consequences for illegal use of drugs;

"(iii) dissemination of drug prevention information to schools and communities;

"(iv) professional development and training for, and involvement of, school personnel, specialized instructional support personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug prevention; or

"(v) community wide planning and organizing to reduce illegal drug use;

"(C) evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention for youth who are involved in, or at risk of involvement in, juvenile delinquency or street gang activity (that shall involve multiple community partners within the local eligible entity through coordination with a local Promise Coordinating Council);

"(D) recruiting, hiring, and maintaining specialized instructional support personnel or providing additional specialized instructional support services, including comprehensive career counseling, with priority given to the highest need schools to be served by the eligible entity;

"(E) implementing multi-tiered systems of support including positive behavior supports;

"(F) support services to address the behavioral, emotional, physical health, mental health and social needs of students, including—

"(i) social and emotional learning programs;

"(ii) mentoring programs;

"(iii) physical fitness, health education, and nutrition education programs; and

"(iv) programs to purchase automated external defibrillators and providing training in the use of these defibrillators;

"(G) services and programs to support education of pregnant and parenting teens;

"(H) programs that enable schools to prepare for, respond to, and recover from disasters, crises and emergencies that threaten safety or disrupt teaching and learning; or

"(I) other services consistent with this section.

**"SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

"(a) LOCAL ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each local eligible entity shall report to the public and the State such information as the State may reasonably require, including—

"(1) the number of students, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) who were served by the programs and activities in this part;

"(2) the programs and services provided under this Act;

"(3) outcomes resulting from activities and services funded under this part, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) on the following indicators—

"(A) student academic achievement as measured by State academic assessments and student growth over time;

"(B) for diploma granting schools, graduation rates;

"(C) student attendance;

"(D) suspensions and expulsions;

"(E) performance on a set of other indicators that shall be based on the activities and services implemented based on the results of the needs assessment described in section 4206(b)(1) and may include—

"(i) the frequency, seriousness, and incidence of violence, including bullying and harassment, and drug related offenses resulting in suspensions and expulsions;

"(ii) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities;

"(iii) the safety of passage to and from school;

"(iv) as appropriate, rate of earned on-time promotion from grade to grade;

"(v) for diploma granting schools, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

"(vi) academic and developmental transitions, including from elementary to middle school and middle school to high school;

"(vii) referrals to school resource personnel;

"(viii) evidence of increased parent and family engagement and support for children's learning;

"(ix) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared and on-time;

"(x) student health, including mental health and the amelioration of risk factors; and

"(F) other outcome areas as determined by the State educational agency.

"(b) STATE ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each State educational agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by local eligible entities under the jurisdiction of the agency provided under (a).

"(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such grant funds, be made available for comprehensive systems of learning supports and students participating in programs under this part.

"(d) PUBLICATION AND AVAILABILITY OF REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under (b).

**"SEC. 4209. DEFINITIONS.**

"(a) For purposes of this part—

"(1) INCIDENT DATA.—The term 'incident data' means data from incident reports by school officials including, but not limited to, truancy rates; the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions; the incidence of bullying and harassment, and the incidence and prevalence of drug use and violence by students in schools.

"(2) COMPREHENSIVE SYSTEM OF LEARNING SUPPORTS.—The term 'comprehensive system of learning supports' means the multifaceted, and cohesive resources, strategies, and practices that provide class-room based or school-wide interventions to address the academic, behavioral, emotional, physical health, mental health, and social needs of students and families to improve student learning, teacher instruction and school management.

"(3) LOCAL ELIGIBLE ENTITY.—The term 'local eligible entity' means a consortium consisting of community representatives that—

"(A) shall include—

"(i) a local educational agency;

"(ii) not less than 1 other community partner organization; and

"(B) may include a broad array of community partners, including a community based organization, a child and youth serving organization, an institution of higher education, a foundation, a business, a local government, including a local governmental agency serving children and youth such as a child welfare and juvenile justice agency; students, and parents; and may include representatives from multiple jurisdictions.

"(4) MULTI-TIERED SYSTEM OF SUPPORT.—For purposes of this Act, the term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions

matched to student needs and educational decisionmaking using student outcome data.

"(5) BULLYING.—The term 'bullying'—

"(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm; and

"(B) includes conduct that is based on—

"(i) a student's actual or perceived—

"(I) race;

"(II) color;

"(III) national origin;

"(IV) sex;

"(V) disability

"(VI) sexual orientation;

"(VII) gender identity; or

"(VIII) religion;

"(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

"(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

"(6) HARASSMENT.—The term 'harassment'—

"(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school's educational programs or activities because the conduct, as reasonably perceived, is so severe, persistent, or persuasive; and

"(B) includes conduct that is based on—

"(i) a student's actual or perceived—

"(I) race;

"(II) color;

"(III) national origin;

"(IV) sex;

"(V) disability

"(VI) sexual orientation;

"(VII) gender identity; or

"(VIII) religion;

"(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

"(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

"(7) JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION AND INTERVENTION.—The term 'juvenile delinquency and criminal street gang activity prevention and intervention' means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems or to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued in-

volvement in, juvenile delinquency or criminal street gangs, that—

"(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

"(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

"(8) PROMISE COORDINATING COUNCILS.—The members of a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

"(A) shall include, to the extent possible, at least one representative from each of the following:

"(i) the local chief executive's office;

"(ii) a local educational agency;

"(iii) a local health agency or provider;

"(iv) a local mental health agency or provider, unless the representative under clause (iii)) also meets the requirements of this subparagraph;

"(v) a local public housing agency;

"(vi) a local law enforcement agency;

"(vii) a local child welfare agency;

"(viii) a local juvenile court;

"(ix) a local juvenile prosecutor's office;

"(x) a private juvenile residential care entity;

"(xi) a local juvenile public defender's office;

"(xii) a State juvenile correctional entity;

"(xiii) a local business community representative; and

"(xiv) a local faith-based community representative;

"(B) shall include two representatives from each of the following:

"(i) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

"(ii) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or Tribe; and

"(iii) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the eligible entity; and

"(C) may include other members, as appropriate.

"(9) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means school counselors, school social workers, school psychologists, school nurses, and other qualified professionals involved in providing assessment, diagnosis, counseling, educational, therapeutic, medical, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities in Education Act) as part of a comprehensive program to meet student needs.

**"SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part $350,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.".

# TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

## Subtitle A—Public Charter Schools

**SEC. 501. PURPOSE.**

Section 5201 (20 U.S.C. 7221) is amended to read as follows:

**"SEC. 5201. PURPOSE.**

"It is the purpose of this subpart to—

"(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;

"(2) expand the number of high-quality charter schools available to students across the Nation;

"(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

"(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

"(5) improve student services to increase opportunities for students with disabilities, English language learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards;

"(6) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools; and

"(7) ensure quality, accountability and transparency in the operations and performance of all authorized public chartering agencies, including State and local educational agencies, and charter schools.".

**SEC. 502. PROGRAM AUTHORIZED.**

Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

**"SEC. 5202. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—This subpart authorizes the Secretary to carry out a charter school program that supports charter schools that serve elementary school and secondary school students by—

"(1) supporting the startup, replication, and expansion of charter schools;

"(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

"(3) carrying out national activities to support—

"(A) charter school development;

"(B) the dissemination of best practices of charter schools for all schools; and

"(C) the evaluation of the impact of the program on schools participating in the program.

"(b) FUNDING ALLOTMENT.—From the amount made available under section 5211 for a fiscal year, the Secretary shall—

"(1) reserve 12.5 percent to support charter school facilities assistance under section 5204;

"(2) reserve not more than 2.5 percent to carry out technical assistance, best practices, and evaluation under section 5205(a);

"(3) reserve not more than 5 percent to carry out grants to eligible applicants under section 5205(b); and

"(4) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 5203.

"(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart, as such subpart was in effect on the day before the date of enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.".

**SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.**

Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

**"SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.**

"(a) IN GENERAL.—From the amount reserved under section 5202(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

"(1) award subgrants to eligible applicants for—

"(A) opening new charter schools;

"(B) replicating high-quality charter school models; or

"(C) expanding high-quality charter schools; and

"(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

"(b) STATE USES OF FUNDS.—

"(1) IN GENERAL.—A State entity receiving a grant under this section shall—

"(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

"(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

"(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

"(c) PROGRAM PERIODS; PEER REVIEW; DIVERSITY OF PROJECTS.—

"(1) PROGRAM PERIODS.—

"(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

"(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

"(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

"(3) DIVERSITY OF PROJECTS.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

"(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

"(B) will assist charter schools representing a variety of educational approaches.

"(d) LIMITATIONS.—

"(1) GRANTS.—A State entity may not receive more than 1 grant under this section for a 5-year period.

"(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section per charter school for a 5-year period.

"(e) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

"(1) DESCRIPTION OF PROGRAM.—A description of the entity's objectives in opening and initially operating a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

"(A) of how the entity will—

"(i) support both new charter school startup and the expansion and replication of high-quality charter school models;

"(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

"(iii) work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

"(I) participate in the Federal programs in which the schools and students are eligible to participate; and

"(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

"(iv) in the case in which the entity is not a State educational agency—

"(I) work with the State educational agency and the charter schools in the State to maximize char-

ter school participation in Federal and State programs for charter schools; and

"(II) work with the State educational agency to adequately operate the entity's program under this section, where applicable;

"(v) ensure eligible applicants that receive a subgrant under the entity's program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

"(vi) support charter schools participating in the entity's program and that are in local educational agencies with large numbers of schools that must comply with the requirements of section 1116(b);

"(vii) work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

"(viii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

"(ix) share best and promising practices between charter schools and other public schools;

"(x) ensure the charter schools they support can meet the educational needs of their students, including students with disabilities and English language learners; and

"(xi) support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

"(B) of the extent to which the entity—

"(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

"(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools a replica of high-quality charter school models, and expanding high-quality charter schools;

"(C) how the entity will carry out the subgrant competition, including—

"(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

"(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

"(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, and how a school's performance on the State's academic accountability system will be a primary factor for renewal;

"(III) a description of how the eligible applicant will solicit and consider input from parents and

other members of the community on the planning, implementation, and operation of each charter school receiving funds under the entity's program; and

"(IV) for each year of the grant, planned activities and expenditures for use of funds received under this section for the purposes of opening and initially operating a new charter school, replicating a high-quality charter school model and initially operating such school, or expansion of a high-quality charter school and initially operating such school while ensuring financial sustainability of the school following the grant period; and

"(ii) a description of how the entity will review applications; and

"(D) in the case of an entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner.

"(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

"(A) each charter school receiving funds under the entity's program will have a high degree of autonomy over budget and operations;

"(B) the entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(x);

"(C) the entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

"(i) ensures that the charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), and title IX of the Education Amendments of 1972; and

"(ii) adequately monitors and helps ensure each charter school, with respect to recruitment and enrollment is meeting the needs of all students, including students with disabilities and English language learners;

"(D) the entity will provide adequate technical assistance to eligible applicants to—

"(i) meet the objectives described in clauses (vii) and (viii) of paragraph (1)(A) and paragraph (2)(B); and

"(ii) recruit and enroll traditionally underserved students, including students with disabilities and English language learners, to promote an inclusive education environment;

"(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all au-

thorized public chartering agencies in the State to improve the monitoring of their charter schools in compliance with quality charter authorizing standards described in section 1111(d)(1)(I);

"(F) the entity will work to ensure that charter schools are included with the traditional public school system in decision-making about the public school system in the State; and

"(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the educational options available to their children, including information on the educational program, student support services, and annual performance and enrollment.

"(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

"(f) SELECTION CRITERIA; PRIORITY.—

"(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

"(A) the degree of flexibility afforded by the State's public charter school law and how the entity will work to maximize the flexibility provided to charter schools under the law;

"(B) the ambitiousness of the entity's objectives for the quality charter school program carried out under this section;

"(C) the quality of the strategy for assessing achievement of those objectives;

"(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

"(E) the proposed number of new charter schools to be opened, and the number of high-quality charter schools to be replicated or expanded under the program;

"(F) the entity's plan to—

"(i) adequately monitor the eligible applicants receiving subgrants under the entity's program;

"(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

"(iii) provide adequate technical assistance, as described in the entity's application under subsection (e), for the eligible applicants receiving subgrants under the entity's program under this section; and

"(iv) support quality authorizing efforts in the State, consistent with quality charter school authorizing standards described in section 1111(d)(1)(H).

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

"(A) The State entity is located in a State that allows appeals of authorized public chartering agency, including State and local educational agency, decisions pertaining to granting, renewal, or revocation of charter agreements.

"(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

"(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

"(D) The State entity is located in a State that uses charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.

"(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to support the development of charter schools in the State.

"(F) The State entity demonstrates quality policies and practices to support and monitor charter schools through factors, including—

"(i) the proportion of high-quality charter schools in the State; and

"(ii) the proportion of charter schools enrolling, at a rate similar to traditional public schools, traditionally underserved students, including students with disabilities and English language learners.

"(G) The entity has taken steps to ensure that all authorized public chartering agencies implement best practices for quality charter school authorizing as described in section 1111(d)(1)(I).

"(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities to open and initially operate new charter schools, replicate high-quality charter school models and initially operate such schools, or expand existing high-quality charter schools and initially operate such schools to ensure strong school starts, as submitted annually by the eligible applicant according to subparagraph (e)(1)(C)(IV)..

"(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

"(1) the number of students served and, if applicable, how many new students were served during each year of the grant period;

"(2) the number of subgrants awarded under this section to carry out each of the following—

"(A) the opening of new charter schools;

"(B) the replication of high-quality charter school models; and

"(C) the expansion of high-quality charter schools;

"(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

"(4) how the entity met the objectives of the quality charter school program described in the entity's application under subsection (e);

"(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity's application; and

"(6) how the entity worked with authorized public chartering agencies, including how the agencies worked with the management company or leadership of the schools in which the subgrants were awarded.

"(i) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

"(1) a State educational agency; or

"(2) a State charter school board.".

**SEC. 504. FACILITIES FINANCING ASSISTANCE.**

Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

**"SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

"(a) GRANTS TO ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—From the amount reserved under section 5202(b)(1), the Secretary shall award not less than 3 grants to eligible entities that have applications approved under subsection (d) to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

"(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"(b) GRANTEE SELECTION.—

"(1) EVALUATION OF APPLICATION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

"(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in subsection (a)(2)(A), at least one grant to an eligible entity described in subsection (a)(2)(B), and at least one grant to an eligible entity described in subsection (a)(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

"(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effec-

tive demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

"(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

"(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

"(C) a description of the eligible entity's expertise in capital market financing;

"(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

"(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

"(F) a description of how the eligible entity will encourage energy-efficient school building practices;

"(G) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities; and

"(H) such other information as the Secretary may reasonably require.

"(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

"(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

"(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

"(f) RESERVE ACCOUNT.—

"(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

"(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

"(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

"(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

"(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

"(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such subsection.

"(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

"(h) AUDITS AND REPORTS.—

"(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(2) REPORTS.—

"(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

"(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

"(i) a copy of the most recent financial statements, and any accompanying opinion on such statements,

prepared by the independent public accountant reviewing the financial records of the eligible entity;

"(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

"(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

"(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

"(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

"(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

"(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

"(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

"(j) RECOVERY OF FUNDS.—

"(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

"(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

"(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to

achieve one or more of the purposes described in subsection (f)(1).

"(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

"(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

"(k) PER-PUPIL FACILITIES AID PROGRAM.—

"(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

"(A) that is dedicated solely for funding charter school facilities; or

"(B) a portion of which is dedicated for funding charter school facilities.

"(2) GRANTS.—

"(A) IN GENERAL.—From the amount reserved under section 5202(b)(1) remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

"(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

"(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

"(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

"(ii) 80 percent in the second such year;

"(iii) 60 percent in the third such year;

"(iv) 40 percent in the fourth such year; and

"(v) 20 percent in the fifth such year.

"(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

"(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

"(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the

State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

"(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

"(4) REQUIREMENTS.—

"(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

"(B) STATE LAW.—

"(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

"(I) is specified in State law; and

"(II) provides annual financing, on a per-pupil basis, for charter school facilities.

"(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

"(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.".

**SEC. 505. NATIONAL ACTIVITIES.**

Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

**"SEC. 5205. NATIONAL ACTIVITIES.**

"(a) TECHNICAL ASSISTANCE, BEST PRACTICES, AND EVALUATION.—From the amount reserved under section 5202(b)(2), the Secretary shall—

"(1) disseminate technical assistance to State entities in awarding subgrants under section 5203, and eligible entities and States receiving grants under section 5204;

"(2) disseminate best practices; and

"(3) in partnership with the Institute for Education Sciences, as appropriate—

"(A) develop relevant program performance metrics, including student outcome data, for State entities, eligible entities, and schools that receive funds under section 5203 and eligible applicants and charter schools that receive funds under section 5205(b);

"(B) assist such State entities, eligible applicants, and charter schools in collecting and submitting data on such performance metrics to the Secretary;

"(C) evaluate the program performance of and conduct related research to—

"(i) determine which policies and practices implemented using funds received under section 5203 and

5205(b) have the greatest impact on student achievement

"(ii) determine which charter school models funded under this title lead to measurably improved student outcomes on statewide assessments;

"(iii) examine the transfer of best and promising practices between charter schools funded under this title and other public schools;

"(iv) ensure the inclusion of all student subgroups as described in section 1111(c)(3) in charter schools funded under this title; and

"(v) drive continuous improvement; and

"(D) disseminate the findings of the research, evaluation and data collection described in this section.

"(b) GRANTS TO ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 5202(a)(1), subparagraphs (A) through (C) of section 5203(a)(1), and section 5203(g).

"(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 5203.

"(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term 'eligible applicant' means an eligible applicant that desires to open a charter school in—

"(A) a State that did not apply for a grant under section 5203;

"(B) a State that did not receive a grant under section 5203; or

"(C) a State that received a grant under section 5203 and is in the 4th or 5th year of the grant period for such grant.

"(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.".

**SEC. 506. RECORDS TRANSFER.**

Section 5208 (20 U.S.C. 7221g) is amended—

(1) by inserting "as quickly as possible and" before "to the extent practicable"; and

(2) by striking "section 602" and inserting "section 602(14)".

**SEC. 507. DEFINITIONS.**

Section 5210 (20 U.S.C. 7221i) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (K);

(B) by striking the period at the end of subparagraph (L) and inserting "; and"; and

(C) by adding at the end, the following:

"(M) may serve prekindergarten or post secondary students.";

(2) in paragraph (3)(B), by striking "under section 5203(d)(3)"; and

(3) by inserting at the end the following:

"(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'expansion of a high-quality charter school' means significantly increasing the enrollment of or adding more grades to a high-quality charter school.

"(6) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

"(A) shows evidence of increasing academic achievement for all students and student subgroups as described in section 1111(c)(3), including—

"(i) the percentage of students in on-target and advanced levels of achievement on the State academic assessments required under section 1111(b)(3) compared to demographically similar schools in the State;

"(ii) an average student academic, longitudinal growth from one school year to the next school year, if available and as determined by the State, on the State academic assessments required under section 1111(b)(3) that exceeds such growth in demographically similar schools in the State;

"(iii) in the case of a charter school that is a secondary school—

"(I) a graduation rate that is above the graduation rate for demographically similar schools in the State; and

"(II) attendance, retention, and postsecondary enrollment rates that are above such rates for demographically similar schools in the State; and

"(iv) closing achievement gaps among student subgroups as described in section 1111(c)(3) and all students served by the charter school; and

"(B) has no significant issues in the areas of student safety, school discipline, including high rates of suspensions and expulsions, financial management, or statutory or regulatory compliance, including quality charter school authorizing standards described in section 1111(d)(1)(I).

"(7) HIGH-QUALITY CHARTER SCHOOL MODEL.—The term 'high-quality charter school model' means a high-quality charter school that possesses the capability, including sustainable financing, to open another school campus under an existing charter agreement.".

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

**"SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this subpart $300,000,000 for fiscal year 2014 and each of the 5 succeeding fiscal years.".

**SEC. 509. CONFORMING AMENDMENTS.**

(a) REPEAL.—Subpart 2 of part B of title V (20 U.S.C. 7223 et seq.) is repealed.

(b) TABLE OF CONTENTS.—The table of contents in section 2 is amended—

(1) by striking the item relating to section 5203 and inserting the following:

"Sec. 5203. Grants to support high-quality charter schools.";

(2) by striking the item relating to section 5204 and inserting the following:

"Sec. 5204. Facilities Financing Assistance."; and

(3) by striking subpart 2 of part B of title V.

# Subtitle B—Fund for the Improvement of Education

**SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.**

(a) IN GENERAL.—Part D of title V (20 U.S.C. 7241 et seq.) is amended to read as follows:

"PART D—A WELL-ROUNDED EDUCATION

"SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

**"SEC. 5401. PURPOSE.**

"The purpose of this subpart is to improve student academic achievement in STEM subjects by—

"(1) improving instruction in such subjects from preschool through grade 12;

"(2) improving student engagement in, and increasing student access to, courses in such subjects;

"(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting effective teachers and providing robust tools and supports for students and teachers in such subjects;

"(4) implementing and integrating college and career ready standards, described in section 1111(b)(2), in STEM subjects and assessments aligned with those standards;

"(5) closing student achievement gaps, and preparing more students for postsecondary education and careers, in such subjects; and

"(6) Recognizing that STEM subjects are diverse and that STEM education programs must expose students to content and skills in a host of constantly changing and evolving content areas.

**"SEC. 5402. GRANTS; ALLOTMENTS.**

"(a) RESERVATIONS.—

"(1) IN GENERAL.—From the amounts appropriated under section 5410 for a fiscal year, the Secretary shall reserve—

"(A) $35,000,000 for a STEM Master Teachers Corps program under section 5405;

"(B) 3 percent to carry out activities described in section 5405 and technical assistance to States, including technical assistance with implementation of programs consistent with the purpose of this part; and

"(C) if funds are not awarded by formula, as described in subsection (c)(1), 5 percent for State capacity-building grants in accordance with paragraph (2).

"(2) CAPACITY-BUILDING GRANTS.—

"(A) IN GENERAL.—In any year for which funding is distributed competitively, as described in subsection (b)(1), the Secretary may award 1 capacity-building grant to each

eligible entity that does not receive a grant under subsection (b), on a competitive basis, to enable such States to become more competitive in future years.

"(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

"(b) COMPETITIVE GRANTS.—

"(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this Act is less than $250,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this Act.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

"(3) RENEWAL.—

"(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics reported in section 5406(a)(5), the Secretary may renew a grant for an additional 2-year period.

"(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

"(c) FORMULA GRANTS.—

"(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this Act is equal to or more than $250,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

"(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

"(A) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

"(4) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply for or receive an allotment under this subsection for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

**"SEC. 5403. APPLICATIONS.**

"(a) IN GENERAL.—Each eligible entity desiring a grant under this Act, whether through a competitive grant under section 5402(b) or through an allotment under section 5402(c), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

"(1) A description of how grant funds will be used by the eligible entity.

"(2) A description of how the eligible entity has involved a variety of stakeholders in the development of the application and a description of how the State or eligible entity will continue to involve stakeholders in any education reform efforts related to STEM subject instruction.

"(3) A description of the steps the eligible entity will take to ensure that programs implemented by the subgrantees use evidence-based strategies, ensure high-quality curricula, and provide high-quality professional development.

"(4) An assurance that the eligible entity, in making awards under section 5404(c), will give priority to subgrantees that—

"(A) propose to serve students in schools in need of improvement and persistently low achieving schools; or

"(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(5) A description of how the eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

"(6) A review of the industry and business workforce needs in the State in jobs that require knowledge or training in STEM subject areas and a description of how that review will inform efforts to improve education in STEM subjects.

"(7) A description of how the eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools.

"(8) A description of the technical assistance that the eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees, including—

"(A) activities to employ multi-tiered systems of support to provide early intervening services and to increase student achievement in STEM subjects;

"(B) activities to ensure increased access for students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) to high-quality courses and other learning experiences;

"(C) implementing evidence-based programs of instruction based on college and career ready standards and high-quality assessments in the identified subjects; and

"(D) developing curricula consistent with the principles of universal design for learning as defined in section 103 of the Higher Education Act of 1965.

"(9) A description of the key data metrics that will be used and reported annually under section 5406(a)(5), that shall include—

"(A) student academic achievement on mathematics and science State academic assessments and student growth; and

"(B) for diploma granting schools, graduation rates.

"(10) Assurances that the eligible entity will monitor implementation of approved subgrantee plans.

**"SEC. 5404. AUTHORIZED ACTIVITIES.**

"(a) REQUIRED ACTIVITIES.—Each eligible entity that receives a grant under this Act shall use not more than 5 percent of the grant funds to carry out each of the following activities:

"(1) Providing technical assistance to subgrantees as described in section 5403(b)(7) and technical assistance to subgrantees that are prioritized in section 5404(d), including subgrantees that serve low-capacity rural and urban areas by—

"(A) informing those subgrantees that they have a priority for competing for grants under section 5404(b); and

"(B) providing subgrantees who do not receive a grant under section 5404(c) technical assistance so that they may re-compete in following competitions.

"(2) Identifying and supporting high-quality professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects, aligned to college and career ready standards where applicable.

"(3) Disseminating information, including making publicly available on the websites of the State educational agency, on promising practices to improve student achievement in STEM subject areas.

"(b) PERMISSIBLE ACTIVITIES.—Each eligible entity that receives a grant under this Act may use the grant funds to carry out 1 or more of the following activities:

"(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in a STEM field.

"(2) Providing induction and mentoring services to new teachers in identified subjects.

"(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State academic standards and may include online education.

"(4) Training personnel of subgrantees to use data systems to continuously improve student achievement in STEM subjects and use the data to better target curriculum and instruction to meet the needs of each student.

"(c) SUBGRANTS.—

"(1) IN GENERAL.—Each eligible entity that receives a grant under this Act shall award subgrants, on a competitive basis, to eligible subgrantees.

"(2) MINIMUM SUBGRANT.—An eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this Act.

"(3) SUBGRANTEE APPLICATION.—Each subgrantee desiring a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require, including, at a minimum:

"(A) A description of the needs identified by the subgrantee, based on a needs assessment which shall include—

"(i) data for elementary school and secondary school grades, as applicable and to the extent that such data are available, on—

"(I) student achievement in science and mathematics, including such data collected in accordance with the State academic assessments;

"(II) science and mathematics teacher evaluation results or ratings;

"(III) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State;

"(IV) access to science and mathematics courses for student prekindergarten through grade 12 attending schools prioritized under section 5404(d);

"(V) the percentage of students successfully—

"(aa) completing Advanced Placement (AP) or International Baccalaureate (IB) courses in science and mathematics subjects; or

"(bb) completing rigorous postsecondary education courses in science and mathematics subjects;

"(VI) rates of college remediation in mathematics; and

"(VII) teacher shortages and teacher distribution among the local educational agencies and schools served by the subgrantee in science and mathematics subjects; and

"(ii) an analysis of the implementation of any multi-tiered systems of support that have been employed by the local educational agency served by the subgrantee to address the learning needs of students in any STEM subjects.

"(B) A description of the activities that the subgrantee will carry out based on the findings of the needs assessment described in subparagraph (A), and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with evidence-based research.

"(C) A description of how the subgrantee will use funds provided under this subsection to serve students and teachers in schools prioritized under section 5404(d).

"(D) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D.

Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

"(E) If the subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

"(4) SUBGRANTEE USE OF FUNDS.—

"(A) REQUIRED USE OF FUNDS.—Each subgrantee that receives a subgrant under this subsection shall use the subgrant funds to carry out activities for students from preschool through grade 12, consistent with the analysis and the activities described in the subgrantee's application, which shall include—

"(i) high-quality teacher and instructional leader recruitment, support, evaluation, and professional development in the identified subjects;

"(ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects, through—

"(I) implementation of classroom assessments; and

"(II) differentiation of instruction in identified subjects for all students, including for students with disabilities and students who are English learners;

"(iii) activities to—

"(I) improve the content knowledge of teachers; and

"(II) facilitate professional collaboration, which may include providing time for such collaborations;

"(iv) training to principals and teachers in implementing STEM subject initiatives, particularly in the areas of—

"(I) utilizing data;

"(II) assessing the quality of STEM subject instruction; and

"(III) providing time and support for teachers to plan STEM subject instruction;

"(v) the development, adoption, and improvement of high-quality curricula, assessments, materials, and instructional supports that—

"(I) are aligned with State academic standards; and

"(II) the subgrantee will use to improve student academic achievement in identified subjects; and

"(vi) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects.

"(B) PERMISSIBLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

"(i) support the participation of low-income students in nonprofit competitions and out-of-school activities related to STEM (such as robotics, science research, invention, mathematics, and technology competitions), including—

"(I) the purchase of parts and supplies needed to participate in such competitions;

"(II) incentives and stipends for teachers and instructional leaders who are involved in assisting students and preparing students for such competitions, if such activities fall outside the regular duties and responsibilities of such teachers and instructional leaders; and

"(III) paying expenses associated with the participation of low-income students in such local, regional, or national competitions;

"(ii) improve the laboratories of schools served by the subgrantee and provide instrumentation as part of a comprehensive program to enhance the quality of STEM instruction, including—

"(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(II) maintenance, renovation, and improvement of laboratory facilities;

"(III) professional development and training for teachers;

"(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with college and career ready content standards in STEM subjects;

"(V) training in laboratory safety for school personnel;

"(VI) design and implementation of hands-on laboratory experiences to encourage the interest of students, especially students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) in STEM subjects and help prepare such students to pursue postsecondary studies in these fields; and

"(VII) assessment of the activities funded under this subparagraph;

"(iii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects;

"(iv) integrate instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects;

"(v) develop and implement a STEAM curriculum, which means the integration of instruction in the iden-

tified subjects with instruction in the arts and design; or

"(vi) establish or access online or distance learning programs for STEM subject teachers using evidence-based curricula.

"(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).

"(D) MATCHING FUNDS.—

"(i) IN GENERAL.—A State or eligible entity may require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds, a portion of the amount of subgrant funds, in an amount determined by the State or eligible entity.

"(ii) REQUIRED MINIMUM.—Notwithstanding clause (i), if an eligible subgrantee partners with an outside partner that is a for-profit entity, such subgrantee shall obtain matching funds from the outside partner in an amount equal to not less than 15 percent of the amount of the subgrant.

"(d) PRIORITY.—In awarding grants under this part, an eligible entity shall give priority to subgrantees proposing to target services to—

"(1) students in schools in need of improvement and persistently low-achieving schools; or

"(2) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

**"SEC. 5405. NATIONAL COORDINATION.**

"From the amount reserved under section 5402(a)(1)(B), the Secretary shall consult with the Director of the National Science Foundation and other Federal agencies conducting STEM education programs to enhance such programs and to improve coordination across agencies, such as—

"(1) clarifying the appropriate roles for the Department of Education and the National Science Foundation in the execution of summer workshops, institutes, or partnerships to improve STEM education in elementary and secondary schools; or

"(2) integrating afterschool, out-of-school, and informal education efforts conducted across Federal agencies into strategies for enhancing and improving STEM education.

**"SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.**

"(a) GRANTS AUTHORIZED.—From the funds reserved under section 5402(a)(1)(A), the Secretary shall award 1 or more grants, on a competitive basis, to entities described in subsection (b)(1) to enable such entities to establish and operate a one-time STEM master teacher corps program.

"(b) STEM MASTER TEACHER CORPS.—The term 'STEM master teacher corps' (referred to in this section as the 'corps') means a one-time program—

"(1) that establishes the viability of creating a long-term national-level master teacher corps as a means to recognize and reward accomplished STEM educators;

"(2) operated by 1 or more State educational agencies, or a consortium of local educational agencies, acting in partnership with 1 or more outside partners that have a demonstrated record of success in improving the effectiveness of STEM teachers or increasing the retention of such teachers;

"(3) that selects a group of highly rated teachers (through a process, and for a duration, determined by the entity described in paragraph (1)), as members of the corps, that constitutes not less than 5 percent and not more than 10 percent of elementary school, middle school, and high school teachers who teach STEM subjects and who—

"(A) teach in a participating high-need school in the region served by the entity described in paragraph (1); or

"(B) agree to teach in a participating high-need school in the region served by the entity described in paragraph (1) if accepted as a member of the corps; and

"(4) that aims to attract, improve, and retain teachers who teach STEM subjects and to increase student achievement in such subjects, including by—

"(A) providing instructional leadership responsibilities for corps members in their schools, local educational agencies, or States, such as mentoring beginning STEM teachers and leading professional development activities for teachers not participating in the corps;

"(B) providing corps members with research-based professional development on instructional leadership and effective teaching methods for STEM subjects, including coordinating with out-of-school-time and afterschool programs to provide engaging STEM programs;

"(C) providing each teacher who is a corps member with a salary supplement of not less than $10,000 per year, in recognition of such teacher's teaching accomplishments, leadership, and increased responsibilities, for each year such teacher serves as a member of the corps; and

"(D) building a community of practice among corps members to enable such members to network, collaborate, and to share best practices and resources with each other.

"(c) DURATION.—Grants awarded under this section shall be for a period of not more than 3 years, after which the program under this subsection shall end.

"(d) APPLICATION.—Each entity described in subsection (b)(1) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(e) MATCHING FUNDS.—The Secretary may require a grantee under this section to provide non-Federal matching funds in an amount equal to the amount of grant funds awarded under this section.

**"SEC. 5407. REPORTING REQUIREMENTS.**

"(a) ELIGIBLE ENTITY REPORTS.—Each State educational agency receiving an award under section 5403 shall report annually to the Secretary regarding the State educational agency's progress in ad-

dressing the purposes of this Act. Such report shall include, at a minimum, a description of—

"(1) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff;

"(2) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award;

"(3) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

"(4) student performance on data metrics identified under section 5403(b)(8) used for STEM initiatives; and

"(5) the outcomes of programs and activities provided under the award.

"(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligible entity receiving a subgrant under section 5404(c) shall report annually to the State educational agency regarding the eligible entity's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

"(1) how the subgrant funds were used; and

"(2) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5403(b)(8).

**"SEC. 5408. SUPPLEMENT NOT SUPPLANT.**

"Funds received under this Act shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this Act.

**"SEC. 5409. MAINTENANCE OF EFFORT.**

"A State that receives funds under this Act for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this Act at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

**"SEC. 5410. DEFINITIONS.**

"In this Act:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency in partnership with—

"(A) another State educational agency;

"(B) a consortium of State educational agencies; or

"(C) the State agencies that oversee childcare programs, state-funded prekindergarten, and part C of Individuals with Disabilities Education Act.

"(2) ELIGIBLE SUBGRANTEE.—The term 'eligible subgrantee' means—

"(A) a local educational agency;

"(B) 1 or more local educational agencies providing early learning programs, or 1 or more public or private early learning programs, serving children from preschool through kindergarten entry, such as a Head Start agency, a child care program, or a State-funded pre-kindergarten program, as appropriate;

"(C) an educational service agency serving more than 1 local educational agency;

"(D) a consortium of local educational agencies; or

"(E) any of the entities described in subparagraphs (A) through (D) working in partnership with an outside partner.

"(3) MULTI-TIERED SYSTEM OF SUPPORT.—For purposes of this Act, the term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

"(4) OUTSIDE PARTNER.—The term 'outside partner' means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the STEM subjects, including any of the following:

"(A) A nonprofit or community-based organization, such as an Indian tribe.

"(B) A business.

"(C) A nonprofit cultural organization, such as a museum or learning center.

"(D) An institution of higher education.

"(E) An educational service agency.

"(F) Another appropriate entity.

"(5) STEM SUBJECTS.—The term 'STEM Subjects' means the subjects of science, technology, engineering, and mathematics, including other academic subjects that build on or are integrated with these subjects, such as statistics, computer science, and environmental literacy, the arts and design, or other subjects a State identifies as important to the workforce of the State.

**"SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.

"SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE LITERACY EDUCATION

**"SEC. 5421. PURPOSES.**

"The purposes of this part are—

"(1) to improve student literacy and academic achievement, including the ability to problem solve, communicate effectively, and acquire new knowledge and skills;

"(2) to assist State educational agencies and local educational agencies in the development, coordination, and implementation of comprehensive literacy plans that promote high-quality evidence based instruction in alignment with State early learning and college- and career-ready standards from preschool through grade 12;

"(3) to identify and support students reading and writing significantly below grade level by providing evidence-based, intensive interventions to help the students acquire the language and literacy skills the students need to stay on track for graduation;

"(4) to support State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children and students, especially children and students who are low-income, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

"(5) to provide assistance to local educational agencies in order to provide educators with ongoing, job-embedded professional development and other support focusing on imparting and employing—

"(A) the characteristics of effective language and literacy instruction;

"(B) the special knowledge and skills necessary to teach and support literacy development effectively across the developmental span and age span;

"(C) the essential components of reading instruction; and

"(D) the essential components of writing instruction;

"(6) to evaluate whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

"(7) to support State educational agencies and local educational agencies in using age appropriate and developmentally appropriate instructional materials and strategies that assist teachers as the teachers work with students to develop reading and writing competencies appropriate to the students' grade and skill levels;

"(8) to support efforts to link and align college and career-ready standards and evidence-based teaching practices and instruction in early childhood education programs serving children from preschool through kindergarten entry;

"(9) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children and youth with strategies, curricula, interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context; and

"(10) to engage the participation of parents in supporting their child's communication and literacy development.

**"SEC. 5422. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized—

"(1) to award State planning grants in accordance with section 5423; and

"(2) to award State implementation grants in accordance with section 5424 to enable the State educational agency to—

"(A) carry out the State activities described in section 5425;

"(B) award subgrants to eligible entities in accordance with section 5426; and

"(C) award subgrants to eligible entities in accordance with section 5427.

"(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

"(1) AMOUNTS LESS THAN $250,000,000.—If the amount appropriated under section 5430 for a fiscal year is less than $250,000,000, then the Secretary shall—

"(A) reserve not more than 5 percent to award planning grants, on a competitive basis, to State educational agencies, in accordance with section 5423; and

"(B) use the amount not reserved under subparagraphs (A) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved under section 5424(b) to enable the State educational agencies to carry out sections 5424 and 5425.

"(2) AMOUNTS EQUAL TO OR EXCEEDING $250,000,000.—

"(A) IN GENERAL.—If the amount appropriated under section 5430 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall—

"(i) reserve a total of 1 percent of such amount for—

"(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this Act; and

"(II) the Secretary of the Interior for programs under sections 5423, 5424, 5425, 5426, and 5427 in schools operated or funded by the Bureau of Indian Education;

"(ii) reserve not more than 5 percent to award planning grants, to State educational agencies serving States, in accordance with section 5423;

"(iii) reserve not more than 3 percent for national activities, such as evaluations, training, and technical assistance, to the Department of Education to support comprehensive literacy reform at the State level; and

"(iv) use the amount not reserved under clauses (i), and (ii) to make awards, from allotments under subparagraph (C), to State educational agencies serving States that have applications approved under section 5424 and that are not receiving an allotment under clause (i)(I), to enable the State educational agencies to carry out sections 5424 and 5425.

"(B) SPECIAL RULES.—

"(i) PROPORTIONAL DIVISION.—In each fiscal year, the amount reserved under subparagraph (A)(i) shall be divided between the uses described in subclauses (I) and (II) of subparagraph (A)(i) in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) for such fiscal year.

"(ii) CONSULTATION.—A State educational agency that receives an allotment under this paragraph shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in

order to improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this Act consistent with the cultural, language, and educational needs of Indian students.

"(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under subparagraph (A)(iv) for a fiscal year among the States not receiving an allotment from the reservation under subparagraph (A)(i)(I) in proportion to the number of children, from preschool through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

"(3) MINIMUM AWARD AMOUNT.—Notwithstanding paragraphs (1) and (2), no State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated under section 5430 for the fiscal year, except as provided under paragraph (2)(A)(i).

"(c) PEER REVIEW.—The Secretary shall convene a peer review panel to evaluate the application for each grant awarded to a State educational agency under sections 5423 and 5424 and shall make a copy of the peer review comments available to the public.

"(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this Act shall supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such award funds, be made available for literacy instruction and support of children and students participating in programs assisted under this Act.

"(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives an award under sections 5423 and 5424, and each eligible entity that receives a subgrant under section 5426 or 5427, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

**"SEC. 5423. STATE PLANNING GRANTS.**

"(a) PLANNING GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From any amounts made available under paragraph (1)(A) or (2)(A)(ii) of section 5422(b), the Secretary may award planning grants to State educational agencies to enable the State educational agencies to develop or improve a comprehensive planning to carry out activities that improve literacy for children and students from preschool through grade 12.

"(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.

"(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

"(4) LIMITATION.—A State educational agency may not receive a planning grant under this section at the same time it is receiving an implementation grant under section 5424.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each State educational agency desiring a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) EXISTING PLAN.—An existing federally funded State literacy plan can be used to meet the requirements of this subsection.

"(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

"(1) Reviewing reading, writing, or other literacy resources and programs, such as school library programs, high-quality distance learning programs, and data across the State to identify any literacy needs and gaps in the State.

"(2) Forming or designating a State literacy leadership team which shall execute the following functions:

"(A) Creating a comprehensive State literacy plan that—

"(i) is designed to improve language, reading, writing, and academic achievement for children and students, especially those reading below grade level;

"(ii) includes a needs assessment and an implementation plan, including an analysis of child and student literacy data to identify baseline and benchmark levels of literacy and early literacy skills in order to monitor progress and improvement, and a plan to improve literacy levels among all children and students;

"(iii) ensures high quality strategies and instruction in early literacy development (which includes communication, reading, and writing) in early childhood education programs serving children from preschool through kindergarten entry and in kindergarten through grade 12 programs;

"(iv) provides for activities designed to improve literacy achievement for students who—

"(I) read or write below grade level;

"(II) attend schools in need of improvement and persistently low-achieving schools; and

"(III) attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

"(v) is submitted to the Secretary.

"(B) Providing recommendations to guide the State educational agency in the State educational agency's process of strengthening State literacy standards and embedding State literacy standards with the State's college and career ready standards, academic achievement standards, and early learning standards.

"(C) Providing recommendations to guide the State educational agency in the State educational agency's process

of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

"(D) Identifying criteria for high quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

"(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

"(F) Providing recommendations to guide the State educational agency in the State educational agency's planning process of building educators' capacity to provide high-quality literacy instruction.

"(3) REPORTING REQUIREMENT.—Not later than 1 year after a State educational agency receives a planning grant under this section, the State educational agency shall submit a report to the Secretary on the State educational agency's performance of the activities described in this subsection.

**"SEC. 5424. STATE IMPLEMENTATION GRANTS.**

"(a) IMPLEMENTATION GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From awards made available under paragraph (1)(B) or (2)(A)(iv) of section 5422(b), the Secretary shall, on a competitive basis or through allotments, respectively, award implementation grants to State educational agencies to enable the State educational agencies—

"(A) to implement a comprehensive literacy plan that meets the criteria in section 5423(c)(2)(A) for programs serving children from preschool through kindergarten entry through grade 12 programs;

"(B) to carry out State activities under section 5425; and

"(C) to award subgrants under sections 5426 and 5427.

"(2) LIMITATION.—The Secretary shall not award a implementation grant under this section to a State for any year for which the State has received a planning grant under section 5423.

"(3) DURATION OF GRANTS.—An implementation grant under this section shall be awarded for a period of not more than 5 years.

"(4) RENEWALS.—

"(A) IN GENERAL.—Implementation grants under this section may be renewed.

"(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that—

"(i) the State educational agency has complied with the terms of the grant, including using the funds to—

"(I) increase access to high-quality professional development;

"(II) use developmentally appropriate curricula and teaching materials; and

"(III) use developmentally appropriate classroom-based instructional assessments and devel-

opmentally appropriate screening and diagnostic assessments; and

"(ii) with respect to students in kindergarten through grade 12, during the period of the grant there has been significant progress in student achievement, as measured by the metrics described in section 5424(b)(2)(C).

"(b) STATE APPLICATIONS.—

"(1) IN GENERAL.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The State educational agency shall collaborate with all State agencies responsible for administering early childhood education programs, and the State agency responsible for administering child care programs, in the State in writing and implementing the early learning portion of the grant application under this subsection.

"(2) CONTENTS.—An application described in paragraph (1) shall include the following:

"(A) A description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan, as described in section 5423(c)(2)(A).

"(B) An implementation plan that includes a description of how the State educational agency will—

"(i) carry out the State activities described in section 5425;

"(ii) assist eligible entities with—

"(I) providing strategic and intensive literacy instruction based on scientifically valid research for students who are reading and writing below grade level, including through the use of multi-tiered systems of support, including addressing the literacy needs of children and youth with disabilities or developmental delays and English learners in early childhood education programs serving children from preschool through kindergarten entry and programs serving students from preschool through grade 12;

"(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 5426 and 5427 to assist in the language and literacy development of their children;

"(III) selecting and using reading and writing assessments;

"(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

"(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

"(VI) providing for high-quality professional development; and

"(VII) using the principles of universal design for learning, as described in section 5429(b)(21);

"(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective literacy instruction, and have the capacity to implement literacy initiatives effectively;

"(iv) continually coordinate and align the activities assisted under this section and sections 5426 and 5427 with reading, writing, and other literacy resources and programs across the State and locally that serve children and students and their families and promote literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children and youth; and

"(v) ensure that funds provided under this section are awarded in a manner that will provide services to all grade levels, including proportionally to middle schools and high schools.

"(C) A description of the key data metrics that will be used and reported annually under section 5428(b)(1)(E), that shall include—

"(i) student academic achievement on the English language arts State academic assessments and student growth over time;

"(ii) for diploma granting schools, graduation rates;

"(D) An assurance that the State educational agency will use implementation grant funds under this section for literacy programs as follows:

"(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to learners from preschool through kindergarten entry.

"(ii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities allocated equitably among the grades of kindergarten through grade 5.

"(iii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

"(iv) Not more than 10 percent of such implementation grant funds shall be used for the State activities described in section 5425.

"(E) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

"(i) under section 5426 based on the number or percentage of children younger than the age of kindergarten entry and the number of students from kindergarten through 17 who are—

"(I) served by the eligible entity; and

"(II) from families with income below the poverty line, based on the most recent satisfactory

data provided to the Secretary by the Bureau of the Census for determining eligibility under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)); and

"(ii) under section 5427, that proposes to serve—

"(I) a high number or percentage of students served by the eligible entity that are reading and writing below grade level according to State assessments;

"(II) students that attend schools in need of improvement and persistently low-achieving schools; and

"(III) students that attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—The Secretary, in consultation with the peer review panel established under paragraph (2), shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

"(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 5422(c) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

"(3) EARLY LEARNING.—In order for a State educational agency's application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), approves of, and will be extensively consulted in the implementation of related activities and services consistent with section 5426 with respect to, the early learning portion of the application.

**"SEC. 5425. STATE ACTIVITIES.**

"(a) REQUIRED ACTIVITIES.—A State educational agency shall use funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out the activities proposed in a State's plan consistent with section 5424(b)(2), including the following activities:

"(1) Carrying out the assurances and activities provided in the State application under section 5424(b)(2).

"(2) In consultation with the State literacy leadership team, providing technical assistance or engaging qualified providers to provide technical assistance to eligible entities to enable the eligible entities to design and implement a literacy program under sections 5426 and 5427.

"(3) Providing technical assistance to eligible entities that are prioritized in section 5424(b)(2)(E), including eligible entities that serve low-capacity rural and urban areas by—

"(A) informing those eligible entities that they have a priority for competing for grants under section 5426 and 5427; and

"(B) providing eligible entities who do not receive a grant under section 5426 and 5427 technical assistance so that they may re-compete in following competitions.

"(4) Continuing to consult with the State literacy leadership team and continuing to coordinate with institutions of higher education in the State—

"(A) in order to provide recommendations to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach children from preschool through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods; and

"(B) by following up reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

"(5) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure and certification standards in the area of literacy instruction in early childhood education through grade 12.

"(6) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve student literacy achievement.

"(b) PERMISSIVE ACTIVITIES.—After carrying out activities described in subsection (a), a State educational agency may use remaining funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out 1 or more of the following activities:

"(1) Training the personnel of eligible entities to use data systems that track student literacy achievement.

"(2) Developing literacy coach training programs and training literacy coaches.

"(3) Building public support among local educational agency personnel, early childhood education programs, and the community for comprehensive literacy instruction for children and students from preschool through grade 12.

**"SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF PRESCHOOL THROUGH KINDERGARTEN ENTRY LITERACY.**

"(a) SUBGRANTS.—

"(1) IN GENERAL.—A State educational agency, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall use implementation grant funds

provided under section 5422(a)(2)(B) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from preschool through kindergarten entry.

"(2) DURATION.—The term of subgrant under this section shall be for 5 years.

"(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from preschool through kindergarten entry.

"(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

"(1) how the subgrant funds will be used to enhance the language and literacy aspects of school readiness of children, from preschool through kindergarten entry, in early childhood education programs, including an analysis of the data used to identify how funds will be used to improve language and literacy;

"(2) the programs assisted under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;

"(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

"(4) how, if the eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this Act;

"(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

"(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

"(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays, and that are based on scientifically valid research on child development and learning for children from preschool through kindergarten entry;

"(8) how the subgrant funds will be used to provide screening assessments, diagnostic assessments, classroom-based instructional assessments, and assessments of developmental progress;

"(9) how families and caregivers will be involved, as appropriate, in supporting their children's literacy development, instruction, and assessment;

"(10) how the subgrant funds will be used to help children, particularly children experiencing difficulty with oral and writ-

ten language, to make the transition from early childhood education to formal classroom instruction;

"(11) how the activities assisted under the subgrant will be coordinated with literacy instruction at the kindergarten through grade 5 level;

"(12) how the subgrant funds will be used—

"(A) to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from preschool through kindergarten entry; and

"(B) to evaluate data for program improvement; and

"(13) such other information as the State educational agency may require.

"(d) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency, in consultation with the State agencies responsible for administering early childhood education programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall—

"(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such activities, as appropriate, and the recommendations of—

"(A) the State literacy leadership team; and

"(B) other experts in the area of early literacy; and

"(2) place priority for funding programs based on the criteria in section 5424(b)(2)(E)(i).

"(e) LOCAL USES OF FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use the subgrant funds consistent with the application proposed in subsection (c) to carry out the following activities:

"(A) Enhancing and improving early childhood education programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills.

"(B) Providing high-quality professional development.

"(C) Acquiring, providing training for, and implementing screening assessments, diagnostic assessments, and classroom-based instructional assessments.

"(D) Selecting, developing, and implementing a multi-tiered system of support.

"(E) Integrating evidence-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills.

"(F) Training providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

"(i) utilize data—

"(I) to inform instructional design; and

"(II) to assess literacy needs; and

"(ii) provide time and support for personnel to meet to plan literacy instruction.

"(G) Providing for family literacy services, as appropriate, and partnering with families to support their child's learning.

"(H) Annually collecting, summarizing, and reporting to the State educational agency data—

"(i) to document and monitor, for the purpose of improving or increasing early literacy and language skills development pursuant to activities carried out under this section;

"(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

"(iii) for all subgroups of students and categories of students that—

"(I) utilizes a variety of data; and

"(II) is consistent across the State.

"(2) LIMITATION.—An eligible entity that receives a subgrant under this section shall not use more than 10 percent of the subgrant funds to purchase curricula and assessment materials.

"(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early childhood educators, teachers, program directors, or principals is prohibited.

**"SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.**

"(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

"(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving an award under section 5422(b) or an eligible entity receiving a subgrant under section 5426 or 5427 is not making significant progress in meeting the purposes of this Act and the key metrics identified by the State educational agency under section 5424(b)(2)(C) after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this Act in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency or eligible entity, respectively.

"(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

"(A) IN GENERAL.—A State educational agency receiving an award under section 5422(b) may refuse to award subgrant funds to an eligible entity under section 5426 or 5427 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this Act, after—

"(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

"(ii) providing technical assistance to the eligible entity.

"(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children and students in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

"(b) REPORTING REQUIREMENTS.—

"(1) STATE EDUCATIONAL AGENCY REPORTS.—Each State educational agency receiving an award under section 5422(b) shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

"(A) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff, such as school librarians;

"(B) the instruction, strategies, activities, curricula, materials, and assessments used in the programs funded under the award;

"(C)(i) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award; and

"(ii) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

"(D) the experience and qualifications of the program staff who provide literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delays and with English learners and children from preschool to kindergarten entry;

"(E) key data metrics identified under section 5424(b)(2)(C) used for literacy initiatives;

"(F) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C); and

"(G) the outcomes of programs and activities provided under the award.

"(2) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 5426 or 5427 shall report annually to the State educational agency regarding the eligible entity's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

"(A) how the subgrant funds were used; and

"(B) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C).

"(c) CONFLICTS OF INTEREST.—The Secretary shall ensure that each member of the peer review panel described in section 5422(c) and each member of a State literacy leadership team participating in a program or activity assisted under this Act does not stand to benefit financially from a grant or subgrant awarded under this Act.

**"SEC. 5428. DEFINITIONS.**

"(a) IN GENERAL.—Unless otherwise specified, the terms used in this Act have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(b) OTHER TERMS.—In this Act:

"(1) CHARACTERISTICS OF EFFECTIVE LITERACY STRATEGIES AND INSTRUCTION.—The term 'characteristics of effective literacy strategies and instruction' means—

"(A) for children from preschool through kindergarten entry—

"(i) providing high quality professional development opportunities for early childhood educators, teachers, and school leaders in—

"(I) literacy development;

"(II) language development;

"(III) English language acquisition (as appropriate); and

"(IV) effective language and literacy instruction and teaching strategies aligned to State standards;

"(ii) reading aloud to children, engaging children in shared reading experiences, discussing reading with children, and modeling age and developmentally appropriate reading strategies;

"(iii) encouraging children's early attempts at communication, reading, writing, and drawing, and talking about the meaning of the reading, writing, and drawing with others;

"(iv) creating conversation rich classrooms and using oral modeling techniques to build oral language skills;

"(v) multiplying opportunities for children to use language with peers and adults;

"(vi) providing strategic and explicit instruction in the identification of speech sounds, letters, and letter-sound correspondence;

"(vii) integrating oral and written language;

"(viii) stimulating vocabulary development;

"(ix) using differentiated instructional approaches or teaching strategies, including—

"(I) individual and small group instruction or interactions; and

"(II) professional development, curriculum development, and classroom instruction;

"(x) applying the principles of universal design for learning, as described in section 5429(b)(21);

"(xi) using age-appropriate screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify individual learning needs, to inform instruction, and to monitor—

"(I) student progress and the effects of instruction over time; and

"(II) for children between the ages of preschool and kindergarten entry, progress and development within established norms;

"(xii) coordinating the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in the reading and writing achievement of children served under this Act;

"(xiii) using a variety of age and developmentally appropriate, high quality materials for language development, reading, and writing;

"(xiv) encouraging family literacy experiences and practices, and educating teachers, public librarians, and parents and other caregivers about literacy development and child literacy development; and

"(xv) using strategies to enhance children's—

"(I) motivation to communicate, read, and write; and

"(II) engagement in self-directed learning;

"(B) for students in kindergarten through grade 3—

"(i) providing high quality professional development opportunities, for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, on literacy development, language development, English language acquisition, and effective literacy instruction that—

"(I) aligns to State standards as well as local curricula and instructional assessments; and

"(II) addresses literacy development opportunities across the curricula;

"(ii) providing age appropriate direct and explicit instruction;

"(iii) providing strategic, systematic, and explicit instruction in phonological awareness, phonic decoding, vocabulary, reading fluency, and reading comprehension;

"(iv) making available and using diverse texts at the reading, development, and interest level of students;

"(v) providing multiple opportunities for students to write individually and collaboratively with instruction and feedback;

"(vi) using differentiated instructional approaches, including individual, small group, and classroom-based instruction and discussion;

"(vii) using oral modeling techniques and opportunities for students to use language with the students' peers and adults to build student language skills;

"(viii) providing time and opportunities for systematic and intensive instruction, intervention, and practice to supplement regular instruction, which can be provided inside and outside the classroom as well as during and outside regular school hours;

"(ix) providing instruction in uses of print materials and technological resources for research and for generating and presenting content and ideas;

"(x) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify student learning needs, to inform in-

struction, and to monitor student progress and the effects of instruction over time;

"(xi) coordinating the involvement of families, caregivers, teachers, principals, other school leaders, and teacher literacy teams in the reading and writing achievement of children served under this Act;

"(xii) encouraging family literacy experiences and practices; and

"(xiii) using strategies to enhance students'—

"(I) motivation to read and write; and

"(II) engagement in self-directed learning; and

"(C) for students in grades 4 through 12—

"(i) providing high quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, including professional development on literacy development, language development, and effective literacy instruction embedded in schools and aligned to State standards;

"(ii) providing direct and explicit comprehension instruction;

"(iii) providing direct and explicit instruction that builds academic vocabulary and strategies and knowledge of text structure for reading different kinds of texts within and across core academic subjects;

"(iv) making available and using diverse texts at the reading, development, and interest level of the students;

"(v) providing multiple opportunities for students to write with clear purposes and critical reasoning appropriate to the topic and purpose and with specific instruction and feedback from teachers and peers;

"(vi) using differentiated instructional approaches;

"(vii) using strategies to enhance students'—

"(I) motivation to read and write; and

"(II) engagement in self-directed learning;

"(viii) providing for text-based learning across content areas;

"(ix) providing systematic, strategic, and individual and small group instruction, including intensive supplemental intervention for students reading significantly below grade level, which may be provided inside and outside the classroom as well as during and outside regular school hours;

"(x) providing instruction in the uses of technology and multimedia resources for classroom research and for generating and presenting content and ideas;

"(xi) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify learning needs, inform instruction, and monitor student progress and the effects of instruction;

"(xii) coordinating the involvement of families and caregivers, to the extent feasible and appropriate as

determined by the Secretary, to improve reading, writing, and academic achievement; and

"(xiii) coordinating the involvement of school librarians, teachers, principals, other school leaders, teacher literacy teams, and English as a second language specialists (as appropriate), that analyze student work and plan or deliver instruction over time.

"(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term 'classroom-based instructional assessment' means an assessment, for children between preschool through grade 3, that—

"(A) is valid and reliable for the age and population of children being assessed;

"(B) is used to evaluate children's developmental progress and learning, including systematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of their daily classroom experience; and

"(C) is used to improve classroom instruction.

"(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

"(A) involves the characteristics of effective literacy instruction; and

"(B) is designed to support the essential components of reading instruction and the essential components of writing instruction.

"(4) DEVELOPMENTAL DELAY.—The term 'developmental delay' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

"(5) DIAGNOSTIC ASSESSMENT.—The term 'diagnostic assessment' means an assessment that—

"(A) is valid, reliable, and based on scientifically valid research on language, literacy, and English language acquisition;

"(B) is used for the purposes of—

"(i) identifying a student's specific areas of strengths and weaknesses in oral language and literacy;

"(ii) determining any difficulties that the student may have in oral language and literacy and the potential cause of such difficulties; and

"(iii) helping to determine possible literacy intervention strategies and related special needs of the student; and

"(C) in the case of young children, is conducted after a screening assessment that identifies potential risks or a lack of school preparedness, including oral language and literacy development, or delayed development.

"(6) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) when used with respect to children from preschool through kindergarten entry—

"(i) 1 or more local educational agencies providing early childhood education programs, or 1 or more public or private early childhood education programs, serving children from preschool through kindergarten entry (such as a Head Start program, a child care pro-

gram, a State-funded prekindergarten program, a public library program, or a family literacy program), that has a demonstrated record of providing effective literacy instruction for the age group such agency or program proposes to serve under section 5426; or

"(ii) 1 or more entities described in clause (i) acting in partnership with 1 or more public agencies or private nonprofit organizations that have a demonstrated record of effectiveness—

"(I) in improving the early literacy development of children from preschool through kindergarten entry; and

"(II) in providing professional development aligned with the activities described in section 5426(e)(1); or

"(B) when used with respect to students in kindergarten through grade 12—

"(i) that is—

"(I) a local educational agency;

"(II) a consortium of local educational agencies; or

"(III) or a local educational agency or consortium of local educational agencies that may act in partnership with 1 or more public agencies or private nonprofit organizations, which agencies or organizations shall have a demonstrated record of effectiveness, consistent with the purposes of their participation, in improving literacy achievement of students from kindergarten through grade 12 and in providing professional development described in section 5427(a)(3)(B);

"(ii) that—

"(I) is among, or consists of, the local educational agencies in the State with the highest numbers or percentages of students reading or writing below grade level, based on the most currently available State academic assessment data;

"(II) has jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116; or

"(iii) has the highest numbers or percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act (20 U.S.C. 6333(c)), in comparison to other local educational agencies in the State.

"(7) ENGLISH LANGUAGE ACQUISITION.—

"(A) IN GENERAL.—The term 'English language acquisition' means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

"(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English language learner in school, such term includes not only the social language proficiency needed to participate in the school environment, but also the academic lan-

guage proficiency needed to acquire literacy and academic content and demonstrate the student's learning.

"(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas.

"(9) ESSENTIAL COMPONENTS OF WRITING INSTRUCTION.—The term 'essential components of writing instruction' means developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

"(10) FAMILY LITERACY SERVICES.—The term 'family literacy services' means literacy services provided on a voluntary basis that are of sufficient intensity in terms of hours and duration and that integrate all of the following activities:

"(A) Interactive literacy activities between or among parents and their children, including parent literacy training.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(11) FORMATIVE ASSESSMENT.—The term 'formative assessment' means a process that—

"(A) is teacher-generated or selected by teachers and students during instructional learning;

"(B) is embedded within the learning activity and linked directly to the current unit of instruction; and

"(C) provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes.

"(12) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term 'high-quality professional development' means professional development that—

"(A) is job-embedded, ongoing, and based on scientifically valid research;

"(B) is sustained, intensive, and classroom-focused;

"(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other school leaders, and other program staff in applying—

"(i) the characteristics of effective literacy instruction;

"(ii) the essential components of reading instruction;

"(iii) the essential components of writing instruction; and

"(iv) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve student learning, including strategies and practices consistent with the principles of universal design for learning, as described in section 5429(b)(21);

"(D) includes and supports teachers in effectively administering age appropriate and developmentally appropriate assessments, and analyzing the results of such assessments for the purposes of planning, monitoring, adapting, and improving effective classroom instruction or teaching strategies to improve student literacy;

"(E) for educators working with students in kindergarten through grade 12—

"(i) supports the characteristics of effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

"(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

"(F) includes instructional strategies utilizing one-to-one, small group, and classroom-based instructional materials and approaches based on scientifically valid research on literacy;

"(G) provides ongoing instructional literacy coaching—

"(i) to ensure high-quality implementation of effective practices of literacy instruction that are content-centered, integrated across the curricula, collaborative, and embedded in the school, classroom, or other setting; and

"(ii) that uses student data to improve instruction;

"(H) includes and supports teachers in setting high reading and writing achievement goals for all students and provides the teachers with the instructional tools and skills to help students reach such goals; and

"(I) is differentiated for educators working with children from preschool through kindergarten entry, students in kindergarten through grade 5, and students in grades 6 through 12, and, as appropriate, by student grade or student need.

"(13) LITERACY COACH.—The term 'literacy coach' means a professional—

"(A) who—

"(i) has previous teaching experience and—

"(I) a master's degree with a concentration in reading and writing education;

"(II) demonstrated proficiency in teaching reading or writing in a core academic subject consistent with the characteristics of effective literacy instruction; or

"(III) in the case of a literacy coach for children from preschool through kindergarten entry, a concentration, credential, or significant experience in child development and early literacy development; and

"(ii) is able to demonstrate the ability to help teachers—

"(I) apply research on how students become successful readers, writers, and communicators;

"(II) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

"(III) improve student writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

"(IV) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

"(V) apply principles of universal design for learning, as described in section 5429(b)(21);

"(VI) employ best practices in engaging principals, early childhood educators and administrators, teachers, and other professionals supporting literacy instruction to change school cultures to better encourage and support literacy development and achievement; and

"(VII)(aa) for children from preschool through kindergarten entry, set developmentally appropriate expectations for language; and

"(bb) for all children, set literacy development and high reading and writing achievement goals and select, acquire, and use instructional tools and skills to help the children reach such goals; and

"(B) whose role with teachers and professionals supporting literacy instruction is—

"(i) to provide high-quality professional development;

"(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support student language and literacy needs and teach literacy across content areas and developmental domains; and

"(iii) to work cooperatively and collaboratively with other professionals in employing strategies to help teachers teach literacy across content areas so that the teachers can meet the needs of all students, including children with disabilities, English learners, and students who are reading at or above grade level.

"(14) MULTI-TIERED SYSTEM OF SUPPORT.—The term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, evidence-based interventions matched to student needs and educational decisionmaking using student outcome data.

"(15) READING.—The term 'reading' means a complex system of deriving meaning from print that requires, in ways that are developmentally, content, and contextually appropriate, all of the following:

"(A) PHONEMES.—The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

"(B) ACCURACY, FLUENCY, AND UNDERSTANDING.—The ability to read accurately, fluently, and with understanding.

"(C) READING COMPREHENSION.—The use of background knowledge and vocabulary to make meaning from a text.

"(D) ACTIVE STRATEGIES.—The development and use of appropriate active strategies to interpret and construct meaning from print.

"(16) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

"(17) SCREENING ASSESSMENT.—The term 'screening assessment' means an assessment that—

"(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

"(B) is a procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of the children's need for special services or additional literacy instruction.

"(18) STATE.—The term 'State' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

"(19) STATE LITERACY LEADERSHIP TEAM.—

"(A) IN GENERAL.—The term 'State literacy leadership team' means a team that—

"(i) is appointed and coordinated by the State educational agency;

"(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

"(iii) is composed of not less than 11 individuals; and

"(iv) shall include—

"(I) not less than 3 individuals who have literacy expertise in one of each of the areas of—

"(aa) preschool through school entry, such as the State Head Start collaboration director;

"(bb) kindergarten entry through grade 5; and

"(cc) grades 6 through 12;

"(II) a school principal;

"(III) teachers and administrators with expertise in literacy and special education;

"(IV) teachers and administrators with expertise in teaching the English language to English learners;

"(V) a representative from the State educational agency who oversees literacy initiatives; and

"(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in literacy instruction and intervention based on scientifically valid research.

"(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Student Success Act, a State educational agency established a consortium, part-

nership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq., 6371 et seq.) and that includes the individuals required under subparagraph (A)(iv), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

"(20) SUMMATIVE ASSESSMENT.—The term 'summative assessment' means an assessment that—

"(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

"(B) measures—

"(i) for children from preschool through kindergarten entry, how the children have progressed over time relative to developmental norms; and

"(ii) for students in kindergarten through grade 12, what the students have learned over time, relative to academic content standards.

"(21) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

"(22) WRITING.—The term 'writing' means—

"(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

"(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

"(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

"(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

**"SEC. 5429. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.

"SUBPART 3—A WELL-ROUNDED EDUCATION

**"SEC. 5431. PROGRAM AUTHORIZED.**

"From the amount appropriated each fiscal year to carry out this subpart, the Secretary—

"(1) shall—

"(A) reserve not less than 5 percent for national activities under section 5438; and

"(B) of the funds remaining after the Secretary reserves funds under subparagraph (A)—

"(i) use at least 30 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in American history, civic education, and geography;

"(ii) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in economic and financial literacy education and entrepreneurship education;

"(iii) use at least 20 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in foreign language education;

"(iv) use at least 20 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in arts education; and

"(v) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in Javits gifted and talented education; and

"(2) may use the funds remaining after the Secretary reserves and uses funds under paragraph (1) to award grants to eligible entities under this subpart to carry out any of the proven practices, strategies, or programs described in clauses (i) through (v) of paragraph (1)(B).

**"SEC. 5432. ELIGIBLE ENTITY DEFINED.**

"In this subpart, an eligible entity means a State educational agency, local educational agency, or an educational service agency with a local educational agency that is in partnership with one or more of the following:

"(1) An institution of higher education.

"(2) A nonprofit organization with demonstrated expertise in the content areas described in section 5431(1)(B).

"(3) A library or museum.

**"SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND SCOPE REQUIREMENTS.**

"(a) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to—

"(1) eligible entities proposing to serve schools in need of improvement or persistently low achieving schools; and

"(2) eligible entities proposing to serve a high percentage and number of children from families with incomes below the poverty line according to the most recent census data approved by the Secretary.

"(b) DURATION.—The Secretary shall award grants under this subpart for a period of 5 years.

"(c) SUFFICIENT SIZE AND SCOPE.—In awarding grants under this subpart, the Secretary shall ensure that grants are of sufficient size and scope.

**"SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

"Funds received under this subpart shall be used to supplement, not supplant, Federal and non-Federal funds available to support child and youth services.

**"SEC. 5435. APPLICATION REQUIREMENTS.**

"(a) IN GENERAL.—To receive a grant under one or more of the grant programs described in clauses (i) through (v) of section 5431(1)(B), an eligible entity shall submit an application to the Sec-

retary at such time, in such manner, and containing the information that the Secretary may require, including the information described in subsection (c).

"(b) MULTIPLE APPLICATIONS.—An eligible entity may apply for one or more grant programs under this subpart, and may use a consolidated application to apply for more than one grant program under this subpart .

"(c) APPLICATION REQUIREMENTS.— An application submitted under subsection (a) shall contain the following:

"(1) A description of the promising or proven practice, strategy, or program that the applicant proposes to implement in a content area listed in clauses (i) through (v) of section 5431(1)(B).

"(2) A description of how the proposed practice, strategy, or program is evidence-based and will improve teaching practices as well as student achievement or student academic growth especially with high-need student populations.

"(3) A description of how the proposed practice, strategy, or program fits into the State or local educational agency's overall strategy that students have access to a well-rounded education.

"(4) A description of how the proposed practice, strategy, or program will be aligned with school improvement plans.

"(5) A description of how the activities will adequately address the needs of students with disabilities and English learners.

"(6) A description of the applicant's plan for data collection, analysis, and dissemination of results and outcomes, including an assurance that the applicant will make this information publicly available and accessible to educators, researchers, and other experts.

"(7) A description of how the applicant will provide for the completion of an independent evaluation of the project (including through the use of formative and summative evaluation methodologies) during the grant period to assess its impact on student achievement, student academic growth, student engagement, and other program goals, including its potential for replication and expansion.

"(8) If the applicant proposes to expand an existing practice, strategy, or program with at least moderate evidence, a description of how the applicant proposes to reach additional participants in such practice, strategy, or program.

"(d) PEER REVIEW.—The Secretary shall establish a peer-review process to assist in review of applications submitted under this section.

**"SEC. 5436. USES OF FUNDS.**

"(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall carry out one or more of the following:

"(1) Plan, develop, expand, or improve practices, strategies, and programs in the applicable content area.

"(2) Develop and implement instructional materials, assessments (including performance-based assessments), and curriculum, aligned with State standards in a content area listed in clauses (i) through (v) of section 5431(1)(B), which embed principles of universal design for learning, as described in section 5429(b)(21), to support students with diverse learning

needs including English learners and students with disabilities.

"(3) Develop and implement professional development for teachers in the applicable content area in order to improve classroom practices.

"(4) Align practices, strategies, and programs with postsecondary programs for the continuation of instruction in the academic subject for which the program strategy or practice proposes to increase student achievement or student growth.

"(5) Supporting the use of open educational resources or other innovative uses of technology that are designed to serve students at all levels of achievement.

"(6) Support efforts to expand access to advanced coursework, especially for high-need students.

"(7) In the case of an eligible entity that is a State educational agency, the eligible entity may also provide technical assistance to local programs within the State.

"(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOGRAPHY GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(i) may use the grant to—

"(1) carry out local, field-based activities for teachers and students to improve their knowledge of the concepts and tools of geography while enhancing understanding of their home region; and

"(2) apply geographic information systems and technology to the teaching of geography; and

"(3) using internet or distance-learning technology.

"(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECONOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP EDUCATION GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(ii)—

"(1) may use the grant to—

"(A) carry out programs to teach personal financial management skills;

"(B) carry out programs to teach the basic principles involved with earning, spending, saving, investing, credit, and insurance; and

"(C) implement financial and economic literacy activities and sequences of study within, or coordinated with, core academic subjects; and

"(2) is strongly encouraged to—

"(A) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy; and

"(B) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

"(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOREIGN LANGUAGE GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(iii) may use the grant to carry out the following activities:

"(1) Developing and implementing intensive summer foreign language programs for professional development.

"(2) Linking nonnative English speakers in the community with the schools in order to promote two-way language learning.

"(3) Promoting the sequential study of a foreign language for students, beginning in elementary schools.

"(4) Making effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

"(5) Developing and implementing, high quality dual language programs.

"(6) Promoting innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

"(7) Providing opportunities for maximum foreign language exposure for students domestically, such as the creation of immersion environments in the classroom and school, on weekend or summer experiences, and special tutoring and academic support.

"(8) providing for the possibility for multiple entry points for studying the foreign language.

"(9) Creating partnerships with elementary and secondary schools in other countries to facilitate language and cultural learning and exchange.

"(10) Providing support for a language supervisor to oversee and coordinate the progress of the articulated foreign language program across grade levels in the local education agency funded under this subpart.

"(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAVITS GIFTED AND TALENTED GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(v) may use the grant to carry out the following activities:

"(1) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that would not otherwise have the resources to provide such course work.

"(2) Ensuring that assessments provide diagnostic information that informs instruction for high-achieving students.

"(3) Carrying out training and professional development for school personnel involved in the teaching of high-achieving, educationally disadvantaged students, such as instructional staff, principals, counselors, and psychologists.

"(4) Conducting education and training for parents of high-achieving, educationally disadvantaged students to support educational excellence for such students.

**"SEC. 5437. EVALUATION.**

"Each eligible entity receiving a grant under this subpart shall conduct an independent program-level evaluation and submit preliminary results to the Secretary at such a time and in such manner as the Secretary may require in order to determine the eligible entity's eligibility to continue to receive funding under this subpart.

**"SEC. 5438. NATIONAL ACTIVITIES.**

"(a) IN GENERAL.—From the amounts reserved under section 5431(1)(A), the Secretary shall carry out the national activities described in subsection (b) directly or by entering into contracts with an eligible educational entity.

"(b) NATIONAL ACTIVITIES.—The national activities that shall be carried out under this section are as follows:

"(1) Technical assistance.

"(2) Development of curricula.

"(3) Production, development, and dissemination of high-quality educational content (including digital content) in academic content areas under this subpart.

"(4) Research and collecting information on, and identifying, effective programs and best practices and disseminating that information to States, local educational agencies, institutions of higher education, and other stakeholders.

**"SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.**

"(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—In this section, the term 'eligible educational entity' means a national nonprofit educational entity with a proven track record and demonstrated expertise in one or more of the following areas as related to the activities described in subsection (b):

"(1) High-quality professional development programs, including writing programs for teachers across disciplines and at all grade levels.

"(2) History education programs.

"(3) Civics and government education programs.

"(4) Economic and financial literacy education programs.

"(5) Geography education programs.

"(6) Foreign Language education programs.

"(7) Arts education programs.

"(8) Gifted and talented programs.

"(9) Reading and book distribution programs (including pediatric early literacy programs).

"(10) Educational and instructional video programming (including early literacy programming) for a public telecommunications entity.

"(b) PRIORITY.—In awarding a contract to an eligible educational entity under this section, the Secretary shall give priority to an entity that provides support to the eligible entities receiving a grant under this subpart or eligible entities receiving a grant under the subpart 1 or 2 to develop instructional systems that provide—

"(1) a systematic and coherent combination of instructional materials;

"(2) embedded formative and interim assessments;

"(3) professional development;

"(4) information on student learning; and

"(5) academic interventions based on cognitive science and content-area knowledge and are aligned with college- and career-ready standards.

**"SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this subpart $150,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.

## "SUBPART 4—TRANSFORMING EDUCATION THROUGH TECHNOLOGY GRANTS

**"SEC. 5441. PURPOSES.**

"The purposes of this subpart are to—

"(1) improve the achievement, academic growth, and college-and-career readiness of students who have developed the ability to think critically, apply knowledge to solve complex problems, work collaboratively, communicate effectively, be self-directed, and be responsible digital citizens;

"(2) ensure all students have access to individualized, rigorous, and engaging digital learning experiences;

"(3) ensure that educators have the knowledge and skills to develop and implement digital learning curriculum, use technology effectively in order to personalize and strengthen instruction, and effectively create, deliver, and utilize assessments to measure student outcomes and support student success;

"(4) ensure that administrators have the leadership, management, knowledge, and skills to design, develop, and implement a school or local educational agency-wide digital age learning environment; and

"(5) improve the efficiency and productivity of education through technology.

**"SEC. 5442. E-RATE RESTRICTION.**

"Funds awarded under this subpart may be used to address the networking needs of a recipient of such funds for which the recipient is eligible to receive support under the E-rate program, except that such funds may not be duplicative of support received by the recipient under the E-rate program.

**"SEC. 5443. RULE OF CONSTRUCTION REGARDING PURCHASING.**

"Nothing in this subpart shall be construed to permit a recipient of funds under this subpart to purchase goods or services using such funds without ensuring that the purchase is free of any conflict of interest between such recipient, or any partner of such recipient, and the person or entity receiving such funds.

**"SEC. 5444. DEFINITIONS.**

"In this subpart:

"(1) DIGITAL LEARNING.—The term 'digital learning' means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

"(A) interactive learning resources that engage students in academic content;

"(B) access to online databases and other primary source documents;

"(C) the use of data to personalize learning and provide targeted supplementary instruction;

"(D) student collaboration with content experts and peers;

"(E) online and computer-based assessments;

"(F) digital content, adaptive, and simulation software or courseware,

"(G) online courses, online instruction, or digital learning platforms;

"(H) mobile and wireless technologies for learning in school and at home;

"(I) learning environments that allow for rich collaboration and communication;

"(J) authentic audiences for learning in a relevant, real world experience;

"(K) teacher participation in virtual professional communities of practice; and

"(L) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace.

"(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means modern information, computer, and communication technology hardware, software, services, or tools, including computer or mobile hardware devices and other computer and communications hardware, software applications, systems and platforms, and digital and online content, courseware, and online instruction and other online services and supports, including technology that is interoperable and is in accordance with principles of universal design for learning, as described in section 5429(b)(21).

"(3) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means students with disabilities as defined under the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

"(4) STUDENT TECHNOLOGY LITERACY.—The term 'student technology literacy' means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, lifelong learning, and citizenship in the knowledge-based, digital, and global 21st century, including, at a minimum, the ability to—

"(A) effectively communicate and collaborate;

"(B) analyze and solve problems;

"(C) access, evaluate, manage, and create information and otherwise gain information literacy;

"(D) demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

"(E) carry out the activities described in subparagraphs (A) through (D) in a safe and ethical manner.

"(5) TECHNOLOGY READINESS SURVEY.—The term 'technology readiness survey' means a survey completed by a local educational agency that provides standardized information comparable to the information collected through the technology readiness survey administered under the Race to the Top Assessment program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) on the quantity and types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, Internet

connectivity, operating systems, related network infrastructure, data systems, and—

"(A) requiring—

"(i) an internal review of the degree to which instruction, additional student support, and professional development is delivered in digital formats, media, and platforms and is available to students and educators at any time;

"(ii) an internal review of the ability of educators to use assessments and other student data to personalize and strengthen instruction and identify professional development needs and priorities; and

"(iii) any other information required by the State educational agency serving the local educational agency; and

"(B) may include an assessment of local community needs to ensure students have adequate on-line access and access to devices for school-related work during out-of-school time.

**"SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—From the amounts appropriated under section 5451, the Secretary shall award State Grants for Technology Readiness and Access (in this title referred to as 'grants') to State educational agencies to strengthen State and local technological infrastructure and professional development that supports digital learning through State activities under section 5447(c) and local activities under section 5448(c).

"(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

"(1) RESERVATIONS.—From the amounts appropriated under section 5451 for any fiscal year, the Secretary shall reserve—

"(A) three-fourths of 1 percent for the Secretary of Interior to provide assistance under this title for schools operated or funded by the Bureau of Indian Education; and

"(B) 1 percent to provide assistance under this title to the outlying areas.

"(2) GRANTS.—From the amounts appropriated under section 106 for any fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency with an approved application under section 5446 in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for such year bears to the amount all State educational agencies with an approved application under section 102 received under such part (20 U.S.C. 6311 et seq.) for such year.

"(c) MINIMUM.—The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year may not be less than one-half of 1 percent of the total amount made available for grants to all State educational agencies under such subsection for such year.

"(d) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for a grant under subsection (b)(2) for a fiscal year, or does not use its entire grant under subsection (b)(2) for

such year, the Secretary shall reallot the amount of the State educational agency's grant, or the unused portion of the grant, to the remaining State educational agencies that use their entire grant amounts under subsection (b)(2) for such year.

"(e) MATCHING FUNDS.—

"(1) IN GENERAL.—A State educational agency that receives a grant under subsection (b)(2) shall provide matching funds, from non-Federal sources, in an amount equal to 20 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that any such in-kind contributions shall be provided for the purpose of supporting the State educational agency's activities under section 104(c).

"(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.

**"SEC. 5446. STATE APPLICATIONS.**

"(a) APPLICATION.—To receive a grant under section 5445(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b).

"(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

"(1) A description of how the State educational agency will meet the following goals:

"(A) Use technology to ensure all students achieve college-and-career readiness and technology literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.

"(B) Provide educators with the tools, devices, content, and resources to—

"(i) significantly improve teaching and learning, including support to increase personalization for and engagement of students in pursuit of college-and-career readiness and technology literacy; and

"(ii) develop and use assessments to improve instruction, including instruction consistent with the principles of universal design for learning, as described in section 5429(b)(21), and instruction for students with disabilities and English-language learners.

"(C) Ensure administrators and school leaders have the flexibility and capacity to develop and manage systems to carry out activities described in subparagraphs (A) and (B), and support administrators and school leaders in utilizing technology to promote equity and increase efficiency and productivity.

"(D) Enable local educational agencies to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students, (including students with disabilities and English-language learners) and to—

"(i) ensure the interoperability of data systems and eligible technology; and

"(ii) carry out subparagraphs (A) through (C).

"(2) A description of the results of the technology readiness in the State as determined by local educational agency responses to the technology readiness survey, including—

"(A) the status of the ability of each local educational agency served by the State educational agency to meet the goals described in section 104(b)(1);

"(B) an assurance that not less 90 percent of the local educational agencies served by the State educational agency have completed and submitted the technology readiness survey to the State educational agency; and

"(C) an assurance that the results of the technology readiness survey for each such local educational agency are made available to the Secretary and the public through the Website of the local educational agency.

"(3) A description of the plan for the State educational agency to support each local educational agency served by the State educational agency in meeting the goals described in section 104(b)(1) not later than 3 years after the local educational agency completes the technology readiness survey by addressing the readiness gaps identified in such survey.

"(4) A description of the State's process for the adoption, acquisition, distribution, and use of content, how the State will ensure integrity of such processes, and how such processes support the goals under paragraph (1) or how a State will change such processes to support such goals, and how the State will ensure content quality.

"(5) A description of how the State educational agency will ensure its data systems and eligible technology are interoperable.

"(6) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this title.

"(7) A description of the State's student technology literacy standards and the technology standards for teachers and administrators, and an assurance that the State's student technology literacy standards meet the requirements of section 7(8).

"(8) An assurance that subgrant awards under section 104 will be carried out by the local educational agency staff with responsibility for leadership, coordination, and implementation of instructional and other classroom technologies.

"(9) A description of how the State educational agency will award subgrants to local educational agencies under section 104.

"(10) A description of the process, activities, and performance measures, that the State educational agency will use to evaluate the impact and effectiveness of the grant and subgrants funds awarded under this part across the State and in each local educational agency.

"(11) A description of how the State educational agency will, in providing technical and other assistance to local educational

agencies, give priority to the local educational agencies proposing to target services to—

"(A) students in schools in need of improvement and persistently low-achieving schools; and

"(B) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(12) A description of how the State educational agency consulted with local educational agencies in the development of the State educational agency's application under this subsection.

"(13) An assurance that the State educational agency will provide matching funds as required under section 101(e).

"(14) A description of how the State educational agency will ensure that funds received under this title is not duplicative of support received under the E-rate program.

"(15) An assurance that the State educational agency, in making awards under section 5448, will give priority to local educational agencies that—

"(A) propose to serve students in schools in need of improvement and persistently low-achieving schools; or

"(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(16) An assurance that the State educational agency will protect the privacy and safety of students and teachers, consistent with requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 2441(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6777(a)).

**"SEC. 5447. STATE USE OF GRANT FUNDS.**

"(a) RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.—Each State educational agency that receives a grant under section 101(b)(2) shall expend not less 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5448.

"(b) RESERVATION FOR STATE ACTIVITIES.—

"(1) IN GENERAL.—A State educational agency shall reserve not more than 10 percent of the grant received under section 101(b)(2) for the State activities described in subsection (c).

"(2) GRANT ADMINISTRATION.—Of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve not more than 1 percent or 3 percent, in the case of a State educational agency awarding subgrants under section 104(a)(2), for the administration of the grant under this title, except that a State educational agency that forms a State purchasing consortium under subsection (d)—

"(A) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

"(B) shall receive direct approval from the local educational agencies receiving subgrants under section 104(a)

from the State educational agency prior to reserving more than the additional percentage authorized under subparagraph (A) to carry out the activities described in subsection (d)(1).

"(c) PRIORITY.—In awarding subgrants under this part, the State educational agency shall give priority to local educational agencies proposing to target services to—

"(1) students in schools in need of improvement or persistently low-achieving schools; and

"(2) schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) STATE ACTIVITIES.—A State educational agency shall use funds described in subsection (b) to carry out each of the following:

"(1) Except for the awarding of subgrants in accordance with section 104, activities described in the State educational agency's application under section 102(b).

"(2) Providing technical assistance to local educational agencies to—

"(A) identify and address technology readiness needs;

"(B) redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment;

"(C) use technology, consistent with the principles of universal design for learning, as described in section 5429(b)(21), to support the learning needs of all students including students with disabilities and English-language learners;

"(D) support principals to have the expertise to evaluate teachers' proficiency in implementing digital tools for teaching and learning; and

"(E) build capacity of individual school and local educational agency leaders.

"(3) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

"(4) Integrating and coordinating activities under this title with other educational resources and programs across the State.

"(5) Disseminating information, including making publicly available on the Websites of the State educational agency promising practices to improve technology instruction, and acquiring and implementing technology tools and applications.

"(6) Ensuring that teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology—

"(A) for curriculum redesign to change teaching and learning and improve student achievement;

"(B) for formative and summative assessment administration, data analysis, and to personalize learning;

"(C) to improve student technology literacy;

"(D) to expand the range of supports and accommodations available to English-language learners and students with disabilities; and

"(E) for their own ongoing professional development and for access to teaching resources and tools.

"(7) Coordinating with teacher and school leader preparation programs to—

"(A) align digital learning teaching standards; and

"(B) provide ongoing professional development for teachers and school leaders that is aligned to State student technology standards and activities promoting college-and-career readiness.

"(d) PURCHASING CONSORTIA.—

"(1) IN GENERAL.—A State educational agency receiving a grant under section 101(b)(2) may—

"(A) form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in clause, including purchasing eligible technology;

"(B) encourage local educational agencies to form local purchasing consortia under section 104(c)(4); and

"(C) promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—

"(i) negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and

"(ii) available to such local educational agencies.

"(2) RESTRICTIONS.—A State educational agency receiving a grant under section 101(b)(2) may not—

"(A) except for promoting the pricing opportunities described in paragraph (1)(C), make recommendations to local educational agencies for or require use of any specific commercial products and services by local educational agencies;

"(B) require local educational agencies to participate in a State purchasing consortia or local purchasing consortia; or

"(C) use more than the reservation amount authorized for the administration of the grant under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with subsection (b)(2)(B).

**"SEC. 5448. LOCAL SUBGRANTS.**

"(a) SUBGRANTS.—

"(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 101(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 104(b) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with an approved application under subsection (b) by allotting to each such local educational agency an amount that bears the same relationship to the remainder as the amount received by the local educational agency under part A of title I of the Elemen-

tary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for such year bears to the amount received by all such local educational agencies under such part for such year, except that no local educational agency may receive less than $5,000.

"(2) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 106 is less than $500,000,000 for any fiscal year, a State educational agency—

"(A) shall not award subgrants under paragraph (1); and

"(B) shall—

"(i) award subgrants, on a competitive basis, to local educational agencies based on the quality of applications submitted under (b), including—

"(I) the level of technology readiness as determined by the technology readiness surveys completed by local educational agencies submitting such applications; and

"(II) the technology plans described in subsection (b)(3) and how the local educational agencies with such plans will carry out the alignment and coordination described in such subsection; and

"(ii) ensure that such subgrants are of sufficient size and scope to carry out the local activities described in subsection (c).

"(3) DEFINITION OF LOCAL EDUCATIONAL AGENCY FOR CERTAIN FISCAL YEARS.—For purposes of awarding subgrants under paragraph (2), the term 'local educational agency' means—

"(A) a local educational agency;

"(B) an educational service agency; or

"(C) a local educational agency and an educational service agency.

"(b) APPLICATION.—A local educational agency that desires to receive a subgrant under subsection (a) shall submit an application to the State at such time, in such manner, and accompanied by such information as the State educational agency may require, including—

"(1) a description of how the local educational agency will—

"(A) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

"(B) enable schools served by the agency to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students (including students with disabilities and English-language learners) and to—

"(i) ensure the interoperability of data systems and eligible technology; and

"(ii) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

"(C) align activities funded under this part with school improvement plans, when applicable, described under section 1116(b)(3);

"(2) a description of the results of the technology readiness survey completed by the local educational agency and a de-

scription of the plan for the local educational agency to meet the goals described in paragraph (1) within 3 years of completing the survey;

"(3) a description of the local educational agency's technology plan to carry out paragraphs (1) and (3) and how the agency will align and coordinate the activities under this section with other activities across the local educational agency;

"(4) a description of the team of educators that will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers that specialize in supporting students with disabilities and English-language learners, school leaders, technology officers, and staff responsible for assessments and data analysis;

"(5) a description of how the local educational agency will evaluate teachers' proficiency and progress in implementing technology for teaching and learning;

"(6) a description of how the local educational agency will ensure that principals have the expertise to evaluate teachers' proficiency and progress in implementing technology for teaching and learning and the interoperability of data systems and eligible technology;

"(7) a description of the local educational agency's procurement process and process for the creation, acquisition, distribution, and use of content, how the local educational agency will ensure integrity of such processes, and how such processes support the goals described in paragraph (1) or how a local educational agency will change such processes to support such goals, and how the local educational agency will ensure content quality;

"(8) a description of how the local educational agency will carry out activities under subsection (c);

"(9) a description of how the subgrant funds received under subsection (a) will be coordinated with and supported by other Federal, State, and local funds to support activities under this title;

"(10) a description of how the local educational agency will ensure that the subgrant received under subsection (a) is not duplicative of support received under the E-rate program; and

"(11) an assurance that the local educational agency will protect the privacy and safety of students and teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 2441(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6777(a)).

"(c) USE OF FUNDS.—

"(1) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 40 percent of such funds to support activities for the acquisition of eligible technology needed to—

"(A) except for the activities described in paragraph (2), carry out activities described in the application submitted under subsection (b), including purchasing devices, equip-

ment, and software applications, and improving connectivity to and within schools; and

"(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

"(2) PROFESSIONAL DEVELOPMENT FOR DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a)—

"(A) shall use not less than 35 percent of such funds to carry out—

"(i) digital age professional development opportunities for teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the effective use of modern information and communication technology tools and digital resources to deliver instruction, curriculum and school classroom management, including for classroom teachers to assess, support, and provide engaging student learning opportunities, including professional development that—

"(I) is ongoing, sustainable, and scalable;

"(II) is participatory;

"(III) includes communication and regular interactions with instructors, facilitators, and peers and is directly related to up-to-date teaching methods in content areas;

"(IV) includes strategies and tools for improving communication with parents and family engagement;

"(V) may be built around active professional learning communities or online communities of practice or other tools that increase collaboration among teachers across schools, local educational agencies, or States; and

"(VI) may contain on-demand components, such as instructional videos, training documents, or learning modules;

"(ii) ongoing professional development in strategies, pedagogy, and assessment in the core academic subjects that involve the use of technology and curriculum redesign as key components of supporting effective, innovative teaching and learning, and improving student achievement;

"(iii) ongoing professional development in the use of educational technologies to ensure every educator achieves and maintains technology literacy, including possessing and maintaining the knowledge and skills to use technology—

"(I) across the curriculum for student learning;

"(II) for real-time data analysis and online or digital assessment to enable individualized instruction; and

"(III) to develop and maintain student technology literacy;

"(iv) ongoing professional development for school leaders to provide and promote leadership in the use of—

"(I) educational technology to ensure a digital-age learning environment, including the capacity to lead the reform or redesign of curriculum, instruction, assessment; and

"(II) data through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning; and

"(v) a review of the effectiveness of the professional development and regular intervals of learner feedback and data; and

"(B) may use such funds for—

"(i) the use of technology coaches to work directly with teachers, including through the preparation of teachers as technology leaders or master teachers—

"(I) who are provided with the means to serve as experts and to create professional development opportunities for other teachers in the effective use of technology; and

"(II) who may leverage technologies, such as distance learning and online virtual educator-to-educator peer communities, as a means to support ongoing, participatory professional growth around the integration of effective educational technologies;

"(ii) innovative approaches to ongoing professional development such as non-standard achievement recognition strategies, including digital badging, gamification elements, use of learner-created learning objects, integration of social and professional networking tools, rating and commenting on learning artifacts, and personalization of professional development; and

"(iii) any other activities required to carry out the local educational agency's technology plan described in subsection (b)(4).

"(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency's subgrant funds required to carry out the activities described in paragraphs (1) or (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out such activities.

"(4) PURCHASING CONSORTIA.—Local educational agencies receiving subgrants under subsection (a) may—

"(A) form a local purchasing consortia with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and

"(B) use such funds for purchasing eligible technology through a State purchasing consortia under section 103(d).

**"SEC. 5449. REPORTING.**

"(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 104 shall submit to the State educational agency that awarded such subgrant an annual report the meets the requirements of subsection (c).

"(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under section 101(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).

"(c) REPORT REQUIREMENTS.—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

"(1) the status of the State education agency's plan described in section 102(b)(3) or local education agency's technology plan under section 104(b)(4), as applicable;

"(2) the categories of eligible technology acquired and types of programs funded under this title and how such technology is being used;

"(3) the professional development activities funded under this title, including types of activities and entities involved in providing such professional development; and

"(4) information on the impact of the grant on students and student outcomes, such as—

"(A) the number of and demographic information about students who are served under this part;

"(B) student achievement, student growth, and graduation rates of such students;

"(C) college-and-career readiness data about such students, such as rates of credit accumulation, course taking and completion, and college enrollment and persistence;

"(D) student attendance and participation rates;

"(E) student engagement and discipline;

"(F) school climate and teacher working conditions;

"(G) increases in inclusion of students with disabilities and English-language learners; and

"(H) such other information the Secretary may require or other information State educational agencies or local educational agencies served under this part propose to include, as approved by the Secretary.

**"SEC. 5450 ESTABLISHMENT OF THE ADVANCED RESEARCH PROJECT AGENCY-EDUCATION.**

"(a) PROGRAM ESTABLISHED.—From the amounts appropriated under section 5451, the Secretary of Education may reserve up to 5 percent to—

"(1) establish and carry out the Advanced Research Projects Agency-Education (in this Act referred to as 'ARPA–ED') to—

"(A) identify and promote advances in learning, fundamental and applied sciences, and engineering that may be translated into new learning technologies;

"(B) develop, test, and evaluate new learning technologies and related processes; and

"(C) accelerate transformational technological advances in education;

"(2) convene an advisory panel under subsection (d); and

"(3) carry out the evaluation and dissemination requirements under subsection (e).

"(b) APPOINTMENTS.—

"(1) DIRECTOR.—ARPA–ED shall be under the direction of the Director of ARPA–ED, who shall be appointed by the Secretary.

"(2) QUALIFIED INDIVIDUALS.—The Secretary shall appoint, for a term of not more than 4 years, qualified individuals who represent scientific, engineering, professional, and other personnel with expertise in carrying out the activities described in this section to positions in ARPA–ED, at rates of compensation determined by the Secretary, without regard to the provisions of title 5, United States Code, except that such rates of compensation shall not to exceed the rate for level I of the Executive Schedule under section 5312 of such title.

"(c) FUNCTIONS OF ARPA–ED.—Upon consultation with the advisory panel convened under subsection (d), the Secretary shall select public and private entities to carry out the activities described in subsection (a)(1) by—

"(1) awarding such entities grants, contracts, cooperative agreements, or cash prizes; or

"(2) entering into such other transactions with such entities as the Secretary may prescribe in regulations.

"(d) ADVISORY PANEL.—

"(1) IN GENERAL.—The Secretary shall convene an advisory panel to advise and consult with the Secretary, Director, and the qualified individuals appointed under subsection (b)(2) on—

"(A) ensuring that the awards made and transaction entered into under subsection (c) are consistent with the purposes described in subsection (a)(1); and

"(B) ensuring the relevance, accessibility, and utility of such awards and transactions to education practitioners.

"(2) APPOINTMENT OF MEMBERS.—The Secretary shall appoint the following qualified individuals to serve on the advisory panel:

"(A) Education practitioners.

"(B) Experts in technology.

"(C) Specialists in rapid gains in student achievement and school turnaround.

"(D) Specialists in personalized learning.

"(E) Researchers, including at least one representative from a comprehensive center established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602) or the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564).

"(F) Other individuals with expertise who will contribute to the overall rigor and quality of ARPA–ED.

"(3) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel convened under this subsection and any appointee to such panel shall not be considered an 'employee' under section 2105 of title 5, United States Code.

"(e) EVALUATION AND DISSEMINATION.—

"(1) EVALUATION.—The Secretary shall obtain independent, periodic, and rigorous evaluation of—

"(A) the effectiveness of the processes ARPA–Ed is using to achieve the purposes described in subsection (a)(1);

"(B) the relevance, accessibility, and utility of the awards made and transactions entered into under subsection (c) to education practitioners; and

"(C) the effectiveness of the projects carried out through such awards and transactions, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of such projects for further investment or increased scale.

"(2) DISSEMINATION AND USE.—The Secretary shall disseminate information to education practitioners, including teachers, principals, and local and State superintendents, on effective practices and technologies developed under ARPA–ED, as appropriate, through—

"(A) the comprehensive centers established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602);

"(B) the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564); and

"(C) such other means as the Secretary determines to be appropriate.

"(f) ADMINISTRATIVE REQUIREMENTS.—Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the Secretary shall establish such processes as may be necessary for the Secretary to manage and administer ARPA–ED, which are not constrained by other Department of Education-wide administrative requirements that may prevent ARPA–ED from carrying out the purposes described in subsection (a)(1).

**"SEC. 5451. AUTHORIZATION.**

"There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

(b) REPEAL.—Part B of title I (20 U.S.C. 6361 et seq.) is repealed.

# Subtitle C—Family Engagement in Education Programs

**SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.**

Title V of the Act (20 U.S.C. 5101 et seq.) is a amended by adding at the end the following new part:

## "PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

**"SEC. 5701. PURPOSES.**

"The purposes of this part are the following:

"(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activi-

ties that lead to improvements in student development and academic achievement.

"(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

"(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

"(4) To coordinate activities funded under this part with parent involvement initiatives funded under section 1118 and other provisions of this Act.

"(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

**"SEC. 5702. GRANTS AUTHORIZED.**

"(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4306, the Secretary is authorized to award grants for each fiscal year to statewide organizations (and consortia of such organizations and State educational agencies), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out parent education and family engagement in education programs.

"(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $500,000.

**"SEC. 5703. APPLICATIONS.**

"(a) SUBMISSIONS.—Each statewide organization, or a consortium of such an organization and a State educational agency, that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

"(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

"(1) A description of the applicant's approach to family engagement in education.

"(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the applicant, including a letter from the applicant outlining the commitment to work with the center.

"(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

"(A) management and governance;

"(B) statewide leadership; and

"(C) systemic services for family engagement in education.

"(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

"(5) An assurance that the applicant will—

"(A) establish a special advisory committee, the membership of which includes—

"(i) parents, who shall constitute a majority of the members of the special advisory committee;

"(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

"(iii) representatives of local elementary schools and secondary schools, including students;

"(iv) representatives of the business community; and

"(v) representatives of State educational agencies and local educational agencies;

"(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

"(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

"(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

"(E) serve urban, suburban, and rural local educational agencies and schools;

"(F) work with—

"(i) other Statewide Family Engagement Centers assisted under this part; and

"(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

"(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

"(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

"(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

"(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

**"SEC. 5704. USES OF FUNDS.**

"(a) IN GENERAL.—Grantees shall use grant funds received under this part, based on the needs determined under section 4303(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

"(1) to assist parents in participating effectively in their children's education and to help their children meet college and career ready standards, such as assisting parents—

"(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;

"(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

"(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

"(D) to participate in the design and provision of assistance to students who are not making academic progress;

"(E) to participate in State and local decisionmaking;

"(F) to train other parents; and

"(G) to help the parents learn and use technology applied in their children's education;

"(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

"(3) to develop, implement, and assess parental involvement policies under sections 1112 and 1118.

"(b) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4306

to carry out this part to provide technical assistance, by grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

"(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

"(2) working with another agency that serves children.

"(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

"(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

"(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

**"SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

"The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian or Indian-serving nonprofit parent organizations to establish and operate Family Engagement Centers.

**"SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part $30,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.".

# TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

**SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

Title VI (20 U.S.C. 7301 et seq.) is amended in sections 6113(a) and 6234 by striking "fiscal year 2002" and inserting "fiscal year 2014" each place it appears.

# TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

**SEC. 701. IN GENERAL.**

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking "Bureau of Indian Affairs" each place it appears and inserting "Bureau of Indian Education";

(2) by striking "No Child Left Behind Act of 2001" each place it appears and insert "Student Success Act"; and

(3) in sections 7152, 7205(c), and 7304(d)(1), by striking "fiscal year 2002" each place it appears and inserting "fiscal year 2014".

# Subtitle A—Indian Education

**SEC. 711. PURPOSE.**

Section 7102 (20 U.S.C. 7402) is amended to read as follows:

**"SEC. 7102. PURPOSE.**

"It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

"(1) to ensure the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(c);

"(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

"(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.".

## PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

**SEC. 721. FORMULA GRANT PURPOSE.**

Section 7111 (20 U.S.C. 7421) is amended to read as follows:

**"SEC. 7111. PURPOSE.**

"(a) PURPOSE.—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to improve the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs.

"(b) PROGRAMS.—This subpart carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of Indians and Alaska Natives;

"(2) strengthening American Indian, Native Hawaiian, and Alaska Native students' knowledge of their languages, history, traditions, and cultures;

"(3) the education of Indian children and adults;

"(4) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(5) research, evaluation, data collection, and technical assistance.".

**SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES, TRIBES, AND INDIAN ORGANIZATIONS.**

Section 7112 (20 U.S.C. 7422) is amended—

(1) in subsection (a), by striking "and Indian tribes" and inserting ", Indian tribes, and Indian organizations";

(2) in subsection (b)(2), by striking "a reservation" and inserting "an Indian reservation"; and

(3) by striking subsection (c) and inserting the following:

"(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education shall be eligible to apply for a grant under this subpart.

"(3) SPECIAL RULE.—

"(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(5) of section 7114 or section 7118(c) or 7119.

"(4) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

"(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

"(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

"(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(3) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium.

"(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term 'Indian community-based organization' means any organization that—

"(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

"(B) assists in the social, cultural, and educational development of Indians in such community;

"(C) meets the unique cultural, language, and academic needs of Indian students; and

"(D) demonstrates organizational capacity to manage the grant.

"(e) CONSORTIA.—

"(1) IN GENERAL.—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements

under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

"(2) REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES IN CONSORTIA.—In any case where 2 or more local educational agencies that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency participating in such a consortium shall—

"(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

"(B) agree to be subject to all requirements, assurances, and obligations applicable to a local educational agency receiving a grant under this subpart.".

**SEC. 723. AMOUNT OF GRANTS.**

Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1), by striking "$3,000" and inserting "$10,000";

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking "$4,000" and inserting "$15,000".

**SEC. 724. APPLICATIONS.**

(a) IN GENERAL.—Section 7114 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "is consistent with" and inserting "supports"; and

(II) by inserting ", tribal," after "State"; and

(ii) in subparagraph (B), by striking "such goals" and all that follows through the semicolon at the end and inserting "such goals, to ensure such students meet the same college and career ready State academic achievement standards under section 1111(b) for all children;";

(B) in paragraph (5)—

(i) in subparagraph (A), by striking "and" after the semicolon; and

(ii) by adding at the end the following:

"(C) the parents of Indian children, and representatives of Indian tribes, on the committee described in subsection (c)(5) will participate in the planning of the professional development materials;";

(C) in paragraph (6)—

(i) in subparagraph (B)—

(I) by adding at the end the following:

"(iii) the Indian tribes whose children are served by the local educational agency; and"; and

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(7) describes—

"(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

"(B) the actions taken as a result of the collaboration.";

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

"(A) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;";

(B) in paragraph (3)(C), by inserting "representatives of Indian tribes with reservations located within 50 miles of any of the schools that have Indian children in any such school," after "Indian children and teachers";

(C) in paragraph (4)(A)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(ii) by inserting the following after clause (i):

"(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools that have children in any such school;".

(D) in subparagraph (4)(B), by adding "or representatives of Indian tribes described in subparagraph (A)(ii)" after "children"; and

(E) in subparagraph (4)(D)—

(i) by striking "; and" at the end of clause (i); and

(ii) by adding at the end the following:

"(iii) determined that the program will directly enhance the educational experience of Indian and Alaska Native students; and"; and

(3) by adding at the end the following:

"(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.".

**SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.**

Section 7115 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by inserting before paragraph (2) the following:

"(1) activities that support Native American language immersion programs and Native American language restoration programs,";

(B) in paragraph (3), by striking "challenging State academic content and student academic achievement standards" and inserting "college and career ready State academic content and student academic achievement standards under section 1111(b)";

(C) by striking paragraph (4) and inserting the following:

"(4) integrated educational services in combination with other programs to meet the unique needs of Indian children and their families, including programs that promote parental involvement—

"(A) in school activities; and

"(B) to increase student achievement;";

(D) in paragraph (11) by striking everything after "children"; and

(2) in subsection (c) by adding at the end the following:

"(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.".

**SEC. 726. STUDENT ELIGIBILITY FORMS.**

Section 7117(e) (20 U.S.C. 7427(e)) is amended to read as follows:

"(e) DOCUMENTATION AND TYPES OF PROOF.—

"(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(2) NO NEW OR DUPLICATE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

"(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.".

**SEC. 727. TECHNICAL ASSISTANCE.**

Subpart 1 of part A of title VII is amended by adding at the end the following new section:

**"SEC. 7120. TECHNICAL ASSISTANCE.**

"The Secretary shall, directly or through contract, provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

"(1) development of applications under this section;

"(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

"(3) integration of activities under this title with other educational activities established by the local educational agency; and

"(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.".

# PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

**SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.**

Section 7122 (20 U.S.C. 7442) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

"(1) to increase the number of qualified and effective Indian teachers and administrators serving Indian students;

"(2) to provide training to qualified Indian individuals to become teachers, administrators, social workers, and other educators; and";

(2) by striking subsection (e) and inserting the following:

"(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

"(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or principals;

"(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

"(3) assist participants in meeting the requirements under subsection (h).."; and

(4) by striking subsection (g) and inserting the following:

"(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.".

# PART 3—NATIONAL ACTIVITIES

**SEC. 741. NATIONAL ACTIVITIES.**

Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amended by striking "Office of Indian Education Programs" and inserting "Bureau of Indian Education".

**SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.**

Subpart 3 of part A of title VII (20 U.S.C. 7451 et seq.) is amended by striking sections 7132 through 7136 and inserting the following:

**"SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.**

"(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

"(1) Native American language programs that—

"(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

"(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

"(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

"(D) provide support for professional development activities; and

"(E) include a goal of all students achieving—

"(i) fluency in a Native American language; and

"(ii) academic proficiency in mathematics, English, reading or language arts, and science.

"(2) Native American language restoration programs that—

"(A) provide instruction in not less than 1 Native American language;

"(B) provide support for professional development activities for teachers of Native American languages;

"(C) develop instructional materials for the programs; and

"(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

"(d) APPLICATION.—

"(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

"(e) GRANT DURATION.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

"(f) DEFINITION.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native Amer-

ican language program during a school year divided by the total number of students enrolled in the program.

"(g) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

**"SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATION AGENCY COLLABORATION.**

"The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

"(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

"(2) provide recommendations on—

"(A) State educational agency functions that tribal educational agencies could perform;

"(B) areas and agency functions in which greater State educational agency and tribal education agency collaboration is needed; and

"(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.".

# Subtitle B—Native Hawaiian Education; Alaska Native Education

**SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NATIVE EDUCATION.**

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) in the heading of part B, by inserting "**; ALASKA NATIVE EDUCATION**" after "**NATIVE HAWAIIAN EDUCATION**"; and

(2) by inserting before section 7201 the following:

## "Subpart 1—Native Hawaiian Education".

**SEC. 752. FINDINGS.**

Section 7202 (20 U.S.C. 7512) is amended to read as follows:

**"SEC. 7202. FINDINGS.**

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, and many other countries.

"(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

"(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

"(4) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in many Federal statutes, including—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) Public Law 95–341 (commonly known as the 'American Indian Religious Freedom Act' (42 U.S.C. 1996));

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

"(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

"(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(5) Many Native Hawaiian students lag behind other students in terms of—

"(A) school readiness factors;

"(B) scoring below national norms on education achievement tests at all grade levels;

"(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

"(D) overrepresentation among students qualifying for special education programs;

"(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college.

"(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(7) The Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.".

**SEC. 753. PURPOSES.**

Section 7203 (20 U.S.C. 7513) is amended to read as follows:

**"SEC. 7203. PURPOSES.**

"The purposes of this part are—

"(1) to develop, implement, assess, and evaluate innovative educational programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet State academic content and achievement standards as described in section 1111(b);

"(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

"(A) innovative educational programs for Native Hawaiians;

"(B) rigorous and substantive Native Hawaiian language programs; and

"(C) Native Hawaiian culture-based educational programs; and

"(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.".

**SEC. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

Section 7204 (20 U.S.C. 7514) is amended to read as follows:

**"SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

"(a) GRANT AUTHORIZED.—In order to carry out the purposes of this part the Secretary shall award a grant to an education council, as described under subsection (b).

"(b) EDUCATION COUNCIL.—

"(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

"(2) COMPOSITION.—The Education Council shall consist of 15 members of whom—

"(A) 1 shall be the President of the University of Hawaii (or a designee);

"(B) 1 shall be the Governor of the State of Hawaii (or a designee);

"(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

"(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

"(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

"(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

"(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

"(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grantmaking entity;

"(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

"(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

"(K) 1 shall be the Mayor of the County of Kauai (or a designee);

"(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

"(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

"(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

"(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

"(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

"(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

"(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

"(6) CHAIR, VICE CHAIR.—

"(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

"(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.

"(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

"(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

"(c) USE OF FUNDS.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

"(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational services and programs for Native Hawaiians.

"(2) Providing direction and guidance, such as through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources relating to Native Hawaiian education.

"(3) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

"(4) assessing and evaluating the individual and aggregate impact of grants and activities funded under this part and how well they meet the needs of Native Hawaiians, including information and data about—

"(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

"(B) the effectiveness of such grantees in carrying out any of the activities described in section 7205(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

"(5) assess and define the educational needs of Native Hawaiians; and

"(6) may use funds to hire an executive director to enable the Council to carry out the activities described in this subsection.

"(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available though the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

"(1) not less than 3 members of the Education Council shall be in attendance;

"(2) the Education Council shall gather community input regarding—

"(A) current grantees under this part, as of the date of the consultation;

"(B) priorities and needs of Native Hawaiians; and

"(C) other Native Hawaiian education issues; and

"(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

"(f) REPORTS.—

"(1) ANNUAL EDUCATION COUNCIL REPORT.—The Education Council shall use funds made available through the grant under this section to prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

"(A) a description of the activities of the Education Council during the preceding calendar year;

"(B) recommendations of the Education Council, if any, regarding priorities to be established under section 7205(b);

"(C) significant barriers to achieving the goals under this subpart;

"(D) a summary of each community consultation session, as described in subsection (d); and

"(E) recommendations to establish funding priorities based on an assessment of—

"(i) the educational needs of Native Hawaiians;

"(ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

"(iii) priorities for funding in specific geographic communities.

"(2) REPORT BY THE SECRETARY.—Not later than 2 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the Committee on Indian

Affairs of the Senate and the authorizing committees a report that—

"(A) summarizes the annual reports of the Education Council;

"(B) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

"(C) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

"(g) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7206(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.".

**SEC. 755. GRANT PROGRAM AUTHORIZED.**

Section 7205 (20 U.S.C. 7515 et seq.) is amended to read as follows:

**"SEC. 7205. GRANT PROGRAM AUTHORIZED.**

"(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

"(1) Native Hawaiian educational organizations;

"(2) Native Hawaiian community-based organizations;

"(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

"(4) charter schools; or

"(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

"(b) PRIORITY.—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

"(1) programs that meet the educational priority recommendations of the Education Council, as described under section 7204(d)(6)(E);

"(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet State academic content and achievement standards as described in Section 1111(b) including the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

"(3) programs in which a local educational agency, institution of higher education, or a State educational agency apply for a grant or contract as part of a partnership or consortium with a nonprofit entity serving underserved communities within the Native Hawaiian population.

"(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(1) the development and maintenance of a statewide Native Hawaiian early education system to provide a continuum of high-quality early learning services for Native Hawaiian children;

"(2) the operation of family-based education centers that provide such services as—

"(A) programs for Native Hawaiian parents and students;

"(B) early education programs for Native Hawaiians; and

"(C) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students;

"(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(A) the identification of such students and their needs;

"(B) the provision of support services to the families of such students; and

"(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

"(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;

"(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricular materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

"(7) professional development activities for educators, including—

"(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

"(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

"(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

"(A) early education programs;

"(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

"(C) career and technical education programs; and

"(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian chil-

dren, and incorporate appropriately qualified Native Hawaiian elders and seniors;

"(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

"(A) family literacy services;

"(B) counseling, guidance, and support services for students; and

"(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

"(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

"(11) other research and evaluation activities related to programs carried out under this part; and

"(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

"(d) ADDITIONAL ACTIVITIES.—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary may use such funds to support the following:

"(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

"(2) The perpetuation of, and expansion of access to, Hawaiian culture and history, such as through digital archives.

"(3) Informal education programs that promote traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

"(4) Public charter schools serving high concentrations of Native Hawaiian students.

"(e) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.".

**SEC. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION OF APPROPRIATIONS.**

Section 7206 (20 U.S.C. 7516) is amended to read as follows:

**"SEC. 7206. ADMINISTRATIVE PROVISIONS.**

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.

"(c) SUPPLEMENT NOT SUPPLANT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, and sections 7204 and 7205, such sums as may be necessary for fiscal year 2014 and each of the 5 succeeding fiscal years.

"(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 7204.

"(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.".

**SEC. 757. DEFINITIONS.**

Section 7207 (20 U.S.C. 7517) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) COMMUNITY CONSULTATION.—The term 'community consultation' means a public gathering—

"(A) to discuss Native Hawaiian education concerns; and

"(B) about which the public has been given not less than 30 days notice.".

# TITLE VIII—IMPACT AID

**SEC. 801. PURPOSE.**

Section 8001 (20 U.S.C. 7701) is amended by striking "challenging State standards" and inserting "State academic standards".

**SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(1)(B), by striking "section 8014(a)" and inserting "section 3(d)(1)"; and

(2) by amending subsection (f) to read as follows:

"(f) SPECIAL RULE.—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.";

(3) by amending subsection (g) to read as follows:

"(g) FORMER DISTRICTS.—

"(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in

paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is—

"(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

"(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

"(i) for fiscal years 2006 through 2013, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

"(ii) for fiscal year 2014, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

"(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.";

(4) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by striking "section 8014(a)" and inserting "section 3(d)(1)"; and

(ii) in subparagraph (D), by striking "section 8014(a)" and inserting "section 3(d)(1)"; and

(B) in paragraph (4), by striking "Impact Aid Improvement Act of 2012" and inserting "Student Success Act";

(5) by repealing subsection (k);

(6) by redesignating subsection (l) as subsection (k);

(7) by amending subsection (k) (as so redesignated) by striking "(h)(4)(B)" and inserting "(h)(2)";

(8) by repealing subsection (m); and

(9) by redesignating subsection (n) as subsection (j).

**SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

(a) COMPUTATION OF PAYMENT.—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after "schools of such agency" the following: "(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency

is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency)"; and

(2) in paragraph (5)(A), by striking "1984" and all that follows through "situated" and inserting "1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated."

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking "section 8014(b)" each place it appears and inserting "section 3(d)(2)";

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting at the end the following:

"(iii) The Secretary shall—

"(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2012, 2013, and 2014; and

"(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2012, 2013, and 2014."; and

(B) in subparagraph (B)—

(i) by striking "CONTINUING" in the heading;

(ii) by amending clause (i) to read as follows:

"(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

"(I) is a local educational agency—

"(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

"(bb) that has no taxing authority;

"(II) 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 45 percent;

"(bb) has a per-pupil expenditure that is less than—

"(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-

pupil expenditure of the State in which the agency is located; or

"(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

"(cc) is an agency that—

"(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

"(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 purposes for comparable local educational agencies in the State;

"(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

"(aa) not less than 50 percent are children described in subsection (a)(1); and

"(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

"(V) is a local educational agency that—

"(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 per-

cent of the total student enrollment of the agency; and

"(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001."; and

(iii) in clause (ii)—

(I) by striking "A heavily" and inserting the following:

"(I) IN GENERAL.—Subject to subclause (II), a heavily"; and

(II) by adding at the end the following:

"(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that fails to meet the requirements of clause (i) for a fiscal year by reason of having a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, subclause (I) shall be applied as if 'and the subsequent fiscal year' were inserted before the period at the end.";

(C) by striking subparagraph (C);

(D) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking "REGULAR";

(ii) by striking "Except as provided in subparagraph (E)" and inserting "Except as provided in subparagraph (D)";

(iii) by amending subclause (I) of clause (ii) to read as follows:

"(ii)(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

"(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2012 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment."; and

(iv) by amending subclause (III) of clause (ii) by striking "(B)(i)(II)(aa)" and inserting "subparagraph (B)(i)(I)";

(F) in subparagraph (D)(i)(II) (as so redesignated), by striking "6,000" and inserting "5,500";

(G) in subparagraph (E) (as so redesignated)—

(i) by striking "Secretary" and all that follows through "shall use" and inserting "Secretary shall use";

(ii) by striking "; and" and inserting a period; and

(iii) by striking clause (ii);

(H) in subparagraph (F) (as so redesignated), by striking "subparagraph (C)(i)(II)(bb)" and inserting "subparagraph (B)(i)(II)(bb)(BB)"; and

(I) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

(I) by striking "subparagraph (B), (C), (D), or (E)" and inserting "subparagraph (B), (C), or (D)";

(II) by striking "by reason of" and inserting "due to";

(III) by inserting after "clause (iii)" the following ", or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation"; and

(IV) by inserting before the period, the following: "or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing"; and

(ii) in clause (ii), by striking "(D) or (E)" each place it appears and inserting "(C) or (D)";

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by amending clause (iii) to read as follows:

"(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).'; and

(ii) by adding at the end the following:

"(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

"(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and

"(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.";

(B) in subparagraph (C), by striking "subparagraph (D) or (E) of paragraph (2), as the case may be" and inserting "paragraph (2)(D)"; and

(C) by amending subparagraph (D) to read as follows:

"(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

"(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by;

"(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency."; and

(D) by inserting at the end the following new subparagraphs:

"(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

"(F) INCREASES.—If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection."; and

(5) in paragraph (4)—

(A) in subparagraph (A), by striking "through (D)" and inserting "and (C)"; and

(B) in subparagraph (B), by striking "subparagraph (D) or (E)" and inserting "subparagraph (C) or (D)".

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

"(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

"(A) is newly established by a State, for the first year of operation of such agency only;

"(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies)—

"(i) of not less than 10 percent, or 100 students, of children described in—

"(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

"(II) subparagraph (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; and

"(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

"(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

"(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

"(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.".

(d) CHILDREN WITH DISABILITIES.—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking "section 8014(c)" and inserting "section 3(d)(3)".

(e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C. 7703(e)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

"(A) for fiscal year 2014, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013;

"(B) for fiscal year 2015, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013; and

"(C) for fiscal year 2016, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013."; and

(2) by amending paragraph (2) to read as follows:

"(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or C of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.".

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

**SEC. 804. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

Section 8004(e)(9) is amended by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education".

**SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.**

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking "and shall contain such information,".

**SEC. 806. CONSTRUCTION.**

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "section 8014(e)" and inserting "section 3(d)(4)";

(B) in paragraph (2), by adding at the end the following:

"(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).'; and

(C) in paragraph (3), by striking "section 8014(e)" each place it appears and inserting "section 3(d)(4)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "section 8014(e)" and inserting "section 3(d)(4)";

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

"(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law."; and

(ii) by adding at the end the following:

"(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—

"(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

"(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.";

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking "in such manner, and accompanied by such information" and inserting "and in such manner"; and

(ii) by striking subparagraph (F); and

(D) by striking paragraph (7).

**SEC. 807. FACILITIES.**

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking "section 8014(f)" and inserting "section 3(d)(5)".

**SEC. 808. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.**

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (c)(1)(B), by striking "and contain the information"; and

(2) in subsection (d)(2)—

(A) by striking "A State" and inserting the following:

"(A) IN GENERAL.—A State"; and

(B) by adding at the end of the following:

"(B) STATES THAT ARE NOT EQUALIZED STATES.—A State that has not been approved as an equalized State under subsection (b) shall not consider funds received under section 8002 or section 8003 of this title in any State formula or place a limit or direct the use of such funds.".

**SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.**

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking "or under the Act" and all the follows through "1994)".

**SEC. 810. DEFINITIONS.**

Section 8013 (20 U.S.C. 7713) is amended—

(1) in paragraph (1), by striking "and Marine Corps" and inserting "Marine Corps, and Coast Guard";

(2) in paragraph (4), by striking "and title VI";

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking "Stewart B. McKinney Homeless Assistance Act" and inserting "McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)"; and

(B) in subclause (III), by inserting before the semicolon, "(25 U.S.C. 4101 et seq.)";

(4) in paragraph (8)(A), by striking "and verified by" and inserting ", and verified by,"; and

(5) in paragraph (9)(B), by inserting a comma before "on a case-by-case basis".

**SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

Section 8014 (20 U.S.C. 7801) is amended—

(1) by striking "2000" each place it appears and inserting "2014";

(2) by striking "2001" and inserting "2015"; and

(3) by striking "2002" and inserting "2016".

**SEC. 812. CONFORMING AMENDMENTS.**

Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126 Stat. 1748) is amended—

(1) (1) by striking paragraphs (1) and (4); and

(2) (2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

# TITLE IX—GENERAL PROVISIONS

**SEC. 900. GENERAL AMENDMENTS.**

(a) GENERAL PROHIBITION.—Section 9527(a) (20 U.S.C. 7907(a)) is amended by inserting "specific instructional content, academic standards or assessments," after "school's curriculum,".

(b) RULE OF CONSTRUCTION.—Section 9534 (20 U.S.C. 7914) is amended by adding at the end the following:

"(c) RULE OF CONSTRUCTION.—Any public or private entity that receives funds allocated under this Act including from a State educational agency or local educational agency shall be considered a program under subsection (a) and be subject to the requirements of subsection (a) in carrying out programs or activities funded under this Act.".

## Subtitle A—Protecting Students From Sexual and Violent Predators

**SEC. 901. BACKGROUND CHECKS.**

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

**"SEC. 9537. BACKGROUND CHECKS.**

"(a) BACKGROUND CHECKS.—To ensure a safe learning environment, each State educational agency that receives funds under this Act shall have in effect policies and procedures that—

"(1) require that criminal background checks be conducted for each school employee that include—

"(A) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which the school employee previously resided;

"(B) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which the school employee previously resided;

"(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

"(D) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

"(2) prohibit the employment of an individual as a school employee if such individual—

"(A) refuses to consent to a criminal background check under paragraph (1);

"(B) makes a false statement in connection with such criminal background check;

"(C) has been convicted of a felony consisting of—

"(i) homicide;

"(ii) child abuse or neglect;

"(iii) a crime against children, including child pornography;

"(iv) spousal abuse;

"(v) a crime involving rape or sexual assault;

"(vi) kidnapping;

"(vii) arson; or

"(viii) physical assault, battery, or a drug-related offense, committed within 5 years of the completion of such individual's criminal background check under paragraph (1); or

"(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

"(3) require that a local educational agency or State educational agency that receives information from a criminal background check conducted paragraph (1) that an individual who has applied for employment as a school employee with such agency is a sexual predator, report to local law enforcement that such individual has so applied;

"(4) require that criminal background checks conducted under paragraph (1) be periodically repeated or updated in accordance with State law or local educational policy, but not less than once every 5 years;

"(5) require that each school employee who has had a criminal background check under paragraph (1) be provided with a copy of the background check; and

"(6) provide for a timely process by which a school employee may appeal, but which does not permit the school employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) to—

"(A) challenge the accuracy or completeness of the information produced by such background check; and

"(B) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check.

"(b) INVENTORY AUTHORIZED.—A State educational agency may maintain an inventory of all the information from criminal background checks conducted under subsection (a)(1) on school employees in the State.

"(c) DEFINITIONS.—In this section:

"(1) SCHOOL EMPLOYEE.—The term 'school employee' means—

"(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who has a job duty that results in access to students; or

"(B) an employee of, or a person seeking employment with, a for-profit or nonprofit entity, or local public agency, that has a contract or agreement to provide services with a school, local educational agency, or State educational agency, and whose job duty—

"(i) is to provide such services; and

"(ii) results in access to students.

"(2) SEXUAL PREDATOR.—The term 'sexual predator' means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.".

**SEC. 902. CONFORMING AMENDMENT.**

Section 2 of the Elementary and Secondary Education Act of 1965 is amended by adding after the item relating to section 9536 the following:

"Sec. 9537. Background checks.".

# Subtitle B—Evaluation Authority

**SEC. 911. EVALUATION AUTHORITY.**

Title IX (20 U.S.C. 7801 et seq.) is further amended by amending part F to read as follows:

## "PART F—EVALUATION AUTHORITY

**"SEC. 9911. EVALUATION AUTHORITY.**

"(a) RESERVATION OF FUNDS.—The Secretary shall reserve not less than 1 percent but not more than 3 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

"(1) conduct—

"(A) comprehensive, high-quality evaluations of the program or project that—

"(i) provide information to inform policy-making and to support continuous program improvement; and

"(ii) use methods appropriate for the questions being asked; and

"(B) impact evaluations that, where practical and appropriate, use rigorous methodologies, such as experimental or quasi-experimental designs or randomized control trials, that permit the strongest possible causal inferences;

"(2) provide technical assistance to grant recipients on—

"(A) the conduct of the evaluation activities that the grantees carry out under this Act; and

"(B) the collection and reporting of performance data relating to the program or project and using that data to determine program effectiveness and make any required improvements;

"(3) evaluate the aggregate short-term and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law;

"(4) increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, dissemination, and use of information relating to performance under the program or project and building the evidence base for what projects effectively meet the goals of the program in question; and

"(5) identify and disseminate research and best practices related to the programs and projects authorized under this Act to build the evidence base for the programs and projects that most effectively meet the goals of this Act.

"(b) EVALUATION PLAN.—The Secretary shall annually develop and submit to Congress a plan that—

"(1) describes the specific evaluation activities and their timelines that the Secretary intends to carry out under this part for that year; and

"(2) results from evaluation activities carried out under this part.

"(c) OTHER EVALUATION ACTIVITIES.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program or demonstration project, the Secretary may reserve additional funds under this part, if the amount reserved is less than 1 percent of program funding. In that case, the Secretary may reserve not less than 1 percent but not more than 3 percent of funding for program evaluation.

"(d) SPECIAL RULE REGARDING ALLOCATION FOR IMPACT EVALUATIONS.—The Secretary shall use not less than 30 percent of the funds reserved under this section for each of the fiscal years 2014 through 2019, in the aggregate for each year, for impact evaluations that meet the requirements of subsection (a)(1).".

# Subtitle C—Keeping All Students Safe

**SEC. 911. KEEPING ALL STUDENTS SAFE.**

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

## "PART G—KEEPING ALL STUDENTS SAFE

**"SEC. 9701. DEFINITIONS.**

"In this part:

"(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

"(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

"(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

"(2) MECHANICAL RESTRAINT.—The term 'mechanical restraint' has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting 'student's' for 'resident's'.

"(3) PHYSICAL ESCORT.—The term 'physical escort' has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting 'student' for 'resident'.

"(4) PHYSICAL RESTRAINT.—The term 'physical restraint' has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

"(5) POSITIVE BEHAVIOR SUPPORTS.—The term 'positive behavior supports' means a systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intensive behavioral needs.

"(6) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

"(7) SCHOOL.—The term 'school' means an entity—

"(A) that—

"(i) is a public or private—

"(I) day or residential elementary school or secondary school; or

"(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and

"(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act; or

"(B) that is a school funded or operated by the Department of the Interior.

"(8) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning—

"(A) given the term in section 4151(10); and

"(B) given the term 'school resource officer' in section 4151(11).

"(9) SECLUSION.—The term 'seclusion' has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

"(10) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term 'State-approved crisis intervention training program' means a training program approved by a State and the Secretary that, at a minimum, provides—

"(A) training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

"(B) training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

"(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

"(D) training in first aid and cardiopulmonary resuscitation;

"(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 9702(a); and

"(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

"(11) STUDENT.—The term 'student' means a student enrolled in a school defined in paragraph (7), except that in the case of a student enrolled in a private school or private program, such term means a student who receives support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act.

"(12) TIME OUT.—The term 'time out' has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting 'student' for 'resident'.

**"SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUCTION.**

"(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of the Student Success Act, to ensure a safe learning environment and protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this part, the Secretary shall promulgate regulations establishing the following minimum standards:

"(1) School personnel shall be prohibited from imposing on any student the following:

"(A) Mechanical restraints.

"(B) Chemical restraints.

"(C) Physical restraint or physical escort that restricts breathing.

"(D) Aversive behavioral interventions that compromise health and safety.

"(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

"(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

"(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

"(C) such physical restraint or seclusion is imposed by school personnel who—

"(i) continuously monitor the student face-to-face; or

"(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

"(D) such physical restraint or seclusion is imposed by—

"(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)); or

"(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

"(E) such physical restraint or seclusion ends immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

"(3) States, in consultation with local educational agencies and private school officials, shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)) to meet the needs of the specific student population in each school.

"(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

"(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

"(A) procedures to provide to the parent of the student, with respect to each such incident—

"(i) an immediate verbal or electronic communication on the same day as the incident; and

"(ii) written notification within 24 hours of the incident; and

"(B) any other procedures the Secretary determines appropriate.

"(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

"(1) time out (as defined in section 9701(20));

"(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

"(A) restraints for medical immobilization;

"(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

"(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

"(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

"(A) in the—

"(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

"(ii) lawful exercise of law enforcement duties; and

"(B) less restrictive interventions would be ineffective.

**"SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.**

"(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

"(1) assurances to the Secretary that the State has in effect—

"(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 9702(a); and

"(B) a State mechanism to effectively monitor and enforce the minimum standards;

"(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

"(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

"(b) REPORTING.—

"(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report that includes the information described in paragraph (2), with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency.

"(2) INFORMATION REQUIREMENTS.—

"(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

"(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

"(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

"(B) DISAGGREGATION.—

"(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

"(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

"(aa) that resulted in injury;

"(bb) that resulted in death; and

"(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 9702(a)(2)(D)(i); and

"(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

"(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

"(bb) age; and

"(cc) disability status (which has the meaning given the term 'individual with a disability' in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

"(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

"(I) be carried out in a manner to ensure an unduplicated count of the—

"(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

"(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

"(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—

"(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

"(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

"(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

"(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

"(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for

the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

**"SEC. 9704. GRANT AUTHORITY.**

"(a) IN GENERAL.—From the amount appropriated under section 922, the Secretary may award grants to State educational agencies to assist the agencies in—

"(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a);

"(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

"(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

"(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

"(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

"(d) AUTHORITY TO MAKE SUBGRANTS.—

"(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

"(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

"(e) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

"(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

"(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

"(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the min-

imum standards established by regulations promulgated by the Secretary pursuant to section 9702(a).

"(2) Providing professional development, training, and certification for school personnel to meet such standards.

"(3) Carrying out the reporting requirements under section 9703(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

"(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

"(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

"(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decisionmaking related to behavioral supports and interventions in the classroom.

"(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

"(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

"(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

"(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a); and

"(2) submit to the Secretary a report on such progress.

"(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 9708, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

**"SEC. 9705. NATIONAL ASSESSMENT.**

"(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this part, which shall include—

"(1) analyzing data related to physical restraint and seclusion incidents;

"(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

"(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

"(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

"(b) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

"(1) not later than 3 years after the date of enactment of the Student Success Act, an interim report that summarizes the preliminary findings of the assessment described in subsection (a); and

"(2) not later than 5 years after the date of the enactment of the Student Success Act, a final report of the findings of the assessment.

**"SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.**

"Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this part.

**"SEC. 9707. LIMITATION OF AUTHORITY.**

"(a) IN GENERAL.—Nothing in this part shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

"(b) APPLICABILITY.—

"(1) PRIVATE SCHOOLS.—Nothing in this part shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

"(2) HOME SCHOOLS.—Nothing in this part shall be construed to—

"(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

"(B) consider parents who are schooling a child at home as school personnel.

**"SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated such sums as may be necessary to carry out this part for fiscal year 2014 and each of the 4 succeeding fiscal years.

**"SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.**

"(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this part will be awarded using competitive procedures based on merit.

"(b) REPORT TO CONGRESS.—If grants are awarded under this part using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.".

# Subtitle D—Protecting Student Athletes From Concussions

**SEC. 931. PROTECTING STUDENT ATHLETES FROM CONCUSSIONS.**

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

## "PART H—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS

**"SEC. 9801. MINIMUM STATE REQUIREMENTS.**

"Beginning with fiscal year 2014, in order to be eligible to receive funds for such year or a subsequent fiscal year under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each State educational agency shall issue regulations establishing the following minimum requirements in order to protect student academic achievement from the impact of concussions:

"(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that includes—

"(A) the education of students, parents, and school personnel about concussions, such as—

"(i) the training and certification of school personnel, including coaches, athletic trainers, and school nurses, on concussion safety and management; and

"(ii) using and maintaining standardized release forms, treatment plans, observation, monitoring and reporting forms, recordkeeping forms, and post-injury fact sheets;

"(B) supports for students recovering from a concussion, such as—

"(i) guiding such student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary team, which may include—

"(I) a health care professional, the parents of such student, a school nurse, or other relevant school personnel; and

"(II) an individual who is assigned by a public school to oversee and manage the recovery of such student;

"(ii) providing appropriate academic accommodations; and

"(iii) referring students whose symptoms of concussion reemerge or persist upon the reintroduction of cognitive and physical demands for evaluation of the

eligibility of such students for services under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 note et seq.); and

"(C) best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

"(i) disseminating information on concussion management safety and management to the public; and

"(ii) applying uniform standards for concussion safety and management to all students enrolled in public schools.

"(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

"(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

"(B) shall include—

"(i) the risks posed by sustaining a concussion;

"(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

"(iii) the signs and symptoms of a concussion; and

"(C) may include—

"(i) the definition of a concussion;

"(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

"(iii) the effects of a concussion on academic learning and performance.

"(3) RESPONSE TO CONCUSSION.—If any school personnel, including coaches and athletic trainers, of a public school suspects that a student has sustained a concussion during a school-sponsored athletic activity—

"(A) the student shall be—

"(i) immediately removed from participation in such activity; and

"(ii) prohibited from returning to participate in school-sponsored athletic activities—

"(I) on the day such student sustained a concussion; and

"(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

"(B) such personnel shall report to the parent or guardian of such student—

"(i) the date, time, and extent of the injury suffered by such student; and

"(ii) any actions taken to treat such student.

"(4) RETURN TO ATHLETICS AND ACADEMICS.—Before a student who has sustained a concussion in a school-sponsored athletic activity resumes participation in school-sponsored athletic

activities or academic activities, the school shall receive a written release from a health care professional, that—

"(A) states that the student is capable of resuming participation in such activities; and

"(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

"(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

"(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

**"SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

"Not later than 6 months after promulgating regulations pursuant to section 9801 in order to be eligible to receive funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), each State educational agency shall submit to the Secretary of Education a report that contains—

"(1) a description of the State regulations promulgated pursuant to section 9801; and

"(2) an assurance that the State has implemented such regulations.

**"SEC. 9803. RULE OF CONSTRUCTION.**

"Nothing in this subtitle shall be construed to alter or supersede State law with respect to education standards or procedures or civil liability.

**"SEC. 9804. DEFINITIONS.**

"In this subtitle:

"(1) CONCUSSION.—The term 'concussion' means a type of traumatic brain injury that—

"(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

"(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

"(i) any period of observed or self-reported —

"(I) transient confusion, disorientation, or impaired consciousness;

"(II) dysfunction of memory around the time of injury; and

"(III) loss of consciousness lasting less than 30 minutes;

"(ii) any one of four types of symptoms of a headache, including—

"(I) physical symptoms, such as headache, fatigue, or dizziness;

"(II) cognitive symptoms, such as memory disturbance or slowed thinking;

"(III) emotional symptoms, such as irritability or sadness; and

"(IV) difficulty sleeping; and

"(C) can occur—

"(i) with or without the loss of consciousness; and

"(ii) during participation in any organized sport or recreational activity.

"(2) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician, nurse, certified athletic trainer, physical therapist, neuropsychologist or other qualified individual who—

"(A) is a registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment;

"(B) is experienced in the diagnosis and management of traumatic brain injury among a pediatric population; and

"(C) may be a volunteer.

"(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(4) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning given such term in section 4151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161).

"(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term 'school-sponsored athletic activity' means—

"(A) any physical education class or program of a school;

"(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity; and

"(C) any extracurricular sports team, club, or league organized by a school on or off school grounds.".

# TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

**SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.**

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Ac (42 U.S.C. 11421 et seq.) is amended to read as follows:

## "Subtitle B—Education for Homeless Children and Youths

**"SEC. 721. STATEMENT OF POLICY.**

"The following is the policy of Congress:

"(1) Each State educational agency shall ensure that each homeless child and youth has access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth.

"(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are af-

forded the same free appropriate public education as is provided to other children and youth.

"(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

"(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college and career ready State student academic achievement standards to which all students are held.

**"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (g).

"(b) APPLICATION.—In order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—

"(1) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B)—

"(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

"(i) $300,000; or

"(ii) an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

"(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

"(2) RESERVATIONS.—

"(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated

for each fiscal year under section 727 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this title, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

"(B) INDIAN STUDENTS.—

"(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 727 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this title.

"(ii) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this title, for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this title. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the funds transferred, including appropriate goals, objectives, and milestones for that use.

"(d) STATE ACTIVITIES.—Grant funds from a grant made to a State under this section shall be used for the following:

"(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school, including in early childhood education programs.

"(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has sufficient knowledge, authority, and time to carry out the duties described in this title.

"(3) To prepare and carry out the State plan described in subsection (g).

"(4) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency school personnel, and community agencies to improve their—

"(A) identification of homeless children and youth; and

"(B) awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

"(e) STATE AND LOCAL SUBGRANTS.—

"(1) MINIMUM DISBURSEMENTS BY STATES.—From the grant funds made available each year to a State under subsection (a) to carry out this title, the State educational agency shall distribute not less than 75 percent by making subgrants under section 723 to local educational agencies for the purposes of carrying out section 723.

"(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use any grant funds remaining after making subgrants under section 723 to conduct activities under subsection (f) directly or through making grants or entering into contracts.

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free public education to a homeless child or youth, no State receiving funds under this title shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

"(A) EXCEPTION.—Notwithstanding paragraph (3), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this title relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated and in receipt of funds under this title in fiscal year 2013 in a covered county shall be eligible to receive funds under this title for programs carried out in such school.

"(B) DEFINITION.—For purposes of this paragraph, the term 'covered county' means San Diego County, California.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youth established in each State shall—

"(1) gather and make publicly available reliable, valid, and comprehensive information on

"(A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools;

"(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;

"(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

"(D) the success of the programs under this title in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in school; and

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youth within the State including data requested pursuant to section 724(h);

"(4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities and collaboration with—

"(A) educators, including teachers, administrators, specialized instructional support personnel, and child development and preschool program personnel;

"(B) providers of services to homeless children and youth and homeless families, public and private child welfare and social service agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

"(C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;

"(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

"(E) community organizations and groups representing homeless children and youth and their families; and

"(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (8) of subsection (g), and subsection (e)(3); and

"(g) STATE PLAN.—

"(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of homeless children and youth within the State. Such plan shall include the following:

"(A) A description of how such children and youth are (or will be) given the opportunity

"(i) to meet the same challenging State academic achievement standards all students are expected to meet; and

"(ii) to become college and career ready.

"(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youths in the State and to assess their needs.

"(C) A description of procedures for the prompt resolution of disputes arising under this title, which shall—

"(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

"(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

"(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

"(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

"(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.

"(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

"(F) A description of procedures that ensure that—

"(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

"(ii) homeless youths and youth separated from the public schools, are identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

"(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local educational programs, such as

"(I) innovative school models, including charter schools, magnet schools, and blended learning schools;

"(II) expanded learning time and out-of-school time programs, including before- and after-school programs and summer schools;

"(III) middle and secondary school enrichment programs, including career and technical education, advanced placement, international baccalaureate, and dual enrollment courses;

"(IV) online learning opportunities, including virtual schools; and

"(V) relevant workforce investment programs.

"(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

"(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

"(i) immunization and other required health records and screenings;

"(ii) residency requirements;

"(iii) lack of birth certificates, school records, or other documentation;

"(iv) guardianship issues; or

"(v) uniform or dress code requirements.

"(I) A demonstration that the State educational agency and local educational agencies and schools in the State have developed, and shall review and revise, their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools, including early childhood education programs, in the State.

"(J) Assurances that the following will be carried out—

"(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or segregated on the basis of their status as homeless;

"(ii) local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

"(iii) the State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin for as long as the student has the right to attend the school of origin as determined in paragraph (4)(A), in accordance with the following, where applicable:

"(I) If the child or youth continues to live in the area served by the local educational agency for the school of origin, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency for the school of origin.

"(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

"(iv) The State educational agency and local educational agencies will adopt policies and practices to

promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

"(2) COMPLIANCE.—

"(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (8).

"(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this title shall, according to the child's or youth's best interest—

"(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

"(I) in any case in which the child or youth becomes a homeless child or youth between academic years or during an academic year; or

"(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

"(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;

"(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school or origin or the school requested by the parent, guardian, or unaccompanied youth, provide, in coordination with the local education agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a written explanation in a manner or form understandable to such parent, guardian, or youth, to

the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

"(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E); and

"(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (5).

"(C) ENROLLMENT.—

"(i) ENROLLMENT.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

"(I) is unable to produce records traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

"(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

"(III) has missed application or enrollment deadlines during any period of homelessness.

"(ii) CONTACTING SCHOOL LAST ATTENDED.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

"(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately enroll the child or youth and immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings or other required health records, in accordance with subparagraph (D).

"(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

"(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

"(i) so that the records involved are available when a child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

"(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection or service in a public school or public preschool, or any other issue relating to services under this title—

"(i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals;

"(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

"(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of such dispute; and

"(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment, pending resolution of such dispute.

"(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth involved lives with the homeless parents or has been temporarily placed elsewhere.

"(G) SCHOOL OF ORIGIN DEFINED.—

"(i) IN GENERAL.—In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

"(ii) RECEIVING SCHOOL.—When a child or youth completes the final grade level served by the school of origin, as described in clause (i), the term 'school of origin' shall include the designated receiving school at the next grade level for the feeder school that the child or youth attended.

"(H) CONTACT INFORMATION.—Nothing in this title shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

"(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and

youth who are survivors of domestic violence and unaccompanied youth.

"(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

"(4) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this title or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this title shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following:

"(A) Transportation services.

"(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

"(C) Programs in vocational and technical education.

"(D) Programs for gifted and talented students.

"(E) School nutrition programs.

"(F) Health and counseling services, as appropriate.

"(5) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency shall coordinate—

"(i) the provision of services under this title with the services of local social services agencies and other agencies or entities providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

"(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

"(B) HOUSING ASSISTANCE.—Each State educational agency and local educational agency that receives assistance under this title shall coordinate, if applicable, with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that all homeless children and youth are identified within a reasonable time frame;

"(ii) ensure that all homeless children and youth have access to and are in reasonable proximity to available education and related support services; and

"(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

"(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this title, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this title with the provision of programs for children with disabilities served by such local educational agency and other involved local educational agencies.

"(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

"(A) DUTIES.—Each local educational agency liaison for homeless children and youth, designated under paragraph (1)(J)(ii), shall ensure that—

"(i) all homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

"(ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

"(iii) homeless families, children, and youth have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs;

"(iv) homeless families, and homeless children and youth, receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

"(v) homeless children and youth are certified as eligible for free meals offered under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application;

"(vi) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

"(vii) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's website, and disseminated in locations frequented by parents and guardians of homeless children and youth and unaccompanied youth, including schools, shelters, public librar-

ies, and soup kitchens in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

"(viii) disputes are resolved in accordance with paragraph (3)(E);

"(ix) the parent or guardian of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (4)(A).

"(x) school personnel are adequately prepared to implement this title and receive professional development, resource materials, technical assistance, and other support; and

"(xi) unaccompanied youth—

"(I) are enrolled in school;

"(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

"(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

"(B) NOTICE.—State coordinators appointed under subsection (d)(2) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons working in the State on the State educational agency's website.

"(C) LOCAL AND STATE COORDINATION.—the local educational agency liaisons shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related support services to homeless children and youth. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

"(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall participate in the professional development and other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

"(h) EMERGENCY DISASTER GRANTS.—

"(1) IN GENERAL.—The Secretary shall make emergency disaster grants to eligible local educational agencies and eligible States described in paragraph (2), in order to increase the capacity for such local educational agencies and States to respond to major disasters.

"(2) ELIGIBILITY; APPLICATION.—

"(A) ELIGIBILITY.—

"(i) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—A local educational agency shall be eligible to receive an emergency disaster grant under this subsection, based on demonstrated need, if such local educational agency's enrollment of homeless children and youth has increased as a result of a hurricane, flood, or other natural disaster for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

"(ii) STATE ELIGIBILITY.—A State, through the Office of the Coordinator for Education of Homeless Children and Youths in the State educational agency, shall be eligible to receive an emergency disaster grant under this subsection if there are 1 or more eligible local educational agencies, as described in clause (i), located within the State.

"(B) APPLICATION.—In order for an eligible State or an eligible local educational agency to receive a grant under this subsection, the State educational agency, in consultation with other relevant State agencies, or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(3) DISTRIBUTION OF GRANTS.—The Secretary shall distribute emergency disaster grant funds—

"(A) based on demonstrated need, to State educational agencies or local educational agencies for local educational agencies whose enrollment of homeless children and youths has increased as a result of a hurricane, flood, or other natural disaster for which the President has declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

"(B) expeditiously, and in no case later than 75 days after such funds are appropriated to the Secretary; and

"(C) in a manner that enables local educational agencies to use such funds for the immediate needs of disaster response and ongoing disaster recovery.

"(4) AMOUNT OF GRANTS.—The Secretary shall distribute grants under this subsection in amounts determined by the Secretary and related to the increase in enrollment of homeless children and youths as a result of such major disaster.

"(5) USES OF FUNDS.—A local educational agency or State educational agency that receives an emergency disaster grant under this subsection shall use the grant funds to carry out the activities described in section 723(d).

**"SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.**

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 727, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

"(2) SERVICES.—

"(A) IN GENERAL.—Services under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities; and

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided to homeless children and youth on school grounds, the schools involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

"(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(4) DURATION OF GRANTS.—Subgrants under this section shall be for terms not to exceed 3 years.

"(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

"(1) An assessment of the educational and related needs of homeless children and youth in the area served by such agency (which may be undertaken as part of a needs assessment for other disadvantaged group).

"(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

"(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

"(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

"(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

"(c) AWARDS.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies under this subtitle and the quality of the applications submitted.

"(2) NEED.—

"(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

"(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

"(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, retention, and educational success of homeless children and youth.

"(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

"(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

"(iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.

"(iv) Such other criteria as the State agency determines to be appropriate.

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

"(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

"(B) The types, intensity, and coordination of the services to be provided under the program.

"(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.

"(D) The extent to which homeless children and youths will be integrated into the regular education program involved.

"(E) The quality of the applicant's evaluation plan for the program.

"(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

"(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

"(H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

"(I) The extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including the extent to which the local educational agency will provide services to unaccompanied youth and preschool-aged children.

"(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

"(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

"(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college and career ready State academic content standards and college and career ready State student academic achievement standards the State establishes for other children and youths.

"(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth, including needs and eligibility for programs and services (including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, charter school programs, magnet school programs, programs in career and technical education, and school nutrition programs).

"(3) Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and youth, the rights of such children and youth under this sub-

title, and the specific educational needs of runaway and homeless youth.

"(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

"(5) The provision of assistance to defray the excess cost of transportation under paragraphs (1)(J)(iii) and (5)(A) of section 722(g) not otherwise provided through Federal, State, or local funding.

"(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding.

"(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youths.

"(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

"(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

"(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children.

"(11) The development of coordination of activities between schools and agencies providing services to homeless children and youths, as described in section 722(g)(6).

"(12) The provision of pupil services (including counseling) and referrals for such services.

"(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

"(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

"(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

"(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

"(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early childhood education programs.

**"SEC. 724. SECRETARIAL RESPONSIBILITIES.**

"(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall—

"(1) provide support and technical assistance to a State educational agencies to assist such agencies in carrying out their responsibilities under this subtitle; and

"(2) establish or designate a Federal Office of the Coordinator for Education of Homeless Children and Youths that has sufficient capacity, resources, and support to carry out the responsibilities described in this subtitle.

"(c) NOTICE.—

"(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Student Success Act, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 726.

"(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities of programs designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 727 to conduct such activities.

"(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

"(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

"(g) PUBLICATION.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the Student Success Act, a summary of the changes enacted by that Act and related strategies, which summary shall include—

"(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

"(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youth in school; and

"(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

"(h) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 727, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically, but not less frequently than every two years, collect and disseminate publicly data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related support services such children and youth receive;

"(C) the extent to which the needs of homeless children and youth are being met;

"(D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and

"(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(i) REPORT.—Not later than 4 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on

Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

"(1) the education of homeless children and youth; and

"(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

**"SEC. 725. RULE OF CONSTRUCTION.**

"Nothing in this subtitle shall be construed to diminish the rights of parents or guardians of homeless children or youth, or unaccompanied youth, otherwise provided under State law, policy, or practice, including laws or policies that authorize the best interest determination in section 722(g)(3) to be made solely by the parent, guardian, or youth involved.

**"SEC. 726. DEFINITIONS.**

"In this subtitle:

"(1) ENROLL; ENROLLMENT.—The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities.

"(2) HOMELESS CHILDREN AND YOUTH.—The term 'homeless children and youth'—

"(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

"(B) includes—

"(i) children and youth who—

"(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

"(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

"(III) are living in emergency or transitional shelters;

"(IV) are awaiting foster care placement; and

"(V) are abandoned in hospitals;

"(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

"(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

"(iv) migratory children (as such term is defined in section 1312 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

"(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section

9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(6) UNACCOMPANIED YOUTH.—The term 'unaccompanied youth' means a homeless child or youth not in the physical custody of a parent or legal guardian.

**"SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—For the purpose of carrying out this subtitle, other than section 725, there are authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2014 and such sums as may be necessary for each of fiscal years 2015 through 2020.

"(b) EMERGENCY DISASTER GRANTS.—In addition to sums authorized under subsection (a), there are authorized to be appropriated to the Secretary to carry out subsection (h) such additional sums as may be necessary.".

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