

110TH CONGRESS
2D SESSION

H. R. 6632

To amend the Elementary and Secondary Education Act of 1965 to reform various programs and activities carried out under that Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2008

Mr. CASTLE introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Elementary and Secondary Education Act of 1965 to reform various programs and activities carried out under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Improving No Child Left Behind for All Students Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Subtitle A—Improving Basic Programs Operated by Local Educational
Agencies

- Sec. 101. Postsecondary and workplace readiness.
- Sec. 102. Growth models.
- Sec. 103. Disaggregation of data.
- Sec. 104. English language learners.
- Sec. 105. Students with disabilities.
- Sec. 106. Peer review.
- Sec. 107. Report cards.
- Sec. 108. Comparison of State standards.
- Sec. 109. Local educational agency plans.
- Sec. 110. School and local educational agency improvement and assistance.
- Sec. 111. Longitudinal data systems.
- Sec. 112. Creating a reliable and accurate graduation rate to improve the academic achievement of high school students.
- Sec. 113. Reading First.
- Sec. 114. Amendments to part C (Education of Migratory Children and Youth).
- Sec. 115. Amendments to part E (National Assessment of title I).
- Sec. 116. Amendments to part G (Advanced Placement).
- Sec. 117. Use of adaptive assessments.

Subtitle B—Striving Readers

- Sec. 121. Striving Readers.

TITLE II—RECRUITING TEACHERS FOR UNDERSERVED URBAN
AND RURAL UNITED STATES COMMUNITIES

- Sec. 201. Purposes.
- Sec. 202. Definitions.
- Sec. 203. Grant program authorized.
- Sec. 204. Grant requirements.
- Sec. 205. Authorized activities.
- Sec. 206. Evaluation.
- Sec. 207. Participation agreement and financial assistance under Troops to Teachers program.
- Sec. 208. Authorization of appropriations.
- Sec. 209. New part E (Civic Education; transferred from title II).

TITLE III—HOMELESS EDUCATION

- Sec. 301. Education for homeless children and youths.

1 SEC. 2. REFERENCES.

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a

1 section or other provision of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

3 **TITLE I—IMPROVING THE ACA-**
4 **DEMIC ACHIEVEMENT OF THE**
5 **DISADVANTAGED**

6 **Subtitle A—Improving Basic Pro-**
7 **grams Operated by Local Edu-**
8 **cational Agencies**

9 **SEC. 101. POSTSECONDARY AND WORKPLACE READINESS.**

10 (a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.)
11 is amended by inserting after section 1111 the following
12 new section:

13 **“SEC. 1111A. POSTSECONDARY AND WORKPLACE READI-**
14 **NESS.**

15 “(a) IN GENERAL.—At the State’s discretion, the
16 State educational agency, independently or in consortia
17 with other States, may analyze and revise the standards
18 used under section 1111 to ensure that they are vertically
19 aligned from grade to grade and with what students
20 should know in order to be successful in postsecondary
21 education and the workplace. Such analysis shall consist
22 of—

23 “(1) consulting with existing P–16 or P–20
24 Councils, or if one does not exist, consulting with
25 groups and individuals described in subsection (a)(1)

1 of section 1111, representatives from the State’s
2 higher education system, including faculty that make
3 decisions about placement in credit bearing courses,
4 and small and large businesses;

5 “(2) reviewing existing national, international,
6 and private efforts to identify postsecondary edu-
7 cation and workplace readiness skills; and

8 “(3) completing a rigorous alignment process
9 between State assessments and revised standards.

10 “(b) HIGH QUALITY ASSESSMENTS ALIGNED WITH
11 NEW STANDARDS.—Each State educational agency or
12 consortium of States that adopts the new standards de-
13 scribed in subsection (a) shall, within 2 years after com-
14 pleting the analysis and revision required by subsection
15 (a), ensure that State assessments—

16 “(1) are fully aligned with the standards de-
17 scribed in subsection (a) through a rigorous align-
18 ment process;

19 “(2) meet all the assessment quality require-
20 ments in section 1111(b)(3)(C); and

21 “(3) involve multiple up-to-date measures of
22 student academic achievement in each subject and
23 each grade level assessed under this Act, including
24 measures that assess higher-order thinking skills

1 and understanding, application and transferability of
2 knowledge, problem solving, analysis, and synthesis.

3 “(c) STATE CONSORTIA.—States may enter into con-
4 sortia with other States to develop shared standards and
5 assessments of postsecondary education and workplace
6 readiness.

7 “(d) PEER REVIEW.—Each State or consortium of
8 States shall appoint an independent peer review panel to
9 review standards and assessments to establish that the
10 standards are aligned from grade to grade and with what
11 students must know and do to be successful in postsec-
12 ondary education and the workforce, and that the State
13 assessments are rigorously aligned with such State stand-
14 ards. Members of the peer review panel shall include—

15 “(1) representatives of small and large busi-
16 nesses;

17 “(2) representatives of institutions of higher
18 education;

19 “(3) widely recognized experts on developing
20 college and work ready standards;

21 “(4) widely recognized experts in educational
22 assessment; and

23 “(5) representatives of parents, teachers, prin-
24 cipals, and State and local educational agencies.

1 “(e) ADDITIONAL FUNDS.—All funds appropriated
2 under section 6113(a)(2) above \$400,000,000 shall be al-
3 located only to States and consortia of States that choose
4 to adopt the standards and assessments under this sec-
5 tion.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents for such title is amended by inserting after the item
8 relating to section 1111 the following new item:

“Sec. 1111A. Postsecondary and workplace readiness.”.

9 **SEC. 102. GROWTH MODELS.**

10 Section 1111(b)(2) (20 U.S.C. 6311(b)(2)) is amend-
11 ed by adding at the end the following:

12 “(L) STUDENT GROWTH.—A State may,
13 consistent with requirements established by the
14 Secretary, establish and implement procedures
15 for incorporating student academic growth into
16 the State’s definition of adequate yearly
17 progress under subparagraph (C). A State that
18 desires to incorporate student academic growth
19 into the State’s definition of adequate yearly
20 progress under subparagraph (C) shall, at a
21 minimum—

22 “(i) include, in its procedures for in-
23 corporating student academic growth in
24 the definition of adequate yearly progress,
25 an expectation that all students in each

1 group described in subparagraph (C)(v)
2 will, by the end of the 2013–2014 school
3 year, meet or exceed, or be on trajectory to
4 meet or exceed within 3 years, the State’s
5 proficient level of academic achievement on
6 the State assessments under paragraph
7 (3);

8 “(ii) establish individual student
9 growth objectives that are based on meet-
10 ing the State’s proficient level of academic
11 achievement on the State assessments
12 under paragraph (3) and are not based on
13 individual student background characteris-
14 tics;

15 “(iii) establish separate, measurable
16 objectives for the assessments of mathe-
17 matics and reading or language arts under
18 subsection (a)(3);

19 “(iv) ensure that all students who are
20 tested using the State’s assessments under
21 paragraph (3)(B) are included in the
22 State’s assessment and accountability sys-
23 tem under this section;

24 “(v) include, in its definition of ade-
25 quate yearly progress, the results of assess-

1 ments included in paragraph (3), approved
2 by the Secretary, that—

3 “(I) produce comparable results,
4 from grade to grade and from year to
5 year in each of the grades 3 through
6 8, and in secondary school, in mathe-
7 matics and reading or language arts;
8 and

9 “(II) have been in use by the
10 State for at least two years;

11 “(vi) track student progress through a
12 State-developed longitudinal data system
13 that meets the requirements of section
14 1120C; and

15 “(vii) include, as separate academic
16 indicators in determining whether schools
17 are making adequate yearly progress for a
18 particular year—

19 “(I) the rate of student participa-
20 tion in assessments under paragraph
21 (3); and

22 “(II) other academic indicators
23 as described in subparagraph
24 (C)(vi).”.

1 **SEC. 103. DISAGGREGATION OF DATA.**

2 Section 1111(b)(2) (20 U.S.C. 6311(b)(2)) is further
3 amended by adding at the end the following:

4 “(M) DISAGGREGATION OF DATA FOR
5 GROUPS.—Disaggregation of data under sub-
6 paragraph (C)(v)(II) shall not be required in a
7 case in which the number of students in a cat-
8 egory in a school is insufficient to yield statis-
9 tically reliable information (a number which
10 shall be the same for all groups of students re-
11 ferred to in subparagraph (C)(v)(II), be statis-
12 tically reliable based on the assessment used by
13 the State, but be not greater than 30, except
14 that the Secretary may approve a number
15 greater than 30 but not greater than 40 if the
16 State educational agency can justify, through
17 documented evidence of its reliability, that
18 greater number) or the results would reveal per-
19 sonally identifiable information about an indi-
20 vidual student.”.

21 **SEC. 104. ENGLISH LANGUAGE LEARNERS.**

22 (a) ADEQUATE YEARLY PROGRESS.—Section
23 1111(b)(2) (20 U.S.C. 6311(b)(2)) is further amended by
24 adding at the end the following:

25 “(N) ENGLISH LANGUAGE LEARNERS.—

1 “(i) INCLUSION IN GROUP FOR UP TO
2 THREE YEARS AFTER NO LONGER AN
3 ENGLISH LANGUAGE LEARNER.—A State
4 or local educational agency may, in deter-
5 mining whether the group of students re-
6 ferred to in subparagraph (C)(v)(II)(dd)
7 met an annual measurable objective as de-
8 scribed in subparagraph (G), include the
9 scores of all students who were previously
10 identified as English language learners for
11 a period of up to three years per student
12 from the time the student is no longer con-
13 sidered an English language learner.

14 “(O) RECENTLY ARRIVED ENGLISH LAN-
15 GUAGE LEARNERS.—

16 “(i) EXEMPTION.—A State may ex-
17 empt recently arrived English language
18 learners from one administration of the
19 State’s reading or language arts assess-
20 ment.

21 “(ii) INCLUSION.—A State shall in-
22 clude recently arrived English language
23 learners in the State’s assessments in
24 mathematics and science.

1 “(iii) DEFINITION.—For the purpose
2 of this subparagraph, the term ‘recently
3 arrived English language learner’ means
4 an English language learner who has at-
5 tended schools in the United States for a
6 period of less than 12 months.”.

7 (b) ASSESSMENTS OF ENGLISH LANGUAGE LEARN-
8 ERS.—Section 1111(b) (20 U.S.C. 6311(b)) is further
9 amended by adding at the end the following:

10 “(11) ASSESSMENTS OF ENGLISH LANGUAGE
11 LEARNERS.—

12 “(A) TEMPORARY AUTHORITY TO USE
13 ENGLISH PROFICIENCY TESTS.—During and for
14 no longer than the 2 school years following the
15 school year in which the Improving No Child
16 Left Behind for All Students Act was enacted,
17 for the purposes of determining adequate yearly
18 progress in reading or language arts, in the
19 case of each English language learner who is in
20 the lowest levels of English proficiency, the
21 State may use the student’s assessment in
22 English language proficiency instead of the stu-
23 dent’s assessment in reading or language arts.

24 “(B) ACCOMMODATIONS.—Each State
25 shall, in the State plan, identify the accom-

1 modations used in assessing English language
2 learners and demonstrate how the State will
3 prepare teachers to use those accommodations
4 appropriately.

5 “(C) FLEXIBILITY.—Each State shall have
6 the flexibility to test English language learners
7 using alternate, valid, and reliable assessments,
8 such as native language assessments, for a pe-
9 riod of up to 3 years, and each State may, be-
10 yond that period, continue to do so on a case-
11 by-case basis for up to 3 years.”.

12 **SEC. 105. STUDENTS WITH DISABILITIES.**

13 Section 1111(b)(2) (20 U.S.C. 6311(b)(2)) is further
14 amended by adding at the end the following:

15 “(P) STUDENTS WITH DISABILITIES.—

16 “(i) IN GENERAL.—In determining
17 adequate yearly progress for schools, local
18 educational agencies, and the State, a
19 State may include—

20 “(I) the scores of students with
21 the most significant cognitive disabil-
22 ities who meet or exceed the proficient
23 level of academic achievement based
24 on alternate academic achievement
25 standards, provided that the number

1 of those scores (at the local edu-
2 cational agency and State levels, sepa-
3 rately) does not exceed one percent of
4 all students in the grades assessed in
5 mathematics or reading or language
6 arts; and

7 “(II) the scores of students with
8 disabilities who meet or exceed the
9 proficient level of academic achieve-
10 ment based on modified academic
11 achievement standards, provided
12 that—

13 “(aa) the number of those
14 scores (at the local educational
15 agency and State levels, sepa-
16 rately) does not exceed two per-
17 cent of all students in the grades
18 assessed in mathematics, reading
19 or language arts; or

20 “(bb) in the case of a local
21 educational agency that is grant-
22 ed an increase under clause (iv),
23 the number of those scores at the
24 local educational agency level
25 does not exceed three percent of

1 all students in the grades as-
2 sessed in mathematics, reading
3 or language arts.

4 “(ii) EXCEPTION.—

5 “(I) In addition to the authority
6 described in clause (iv), a State or
7 local educational agency may exceed
8 the two percent limitation in clause
9 (i)(II) if the number of proficient and
10 advanced scores based on alternate
11 academic achievement standards is
12 less than one percent, provided that
13 the number of proficient and ad-
14 vanced scores based on modified and
15 alternate academic achievement stand-
16 ards combined does not exceed three
17 percent of all students in the grades
18 assessed.

19 “(II) A State may, in accordance
20 with such criteria as the Secretary
21 may prescribe, waive the one percent
22 cap in clause (i)(I) for local edu-
23 cational agencies in the State, pro-
24 vided the State does not exceed the
25 one percent limitation.

1 “(iii) SPECIAL RULE.—A State or
2 local educational agency may, in deter-
3 mining adequate yearly progress for the
4 group of students referred to in subpara-
5 graph (C)(v)(II) who are students with dis-
6 abilities, include the scores of students who
7 were previously identified under section
8 602(3) of the Individuals with Disabilities
9 Education Act, for a period of up to three
10 years per student from the time the stu-
11 dents stop receiving those services.

12 “(iv) INCREASE.—Each year, a local
13 educational agency may, consistent with
14 the requirements of the regulations modi-
15 fying parts 200 and 300 of title 34, Code
16 of Federal Regulations, as published in the
17 Federal Register on April 9, 2007, apply
18 to the State educational agency for an in-
19 crease described in clause (i)(II)(bb) for
20 that year. A local educational agency that
21 desires to receive such an increase shall
22 submit an application to the State edu-
23 cational agency at such time, in such man-
24 ner, and including such information as the
25 State may require, including—

1 “(I) presenting evidence as to
2 why the percentage of students with
3 disabilities described in clause (i)(II)
4 in the district exceeds more than two
5 percent of all students assessed;

6 “(II) presenting evidence that
7 such students with disabilities are per-
8 forming below grade-level because of
9 their disability, not because those stu-
10 dents—

11 “(aa) did not have access to
12 the general curriculum;

13 “(bb) did not have appro-
14 priate accommodations;

15 “(cc) did not have highly-
16 qualified teachers; and

17 “(dd) did not have scientif-
18 ically-based instruction;

19 “(III) explaining the reason or
20 reasons why the number of students
21 described in clause (i)(II) exceeds two
22 percent; and

23 “(IV) ensuring that the local
24 educational agency is fully and effec-
25 tively addressing the requirements of

1 the regulations modifying parts 200
2 and 300 of title 34, Code of Federal
3 Regulations, as published in the Fed-
4 eral Register on April 9, 2007, in de-
5 veloping and implementing assess-
6 ments used for modified academic
7 achievement standards

8 “(v) APPROVAL.—The State edu-
9 cational agency shall, within 60 days after
10 receiving an application under clause (iv),
11 approve or disapprove the application and,
12 if approved, submit the application to the
13 Secretary for review and final approval. In
14 submitting an application to the Secretary,
15 the State educational agency shall dem-
16 onstrate evidence that it has developed or
17 is developing an alternate assessment
18 based on modified academic achievement
19 standards that meets the requirements of
20 the regulations described in clause (iii).
21 The Secretary shall, within 30 days after
22 receiving the application, finally approve or
23 disapprove it. Upon final approval, the
24 local educational agency may implement
25 the increase.

1 “(vi) DETERMINATIONS OF STATE
2 COMPLIANCE.—An increase granted under
3 clause (iv) shall not be used to determine
4 the compliance of a State with the percent-
5 age limitations described in clause
6 (i)(II)(aa).

7 “(vii) TERMINATION OF AUTHORITY
8 TO GRANT INCREASES.—The authority of a
9 State educational agency to grant an in-
10 crease under clause (iv) shall not extend
11 beyond the 2010–2011 school year.

12 “(viii) COMPLIANCE.—A local edu-
13 cational agency may not exercise the au-
14 thority provided under clause (iv) if such
15 agency has been found to be out of compli-
16 ance with part B of the Individuals with
17 Disabilities Education Act.

18 “(ix) NOT APPLICABLE TO CERTAIN
19 LOCAL EDUCATIONAL AGENCIES.—The
20 percentage limitations described in sub-
21 clauses (I) and (II) of clause (i) shall not
22 apply to a local educational agency for any
23 year in which the local educational agency
24 serves exclusively students whose Individ-
25 ualized Education Program, as defined in

1 section 602 of the Individuals with Disabil-
2 ities Education Act, states that they
3 should be assessed based on alternate or
4 modified achievement standards, if such
5 agency so served such students as of the
6 first day of the 2007–2008 school year.”.

7 **SEC. 106. PEER REVIEW.**

8 Section 1111(e) (20 U.S.C. 6311(e)) is amended to
9 read as follows:

10 “(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

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

13 “(A) establish a peer review process to as-
14 sist in the review of State plans that will pro-
15 mote continuous improvement, innovation, and
16 understanding and provide for timely, fully
17 transparent, and continuous feedback, technical
18 assistance, and training to States on the quality
19 of their State plans and applications;

20 “(B) appoint individuals to the peer review
21 process who—

22 “(i) are experts who are knowledge-
23 able about standards, assessments, the
24 needs of low performing schools, and other
25 educational needs of students and the chal-

1 lenges that States face in developing and
2 implementing systems in these areas; and

3 “(ii) include representatives of par-
4 ents, teachers, principals, State educational
5 agencies, and local educational agencies;

6 “(C) ensure that the peer review process
7 maintains coherence among peer review panels
8 and well managed and accessible peer review
9 databases and removes barriers to prompt and
10 transparent feedback to States;

11 “(D) post information about the Depart-
12 ment’s peer review process for each State plan
13 in an easily identifiable place on the Depart-
14 ment’s website within one week of the establish-
15 ment of the peer review process for each State;

16 “(E) approve a State plan within 120 days
17 of its submission, unless the Secretary deter-
18 mines that the plan does not meet the require-
19 ments of this section;

20 “(F) if the Secretary determines that the
21 State plan does not meet the requirements of
22 subsection (a), (b), or (c), immediately notify
23 the State in writing of such determination and
24 the reasons for such determination and post

1 that determination on the Department’s web
2 site;

3 “(G) not decline to approve a State’s plan
4 before—

5 “(i) offering the State an opportunity
6 to revise its plan;

7 “(ii) providing technical assistance in
8 order to assist the State to meet the re-
9 quirements of subsections (a), (b), and (c);
10 and

11 “(iii) providing a hearing;

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

21 “(I) have the authority to disapprove a
22 State plan that was recommended for approval
23 by the peer review panel with or without revi-
24 sions only by making written findings of good
25 cause for such disapproval and posting such

1 written findings in an easily identifiable place
2 on the Department’s website within one week of
3 the Secretary’s determination.

4 “(2) STATE REVISIONS.—A State plan shall be
5 revised by the State educational agency if necessary
6 to satisfy the requirements of this section. All such
7 revisions must be posted on the State educational
8 agency’s website within 30 days after the State sub-
9 mits the revisions to the Secretary.”

10 **SEC. 107. REPORT CARDS.**

11 Section 1111(h) (20 U.S.C. 6311(h)) is amended by
12 striking paragraphs (1) and (2) and inserting the fol-
13 lowing:

14 “(1) ANNUAL STATE REPORT CARD.—

15 “(A) IN GENERAL.—A State that receives
16 assistance under this part shall prepare and
17 disseminate an annual State report card.

18 “(B) IMPLEMENTATION.—The State report
19 card shall be—

20 “(i) concise;

21 “(ii) presented in an understandable
22 and uniform format and, to the extent
23 practicable, provided in a language that
24 the parents can understand; and

1 “(iii) posted on the State’s website in
2 a place that is easy to find.

3 “(C) REQUIRED INFORMATION.—The
4 State shall include in its annual State report
5 card—

6 “(i) information, in the aggregate, on
7 student achievement at each proficiency
8 level on the State academic assessments
9 described in subsection (b)(3)
10 (disaggregated by race, ethnicity, gender,
11 disability status, migratory status, English
12 proficiency, and status as economically dis-
13 advantaged, except that such
14 disaggregation shall not be required to the
15 same extent disaggregation is not required
16 under subsection (b)(2)(C)(v));

17 “(ii) information that provides a com-
18 parison between the actual achievement
19 levels of each group of students described
20 in subsection (b)(2)(C)(v) and the State’s
21 annual measurable objectives for each such
22 group of students on each of the academic
23 assessments required under this part;

24 “(iii) the percentage of students not
25 tested (disaggregated by the same cat-

1 egories and subject to the same exception
2 described in clause (i));

3 “(iv) the most recent 2-year trend in
4 student achievement in each subject area,
5 and for each grade level, for which assess-
6 ments under this section are required;

7 “(v) information on any other indica-
8 tors used by the State to determine the
9 adequate yearly progress of students in
10 achieving State academic achievement
11 standards, disaggregated by group of stu-
12 dents referred to in section
13 1111(b)(2)(C)(v)(II);

14 “(vi) the graduation rates required by
15 this Act;

16 “(vii) information on the performance
17 of local educational agencies in the State
18 regarding making adequate yearly
19 progress, including the number and names
20 of each school identified for school im-
21 provement and assistance under section
22 1116 and the number and names of each
23 school that does make adequate yearly
24 progress for 2 consecutive years and is not

1 identified for school improvement and as-
2 sistance;

3 “(viii) the professional qualifications
4 of teachers in the State, the percentage of
5 such teachers teaching with emergency or
6 provisional credentials, and the percentage
7 of classes in the State not taught by highly
8 qualified teachers, in the aggregate and
9 disaggregated by high-poverty compared to
10 low-poverty schools which, for the purpose
11 of this clause, means schools in the top
12 quartile of poverty and the bottom quartile
13 of poverty in the State;

14 “(ix) a clear and concise description
15 of the State’s accountability system, in-
16 cluding a description of the criteria by
17 which the State evaluates school perform-
18 ance, and the criteria that the State has
19 established, consistent with subsection
20 (b)(2), to determine the status of schools
21 regarding school improvement and assist-
22 ance or redesign; and

23 “(x) information, disaggregated by the
24 highest and lowest achieving deciles of
25 public schools (based on statewide stand-

1 ardized assessments), on the proportion of
2 teachers in core academic subjects who are
3 highly qualified.

4 “(D) OPTIONAL INFORMATION.—The State
5 may include in its annual State report card
6 such other information as the State believes will
7 best provide parents, students, and other mem-
8 bers of the public with information regarding
9 the progress of each of the State’s public ele-
10 mentary schools and public secondary schools.
11 Such information may include information re-
12 garding—

13 “(i) school attendance rates;

14 “(ii) average class size in each grade;

15 “(iii) academic achievement and gains
16 in English proficiency of English language
17 learners;

18 “(iv) the incidence of school violence,
19 drug abuse, alcohol abuse, student suspen-
20 sions, and student expulsions; and

21 “(v) the extent and type of parental
22 involvement in the schools.

23 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
24 REPORT CARDS.—

1 “(A) REPORT CARDS.—A local educational
2 agency that receives assistance under this part
3 shall prepare and disseminate an annual local
4 educational agency report card, except that the
5 State educational agency may provide the local
6 educational agency a one-year exception if the
7 local educational agency demonstrates that ex-
8 ceptional or uncontrollable circumstances, such
9 as a natural disaster or a precipitous and un-
10 foreseen decline in the financial resources of the
11 local educational agency, prevented full imple-
12 mentation of this paragraph that year and that
13 the local educational agency will prepare and
14 disseminate a report card with the same infor-
15 mation, including any up-to-date information
16 for the following year.

17 “(B) MINIMUM REQUIREMENTS.—The
18 State educational agency shall ensure that each
19 local educational agency collects appropriate
20 data and includes in the local educational agen-
21 cy’s annual report the information described in
22 paragraph (1)(C) as applied to the local edu-
23 cational agency and each school served by the
24 local educational agency, and—

1 “(i) in the case of a local educational
2 agency—

3 “(I) the number and percentage
4 of schools identified for school im-
5 provement and assistance under sec-
6 tion 1116 and how long the schools
7 have been so identified; and

8 “(II) information that shows the
9 achievement of students served by the
10 local educational agency on the state-
11 wide academic assessment and other
12 indicators used to determine adequate
13 yearly progress compared to students
14 in the State as a whole; and

15 “(ii) in the case of a school—

16 “(I) whether the school has been
17 identified for school improvement and
18 assistance; and

19 “(II) information that shows the
20 school’s students’ achievement on the
21 statewide academic assessments and
22 other indicators used to determine
23 adequate yearly progress compared to
24 students in the local educational agen-
25 cy and the State as a whole.

1 “(C) OTHER INFORMATION.—A local edu-
2 cational agency may include in its annual local
3 educational agency report card any other appro-
4 priate information, whether or not such infor-
5 mation is included in the annual State report
6 card.

7 “(D) DATA.—A local educational agency
8 or school shall only include in its annual local
9 educational agency report card data that are
10 sufficient to yield statistically reliable informa-
11 tion as determined by the State, and that do
12 not reveal personally identifiable information
13 about an individual student.

14 “(E) PUBLIC DISSEMINATION.—The local
15 educational agency shall publicly disseminate
16 the information described in this paragraph to
17 all schools in the school district served by the
18 local educational agency and to all parents of
19 students attending those schools in an under-
20 standable and uniform format and, to the ex-
21 tent practicable, in a language that the parents
22 can understand, and make the information
23 widely available through public means, such as
24 posting on the Internet, distribution to the
25 media, and distribution through public agencies,

1 except that if a local educational agency issues
2 a report card for all students, the local edu-
3 cational agency may include the information
4 under this section as part of such report.”.

5 **SEC. 108. COMPARISON OF STATE STANDARDS.**

6 Section 1111 (20 U.S.C. 6311) is amended by adding
7 at the end the following

8 “(n) COMPARISON OF STATE STANDARDS.—

9 “(1) STUDY.—The Secretary shall enter into an
10 agreement with the National Academy of Sciences to
11 conduct a study to compare and address the varying
12 rigor of academic standards and assessments from
13 State to State under this title, which may have the
14 result that all of the Nation’s students are not being
15 taught to the same high standards. The study shall
16 explore problems associated with such disparities
17 and provide recommendations to the Secretary, the
18 Committee on Health, Education, Labor, and Pen-
19 sions of the Senate, and the Committee on Edu-
20 cation and Labor of the House of Representatives on
21 developing a common scale on which to compare
22 such standards and assessments, and on ways the
23 system may be improved.

24 “(2) COMMON SCALE.—Upon completion of the
25 study in paragraph (1), the Secretary shall select a

1 common scale and every two years analyze and com-
2 pare the standards and assessments of States using
3 the common scale.

4 “(3) ANNUAL REPORT.—The Secretary shall on
5 an annual basis report to the Committee on Health,
6 Education, Labor, and Pensions of the Senate and
7 the Committee on Education and Labor of the
8 House of Representatives such findings.

9 “(4) PUBLICATION.—The Secretary shall make
10 public and post on the Department’s website the
11 findings of the analysis.”

12 **SEC. 109. LOCAL EDUCATIONAL AGENCY PLANS.**

13 Section 1112 (20 U.S.C. 6311) is amended to read
14 as follows:

15 **“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

16 “(a) PLANS REQUIRED.—

17 “(1) SUBGRANTS.—A local educational agency
18 may receive a subgrant under this part for any fiscal
19 year only if such agency has on file with the State
20 educational agency a comprehensive plan that ad-
21 dresses student achievement in all elementary and
22 secondary schools served under this Act. The plan
23 shall—

24 “(A) be approved by the State educational
25 agency; and

1 “(B) be coordinated with other programs
2 under this Act, the Individuals with Disabilities
3 Education Act, the Carl D. Perkins Career and
4 Technical Education Act of 2006, the McKin-
5 ney-Vento Homeless Assistance Act, and other
6 Acts, as appropriate.

7 “(2) CONSOLIDATED APPLICATION.—The plan
8 may be submitted as part of a consolidated applica-
9 tion under section 9305.

10 “(b) PLAN PROVISIONS.—

11 “(1) IN GENERAL.—In order to help low-achiev-
12 ing children meet challenging achievement academic
13 standards, each local educational agency plan shall
14 include—

15 “(A) a description of high-quality student
16 academic assessments, if any, that are in addi-
17 tion to the academic assessments described in
18 the State plan under section 1111(b)(3), that
19 the local educational agency and schools served
20 under this part will use—

21 “(i) to determine the success of chil-
22 dren served under this part in meeting the
23 State student academic achievement stand-
24 ards, and to provide information to teach-
25 ers, parents, and students on the progress

1 being made toward meeting the State stu-
2 dent academic achievement standards de-
3 scribed in section 1111(b)(1)(D)(ii);

4 “(ii) to assist in diagnosis, teaching,
5 and learning in the classroom in ways that
6 best enable low-achieving students, includ-
7 ing students from groups of students re-
8 ferred to in section 1111(b)(2)(C)(v)(II),
9 served under this part to meet State stu-
10 dent academic achievement standards and
11 succeed in the local curriculum;

12 “(iii) to determine what revisions are
13 needed to schoolwide projects under this
14 part so that such children meet the State
15 student academic achievement standards;

16 “(iv) to identify students who may be
17 at risk for reading failure or who are hav-
18 ing difficulty reading, through the use of
19 screening, diagnostic, and classroom-based
20 instructional reading assessments, as de-
21 fined under section 1208; and

22 “(v) to identify students who are at
23 risk of dropping out as early as possible;

24 “(B) at the local educational agency’s dis-
25 cretion, a description of any other measures

1 and indicators that will be used in addition to
2 the academic indicators described in section
3 1111 for the uses described in such section;

4 “(C) a description of how the local edu-
5 cational agency will use the results of the as-
6 sessments described in section 1111(b)(3) to
7 provide research-based instruction and interven-
8 tions, including by using the authority provided
9 in section 614(b)(6)(B) of the Individuals with
10 Disabilities Education Act;

11 “(D) a description of how the local edu-
12 cational agency will provide additional edu-
13 cational assistance to individual students as-
14 sessed as needing help in meeting the State’s
15 challenging student academic achievement
16 standards, such as through an evidence-based
17 intervention model;

18 “(E) a description of the strategy the local
19 educational agency will use to coordinate pro-
20 grams under this part with programs under
21 title II to provide professional development for
22 teachers and principals, and, if appropriate,
23 specialized instructional support personnel, ad-
24 ministrators, parents, and other staff, including

1 local educational agency level staff in accord-
2 ance with sections 1118 and 1119;

3 “(F) a description of how the local edu-
4 cational agency will coordinate and integrate
5 services provided under this part with other
6 educational services at the local educational
7 agency or individual school level in order to in-
8 crease program effectiveness, eliminate duplica-
9 tion, and reduce fragmentation of such services,
10 such as—

11 “(i) Even Start, Head Start, Reading
12 First, Early Reading First, and other pre-
13 school programs, including plans for the
14 transition of participants in such programs
15 to local elementary school programs; and

16 “(ii) services for English language
17 learners (including programs under title
18 III), students with disabilities, migratory
19 children and youth, neglected or delinquent
20 youth, Indian children served under part A
21 of title VII, homeless children and youth,
22 and immigrant children and youth, and
23 early intervening services as defined in sec-
24 tion 613(f) of the Individuals with Disabil-
25 ities Education Act;

1 “(G) a description of the strategy that the
2 local educational agency will use to engage in
3 effective consultation with representatives of In-
4 dian tribes located in the area served by the
5 local educational agency in the development of
6 the local plan to improve the coordination of ac-
7 tivities under this Act and to meet the unique
8 cultural, language, and educational needs of In-
9 dian students;

10 “(H) an assurance that the local edu-
11 cational agency will participate, if selected, in
12 the State National Assessment of Educational
13 Progress in 4th and 8th grade reading or lan-
14 guage arts and mathematics carried out under
15 section 303(b)(2) of the National Assessment of
16 Educational Progress Authorization Act;

17 “(I) a description of the poverty criteria
18 that will be used to select school attendance
19 areas under section 1113;

20 “(J) a description of how teachers, in con-
21 sultation with parents, administrators, and spe-
22 cialized instructional support personnel, in tar-
23 geted assistance schools under section 1115,
24 will identify the eligible children most in need
25 of services under this part;

1 “(K) a general description of the nature of
2 the programs to be conducted by such agency’s
3 schools under sections 1114 and 1115 and,
4 where appropriate, educational services outside
5 such schools for children living in local institu-
6 tions for neglected or delinquent children, and
7 for neglected and delinquent children in com-
8 munity day school programs;

9 “(L) a description of how the local edu-
10 cational agency will ensure that migratory chil-
11 dren and formerly migratory children who are
12 eligible to receive services under this part are
13 selected to receive such services on the same
14 basis as other children who are selected to re-
15 ceive services under this part;

16 “(M) if appropriate, a description of how
17 the local educational agency will use funds
18 under this part to support preschool programs
19 for children, particularly children participating
20 in Early Reading First, or in a Head Start or
21 Even Start program, which services may be
22 provided directly by the local educational agen-
23 cy or through a subcontract with the local Head
24 Start agency designated by the Secretary of
25 Health and Human Services under section 641

1 of the Head Start Act, or an agency operating
2 an Even Start program, an Early Reading First
3 program, or another comparable public early
4 childhood development program;

5 “(N) a description of the actions the local
6 educational agency will take to assist its low-
7 achieving schools identified for improvement
8 and assistance under section 1116;

9 “(O) a description of the actions the local
10 educational agency will take to implement pub-
11 lic school choice, and supplemental services,
12 consistent with the requirements of section
13 1116;

14 “(P) a description of how the local edu-
15 cational agency will meet the requirements of
16 section 1119, including the actions the local
17 educational agency will pursue to encourage
18 highly qualified teachers take positions in, and
19 remain in, schools served under this part;

20 “(Q) a description of the services (includ-
21 ing transportation to school of origin pursuant
22 to section 722(g)(1)(J)(iii) of the McKinney-
23 Vento Homeless Assistance Act (42 U.S.C.
24 11432(g)(1)(J)(iii))) the local educational agen-
25 cy will provide homeless children and youths,

1 including a description of how the funds re-
2 served under section 1113(c)(3)(A) were deter-
3 mined;

4 “(R) a description of the strategy the local
5 educational agency will use to implement effec-
6 tive parental involvement under section 1118;

7 “(S) where appropriate, a description of
8 how the local educational agency will use funds
9 under this part to support before and after
10 school and school year extension (including be-
11 fore school and summer school) programs;

12 “(T) a description of the local educational
13 agency’s strategies to coordinate with other
14 agencies and community-based organizations to
15 address nonacademic barriers to learning for
16 students who are low-performing or at risk or
17 dropping out of school; and

18 “(U) a description of the local educational
19 agency’s strategies to meet the needs and inter-
20 ests of high school students and provide a high
21 school diploma, including meeting any State or
22 local graduation requirements, utilizing options
23 such as multiple pathways, programs for over-
24 age, under-credited, and dropout recovery pro-

1 grams that offer students a range of edu-
2 cational options.

3 “(2) EXCEPTION.—The academic assessments
4 and indicators described in subparagraphs (A) and
5 (B) of paragraph (1) shall not be used—

6 “(A) in lieu of the academic assessments
7 required under section 1111(b)(3) and other
8 State academic indicators under section
9 1111(b)(2); or

10 “(B) to reduce the number of, or change
11 which, schools would otherwise be subject to
12 school improvement, corrective action, or re-
13 structuring under section 1116, if such addi-
14 tional assessments or indicators described in
15 such subparagraphs were not used, but such as-
16 sessments and indicators may be used to iden-
17 tify additional schools for school improvement
18 or in need of corrective action or restructuring.

19 “(c) ASSURANCES.—

20 “(1) IN GENERAL.—Each local educational
21 agency plan shall provide assurances that the local
22 educational agency will—

23 “(A) inform eligible schools and parents of
24 schoolwide program authority and the ability of

1 such schools to consolidate funds from Federal,
2 State, and local sources;

3 “(B) provide technical assistance and sup-
4 port to schoolwide programs;

5 “(C) work in consultation with schools as
6 the schools develop the schools’ plans pursuant
7 to section 1114 and assist schools as the
8 schools implement such plans or undertake ac-
9 tivities pursuant to section 1115 so that each
10 school can make adequate yearly progress to-
11 ward meeting the State student academic
12 achievement standards;

13 “(D) engage in effective consultation with
14 representatives of Indian tribes located in the
15 area served by the local educational agency;

16 “(E) fulfill such agency’s school improve-
17 ment and assistance and redesign responsibil-
18 ities under section 1116;

19 “(F) provide services to eligible children
20 attending private elementary schools and sec-
21 ondary schools in accordance with section 1120,
22 and timely and meaningful consultation with
23 private school officials regarding such services;

24 “(G) take into account the experience of
25 model programs for the educationally disadvan-

1 tagged, and the findings of relevant scientifically
2 valid research indicating that services may be
3 most effective if focused on students in the ear-
4 liest grades at schools that receive funds under
5 this part;

6 “(H) in the case of a local educational
7 agency that chooses to use funds under this
8 part to provide early childhood development
9 services to low-income children below the age of
10 compulsory school attendance, ensure that such
11 services comply with the education standards
12 established under section 641A(a)(1)(B) of the
13 Head Start Act;

14 “(I) work in consultation with schools as
15 the schools develop and implement their plans
16 or activities under sections 1118 and 1119;

17 “(J) comply with the requirements of sec-
18 tion 1119 regarding the qualifications of teach-
19 ers and paraeducators and professional develop-
20 ment;

21 “(K) inform eligible schools of the local
22 educational agency’s authority to obtain waivers
23 on the school’s behalf under title IX and, if the
24 State is an Ed-Flex Partnership State, to ob-

1 tain waivers under the Education Flexibility
2 Partnership Act of 1999;

3 “(L) coordinate and collaborate, to the ex-
4 tent feasible and necessary as determined by
5 the local educational agency, with the State
6 educational agency and other agencies providing
7 services to children, youth, and families with re-
8 spect to a school in school improvement and as-
9 sistance or redesign under section 1116 if such
10 a school requests assistance from the local edu-
11 cational agency in addressing major factors
12 that have significantly affected student achieve-
13 ment at the school;

14 “(M) provide incentives for voluntary
15 transfers, professional development, recruitment
16 programs, or other effective strategies, so that
17 low-income students, minority students, English
18 language learners, and students with disabilities
19 are not taught at higher rates than other stu-
20 dents by unqualified, out-of-field, or inexperi-
21 enced teachers;

22 “(N) use the results of the student aca-
23 demic assessments required under section
24 1111(b)(3), and other measures or indicators
25 available to the agency, to review annually the

1 progress of each school served by the agency
2 and receiving funds under this part to deter-
3 mine whether all of the schools are making the
4 progress necessary to ensure that all students
5 will meet the State’s proficient level of achieve-
6 ment on the State academic assessments de-
7 scribed in section 1111(b)(3) by the end of the
8 2013–2014 school year and will meet the
9 State’s progress goals for the graduation rates
10 required by this Act and all other achievement
11 data used to determine adequate yearly
12 progress;

13 “(O) ensure that the results from the aca-
14 demic assessments required under section
15 1111(b)(3) will be provided to parents, teach-
16 ers, and the public as soon as is practicably
17 possible after the test is taken, in an under-
18 standable and uniform format and, to the ex-
19 tent practicable, provided in a language that
20 the parents can understand;

21 “(P) assist each school served by the agen-
22 cy and assisted under this part in developing or
23 identifying examples of high-quality, effective
24 curricula, including curricula that are accessible

1 to English language learners and students with
2 disabilities;

3 “(Q) provide that the instructional mate-
4 rials are aligned with current State academic
5 content standards and prepare students to meet
6 current State academic achievement standards;

7 “(R) ensure that low-income students, mi-
8 nority students, students with disabilities, and
9 English language learners have the same access
10 to high-quality instructional materials and rig-
11 orous curriculum aligned to standards as other
12 students; and

13 “(S) comply with the local educational
14 agency requirements of subtitle B of title VII of
15 the McKinney-Vento Homeless Assistance Act
16 (42 U.S.C. 11431 et seq.) including an assur-
17 ance that homeless children and youth are pro-
18 vided transportation to and from the school of
19 origin pursuant to section 722(g)(1)(J)(iii) of
20 the McKinney-Vento Homeless Assistance Act
21 (42 U.S.C. 11432(g)(1)(J)(iii)).

22 “(2) SPECIAL RULE.—In carrying out subpara-
23 graph (H) of paragraph (1), the Secretary—

24 “(A) shall consult with the Secretary of
25 Health and Human Services and shall establish

1 procedures (taking into consideration existing
2 State and local laws, and local teacher con-
3 tracts) to assist local educational agencies to
4 comply with such subparagraph; and

5 “(B) shall disseminate to local educational
6 agencies the Head Start education standards as
7 in effect under section 641A(a)(1)(B) of the
8 Head Start Act, and such agencies affected by
9 such subparagraph shall plan for the implemen-
10 tation of such subparagraph (taking into con-
11 sideration existing State and local laws, and
12 local teacher contracts), including pursuing the
13 availability of other Federal, State, and local
14 funding sources to assist in compliance with
15 such subparagraph.

16 “(3) INAPPLICABILITY.—Paragraph (1)(H) of
17 this subsection shall not apply to preschool programs
18 using the Even Start model or to Even Start pro-
19 grams that are expanded through the use of funds
20 under this part.

21 “(d) PLAN DEVELOPMENT AND DURATION.—

22 “(1) CONSULTATION.—Each local educational
23 agency plan shall be developed in consultation with
24 teachers, principals, administrators (including ad-
25 ministrators of programs described in other parts of

1 this title), specialized instructional support per-
2 sonnel, and other appropriate school personnel, rep-
3 resentatives of Indian tribes located in the area
4 served by the local educational agency, and parents
5 of children in schools served under this part.

6 “(2) DURATION.—Each such plan shall be sub-
7 mitted for the first year for which this part is in ef-
8 fect following the date of enactment of the Improv-
9 ing No Child Left Behind for All Students Act and
10 shall remain in effect for the duration of the agen-
11 cy’s participation under this part.

12 “(3) REVIEW.—Each local educational agency
13 shall periodically review and, as necessary, revise its
14 plan.

15 “(e) STATE APPROVAL.—

16 “(1) IN GENERAL.—Each local educational
17 agency plan shall be filed according to a schedule es-
18 tablished by the State educational agency.

19 “(2) APPROVAL.—The State educational agency
20 shall approve a local educational agency’s plan only
21 if the State educational agency determines that the
22 local educational agency’s plan—

23 “(A) enables schools served under this part
24 to substantially help children served under this

1 part meet the academic standards expected of
2 all children described in section 1111(b)(1); and

3 “(B) meets the requirements of this sec-
4 tion.

5 “(3) REVIEW.—The State educational agency
6 shall review the local educational agency’s plan to
7 determine if such agencies activities are in accord-
8 ance with sections 1118 and 1119.

9 “(f) PROGRAM RESPONSIBILITY.—The local edu-
10 cational agency plan shall reflect the shared responsibility
11 of schools, teachers, and the local educational agency in
12 making decisions regarding activities under sections 1114
13 and 1115.

14 “(g) PARENTAL NOTIFICATION.—

15 “(1) IN GENERAL.—

16 “(A) NOTICE.—Each local educational
17 agency using funds under this part to provide
18 a language instruction educational program as
19 described in part C of title III shall, not later
20 than 30 days after the beginning of the school
21 year, inform a parent or parents of an English
22 language learner identified for participation or
23 participating in, such a program of—

24 “(i) the reasons for the identification
25 of their child as an English language

1 learner and in need of placement in a lan-
2 guage instruction educational program;

3 “(ii) the child’s level of English pro-
4 ficiency, how such level was assessed, and
5 the status of the child’s academic achieve-
6 ment;

7 “(iii) the methods of instruction used
8 in the program in which their child is, or
9 will be participating, and the methods of
10 instruction used in other available pro-
11 grams, including how such programs differ
12 in content, instructional goals, and the use
13 of English and a native language in in-
14 struction;

15 “(iv) how the program in which their
16 child is, or will be participating, will meet
17 the educational strengths and needs of
18 their child;

19 “(v) how such program will specifi-
20 cally help their child learn English, and
21 meet age-appropriate academic achieve-
22 ment standards for grade promotion and
23 graduation;

24 “(vi) the specific exit requirements for
25 the program, including the expected rate of

1 transition from such program into class-
2 rooms that are not tailored for English
3 language learners, and the expected rate of
4 graduation from secondary school for such
5 program if funds under this part are used
6 for children in secondary schools;

7 “(vii) in the case of a child with a dis-
8 ability, how such program meets the objec-
9 tives of the individualized education pro-
10 gram of the child; and

11 “(viii) information pertaining to pa-
12 rental rights that includes written guid-
13 ance—

14 “(I) detailing—

15 “(aa) the right that parents
16 have to have their child imme-
17 diately removed from such pro-
18 gram upon their request; and

19 “(bb) the options that par-
20 ents have to decline to enroll
21 their child in such program or to
22 choose another program or meth-
23 od of instruction, if available; and

24 “(II) assisting parents in select-
25 ing among various programs and

1 methods of instruction, if more than
2 one program or method is offered by
3 the eligible entity.

4 “(B) SEPARATE NOTIFICATION.—In addi-
5 tion to providing the information required to be
6 provided under paragraph (1), each eligible en-
7 tity that is using funds provided under this part
8 to provide a language instruction educational
9 program, and that has failed to make progress
10 on the annual measurable achievement objec-
11 tives described in section 3122 for any fiscal
12 year for which part A of title III is in effect,
13 shall separately inform a parent or the parents
14 of a child identified for participation in such
15 program, or participating in such program, of
16 such failure not later than 30 days after such
17 failure occurs.

18 “(2) NOTICE.—The notice and information pro-
19 vided under paragraph (1) to a parent or parents of
20 a child identified for participation in a language in-
21 struction educational program for English language
22 learners shall be in an understandable and uniform
23 format and, to the extent practicable, provided in a
24 language that the parents can understand.

1 “(3) SPECIAL RULE APPLICABLE DURING THE
2 SCHOOL YEAR.—For those children who have not
3 been identified as English language learners prior to
4 the beginning of the school year, the local edu-
5 cational agency shall notify parents within the first
6 2 weeks of the child being placed in an English lan-
7 guage learner program consistent with paragraphs
8 (1) and (2).

9 “(4) PARENTAL PARTICIPATION.—Each local
10 educational agency receiving funds under this part
11 shall implement an effective means of outreach to
12 parents of English language learners to inform the
13 parents regarding how the parents can be involved
14 in the education of their children, and be active par-
15 ticipants in assisting their children to attain English
16 proficiency, achieve at high levels in core academic
17 subjects, and meet challenging State academic
18 achievement standards and State academic content
19 standards expected of all students, including holding,
20 and sending notice of opportunities for, regular
21 meetings for the purpose of formulating and re-
22 sponding to recommendations from parents of stu-
23 dents assisted under this part.

24 “(5) BASIS FOR ADMISSION AND EXCLUSION.—
25 A student shall not be admitted to, or excluded

1 from, any federally assisted education program on
2 the basis of a surname or language minority sta-
3 tus.”.

4 **SEC. 110. SCHOOL AND LOCAL EDUCATIONAL AGENCY IM-**
5 **PROVEMENT AND ASSISTANCE.**

6 (a) IN GENERAL.—Section 1116 (20 U.S.C. 6316)
7 is amended to read as follows:

8 **“SEC. 1116. SCHOOL AND LOCAL EDUCATIONAL AGENCY IM-**
9 **PROVEMENT AND ASSISTANCE.**

10 “(a) REVIEW PROCESS.—

11 “(1) IN GENERAL.—Each local educational
12 agency receiving funds under this part—

13 “(A) shall use the State academic assess-
14 ments, and other academic indicators, described
15 in the State plan to review annually the
16 progress of each school served under this part
17 to determine whether the school is making ade-
18 quate yearly progress (as defined in section
19 1111(b)(2));

20 “(B) may, at the local educational agency’s
21 discretion, use any academic assessments or
22 any other academic indicators described in the
23 local educational agency’s plan under subpara-
24 graphs (A) and (B) of section 1112(b)(1) to re-
25 view annually the progress of each school served

1 under this part to determine whether the school
2 is making adequate yearly progress (as defined
3 in section 1111(b)(2)), except that the local
4 educational agency may not use such indicators
5 if the indicators reduce the number of, or
6 change, the schools that would otherwise be
7 subject to school improvement and assistance or
8 redesign if such additional indicators were not
9 used, but may identify additional schools for
10 school improvement and assistance or redesign;

11 “(C) shall publicize and disseminate the re-
12 sults of the local annual review described in this
13 paragraph (including the designations made
14 under paragraph (2)) to parents, teachers, prin-
15 cipals, schools, and the community, including by
16 posting such results on the website of the local
17 educational agency; and

18 “(D) shall review the effectiveness of the
19 activities the schools are carrying out under this
20 part with respect to parent involvement and
21 professional development.

22 “(2) AVAILABLE RESULTS.—The State edu-
23 cational agency shall ensure that the results of State
24 academic assessments administered in a school year
25 are available to the local educational agency no less

1 than 30 calendar days before the beginning of the
2 next school year.

3 “(b) SCHOOL IMPROVEMENT AND ASSISTANCE
4 PLAN.—

5 “(1) PLAN REQUIRED.—Each school that does
6 not make adequate yearly progress and was not sub-
7 ject to subsection (d) or (h) in the preceding year
8 shall, during the course of the school year following
9 the first year for which the school did not make ade-
10 quate yearly progress, develop a comprehensive
11 school improvement and assistance plan that identi-
12 fies, analyzes, and addresses systemic causes for the
13 school not making adequate yearly progress. Not
14 later than 60 calendar days before the end of such
15 school year, the school shall submit the plan to the
16 local educational agency.

17 “(2) CONSULTATION.—The plan required by
18 paragraph (1) shall be developed in consultation
19 with—

20 “(A) the local educational agency;

21 “(B) school improvement specialists;

22 “(C) parents, including parents of students
23 in a group of students referred to in section
24 1111(b)(2)(C)(v)(II) that did not make ade-
25 quate yearly progress;

1 “(D) principals, teachers and other school
2 staff, including those with expertise in working
3 with students with diverse learning needs, in-
4 cluding English language learners and students
5 with disabilities;

6 “(E) local community stakeholders, such
7 as business leaders and representatives of pub-
8 lic and private nonprofit organizations and
9 agencies; and

10 “(F) representatives of institutions of
11 higher education with expertise in school re-
12 form.

13 “(3) CONTENT OF PLAN.—The comprehensive
14 plan required by paragraph (1) shall cover a period
15 of three school years and shall include—

16 “(A) a review and analysis of the systemic
17 causes for the school not making adequate year-
18 ly progress, including a review of students not
19 meeting proficiency targets and the specific
20 subjects and groups referred to in section
21 1111(b)(2)(C)(v)(II) that account for the school
22 not making adequate yearly progress and
23 achievement data for students not meeting pro-
24 ficiency, including—

1 “(i) an analysis of the group or
2 groups of students referred to in section
3 1111(b)(2)(C)(v)(II) that led to the school
4 not making adequate yearly progress
5 (which analysis shall inform the reviews
6 conducted pursuant to subparagraphs (B)
7 and (C) to identify reforms tailored to stu-
8 dents who are not proficient, where appro-
9 priate);

10 “(ii) an analysis of teacher assign-
11 ment and teacher expertise by grade, sub-
12 ject and group of students referred to in
13 section 1111(b)(2)(C)(v)(II);

14 “(iii) an analysis of practices con-
15 cerning the school’s core academic instruc-
16 tional program described in section
17 1111(b)(1)(C) that have caused the
18 achievement differences and reforms that
19 have the greatest likelihood of—

20 “(I) improving teacher perform-
21 ance;

22 “(II) improving the academic
23 performance of students who are not
24 proficient in reading and math;

1 “(III) closing achievement gaps
2 among groups of students referred to
3 in section 1111(b)(2)(C)(v)(II); and

4 “(IV) enabling the school to meet
5 the State’s annual measurable objec-
6 tive pursuant to section
7 1111(b)(2)(G);

8 “(iv) an analysis of the school’s pro-
9 grams and their effectiveness in improving
10 student academic achievement, particularly
11 for students not meeting proficiency goals,
12 which may include an evaluation; and

13 “(v) analysis of causes for the school
14 not making adequate yearly progress re-
15 lated to local educational agency policies;

16 “(B) a review and analysis of current and
17 prospective strategies, policies, and practices
18 based on scientifically based research that will
19 strengthen core academic subjects that will di-
20 rectly address the systemic causes for the school
21 not making adequate yearly progress, includ-
22 ing—

23 “(i) current teacher assignments that
24 include a review of out-of-field teaching
25 and data from the local educational agency

1 to determine whether students who are not
2 proficient are assigned to teachers who are
3 highly-qualified and who are best equipped
4 to help them attain proficiency and how
5 changes to teacher assignments could ad-
6 dress causes for the school not making
7 adequate yearly progress;

8 “(ii) current professional development
9 activities for teachers and principals to de-
10 termine how changes to professional devel-
11 opment practices or instructional practices,
12 such as common lesson-planning, instruc-
13 tional coaching, and evidence-based inter-
14 ventions described in subsection
15 (d)(2)(A)(ii), could address causes for the
16 school not making adequate yearly
17 progress;

18 “(iii) the current instructional pro-
19 gram, its alignment with the curriculum of
20 the local educational agency and with the
21 State standards, and availability of cur-
22 ricula in all core academic subjects to all
23 students, to determine how changes in
24 these areas could address causes for the

1 school not making adequate yearly
2 progress; and

3 “(iv) the current amount of instruc-
4 tional time (including learning time before
5 school, after school, during the summer,
6 and during any extension of the school
7 year and through tutoring options) to de-
8 termine how changes to the amount of in-
9 structional time could address causes for
10 the school not making adequate yearly
11 progress;

12 “(C) a review and analysis of the school’s
13 capacity to address the areas for which the
14 school has identified that changes in the
15 school’s strategies, policies, and practices based
16 on scientifically based research that will
17 strengthen the core academic subjects could ad-
18 dress systemic causes of the school not making
19 adequate yearly progress, including the school’s
20 current allocation of fiscal resources;

21 “(D) a specification of the respective re-
22 sponsibilities of the school, the local educational
23 agency, and the State educational agency under
24 the plan, including technical assistance provided
25 by the local educational agency under sub-

1 sections (c)(2) and (d) and the local educational
2 agency's responsibilities under section 1120B;

3 “(E) a description and assurance that the
4 school will make changes to the school's pro-
5 gram identified as necessary after conducting
6 the reviews under subparagraph (A), (B), and
7 (C), including structural changes to its organi-
8 zation and its operation to improve the edu-
9 cational performance of students served by the
10 school and a timeline for incorporating each
11 change; and

12 “(F) establish specific annual, measurable
13 objectives for continuous and substantial
14 progress by each group of students specified in
15 section 1111(b)(2)(C)(v) and enrolled in the
16 school that will ensure that all such groups of
17 students will, in accordance with adequate year-
18 ly progress as defined in section 1111(b)(2),
19 meet the State's proficient level of achievement
20 on the State academic assessment described in
21 section 1111(b)(3) not later than 12 years after
22 the end of the 2001–2002 school year.

23 “(4) DESIGNATIONS.—

24 “(A) PRIORITY SCHOOLS AND HIGH PRI-
25 ORITY SCHOOLS.—The local educational agency

1 shall designate each school not making ade-
2 quate yearly progress for 2 consecutive years,
3 as defined in the State plan under section
4 1111(b)(2), as either—

5 “(i) a High Priority School; or

6 “(ii) a Priority School.

7 “(B) DESIGNATION AS HIGH PRIORITY
8 SCHOOL.—Consistent with subsection (b), in
9 making the designations required by subpara-
10 graph (A), the local educational agency shall
11 make an initial designation of a school as a
12 High Priority School if any of the following fac-
13 tors applies, unless the agency is located in a
14 State to which subparagraph (D) applies:

15 “(i) The school, in the case of a sec-
16 ondary school, has not made adequate
17 yearly progress and has a graduation rate
18 of 60 percent or less.

19 “(ii) More than half of the students in
20 the school are not proficient, or in the case
21 of a State approved for use of growth mod-
22 els did not meet their growth target, in
23 reading or language arts or mathematics.

1 “(iii) More than one of the groups de-
2 scribed in section 1111(b)(2)(C)(v) in the
3 school has—

4 “(I) fewer than half of the stu-
5 dents in the group are proficient, or
6 in the case of a State approved for
7 use of growth models met its growth
8 target, in mathematics; or

9 “(II) fewer than half of the stu-
10 dents in the group are proficient, or
11 in the case of a State approved for
12 use of growth models made its growth
13 target, in reading or language arts.

14 “(C) SPECIAL RULE.—A school shall not
15 be designated as a High Priority School pursu-
16 ant to subparagraph (B)(ii) or (iii) on the basis
17 of the percentage of students in any group de-
18 scribed in section 1111(b)(2)(C)(v) who are
19 proficient in reading or language arts or mathe-
20 matics if such percentage meets or exceeds the
21 State’s relevant annual measurable objective es-
22 tablished pursuant to section 1111(b)(2)(G).

23 “(D) ALTERNATIVE PROCESS.—

24 “(i) IN GENERAL.—A State may apply
25 to the Secretary to use a State-developed

1 alternative process for all local educational
2 agencies in the State to use in designating
3 schools as High Priority Schools. To re-
4 ceive approval to use such a process, a
5 State shall submit an application to the
6 Secretary at such time, in such manner,
7 and containing such information as the
8 Secretary may reasonably require.

9 “(ii) PEER REVIEW.—The Secretary
10 shall ensure that applications described in
11 clause (i) are peer reviewed consistent with
12 section 1111(e), which peer review shall in-
13 clude consideration of whether the process
14 proposed by an application—

15 “(I) is fair, objective, and applied
16 consistently across the State; and

17 “(II) will more effectively des-
18 ignate schools as High Priority
19 Schools and more effectively direct re-
20 sources and interventions to the
21 schools that need them most than
22 would the process described in sub-
23 paragraph (B).

24 “(iii) CONSIDERATIONS.—The process
25 described in clause (i) shall identify factors

1 for designating schools as High Priority
2 Schools based on consideration of the fol-
3 lowing factors:

4 “(I) The percentage of students
5 in a school who are proficient in
6 mathematics and reading or language
7 arts, including in each group de-
8 scribed in section
9 1111(b)(2)(C)(v)(II).

10 “(II) The difference between the
11 percentages of students who are pro-
12 ficient in mathematics and reading or
13 language arts in the group described
14 in section 1111(b)(2)(C)(v)(II) with
15 the highest such percentages in a
16 school and the percentages of students
17 who are proficient in such groups
18 which percentages did not meet or ex-
19 ceed the State’s relevant annual meas-
20 urable objective established pursuant
21 to section 1111(b)(2)(G).

22 “(III) In the case of a secondary
23 school, the graduation rate of the
24 school, including for each group de-

1 scribed in section
2 1111(b)(2)(C)(v)(II).

3 “(IV) The distribution of schools
4 within the State in urban, suburban,
5 and rural areas.

6 “(V) At the discretion of the
7 State, other information that the
8 State demonstrates is relevant to de-
9 veloping factors that will result in ap-
10 propriate designation of schools as
11 High Priority Schools based on their
12 situations and the likelihood that such
13 designations will lead to improved stu-
14 dent academic achievement.

15 “(iv) CONSULTATION.—A State shall
16 develop the process described in clause (i)
17 in consultation with, at a minimum, local
18 educational agencies, teachers, principals,
19 school reform experts, specialized instruc-
20 tional support personnel, administrators
21 (including administrators of programs de-
22 scribed in other parts of this title), other
23 school staff, parents, and students.

24 “(E) PRIORITY.—Consistent with subpara-
25 graphs (A), (B), and (D), the local educational

1 agency shall make an initial designation of a
2 school in school improvement and assistance not
3 designated as a High Priority School in clause
4 (i) as a Priority School.

5 “(5) SYSTEMIC APPROACHES.—A local edu-
6 cational agency with multiple schools identified for
7 school improvement and assistance shall consider,
8 and carry out systemic strategies and interventions
9 for groups of schools that are designated as Priority
10 Schools or High Priority Schools, groups of such
11 schools with similar needs, or for groups of students
12 described in section 1111(b)(2)(C)(v).

13 “(6) OPPORTUNITY FOR LOCAL REVIEW AND
14 INPUT.—

15 “(A) OPPORTUNITY FOR LOCAL EDU-
16 CATIONAL AGENCY TO REVIEW.—Before identi-
17 fying a public school as not making adequate
18 yearly progress, or identifying a school for
19 school improvement and assistance under sub-
20 section (d) or for redesign under subsection (h),
21 the local educational agency shall have an op-
22 portunity to review the school-level data, includ-
23 ing State academic assessment data, on which
24 the proposed identification is based.

1 “(B) OPPORTUNITY FOR SCHOOL TO RE-
2 VIEW.—Before identifying a school as not mak-
3 ing adequate yearly progress or designating a
4 public school that has not made adequate yearly
5 progress as a Priority School or a High Priority
6 School, the local educational agency shall pro-
7 vide the school with an opportunity to review
8 the school-level data, including State academic
9 assessment data and additional achievement
10 data, on which the proposed designation is
11 based. Such review shall be concurrent with the
12 review opportunity required by subparagraph
13 (A).

14 “(C) EVIDENCE OF PROGRESS.—If the
15 principal of a school proposed for identification
16 as not making adequate yearly progress, or a
17 majority of the parents of the students enrolled
18 in such school, believes that the proposed iden-
19 tification is in error for statistical reasons, or
20 for substantive reasons, the principal may with-
21 in 30 days provide supporting evidence to the
22 local educational agency, which shall consider
23 that evidence before making a final determina-
24 tion.

1 “(D) CORRECTIONS AND MODIFICA-
2 TIONS.—The local educational agency shall for-
3 ward all approved corrections and modifications
4 regarding the State academic assessment data
5 and additional academic indicators to the State
6 educational agency along with an updated list
7 of schools designated as Priority Schools and
8 High Priority Schools.

9 “(E) PUBLIC DISCLOSURE.—If the local
10 educational agency changes the initial designa-
11 tion of a school pursuant to subsection (b)(6),
12 the local educational agency shall provide notice
13 of, and the detailed reasons for, the redesigna-
14 tion to—

15 “(i) the parents of children enrolled in
16 the school, in the language and form par-
17 ents are able to understand; and

18 “(ii) the public, through a posting on
19 the local educational agency’s website.

20 “(F) DETERMINATION.—Not later than 30
21 days after a local educational agency provides
22 the school with the opportunity to review such
23 school-level data, the local educational agency
24 shall make public a determination as to—

1 “(i) whether the school has been iden-
2 tified as not making adequate yearly
3 progress; and

4 “(ii) whether the school has been des-
5 ignated as a Priority School or a High Pri-
6 ority School.

7 “(7) LOCAL EDUCATIONAL AGENCY AP-
8 PROVAL.—

9 “(A) IN GENERAL.—The local educational
10 agency, after receiving a plan required by para-
11 graph (1), shall approve the plan no later than
12 the end of the school year in which the plan
13 was received, after—

14 “(i) carrying out the peer review proc-
15 ess described in subparagraph (B) to assist
16 with review of the plan; and

17 “(ii) considering the recommendations
18 of the peer review process, providing tech-
19 nical assistance (consistent with subsection
20 (d)), and offering the opportunity to
21 amend the plan as necessary to ensure that
22 the plan meets the requirements of this
23 subsection.

1 “(B) REQUIREMENTS FOR PEER REVIEW
2 PROCESS.—The peer review process required by
3 subparagraph (A)(i)—

4 “(i) shall include, at a minimum, as
5 members of the peer review panel—

6 “(I) principals from high-per-
7 forming schools that receive assistance
8 under this part;

9 “(II) educators with similar expe-
10 rience and with a demonstrated record
11 of improving student achievement in
12 the subject area or areas and sub-
13 groups that caused the school not to
14 make adequate yearly progress, in-
15 cluding students with diverse learning
16 needs; and

17 “(III) school improvement spe-
18 cialists; and

19 “(ii) may also include one designee of
20 the State who has experience in school re-
21 form.

22 “(8) IMPLEMENTATION OF PLAN.—A school
23 that does not make adequate yearly progress during
24 the school year during which the plan was required
25 to be developed under paragraph (1) shall, no later

1 than the first day of the following school year, begin
2 implementing all approved elements of its plan.

3 “(9) PLAN APPROVED DURING SCHOOL YEAR.—

4 If a plan is not approved prior to the beginning of
5 a school year, such plan shall be implemented imme-
6 diately upon approval.

7 “(10) PRIORITIZED TECHNICAL ASSISTANCE.—

8 In the case of a school that has been designated as
9 High Priority, the local educational agency shall co-
10 ordinate with the State educational agency to ensure
11 that the local educational agency and school will
12 have priority access to the statewide system of tech-
13 nical assistance and support, including any best
14 practices that improve student academic achieve-
15 ment.

16 “(11) PUBLIC NOTICE.—Upon approval of a

17 school improvement and assistance plan by the local
18 educational agency, the local educational agency
19 shall make the plan available to parents and the
20 public and post the plan on the local educational
21 agency’s website and, where appropriate, the school
22 shall post the plan on the school’s website. The plan
23 shall be available in the language and form that par-
24 ents can understand.

25 “(c) TECHNICAL ASSISTANCE FOR SCHOOLS.—

1 “(1) IN GENERAL.—For each school required to
2 develop a plan under subsection (b), the local edu-
3 cational agency shall coordinate and ensure technical
4 assistance to the school as the school develops and
5 implements the plan required by subsection (b)
6 throughout the period covered by the plan.

7 “(2) SPECIFIC ASSISTANCE.—The technical as-
8 sistance required by paragraph (1) shall include—

9 “(A) assistance in analyzing student per-
10 formance data (including from the assessments
11 required under section 1111(b)(3) and other ex-
12 amples of student course work) to identify and
13 address problems in instruction, including those
14 that led to the school not making adequate
15 yearly progress;

16 “(B) assistance in identifying and imple-
17 menting professional development for teachers
18 and principals and methods of instruction based
19 on scientifically valid research, and best prac-
20 tices that have been demonstrated to be effec-
21 tive in addressing the specific instructional
22 issues that caused the school to be identified for
23 school improvement and assistance;

24 “(C) ongoing assistance in monitoring stu-
25 dent progress, in implementing the plan, and in

1 refining strategies, methods, and practices to
2 improve academic achievement; and

3 “(D) assistance in analyzing and revising
4 the school’s budget so that the school’s re-
5 sources are more effectively allocated to the ac-
6 tivities most likely to improve student academic
7 achievement and ensure that the school makes
8 adequate yearly progress.

9 “(3) PROVISION OF ASSISTANCE.—Such assist-
10 ance may be provided by the local educational agen-
11 cy in conjunction with technical assistance providers
12 and instructional experts from other local edu-
13 cational agencies, education service agencies and re-
14 gional educational laboratories and comprehensive
15 assistance centers, and other agencies and institu-
16 tions.

17 “(4) ASSISTANCE BY STATE EDUCATIONAL
18 AGENCY.—Consistent with paragraph (1), the State
19 educational agency shall provide technical assistance
20 to schools upon request and shall provide each
21 school with information on whom to contact to re-
22 quest such technical assistance.

23 “(5) METHODS AND STRATEGIES.—Technical
24 assistance provided under this section by a local edu-
25 cational agency or an entity approved by that agen-

1 cy, shall be based on scientifically based research as
2 appropriate.

3 “(d) SCHOOL IMPROVEMENT AND ASSISTANCE.—

4 “(1) GENERAL REQUIREMENTS.—

5 “(A) IDENTIFICATION.—Subject to sub-
6 paragraph (C), a local educational agency shall
7 identify for school improvement and assistance
8 any elementary school or secondary school
9 served under this part that, for 2 consecutive
10 years, does not make adequate yearly progress
11 as set out in the State plan under section
12 1111(b)(2) for the same group of students
13 specified in section 1111(b)(2)(C)(v) in the
14 same subject described under section
15 1111(b)(1)(C).

16 “(B) DEADLINE.—The identification de-
17 scribed in subparagraph (A) shall take place be-
18 fore the beginning of the school year following
19 the second year in which the school did not
20 make adequate yearly progress, subject to the
21 requirements of subsection (b)(6).

22 “(C) TARGETED ASSISTANCE SCHOOLS.—

23 For an elementary school or secondary school
24 that is conducting a targeted assistance pro-
25 gram under section 1115, the local educational

1 agency, in determining whether to identify that
2 school for school improvement and assistance,
3 or for redesign, may choose to review the
4 progress of only those students in the school
5 who are served, or are eligible for services,
6 under this part.

7 “(2) SCHOOL IMPROVEMENT AND ASSISTANCE
8 MEASURES.—

9 “(A) IN GENERAL.—Each school identified
10 under subparagraph (1)(A) shall implement or
11 continue to implement a plan required by sub-
12 section (b). The implementation shall also in-
13 clude each of the following:

14 “(i) The measures identified in the
15 school improvement and assistance plan as
16 strategies, policies, and practices based on
17 scientifically based research that will
18 strengthen the core academic subjects to
19 address systemic causes for the school not
20 making adequate yearly progress.

21 “(ii) Ongoing, high-quality profes-
22 sional development for the school’s prin-
23 cipal and teachers that is based on the
24 findings of the review required by sub-
25 section (b)(3)(B) and—

1 “(I) directly addresses the aca-
2 demic achievement needs of the
3 school’s students;

4 “(II) is aligned with the States’
5 standards and the local educational
6 agency’s curriculum; and

7 “(III) increases teacher and prin-
8 cipal effectiveness through activities
9 that may include—

10 “(aa) providing regular op-
11 portunities for teachers of core
12 academic subjects to collaborate
13 with both subject area and inter-
14 disciplinary groups to review stu-
15 dent achievement data and plan
16 instruction; and

17 “(bb) implementing a
18 school-wide literacy or mathe-
19 matics plan that includes hiring
20 literacy coaches or mathematics
21 coaches.

22 “(iii) In the case of a Priority School,
23 two or more of the specific measures de-
24 scribed in subparagraph (B) and not al-
25 ready being carried out by the school,

1 which shall be targeted, at a minimum, to-
2 ward students who are not proficient.

3 “(iv) In the case of a High Priority
4 School, the specific measures described in
5 clauses (i) through (iii) of subparagraph
6 (B) and in the case of a High Priority
7 School that is a secondary school, the spe-
8 cific measures described in clauses (i)
9 through (iii) and clause (vii) of that sub-
10 paragraph and, at the school’s discretion,
11 may implement one or more additional
12 measures from subparagraph (B).

13 “(B) SPECIFIC MEASURES.—The specific
14 measures referred to in subparagraph (A) are
15 the following:

16 “(i) Evidence-based or proven instruc-
17 tional programs aligned with State stand-
18 ards for all students, including students
19 with diverse learning needs, based on the
20 findings of the review required by sub-
21 section (b)(3).

22 “(ii) Parental choice options as fol-
23 lows:

24 “(I) Supplemental educational
25 services consistent with subsection (g).

1 “(II) The option for students en-
2 rolled in the school to transfer to an-
3 other public school served by the local
4 educational agency that has not been
5 identified for school improvement and
6 assistance under this paragraph.

7 “(iii) Extended learning time pro-
8 grams, including extended day, extended
9 week, and extended year programs, which
10 may include intensive instruction in read-
11 ing or language arts and mathematics,
12 based on the findings of the review re-
13 quired by subsection (b)(3).

14 “(iv) Supervised or centrally developed
15 intervention models or strategies for low-
16 performing schools, such as response to
17 intervention approaches, involving a se-
18 quential series of instructional approaches,
19 tiered instructional interventions, or dif-
20 ferentiated instruction activities based on
21 the recognized differences among students
22 in the classroom, including English-lan-
23 guage learners and students with disabil-
24 ities.

1 “(v) In the case of a secondary school,
2 activities that serve to personalize the sec-
3 ondary school experience, increase student
4 engagement, attendance, and effort, and
5 enable the school to provide the level and
6 intensity of student support needed, such
7 as smaller schools, smaller learning com-
8 munities, or smaller units within schools
9 with their own leadership (including 9th
10 grade transition programs or academies,
11 and upper grade programs or academies,
12 including career academies.

13 “(C) OTHER ALLOWABLE ACTIVITIES.—
14 The school may also implement other evidence-
15 based activities included in the plan that sub-
16 stantially increase the likelihood of improving
17 the academic achievement of—

18 “(i) low-performing students, particu-
19 larly low-performing groups of students
20 identified under paragraph (1)(A); or

21 “(ii) the school as a whole.

22 “(3) SCHOOL IMPROVEMENT AND ASSISTANCE
23 COMPLETION CRITERIA.—

24 “(A) IN GENERAL.—Except as provided in
25 this paragraph and consistent with subsection

1 (a)(1), a school previously identified under
2 paragraph (1)(A) shall no longer be identified
3 for school improvement and assistance when the
4 same group or groups of students described in
5 paragraph (1)(A) make adequate yearly
6 progress for 2 consecutive years.

7 “(B) EXTENSION OF SCHOOL IMPROVE-
8 MENT AND ASSISTANCE PERIOD.—

9 “(i) IN GENERAL.—In the case of a
10 school that, in the final year of the plan
11 required by paragraph (1), makes adequate
12 yearly progress for the same group or
13 groups of students in the same subject
14 area or areas that prompted the identifica-
15 tion under paragraph (1)(A), the local edu-
16 cational agency may extend the implemen-
17 tation period for one additional year if nec-
18 essary to meet the 2 consecutive years re-
19 quirement in subparagraph (A).

20 “(ii) HIGH PRIORITY SECONDARY
21 SCHOOLS.—After a secondary school that
22 has been designated as a High Priority
23 School completes the final year of the plan
24 required by paragraph (1), the local edu-
25 cational agency may review the progress of

1 that High Priority secondary school, and
2 may extend the plan for one additional
3 year, if the secondary school—

4 “(I) has made continuous and
5 substantial progress on State assess-
6 ments and any other indicator used to
7 determine adequate yearly progress as
8 described in section 1111(b)(2); and

9 “(II) has met State targets for
10 progress on every indicator described
11 in section 1111(b)(2)(C)(vii) and on
12 indicators described in subsection
13 (b)(ii) of this section.

14 “(4) SCHOOL SUPPORT TEAM.—In addition to
15 any other assistance required to be provided by this
16 section, the school support team established under
17 section 1117 shall review data collected under sec-
18 tion 1111 and information collected under sub-
19 section (b) to assist the school in addressing its
20 areas that caused the school not to make adequate
21 yearly progress.

22 “(5) TIMELINE FOR TRANSFER OPTION.—In
23 the case of a local educational agency that provides
24 students with the option to transfer, such as through
25 open enrollment at public schools, to magnet schools,

1 and to charter schools, in addition to the option
2 under paragraph (2)(B)(iii), the local educational
3 agency shall—

4 “(A) provide notice of the option to trans-
5 fer under paragraph (2)(B)(iii) to an eligible
6 student prior to the beginning of the school
7 year after the school is identified for school im-
8 provement and assistance under paragraph (1);

9 “(B) provide a timeline of no less than 30
10 calendar days from the date of notification
11 under subparagraph (A) for parents to request
12 a transfer under paragraph (2)(B)(ii); and

13 “(C) provide notice of the option to trans-
14 fer under paragraph (2)(B)(ii) concurrently
15 with the agency’s other public school transfer
16 options if any to an eligible student for the
17 school years following subparagraph (A) in
18 which the school is implementing a school im-
19 provement and intervention plan.

20 “(6) TRANSPORTATION.—In the case of a stu-
21 dent transfer described in paragraph (2)(B)(ii), the
22 local educational agency shall provide, or shall pay
23 for the provision of, transportation for the student
24 to the public school the student attends, consistent

1 with the requirements and limitations of subsection
2 (f).

3 “(7) SPECIAL RULE.—A local educational agen-
4 cy shall permit a child who transferred to another
5 school under this subsection to remain in that school
6 until the child has completed the highest grade in
7 that school. The obligation of the local educational
8 agency to provide, or to pay for, transportation for
9 the child ends at the conclusion of a school year if
10 the local educational agency determines that the
11 school from which the child transferred is no longer
12 identified for school improvement and assistance
13 under this subsection or school redesign under sub-
14 section (h).

15 “(8) PRIORITY.—In providing students the op-
16 tion to transfer under paragraph (2)(B)(ii), the local
17 educational agency shall give priority to the lowest-
18 achieving children from low-income families, as de-
19 termined by the local educational agency for pur-
20 poses of allocating funds to schools under section
21 1113(c)(1), if funds allocated under subsection (f)
22 are insufficient to meet the transfer requests.

23 “(9) SAME MANNER.—A student who uses the
24 option to transfer under paragraph (2)(B)(ii) shall
25 be enrolled in classes and other activities in the pub-

1 lic school to which the student transfers in the same
2 manner as all other children at the public school.

3 “(e) PARENTAL NOTIFICATION.—

4 “(1) IN GENERAL.—A local educational agency
5 shall promptly provide notice to a parent or parents
6 of each student enrolled in a public school identified
7 for school improvement and assistance under sub-
8 section (d) regarding that identification. The notice
9 shall be provided in an understandable and uniform
10 format and, to the extent practicable, in a language
11 the parents can understand.

12 “(2) CONTENT OF NOTICE.—The notice re-
13 quired by paragraph (1) shall contain—

14 “(A) an explanation of what the identifica-
15 tion means, and how the school compares in
16 terms of academic achievement to other elemen-
17 tary schools or secondary schools served by the
18 local educational agency and the State edu-
19 cational agency;

20 “(B) the reasons for the identification;

21 “(C) an explanation of what the school,
22 local educational agency, and State educational
23 agency are doing to improve student achieve-
24 ment;

1 “(D) an explanation of how the parents
2 can become involved in addressing the academic
3 issues that caused the school to be identified for
4 school improvement and assistance; and

5 “(E) an explanation of the parents’ option
6 to transfer their child to another public school
7 or obtain supplemental education services for
8 their child under clauses (iii) and (iv) of sub-
9 section (d)(2)(B), if applicable.

10 “(f) REQUIRED EXPENDITURES FOR SCHOOL IM-
11 PROVEMENT AND ASSISTANCE MEASURES.—

12 “(1) PROFESSIONAL DEVELOPMENT.—A local
13 educational agency with one or more schools des-
14 ignated as a High Priority School shall ensure that
15 an amount equal to at least 10 percent of the
16 agency’s annual allocation under this subpart, or an
17 amount equal to at least 10 percent of each identi-
18 fied school’s allocation under section 1113, is ex-
19 pended for the improvement and assistance meas-
20 ures specified in subsection (d)(2)(A)(ii).

21 “(2) FUNDS FOR TRANSPORTATION AND SUP-
22 PLEMENTAL EDUCATIONAL SERVICES.—Subject to
23 paragraph (3), for each fiscal year in which a local
24 educational agency has one or more schools des-
25 ignated as a Priority School or a High Priority

1 School, such agency shall set aside an amount of
2 funds equal to 20 percent of its allocation under
3 subpart 2 for that fiscal year, from which—

4 “(A) 25 percent shall be expended to pro-
5 vide, or pay for, transportation under sub-
6 section (d)(2)(B)(ii)(II);

7 “(B) 25 percent shall be expended to pro-
8 vide supplemental educational services under
9 subsection (g);

10 “(C) not less than 45 percent shall be ex-
11 pended to provide for transportation under sub-
12 section (d)(2)(B)(ii)(II), supplemental edu-
13 cational services under subsection (g), or both,
14 as the agency determines; and

15 “(D) up to 5 percent shall be for parent
16 outreach and assistance under subsections
17 (g)(2)(A) and (g)(2)(B).

18 “(3) SPECIAL RULE FOR EXCESS SET-ASIDE.—
19 Notwithstanding paragraph (2), a local educational
20 agency may set aside a lesser amount of funds de-
21 scribed in paragraph (2), if such amount—

22 “(A) meets the requirement of (2)(A) and
23 (2)(D); and

24 “(B) exceeds the amount that would be
25 necessary to provide supplemental educational

1 services to all eligible students from each of the
2 schools in the local educational agency required
3 to offer supplemental educational services in ac-
4 cordance with subsection (g).

5 “(4) PRIORITY OF SERVICES FOR LOW-ACHIEV-
6 ING STUDENTS.—If the amount of funds described
7 in (2)(b) or (2)(c) and available to provide services
8 under this subsection is insufficient to provide sup-
9 plemental educational services to each child whose
10 parents request the services, the local educational
11 agency shall give priority to providing the services to
12 the lowest achieving children.

13 “(5) CARRY OVER OF FUNDS RELATED TO
14 TRANSPORTATION AND SUPPLEMENTAL EDU-
15 CATIONAL SERVICES.—The funds described in para-
16 graph (2) shall be made available for the year in
17 which the funding is set aside or otherwise allocated
18 and shall, notwithstanding section 1127(a), remain
19 available until such funds are expended (subject to
20 section 421(b) of the General Education Provisions
21 Act) on supplemental educational services under
22 subsection (g), transportation costs under
23 (d)(2)(B)(iii)(II); or parent outreach and assistance
24 under subsections (g)(2)(A) and (g)(2)(B) unless—

1 “(A) the local educational agency has pro-
2 vided the State educational agency with evi-
3 dence satisfactory to the State educational
4 agency that at least a majority of the students
5 eligible for supplemental educational services
6 have received or affirmatively declined those
7 services; or

8 “(B) the State educational agency ap-
9 proves a local educational agency request to
10 spend a lesser amount based on a State review
11 of the agency’s demonstrated success in—

12 “(i) making significant progress in
13 meeting the requirements of subparagraph
14 (A);

15 “(ii) informing eligible students and
16 their families of the availability of supple-
17 mental educational services which may in-
18 clude participating with community-based
19 organizations or other groups for this pur-
20 pose;

21 “(iii) ensuring that eligible students
22 are given sufficient notice (which must be
23 a minimum of 30 school days prior to the
24 start of such program) of the opportunity
25 to sign up for supplemental educational

1 services prior to the start of such programs
2 including notice of enrollment deadlines;

3 “(iv) meeting the requirements of sub-
4 section (g)(2)(E); and

5 “(v) ensuring all eligible students
6 were able to sign up throughout the course
7 of the school year and summer to the ex-
8 tent available funds remain unexpended.

9 “(g) SUPPLEMENTAL EDUCATIONAL SERVICES.—

10 “(1) IN GENERAL.—In the case of any school
11 designated in subsection (d)(4)(B) or (D) as a High
12 Priority School, the local educational agency shall,
13 not later than the first day of the school year fol-
14 lowing such identification, provide all eligible stu-
15 dents enrolled in the school with the option to re-
16 ceive supplemental educational services from an ap-
17 proved provider that is selected by the parents.

18 “(2) LOCAL EDUCATIONAL AGENCY RESPON-
19 SIBILITIES.—Each local educational agency subject
20 to this subsection shall—

21 “(A) provide, at a minimum, annual notice
22 to parents of children who are eligible for such
23 supplemental educational services in an under-
24 standable and uniform format and, to the ex-
25 tent practicable, in a language the parents can

1 understand and made accessible to parents on-
2 line, of—

3 “(i) the availability of services under
4 this subsection;

5 “(ii) the identity of approved pro-
6 viders, including the providers that serve
7 children with disabilities and English lan-
8 guage learners, that are within the local
9 educational agency or whose services are
10 reasonably available in neighboring local
11 educational agencies;

12 “(iii) a brief description of the serv-
13 ices, including minimum qualifications re-
14 quired by the provider for instructors that
15 provide direct instruction to students; and

16 “(iv) the demonstrated effectiveness of
17 each such provider;

18 “(B) if requested, assist parents in choos-
19 ing a provider from the list of approved pro-
20 viders maintained by the State;

21 “(C) apply fair and equitable procedures
22 for serving students if the number of spaces at
23 approved providers is not sufficient to serve all
24 students;

1 “(D) not disclose to the public the identity
2 of any student who is eligible for, or receiving,
3 supplemental educational services under this
4 subsection without the written permission of the
5 parents of the student;

6 “(E) choose an approved provider or pro-
7 viders, using a fair, open, and objective process,
8 to operate on site in the school or schools on
9 the same basis and terms as are available to
10 other groups that seek access to the school
11 building, if such local educational agency de-
12 sires to permit such providers to operate in
13 such fashion; and

14 “(F) post a local educational agency enroll-
15 ment form online.

16 “(3) AGREEMENT.—In the case of the selection
17 of an approved provider by a parent, the local edu-
18 cational agency shall enter into an agreement with
19 such provider. Such agreement shall—

20 “(A) require the local educational agency
21 to develop, in consultation with parents (and
22 the provider chosen by the parents), a state-
23 ment of specific academic achievement goals
24 aligned to the State’s standards for the student
25 and other achievement goals, how the student’s

1 progress will be measured, and a timetable for
2 improving achievement that, in the case of a
3 student with disabilities, is consistent with the
4 student's individualized education program
5 under section 614(d) of the Individuals with
6 Disabilities Education Act;

7 “(B) describe how the student's parents
8 and the student's teacher or teachers will be
9 regularly informed of the student's progress;

10 “(C) provide for the termination of such
11 agreement if the provider is unable to meet
12 such goals and timetables;

13 “(D) contain provisions with respect to the
14 making of payments to the provider by the local
15 educational agency; and

16 “(E) prohibit the provider from disclosing
17 to the public the identity of any student eligible
18 for, or receiving, supplemental educational serv-
19 ices under this subsection without the written
20 permission of the parents of such student.

21 “(4) STATE EDUCATIONAL AGENCY RESPON-
22 SIBILITIES.—A State educational agency shall—

23 “(A) demonstrate that it has made all rea-
24 sonable efforts to ensure that eligible English
25 language learners and students with disabilities

1 have access to a choice of supplemental edu-
2 cational service providers;

3 “(B) in consultation with local educational
4 agencies, parents, teachers, and other interested
5 members of the public, promote maximum par-
6 ticipation by qualified providers to ensure that
7 parents have a wide range of choices;

8 “(C) develop and apply objective criteria,
9 consistent with paragraph (5);

10 “(D) maintain an updated list of approved
11 providers across the State, by local educational
12 agency, from which parents may select;

13 “(E) develop and implement not later than
14 1 year after the date of enactment of this sub-
15 paragraph a plan to—

16 “(i) monitor the quality and effective-
17 ness of the services offered by approved
18 providers, including providers that are
19 local educational agencies, under this sub-
20 section and for withdrawing approval from
21 providers that fail, for 2 consecutive years,
22 to meet the criteria in paragraph (5); and

23 “(ii) measure individual student aca-
24 demic achievement in mathematics, and in
25 reading or language arts, as measured by

1 progress toward meeting challenging State
2 student academic achievement standards
3 under section 1111(b), or as measured by
4 progress on other valid individual student
5 assessment instruments, as a result of the
6 provision of supplemental educational serv-
7 ices;

8 “(F) provide annual notice to potential
9 providers of supplemental educational services
10 of the opportunity to provide services under this
11 subsection and of the applicable procedures for
12 obtaining approval from the State educational
13 agency to be an approved provider of those
14 services;

15 “(G) provide guidelines to each local edu-
16 cational agency on the development of forms
17 used to enroll students for supplemental edu-
18 cational services under this subsection, includ-
19 ing providing a sample form to the local edu-
20 cational agency; and

21 “(H) at its discretion—

22 “(i) provide technical assistance to
23 providers, including those offering supple-
24 mental educational services, to assist them
25 in serving children with disabilities,

1 English language learners, and students in
2 rural areas, including through the use of
3 distance learning; and

4 “(ii) providing assistance to commu-
5 nity based organizations with the approval
6 process to become supplemental edu-
7 cational services providers.

8 “(5) CRITERIA FOR PROVIDERS.—In order for a
9 provider to be included on the State list under para-
10 graph (4)(C), a provider shall agree to carry out the
11 following:

12 “(A) Provide parents of children receiving
13 supplemental educational services under this
14 subsection and the appropriate local educational
15 agency with information on the progress of the
16 children in increasing achievement, in a format
17 and, to the extent practicable, a language that
18 such parents can understand.

19 “(B) Ensure that instruction provided and
20 content used by the provider are consistent with
21 the instruction provided and content used by
22 the local educational agency and State, and are
23 aligned with State academic achievement stand-
24 ards.

1 “(C) Meet all applicable Federal, State,
2 and local health, safety, and civil rights laws.

3 “(D) Ensure that all instruction and con-
4 tent under this subsection are secular, neutral,
5 and nonideological.

6 “(E) Ensure that such provider has been
7 in existence for at least 2 years prior to becom-
8 ing an approved provider under this section, ex-
9 cept that the requirement described in this sub-
10 paragraph shall be effective 2 years after the
11 enactment of the Improving No Child Left Be-
12 hind for All Students Act.

13 “(F) Ensure, through regulations promul-
14 gated by the Secretary (which shall be pub-
15 lished in final form no later than 2 years after
16 the enactment of the Improving No Child Left
17 Behind for All Students Act, that such provider
18 is able—

19 “(i) to provide the services described
20 in its official publications and statements;

21 “(ii) to provide the administrative re-
22 sources necessary to comply with the re-
23 quirements of this subsection;

24 “(iii) to meet all of the financial obli-
25 gations required under this subsection; and

1 “(iv) demonstrate academic learning
2 gains of students receiving services under
3 this section as defined by the State.

4 “(6) AMOUNTS FOR SUPPLEMENTAL EDU-
5 CATIONAL SERVICES.—

6 “(A) IN GENERAL.—The amount that a
7 local educational agency shall make available
8 for supplemental educational services for each
9 child receiving those services under this sub-
10 section shall be the lesser of—

11 “(i) the amount of the agency’s alloca-
12 tion under subpart 2, divided by the num-
13 ber of children from families below the
14 poverty level; or

15 “(ii) the actual costs of the supple-
16 mental educational services received by the
17 child.

18 “(B) AMOUNTS FOR SPECIAL POPU-
19 LATIONS.—Notwithstanding subparagraph (A),
20 the amount that a local educational agency
21 shall make available for supplemental edu-
22 cational services for students with disabilities,
23 English language learners, and students in local
24 educational agencies that are eligible for assist-
25 ance under section 6211 or 6221 of this Act,

1 shall equal 200 percent of the amount deter-
2 mined in subparagraph (A)(i), except that no
3 student shall receive more than the actual costs
4 of the supplemental educational services re-
5 ceived by the child.

6 “(7) FUNDS PROVIDED BY STATE EDU-
7 CATIONAL AGENCY.—Each State educational agency
8 may use funds that the agency reserves under this
9 part, and part A of title V, to assist local edu-
10 cational agencies that do not have sufficient funds to
11 provide services under this subsection for all eligible
12 students requesting such services.

13 “(8) DURATION.—The local educational agency
14 shall continue to provide supplemental educational
15 services to a child receiving such services under this
16 subsection until the end of the school year in which
17 such services were first received.

18 “(9) PROHIBITION.—Nothing contained in this
19 subsection shall permit the making of any payment
20 for religious worship or instruction.

21 “(10) WAIVER.—

22 “(A) REQUIREMENT.—At the request of a
23 local educational agency, a State educational
24 agency may waive, in whole or in part, the re-
25 quirement of this subsection to provide supple-

1 mental educational services if the State edu-
2 cational agency determines that—

3 “(i) none of the providers of those
4 services on the list approved by the State
5 educational agency under paragraph (4)(C)
6 makes those services available in the area
7 served by the local educational agency or
8 within a reasonable distance of that area;
9 and

10 “(ii) the local educational agency pro-
11 vides evidence that it is not able to provide
12 those services.

13 “(B) NOTIFICATION.—The State edu-
14 cational agency shall notify the local edu-
15 cational agency, within 30 days of receiving the
16 local educational agency’s request for a waiver
17 under subparagraph (A), whether the request is
18 approved or disapproved and, if disapproved,
19 the reasons for the disapproval, in writing.

20 “(11) SPECIAL RULE.—If State law prohibits a
21 State educational agency from carrying out one or
22 more of its responsibilities under paragraph (4) with
23 respect to those who provide, or seek approval to
24 provide, supplemental educational services, each
25 local educational agency in the State shall carry out

1 those responsibilities with respect to its students
2 who are eligible for those services.

3 “(12) DEFINITIONS.—In this subsection—

4 “(A) the term ‘eligible child’ means a child
5 from a low-income family, as determined by the
6 local educational agency for purposes of allo-
7 cating funds to schools under section
8 1113(c)(1);

9 “(B) the term ‘provider’ means a non-
10 profit entity, a for-profit entity, or a local edu-
11 cational agency that—

12 “(i) has a demonstrated record of ef-
13 fectiveness in increasing student academic
14 achievement;

15 “(ii) is capable of providing supple-
16 mental educational services that are con-
17 sistent with the instructional program of
18 the local educational agency and the aca-
19 demic standards described under section
20 1111; and

21 “(iii) is financially sound; and

22 “(C) the term ‘supplemental educational
23 services’ means tutoring and other supple-
24 mental academic enrichment services that are—

1 “(i) in addition to instruction provided
2 during the school day; and

3 “(ii) are of high quality, research-
4 based, and specifically designed to increase
5 the academic achievement of eligible chil-
6 dren on the academic assessments required
7 under section 1111 and attain proficiency
8 in meeting the State’s academic achieve-
9 ment standards.

10 “(13) FUNDING FOR MONITORING AND EVALUA-
11 TION OF SUPPLEMENTAL EDUCATIONAL SERV-
12 ICES.—In conducting activities described in para-
13 graph (4), in addition to other administrative funds
14 under this Act, a State educational agency may uti-
15 lize funds reserved under paragraph (14).

16 “(14) LOCAL EDUCATIONAL AGENCY RESERVA-
17 TION OF PROVIDER PAYMENTS.—Each local edu-
18 cational agency shall reserve an amount equal to 1
19 percent of the amounts otherwise payable to any
20 provider under this subsection. Such reserved
21 amount shall be remitted to the State educational
22 agency every 3 months for the activities described in
23 paragraph (13). In determining the amount for each
24 child for supplemental services under paragraph (6),
25 a local educational agency and a provider may not

1 take the reservation required under this paragraph
2 into account.

3 “(h) SCHOOL REDESIGN.—

4 “(1) DESIGNATIONS AS PRIORITY AND HIGH
5 PRIORITY REDESIGN.—For each school that has fully
6 implemented a school improvement and assistance
7 plan under subsection (d)(2) and has not met the
8 school improvement and assistance completion cri-
9 teria in subsection (d)(3), the local educational agen-
10 cy shall—

11 “(A) designate the school as either a High
12 Priority Redesign School or a Priority Redesign
13 School, based on the same factors as subsection
14 (b)(4)(B) or (D) as appropriate;

15 “(B) establish a process by which it will
16 rank the High Priority Redesign Schools by the
17 percent of students who are proficient in read-
18 ing or language arts and in mathematics;

19 “(C) provide prompt notice to parents,
20 teachers, school staff, and the community of the
21 identification of the school for redesign; and

22 “(D) establish a process by which local
23 stakeholders are provided an adequate oppor-
24 tunity to participate in the development of a
25 plan for the implementation of the redesign.

1 “(2) IMPLEMENTATION OF REDESIGN.—Not
2 later than the beginning of the school year following
3 the year in which the local educational agency en-
4 gages in the process required by paragraph (1) for
5 a school, the local educational agency shall, subject
6 to paragraph (3), over a period of 2 years, redesign
7 the school and continuously monitor and refine the
8 activities used to redesign the school.

9 “(3) HIGH PRIORITY REDESIGN.—To redesign a
10 school designated as High Priority, the local edu-
11 cational agency shall, consistent with State law—

12 “(A) close the school and reopen the school
13 as a public charter school;

14 “(B) replace all or some of the school’s
15 leadership and staff who are relevant to the
16 school not making adequate yearly progress,
17 and significantly revise the instructional pro-
18 gram in the subject areas for which the school
19 was identified under paragraph (1);

20 “(C) enter into a contract with an entity,
21 such as a private management company, with a
22 demonstrated record of effectiveness, to operate
23 the public school; or

1 “(D) turn the operation of the school over
2 to the State educational agency, if permitted
3 under State law and agreed to by the State.

4 “(4) PRIORITY REDESIGN.—To redesign a
5 school designated for Priority Redesign, the local
6 educational agency shall—

7 “(A) institute significant revisions in the
8 instructional and leadership program and sup-
9 port services provided to students who are not
10 proficient in reading or language arts or mathe-
11 matics; and

12 “(B) review the performance of the school
13 leadership and all staff serving the students de-
14 scribed in subparagraph (A) and may make ap-
15 propriate staffing changes.

16 “(5) SUPERVISION BY SUPERINTENDENT.—The
17 superintendent or chief executive of the local edu-
18 cational agency shall directly supervise the redesign
19 of each school being redesigned under this sub-
20 section.

21 “(6) CAPACITY.—The local educational agency
22 may limit the number of schools designated for High
23 Priority Redesign to 10 percent of schools in the
24 local educational agency or 50 schools, whichever is
25 less, based on the academic performance of the

1 schools and the groups of students within the
2 schools. Notwithstanding such a limitation, a local
3 educational agency may identify at its sole discretion
4 additional schools for redesign under this subsection.

5 “(7) STATUS OF A HIGH PRIORITY SCHOOL
6 AFTER REDESIGN.—After 2 years of implementation
7 under paragraph (2), a High Priority School that is
8 redesigned under this subsection shall thereafter be
9 considered as a new school for the purposes of this
10 section. The new school shall be subject to the re-
11 quirements of subsection (a).

12 “(8) STATUS OF PRIORITY SCHOOL IN REDE-
13 SIGN THAT DOES NOT MEET AYP.—After 2 years of
14 implementation under paragraph (2), a Priority
15 School that is redesigned under this subsection shall
16 be presumed to be a High Priority Redesign School
17 if it does not make adequate yearly progress.

18 “(9) TRANSFERS FOR HIGH PRIORITY
19 SCHOOLS.—A school that is designated as a High
20 Priority Redesign School under paragraph (1) shall
21 continue to provide students in the school with the
22 option to transfer to another public school, con-
23 sistent with subsection (d)(2)(B)(ii), so long as such
24 school previously was designated as a High Priority

1 School pursuant to subsection (b)(4)(B) or (D), as
2 appropriate.

3 “(10) SES AND SCHOOL CHOICE.—A school
4 designated for High Priority Redesign pursuant to
5 paragraph (1) that in the preceding year had been
6 designated a High Priority School pursuant to sub-
7 section (b)(4)(B) or (D) shall continue to offer sup-
8 plemental educational services and public school
9 choice to eligible students pursuant to subsection
10 (d)(2)(B)(ii).

11 “(i) RULE OF CONSTRUCTION.—Nothing in this part
12 shall be construed to prevent a local educational agency
13 from designating any school for redesign after the school
14 has not made adequate yearly progress for 2 consecutive
15 years.

16 “(j) SPECIAL CIRCUMSTANCES.—Notwithstanding
17 any other provision of this section, the local educational
18 agency may delay, for a period not to exceed one year,
19 implementation of the requirements of subsection (d), or
20 redesign under subsection (g), if the inability of the school
21 to make adequate yearly progress is due to exceptional or
22 uncontrollable circumstances, such as a natural disaster,
23 a dramatic change in student population, or a precipitous
24 and unforeseen decline in the financial resources of the
25 local educational agency or school.

1 “(k) STATE REVIEW AND LOCAL EDUCATIONAL
2 AGENCY IMPROVEMENT.—

3 “(1) IN GENERAL.—A State shall—

4 “(A) annually review the progress of each
5 local educational agency receiving funds under
6 this part to determine whether schools receiving
7 assistance under this part are making adequate
8 yearly progress as defined in section 1111(b)(2)
9 toward meeting the State’s student academic
10 achievement standards and to determine if each
11 local educational agency is carrying out its re-
12 sponsibilities under this section and sections
13 1117, 1118, and 1119; and

14 “(B) publicize and disseminate to local
15 educational agencies, teachers and other staff,
16 parents, students, and the community the re-
17 sults of the State review, including statistically
18 sound disaggregated results, as required by sec-
19 tion 1111(b)(2).

20 “(2) REWARDS.—In the case of a local edu-
21 cational agency that, for 2 consecutive years, has ex-
22 ceeded adequate yearly progress as defined in the
23 State plan under section 1111(b)(2), the State may
24 make rewards of the kinds described under section
25 1117 to the agency.

1 “(3) IDENTIFICATION OF LOCAL EDUCATIONAL
2 AGENCY FOR IMPROVEMENT.—A State shall identify
3 for improvement any local educational agency that,
4 for 2 consecutive years, did not make adequate year-
5 ly progress as defined in the State’s plan under sec-
6 tion 1111(b)(2) for the same group of students spec-
7 ified in section 1111(b)(2)(C)(v) in the same subject
8 described in section 1111(b)(1)(C).

9 “(4) TARGETED ASSISTANCE SCHOOLS.—When
10 reviewing targeted assistance schools served by a
11 local educational agency, a State educational agency
12 may choose to review the progress of only the stu-
13 dents in such schools who are served, or are eligible
14 for services, under this part.

15 “(5) OPPORTUNITY TO REVIEW AND PRESENT
16 EVIDENCE.—

17 “(A) REVIEW.—Before identifying a local
18 educational agency for improvement under
19 paragraph (3) or redesign under paragraph (9),
20 a State educational agency shall provide the
21 local educational agency with an opportunity to
22 review the data, including academic assessment
23 data, on which the proposed identification is
24 based.

1 “(B) EVIDENCE.—If the local educational
2 agency believes that the proposed identification
3 is in error for statistical or other substantive
4 reasons, the agency may provide supporting evi-
5 dence to the State educational agency, which
6 shall consider the evidence before making a
7 final determination not later than 30 days after
8 the State educational agency provides the local
9 educational agency with the opportunity to re-
10 view such data under subparagraph (A).

11 “(6) NOTIFICATION TO PARENTS.—The State
12 educational agency shall promptly provide to the
13 parents (in a format and, to the extent practicable,
14 in a language the parents can understand) of each
15 student enrolled in a school served by a local edu-
16 cational agency identified for improvement, the re-
17 sults of the review under paragraph (1) and, if the
18 agency is identified for improvement, the reasons for
19 that identification and how parents can participate
20 in upgrading the quality of the local educational
21 agency.

22 “(7) LOCAL EDUCATIONAL AGENCY IMPROVE-
23 MENT AND ASSISTANCE PLAN.—

24 “(A) PLAN REQUIRED.—Each local edu-
25 cational agency identified under paragraph (3)

1 shall, during the course of the school year fol-
2 lowing the school year in which the determina-
3 tion was based, develop a comprehensive local
4 educational agency improvement and assistance
5 plan that identifies, analyzes, and addresses
6 systemic causes for the agency not making ade-
7 quate yearly progress. Not later than 60 cal-
8 endar days before the end of such school year,
9 the local educational agency shall submit the
10 plan to the State educational agency.

11 “(B) CONSULTATION.—The comprehensive
12 plan required by subparagraph (A) shall be de-
13 veloped in consultation with—

14 “(i) school improvement specialists;

15 “(ii) parents, including parents of stu-
16 dents in a group or groups that did not
17 make adequate yearly progress;

18 “(iii) principals, teachers and other
19 school staff, including those with expertise
20 in working with students with diverse
21 learning needs, including English language
22 learners and students with disabilities; and

23 “(iv) local community stakeholders,
24 such as business leaders and representa-

1 tives of public and private nonprofit orga-
2 nizations and agencies.

3 “(C) CONTENT OF PLAN.—The com-
4 prehensive plan required by subparagraph (A)
5 shall include—

6 “(i) a review and analysis of the sys-
7 tem causes for the local educational agency
8 not making adequate yearly progress, in-
9 cluding review of the students not meeting
10 proficiency targets and specific subjects
11 and groups that account for the agency not
12 making adequate yearly progress and
13 achievement data for students not meeting
14 proficiency targets, including—

15 “(I) an analysis of the group or
16 groups of students of students speci-
17 fied in section 1111(b)(2)(C)(v) for
18 the schools in the agency that led to
19 the local educational agency not mak-
20 ing adequate yearly progress (which
21 analysis shall inform the reviews con-
22 ducted pursuant to (iii) to identify re-
23 forms tailored to such group or
24 groups, where appropriate);

1 “(II) an analysis of teacher ex-
2 pertise and assignment by grade, sub-
3 ject, and group or groups of students
4 not meeting proficiency;

5 “(III) an analysis of practices
6 concerning the core academic instruc-
7 tional program described in section
8 1111(b)(1)(C) for the schools in the
9 agency that have caused the achieve-
10 ment differences and the greatest like-
11 lihood of improving the performance
12 of the lowest-performing teachers; im-
13 proving the academic performance of
14 low-achieving students; closing the
15 achievement gaps among groups of
16 students specified in section
17 1111(b)(2)(C)(v), and meeting the
18 State’s proficient level of achievement
19 on the State academic assessment de-
20 scribed in section 1111(b)(3); and

21 “(IV) an analysis of the pro-
22 grams for the schools in the agency
23 and their effectiveness in improving
24 student academic achievement, par-
25 ticularly for students not meeting pro-

1 ficiency goals, which may include an
2 evaluation;

3 “(ii) a review and analysis of current
4 and prospective strategies, policies, and
5 practices based on scientifically based re-
6 search that will strengthen the core aca-
7 demic subjects that will directly address
8 the systemic causes for the local edu-
9 cational agency not making adequate year-
10 ly progress, including—

11 “(I) current teacher assignments
12 that include a review of out-of-field
13 teacher and data from the local edu-
14 cational agency for the schools in the
15 agency to determine whether students
16 who are not proficient are assigned to
17 teachers who are highly-qualified and
18 who are best equipped to help them
19 attain proficiency and how changes to
20 teacher assignments could address
21 causes for the school not making ade-
22 quate yearly progress;

23 “(II) current professional devel-
24 opment activities for teachers and
25 principals for the schools in the agen-

1 cy to determine whether changes to
2 instructional practices, such as com-
3 mon lesson-planning, instructional
4 coaching, and evidence-based interven-
5 tions could address systemic causes
6 for the local educational agency not
7 making adequate yearly progress;

8 “(III) the current instructional
9 program for the schools in the agency
10 and its alignment with the curriculum
11 of the local educational agency and
12 with the State standards and assess-
13 ments and availability of curricula in
14 all core academic subjects to all stu-
15 dents to determine whether changes to
16 these areas could address systemic
17 causes for the local educational agen-
18 cy not making adequate yearly
19 progress; and

20 “(IV) the current amount of in-
21 structional time (including learning
22 time before school, after school, dur-
23 ing the summer, during any extension
24 of the school year, or through tutoring
25 such as supplemental educational

1 services) for the schools in the agency
2 to determine whether changes to the
3 amount of instructional time could ad-
4 dress systemic causes for the local
5 educational agency not making ade-
6 quate yearly progress;

7 “(iii) a review and analysis of the
8 local educational agency’s capacity to ad-
9 dress the areas for which the agency has
10 identified that changes in the agency’s
11 strategies, policies, and practices based on
12 scientifically based research that will
13 strengthen the core academic subjects
14 could address systemic causes of the agen-
15 cy’s not making adequate yearly progress
16 and the agency’s current allocation of fis-
17 cal resources;

18 “(iv) a specification of the respective
19 responsibilities of the local educational
20 agency and the State educational agency
21 under the plan, including technical assist-
22 ance provided by the State educational
23 agency and the local educational agency’s
24 responsibilities under section 1120A;

1 “(v) a description and assurance that
2 the local educational agency will make
3 changes to the agency and school program
4 identified as necessary after conducting the
5 reviews under clauses (i) through (ii), in-
6 cluding structural changes to its organiza-
7 tion and its operation to improve the edu-
8 cational performance of schools served by
9 the local educational agency, and a
10 timeline for incorporating each change;

11 “(vi) an assurance that the local edu-
12 cational agency will establish specific meas-
13 urable achievement goals and targets for
14 each of the groups of students identified in
15 the disaggregated data pursuant to section
16 1111(b)(2)(C)(v) enrolled in the school
17 that will ensure that all such groups of
18 students will, in accordance with adequate
19 yearly progress as defined under section
20 1111(b)(2), meet the State’s proficient
21 level of achievement on the State academic
22 assessment; and

23 “(vii) a projection of the amount of
24 funding the local educational agency is
25 likely to receive for school improvement

1 purposes and how those funds will be used
2 to implement the plan.

3 “(D) PUBLIC NOTICE.—Upon completion
4 of a local educational agency improvement and
5 assistance plan, the local educational agency
6 shall make the plan available to parents and the
7 public and post the plan on the local edu-
8 cational agency’s website. The plan shall be
9 available in the language and form that parents
10 can understand.

11 “(8) LOCAL EDUCATIONAL AGENCY IMPROVE-
12 MENT AND ASSISTANCE MEASURES.—

13 “(A) IN GENERAL.—A local educational
14 agency that does not make adequate yearly
15 progress during the school year during which
16 the plan was required to be developed under
17 paragraph (7) shall, no later than the first day
18 of the following school year, begin implementing
19 the plan. The implementation shall include each
20 of the following:

21 “(i) The measures identified in the
22 local educational agency improvement and
23 assistance plan as strategies, policies, and
24 practices based on scientifically based re-
25 search that will strengthen the core aca-

1 demic subjects to address systemic causes
2 for the local educational agency not mak-
3 ing adequate yearly progress.

4 “(ii) Ongoing, high-quality profes-
5 sional development for Local Educational
6 Agency Administrative Staff, principals
7 and teachers in the schools in the agency
8 that is based on the findings of the review
9 required by subsection (b)(3)(A) through
10 (C) and—

11 “(I) directly addresses the aca-
12 demic achievement needs of the
13 school’s students;

14 “(II) is aligned with the States’
15 standards and the local educational
16 agency’s curriculum; and

17 “(III) increases teacher and prin-
18 cipal effectiveness through activities
19 that may include—

20 “(aa) providing regular op-
21 portunities for teachers of core
22 academic subjects to collaborate
23 with both subject area and inter-
24 disciplinary groups to review stu-

1 dent achievement data and plan
2 instruction; and

3 “(bb) implementing a
4 school-wide literacy or mathe-
5 matics plan that includes hiring
6 literacy coaches or mathematics
7 coaches.

8 “(9) STATE EDUCATIONAL AGENCY RESPONSI-
9 BILITY.—

10 “(A) TECHNICAL OR OTHER ASSIST-
11 ANCE.—For each local educational agency iden-
12 tified under paragraph (3), the State edu-
13 cational agency shall provide technical or other
14 assistance if requested, as authorized under sec-
15 tion 1117, to better enable the local educational
16 agency to—

17 “(i) develop and implement the local
18 educational agency’s plan; and

19 “(ii) work with schools needing im-
20 provement and assistance.

21 “(B) METHODS AND STRATEGIES.—Tech-
22 nical assistance provided under this section by
23 the State educational agency or an entity au-
24 thorized by such agency shall be supported by
25 effective methods and instructional strategies

1 based on scientifically based research. Such
2 technical assistance shall address problems, if
3 any, in implementing the parental involvement
4 activities described in section 1118 and the pro-
5 fessional development activities described in sec-
6 tion 1119.

7 “(C) REQUIRED MEASURES.—After pro-
8 viding technical assistance under paragraph (8),
9 the State shall implement at least one of the
10 following measures with respect to any local
11 educational agency that does not make ade-
12 quate yearly progress, as defined by the State,
13 by the end of the second full school year after
14 the identification of the agency under para-
15 graph (3):

16 “(i) Deferring programmatic funds or
17 reducing administrative funds.

18 “(ii) Instituting and fully imple-
19 menting a new curriculum that is based on
20 State and local academic content and
21 achievement standards as defined under
22 section 1111(b)(2), including providing ap-
23 propriate professional development based
24 on scientifically valid research for all rel-
25 evant staff, that offers substantial promise

1 of improving educational achievement for
2 low-achieving students.

3 “(iii) Replacing the local educational
4 agency personnel who are relevant to the
5 local educational agency not making ade-
6 quate yearly progress.

7 “(iv) Establishing alternative arrange-
8 ments for public governance and super-
9 vision of such schools.

10 “(v) Appointing, through the State
11 educational agency, a receiver or trustee to
12 administer the affairs of the local edu-
13 cational agency in place of the super-
14 intendent and school board.

15 “(vi) Authorizing students to transfer
16 from a school operated by the local edu-
17 cational agency to a higher-performing
18 public school operated by another local
19 educational agency in accordance with sub-
20 sections (d)(2)(B)(iii), and providing to
21 such students transportation (or the costs
22 of transportation) to such schools con-
23 sistent with subsection (f), in conjunction
24 with carrying out not less than one addi-

1 tional action described under this subpara-
2 graph.

3 “(D) HEARING.—Prior to implementing
4 any measure under this paragraph, the State
5 educational agency shall provide notice and a
6 hearing to the affected local educational agency,
7 if State law provides for such notice and hear-
8 ing. The hearing shall take place not later than
9 45 days following the decision to implement
10 such measure.

11 “(E) NOTICE TO PARENTS.—The State
12 educational agency shall publish, and dissemi-
13 nate to parents and the public, information on
14 any measure the State educational agency takes
15 under this paragraph through such means as
16 the Internet, the media, and public agencies.

17 “(F) DELAY.—Notwithstanding paragraph
18 (C), a State educational agency may delay, for
19 a period not to exceed 1 year, implementation
20 of such measure under this paragraph if the
21 local educational agency makes adequate yearly
22 progress for 1 year or it does not make ade-
23 quate yearly progress due to exceptional or un-
24 controllable circumstances, such as a natural
25 disaster or a precipitous and unforeseen decline

1 in the financial resources of the local edu-
2 cational agency. No such period shall be taken
3 into account in determining the number of con-
4 secutive years of failure to make adequate year-
5 ly progress.

6 “(10) SPECIAL RULE.—If a local educational
7 agency makes adequate yearly progress for two con-
8 secutive school years beginning after the date of
9 identification of the agency under paragraph (3), the
10 State educational agency need no longer identify the
11 local educational agency for improvement and assist-
12 ance for the succeeding school year.

13 “(1) CONSTRUCTION.—Nothing in this section shall
14 be construed to alter or otherwise affect the rights, rem-
15 edies, and procedures afforded school or school district
16 employees under Federal, State, or local laws (including
17 applicable regulations or court orders) or under the terms
18 of collective bargaining agreements, memoranda of under-
19 standing, or other agreements between such employees
20 and their employers.

21 “(m) SCHOOLS FUNDED BY THE BUREAU OF INDIAN
22 AFFAIRS.—

23 “(1) ADEQUATE YEARLY PROGRESS FOR BU-
24 REAU FUNDED SCHOOLS.—

25 “(A) DEVELOPMENT OF DEFINITION.—

1 “(i) DEFINITION.—The Secretary of
2 the Interior, in consultation with the Sec-
3 retary if the Secretary of Interior requests
4 the consultation, using the process set out
5 in section 1138(b) of the Education
6 Amendments of 1978, shall define ade-
7 quate yearly progress, consistent with sec-
8 tion 1111(b), for the schools funded by the
9 Bureau of Indian Affairs on a regional or
10 tribal basis, as appropriate, taking into ac-
11 count the unique circumstances and needs
12 of such schools and the students served by
13 such schools.

14 “(ii) USE OF DEFINITION.—The Sec-
15 retary of the Interior, consistent with
16 clause (i), may use the definition of ade-
17 quate yearly progress that the State in
18 which the school that is funded by the Bu-
19 reau is located uses consistent with section
20 1111(b), or in the case of schools that are
21 located in more than one State, the Sec-
22 retary of the Interior may use whichever
23 State definition of adequate yearly
24 progress that best meets the unique cir-

1 cumstances and needs of such school or
2 schools and the students the schools serve.

3 “(B) WAIVER.—An Indian tribe, school
4 board of a school funded by the Bureau of In-
5 dian Affairs, or consortium of such entities may
6 waive, in part or in whole, the definition of ade-
7 quate yearly progress established pursuant to
8 subparagraph (A) where such definition is de-
9 termined by such Indian tribe, school board, or
10 consortium to be inappropriate. If such defini-
11 tion is waived, the Indian tribe, school board, or
12 consortium shall, within 60 days thereafter,
13 submit to the Secretary of Interior a proposal
14 for an alternative definition of adequate yearly
15 progress, consistent with section 1111(b), that
16 takes into account the unique circumstances
17 and needs of such school or schools and the stu-
18 dents served. The Secretary of the Interior, in
19 consultation with the Secretary if the Secretary
20 of Interior requests the consultation, shall ap-
21 prove such alternative definition unless the Sec-
22 retary of the Interior determines that the defi-
23 nition does not meet the requirements of section
24 1111(b), taking into account the unique cir-

1 cumstances and needs of such school or schools
2 and the students served.

3 “(C) TECHNICAL ASSISTANCE.—The Sec-
4 retary of Interior shall, in consultation with the
5 Secretary if the Secretary of Interior requests
6 the consultation, either directly or through a
7 contract, provide technical assistance, upon re-
8 quest, to an Indian tribe, school board of a
9 school funded by the Bureau of Indian Affairs,
10 or consortium of such entities that seeks to de-
11 velop an alternative definition of adequate year-
12 ly progress.

13 “(2) ACCOUNTABILITY FOR BUREAU
14 SCHOOLS.—For the purposes of this section, schools
15 funded by the Bureau of Indian Affairs shall be con-
16 sidered schools subject to subsections (b) through
17 (f), and (h) through (j), as specifically provided for
18 in this subsection, except that such schools shall not
19 be subject to subsection (f)(1)(B) or (f)(1)(C), or
20 subsection (k) or the requirement to provide public
21 school choice and supplemental educational services
22 under subsections (d), (e), and (h).

23 “(3) SCHOOL IMPROVEMENT FOR BUREAU
24 SCHOOLS.—

1 “(A) CONTRACT AND GRANT SCHOOLS.—
2 For a school funded by the Bureau of Indian
3 Affairs which is operated under a contract
4 issued by the Secretary of the Interior pursuant
5 to the Indian Self-Determination Act (25
6 U.S.C. 450 et seq.) or under a grant issued by
7 the Secretary of the Interior pursuant to the
8 Tribally Controlled Schools Act of 1988 (25
9 U.S.C. 2501 et seq.), the school board of such
10 school shall be responsible for meeting the re-
11 quirements of subsection (b) relating to devel-
12 opment and implementation of any school im-
13 provement and assistance plan as described in
14 subsection (b). The Bureau of Indian Affairs
15 shall be responsible for meeting the require-
16 ments of subsection (c) relating to technical as-
17 sistance.

18 “(B) BUREAU OPERATED SCHOOLS.—For
19 schools operated by the Bureau of Indian Af-
20 fairs, the Bureau shall be responsible for meet-
21 ing the requirements of subsection (b) relating
22 to development and implementation of any
23 school improvement and assistance plan as de-
24 scribed in subsection (b).

1 “(4) REDESIGN FOR BUREAU-FUNDED
2 SCHOOLS.—

3 “(A) CONTRACT AND GRANT SCHOOLS.—

4 For a school funded by the Bureau of Indian
5 Affairs which is operated under a contract
6 issued by the Secretary of the Interior pursuant
7 to the Indian Self-Determination Act (25
8 U.S.C. 450 et seq.) or under a grant issued by
9 the Secretary of the Interior pursuant to the
10 Tribally Controlled Schools Act of 1988 (25
11 U.S.C. 2501 et seq.), the school board of such
12 school shall be responsible for meeting the re-
13 quirements of subsection (h) relating to rede-
14 sign. Any action taken by such school board
15 under subsection (h) shall take into account the
16 unique circumstances and structure of the Bu-
17 reau of Indian Affairs-funded school system and
18 the laws governing that system.

19 “(B) BUREAU OPERATED SCHOOLS.—For
20 schools operated by the Bureau of Indian Af-
21 fairs, the Bureau shall be responsible for meet-
22 ing the requirements of subsection (h) relating
23 to redesign. Any action taken by the Bureau
24 under subsection (h) shall take into account the
25 unique circumstances and structure of the Bu-

1 reau of Indian Affairs-funded school system and
2 the laws governing that system.

3 “(5) ANNUAL REPORT.—On an annual basis,
4 the Secretary of the Interior shall report to the Sec-
5 retary of Education and to the appropriate commit-
6 tees of Congress regarding any schools funded by
7 the Bureau of Indian Affairs which have been identi-
8 fied for school improvement and assistance. Such re-
9 port shall include—

10 “(A) the identity of each school;

11 “(B) a statement from each affected school
12 board regarding the factors that lead to such
13 identification; and

14 “(C) an analysis by the Secretary of the
15 Interior, in consultation with the Secretary if
16 the Secretary of Interior requests the consulta-
17 tion, as to whether sufficient resources were
18 available to enable such school to achieve ade-
19 quate yearly progress.”.

20 (b) CONFORMING AMENDMENT.—In the table of con-
21 tents, the item relating to section 1116 is amended to read
22 as follows:

 “Sec. 1116. School and local educational agency improvement and assistance.”.

23 **SEC. 111. LONGITUDINAL DATA SYSTEMS.**

24 Subpart 1 of part A of title I is amended by adding
25 at the end the following:

1 **“SEC. 1120C. DATA SYSTEMS AND REQUIREMENTS.**

2 “(a) IN GENERAL.—A State that receives funds
3 under this part shall, not later than 4 years after the date
4 of the enactment of the Improving No Child Left Behind
5 for All Students Act, develop and implement a longitudinal
6 data system, which shall include public charter schools,
7 that meets the requirements of this section.

8 “(b) ADVISORY COMMITTEE.—

9 “(1) IN GENERAL.—In developing the data sys-
10 tem described in subsection (a), each State that re-
11 ceives funds under this section shall form a com-
12 mittee to advise the State on the development and
13 implementation of such system. Such committee
14 shall be established within 6 months after receiving
15 funds under this section.

16 “(2) MEMBERSHIP.—Each individual serving on
17 the committee established under paragraph (1) shall
18 be selected by the State and have sufficient experi-
19 ence in and knowledge of the development, imple-
20 mentation, maintenance, and use of such data sys-
21 tems. In establishing the membership of the com-
22 mittee, each State shall ensure that such committee
23 includes, at a minimum—

24 “(A) public elementary and secondary
25 school teachers and members of organizations
26 representing teachers;

1 “(B) principals and administrators of pro-
2 grams under this Act;

3 “(C) representatives of small and large
4 business operating or representing businesses;

5 “(D) representatives of civil rights organi-
6 zations; and

7 “(E) experts in educational research, sta-
8 tistical analysis and data privacy from institu-
9 tions of higher education or other research or-
10 ganizations.

11 “(c) ESSENTIAL ELEMENTS.—The data system re-
12 quired by subsection (a) shall include the following ele-
13 ments:

14 “(1) A unique statewide student identifier that
15 remains stable and consistent across time.

16 “(2) Student-level enrollment, demographic,
17 and program participation information, including in-
18 formation on individual students’ membership in the
19 groups described under section 1111(b)(2)(C), as
20 well as student gender, school, grade, classroom
21 level, enrollment, and attendance.

22 “(3) The ability to match individual students’
23 scores on academic assessments required under this
24 Act from year to year.

1 “(4) Information described in paragraph (2) on
2 students that have not participated in the academic
3 assessments required under section 1111(b)(3).

4 “(5) Student-level data on the entrance and exit
5 of the education system of each student, including
6 first time and any new grade enrollment, grade level
7 retention, confirmed transfer status, dropout rates,
8 receipt of a regular high school diploma or non-
9 standard diploma, passage of a General Educational
10 Development exam, incarceration, and death.

11 “(6) A statewide audit system to ensure the
12 quality, validity, and reliability of data in such sys-
13 tem.

14 “(7) A unique statewide teacher identifier that
15 remains consistent over time, matches all student
16 records described in this subsection to the appro-
17 priate teacher, and provides a linkage to the teacher
18 education preparation program that such teacher
19 was enrolled in at an institution of higher education.

20 “(8) Student-level transcript information, in-
21 cluding information on courses completed and
22 grades earned.

23 “(9) Includes, at a minimum, all data elements
24 required for reporting under this Act.

1 “(d) OTHER ELEMENTS.—The data system required
2 by subsection (a) may include the following elements:

3 “(1) Student-level data on participation in and
4 performance on college admissions and placement
5 assessments.

6 “(2) Ability to link information from preschool
7 through grade 12, including that of students with
8 disabilities, to data systems in higher education, and
9 to gather information on college enrollment, place-
10 ment, persistence, and attainment, and ability to
11 link data systems to data from workforce develop-
12 ment.

13 “(e) REQUIREMENTS.—The data system required by
14 subsection (a) shall be developed and implemented to en-
15 sure the following:

16 “(1) That the State—

17 “(A) meets the requirements of section
18 444 of the General Education Provisions Act
19 (20 U.S.C. 1232g) (commonly known as the
20 Family Educational Rights and Privacy Act of
21 1974);

22 “(B) limits the use of information in the
23 longitudinal data system by institutions of high-
24 er education and State or local educational
25 agencies or institutions to the activities set

1 forth in paragraph (1) or State law regarding
2 education, consistent with the purposes of this
3 subtitle;

4 “(C) prohibits the disclosure of personally
5 identifiable information except as permitted
6 under section 444 of the General Education
7 Provisions Act and any additional limitations
8 set forth in State law;

9 “(D) keeps an accurate accounting of the
10 date, nature, and purpose of each disclosure of
11 personally identifiable information in the longi-
12 tudinal data system, a description of the infor-
13 mation disclosed, and the name and address of
14 the person, agency, institution, or entity to
15 whom the disclosure is made, which accounting
16 shall be made available on request to parents of
17 any student whose information has been dis-
18 closed;

19 “(E) notwithstanding section 444 of the
20 General Education Provisions Act, requires any
21 non-governmental party obtaining personally
22 identifiable information to sign a data use
23 agreement prior to disclosure that—

24 “(i) prohibits the party from further
25 disclosing the information;

1 “(ii) prohibits the party from using
2 the information for any purpose other than
3 the purpose specified in the agreement;
4 and

5 “(iii) requires the party to destroy the
6 information when the purpose for which
7 the disclosure was made is accomplished;

8 “(F) maintains adequate security measures
9 to ensure the confidentiality and integrity of the
10 longitudinal data system, such as protecting a
11 student record from identification by a unique
12 identifier;

13 “(G) where rights are provided to parents
14 under this clause, provides those rights to the
15 student instead of the parent if the student has
16 reached the age of 18 or is enrolled in a post-
17 secondary educational institution; and

18 “(H) ensures adequate enforcement of the
19 requirements of this paragraph.

20 “(2) The privacy of student records, consistent
21 with the Family Educational Rights and Privacy Act
22 of 1974 (20 U.S.C. 1232g).

23 “(3) Effective data architecture and storage, in-
24 cluding standard definitions and formatting, and
25 warehousing, including the ability to link student

1 records over time and across databases and to
2 produce standardized or customized reports for use
3 by local educators and policymakers, that—

4 “(A) is based on informational needs at
5 the classroom, school, local educational agency,
6 State, and Federal levels;

7 “(B) allows for longitudinal analysis of
8 student achievement growth and program eval-
9 uations; and

10 “(C) supports analyses and research to
11 evaluate the effectiveness of education related
12 programs and initiatives.

13 “(4) Interoperability among software interfaces
14 utilized to input, access, and analyze the data of
15 such system.

16 “(5) Interoperability with other systems within
17 the State and local educational agencies with the
18 State.

19 “(6) Interoperability with the system linking
20 migratory student records required under part C.

21 “(7) Electronic portability of data and records.

22 “(8) Professional development for those that
23 use and operate such system.

1 “(9) Researcher access to the data in such sys-
2 tem, consistent with the Family Educational Rights
3 and Privacy Act of 1974 (20 U.S.C. 1232g).

4 “(f) PREEXISTING DATA SYSTEMS.—A State that de-
5 veloped and implemented or was in the process of devel-
6 oping and implementing a longitudinal data system prior
7 to the date of the enactment of this section may use that
8 system for the purpose of this section, if the system other-
9 wise meets the requirements of this section.

10 “(g) ALLOCATION.—After reserving funds under sub-
11 section (l), from the funds appropriated under subsection
12 (m), the Secretary shall make an allocation to each State.
13 In making such allocation, the Secretary shall allocate 50
14 percent of such funds in a manner that provides an equal
15 amount to each State. The remainder of such funds shall
16 be allocated to each State based on each State’s enroll-
17 ment of students in kindergarten through grade 12, com-
18 pared to all States.

19 “(h) APPLICATION.—The Secretary shall allot the
20 funds described in subsection (i) after the State submits
21 an application for such funds at such time, in such man-
22 ner, and containing such information, as the Secretary
23 may require.

24 “(i) PENALTIES.—Where any State is found not to
25 have made substantial progress toward implementation of

1 such a system three years after the date of the enactment
2 of the Improving No Child Left Behind for All Students
3 Act, the Secretary may withhold up to 25 percent of the
4 State’s funds reserved under section 1004.

5 “(j) ALLOWABLE USES OF FUNDS.—The State may
6 use the funds received under this section to—

7 “(1) develop, maintain, operate, and upgrade its
8 data systems;

9 “(2) provide data integrity training at the
10 school and State and local educational agency levels
11 to address technology maintenance needs at the
12 school and district levels, privacy policies (including
13 training related to the Family Educational Rights
14 and Privacy Act of 1974), data integrity issues, re-
15 port planning and processes;

16 “(3) provide professional development to teach-
17 ers, office personnel, principals, and administrators
18 on how to appropriately collect, report, and use data;

19 “(4) develop processes to analyze and dissemi-
20 nate best practices, strategies, and approaches re-
21 garding pedagogical advancement that will leverage
22 the data system to enhance teaching and learning,
23 including creating opportunities for individualized
24 instruction;

1 “(5) align statewide longitudinal data systems
2 with local student information management systems
3 and curriculum management systems, instructional
4 management systems, or learning management sys-
5 tems; or

6 “(6) conduct and publicly report on the findings
7 of data analyses to identify and fill areas in need of
8 improvement in policy and instructional practice.

9 “(k) USE OF UNIQUE IDENTIFIERS.—

10 “(1) GOVERNMENTAL USE OF UNIQUE IDENTIFI-
11 FIERS.—It shall be unlawful for any Federal, State,
12 or local governmental agency to use the identifiers
13 employed in the longitudinal data systems for any
14 purpose other than as authorized by Federal or
15 State law regarding education, or to deny any indi-
16 vidual any right, benefit, or privilege provided by law
17 because of such individual’s refusal to disclose the
18 individual’s unique identifier.

19 “(2) REGULATIONS.—Not later than 180 days
20 after the date of enactment of the Improving No
21 Child Left Behind for All Students Act, the Sec-
22 retary shall promulgate regulations governing the
23 use by governmental and non-governmental entities
24 of the unique identifiers employed in longitudinal
25 data systems, including, where necessary, regula-

1 tions requiring States desiring grants for longitu-
2 dinal data systems under this section to implement
3 specified measures, with the goal of safeguarding in-
4 dividual privacy to the maximum extent practicable
5 consistent with the uses of the information author-
6 ized in this Act or other Federal or State law re-
7 garding education.

8 “(l) AUTHORIZATION OF APPROPRIATIONS.—For the
9 purposes of meeting the requirements of this section, there
10 are authorized to be appropriated such sums as may be
11 necessary for each fiscal year.”.

12 **SEC. 112. CREATING A RELIABLE AND ACCURATE GRADUA-**
13 **TION RATE TO IMPROVE THE ACADEMIC**
14 **ACHIEVEMENT OF HIGH SCHOOL STUDENTS.**

15 Section 1111 (20 U.S.C. 6311) is amended—

16 (1) in subsection (b)(2)—

17 (A) in subparagraph (C)(vi) by striking
18 “as the percentage of students who graduate
19 from secondary school with a regular diploma in
20 the standard number of years” and inserting
21 “in subparagraph (P)”;

22 (B) by adding at the end the following:

23 “(P) GRADUATION RATE.—

24 “(i) IN GENERAL.—For the purpose
25 of this section, a State shall calculate its

1 graduation rate by dividing the number of
2 students in the school or local educational
3 agency who receive a regular diploma by
4 the number of first time ninth-grade stu-
5 dents who enrolled in the school or local
6 educational agency four years earlier, tak-
7 ing into account—

8 “(I) the movement of students
9 transferring into and out of the school
10 or local educational agency, docu-
11 mented through such evidence as a
12 transcript, over the four-year period;
13 and

14 “(II) the limited one time identi-
15 fication of recently arrived limited
16 English proficient students, students
17 with documented enrollment in a fully
18 articulated early college high school,
19 and children with disabilities who re-
20 quire a fifth year to receive a regular
21 high school diploma.

22 “(ii) SCHOOLS AND LOCAL EDU-
23 CATIONAL AGENCIES.—A State shall re-
24 quire local educational agencies and

1 schools in the State to calculate its gradua-
2 tion rate consistent with clause (i).

3 “(Q) ADDITIONAL COMPLETION MEASURES
4 FOR HIGH SCHOOL STUDENTS IN ALTERNATIVE
5 SETTINGS.—A State may publish and report
6 additional completion measures for those stu-
7 dents who completed high school or some equiv-
8 alent measure in more than four years. Such
9 measures could include those students that
10 dropped out of high school and passed a Gen-
11 eral Educational Development exam or trans-
12 ferred to an alternative school and successfully
13 completed their education, or those children
14 with disabilities who completed their edu-
15 cational program in more than five years.”.

16 **SEC. 113. READING FIRST.**

17 (a) FORMULA GRANTS.—Section 1202(e)(2) (20
18 U.S.C. 6362(e)(2)) is amended by striking “peer review
19 panel” and inserting “Committee”.

20 (b) PEER REVIEW.—Section 1203(c)(2) (20 U.S.C.
21 6363(c)(2)) is amended—

22 (1) in subparagraph (A)—

23 (A) in the first sentence, by striking “a
24 panel” and inserting “a Reading First Advisory
25 Committee”; and

1 (B) in the second sentence, by striking
2 “panel” and inserting “Committee”;

3 (2) by redesignating subparagraphs (B) and
4 (C) as subparagraphs (C) and (D), respectively;

5 (3) by inserting after subparagraph (A) the fol-
6 lowing:

7 “(B) LIMITATION.—The Committee shall
8 not be comprised of a majority of members se-
9 lected by one individual or entity described in
10 subparagraph (A).”;

11 (4) in subparagraph (C) (as redesignated by
12 paragraph (2)) by striking “panel” and inserting
13 “Committee”;

14 (5) in subparagraph (D) (as redesignated by
15 paragraph (2)) by striking “panel” and inserting
16 “Committee”; and

17 (6) by adding at the end the following:

18 “(E) SUBCOMMITTEES.—

19 “(i) IN GENERAL.—At its sole discre-
20 tion, the Committee may form one or more
21 subcommittees to assist the Committee
22 with the functions described in this para-
23 graph.

24 “(ii) REPRESENTATION.—If the Com-
25 mittee chooses to form such subcommit-

1 tees, each subcommittee shall include at
2 least one member selected by each indi-
3 vidual or entity described in subparagraph
4 (A), and in no case shall be comprised of
5 a majority of members selected by one
6 such entity. Members of the Committee
7 may serve on one or more subcommittees.

8 “(iii) COMMITTEE REVIEW.—The
9 Committee shall review the recommenda-
10 tions of each subcommittee, and, following
11 such review, make a final recommendation
12 to the Secretary in accordance with sub-
13 paragraph (D).

14 “(F) GOVERNANCE.—The Federal Advi-
15 sory Committee Act (5 U.S.C. App.) shall gov-
16 ern the activities of the Committee.

17 “(G) CONFLICTS OF INTEREST.—

18 “(i) IN GENERAL.—The Secretary
19 shall establish a process through which
20 members of the Committee or any sub-
21 committees will be screened for potential
22 conflicts of interest.

23 “(ii) SCREENING.—Such screening
24 process shall—

1 “(I) be reviewed and approved by
2 the Office of General Counsel of the
3 Department;

4 “(II) include, at a minimum, a
5 review of each potential Committee or
6 subcommittee member’s connection to
7 any State’s program under this sub-
8 part, each potential Committee or
9 subcommittee member’s potential fi-
10 nancial interest in products that
11 might be purchased by a State edu-
12 cational agency or local educational
13 agency in the course of such agency’s
14 implementation of the program under
15 this subpart, and each potential Com-
16 mittee or subcommittee member’s pro-
17 fessional connections to teaching
18 methodologies that might require the
19 use of specific products; and

20 “(III) be designed to prevent, to
21 the extent possible, bias or the ap-
22 pearance thereof in the Committee’s
23 performance of its responsibilities
24 under this paragraph.

25 “(H) GUIDANCE.—

1 “(i) IN GENERAL.—The Secretary
2 shall develop guidance for how the Com-
3 mittee and any subcommittees created in
4 accordance with subparagraph (E) will re-
5 view applications submitted under this sec-
6 tion and provide feedback to State edu-
7 cational agencies and recommendations to
8 the Secretary. The Secretary shall also de-
9 velop guidance for how the Secretary will
10 review the recommendations of the Com-
11 mittee and any subcommittees and make
12 final determinations of approval or dis-
13 approval of an application submitted under
14 this section.

15 “(ii) REQUIREMENTS.—Such guidance
16 shall, at a minimum—

17 “(I) create a transparent process
18 through which the Committee and
19 subcommittees provide clear, con-
20 sistent, and publicly available docu-
21 mentation in support of all rec-
22 ommendations;

23 “(II) ensure that the Committee
24 reviews any subcommittee feedback

1 prior to that feedback being submitted
2 to a State educational agency;

3 “(III) ensure that State edu-
4 cational agencies have the opportunity
5 for direct interaction with the Com-
6 mittee and any subcommittee, as ap-
7 propriate, when revising an applica-
8 tion under this section as a result of
9 feedback submitted by the Committee
10 or a subcommittee;

11 “(IV) require that the Com-
12 mittee, any subcommittee, and the
13 Secretary clearly and consistently doc-
14 ument that all criteria contained in
15 subsection (b) are met before an ap-
16 plication submitted under this section
17 is approved; and

18 “(V) create a transparent process
19 through which the Secretary clearly,
20 consistently, and publicly documents
21 decisions to approve or disapprove an
22 application submitted under this sec-
23 tion and the reasons for such deci-
24 sions.”.

1 (c) TARGETED ASSISTANCE GRANTS.—Section
2 1204(c)(2) (20 U.S.C. 6364(c)(2)) is amended—

3 (1) in the first sentence, by striking “peer re-
4 view panel” and inserting “Committee”; and

5 (2) in the second sentence, by striking “panel”
6 and inserting “Committee”.

7 (d) EXTERNAL EVALUATION.—Section 1205 (20
8 U.S.C. 6365) is amended by adding at the end the fol-
9 lowing:

10 “(e) LIMITATION.—

11 “(1) IN GENERAL.—The Secretary shall ensure
12 that the independent organization described in sub-
13 section (a) does not hold a contract or subcontract
14 to implement any aspect of the program under this
15 subpart.

16 “(2) SUBCONTRACTORS.—The contract entered
17 into under subsection (a) shall prohibit the inde-
18 pendent organization conducting the evaluation from
19 subcontracting with any entity that holds a contract
20 or subcontract for any aspect of the implementation
21 of this subpart.”.

22 (e) NATIONAL ACTIVITIES.—Section 1206 (20 U.S.C.
23 6366) is amended—

24 (1) by inserting before “From funds” the fol-
25 lowing:

1 “(a) TECHNICAL ASSISTANCE AND EVALUATION.—”;

2 and

3 (2) by adding at the end the following:

4 “(b) CONTRACTS FOR TECHNICAL ASSISTANCE.—

5 “(1) IN GENERAL.—The Secretary may enter
6 into contracts with independent entities to perform
7 the activities described in subsection (a)(1).

8 “(2) CONFLICTS OF INTEREST.—

9 “(A) IN GENERAL.—If the Secretary en-
10 ters into such contracts, the Secretary shall—

11 “(i) ensure that such contracts re-
12 quire the contracted entity to screen for
13 conflicts of interest when hiring individuals
14 to carry out the responsibilities under the
15 contract;

16 “(ii) ensure that such contracts re-
17 quire the contracted entity to include the
18 requirement in clause (i) in any sub-
19 contracts such entity enters into to fulfill
20 the responsibilities described in paragraph
21 (1).

22 “(B) SCREENING PROCESS.—The screen-
23 ing process described in subparagraph (A)
24 shall—

1 “(i) include, at a minimum, a review
2 of each individual performing duties under
3 the contract or subcontract for connections
4 to any State’s program under this subpart,
5 potential financial interests in, or other
6 connection to, products that might be pur-
7 chased by a State educational agency or
8 local educational agency in the course of
9 such agency’s implementation of the pro-
10 gram under this subpart, and connections
11 to teaching methodologies that might re-
12 quire the use of specific products; and

13 “(ii) be designed to prevent, to the ex-
14 tent possible, bias or the appearance there-
15 of in the performance of the responsibil-
16 ities outlined in the contract or sub-
17 contract.

18 “(3) INFORMATION DISSEMINATION.—If the
19 Secretary enters into such contracts, and if a con-
20 tracted entity enters into such subcontracts, those
21 contracts and subcontracts shall require the tech-
22 nical assistance providers to clearly separate tech-
23 nical assistance provided under such contract or sub-
24 contract from information provided, or activities en-
25 gaged in, as part of the normal operations of the

1 contractor or subcontractor. Efforts to comply with
2 this paragraph may include, but are not limited to,
3 the creation of separate web pages for the purpose
4 of fulfilling a contract or subcontract entered into
5 under this subsection.”.

6 (f) PROHIBITION ON FEDERAL GOVERNMENT.—

7 (1) IN GENERAL.—Subpart 1 of part B of title
8 I is amended by adding after section 1208 (20
9 U.S.C. 6368) the following:

10 **“SEC. 1209. PROHIBITION ON FEDERAL GOVERNMENT.**

11 “(a) IN GENERAL.—Nothing in this subpart shall be
12 construed to alter or lessen the prohibition contained in
13 section 9527(b) of this Act or section 103(b) of the De-
14 partment of Education Organization Act (20 U.S.C.
15 3403(b)).

16 “(b) GUIDANCE.—

17 “(1) IN GENERAL.—The Secretary shall develop
18 guidance for Department employees responsible for
19 the implementation of this subpart that will assist
20 those employees in complying with the prohibitions
21 included in subsection (a).

22 “(2) CONSULTATION.—Such guidance shall em-
23 phasize the importance of consultation with the Of-
24 fice of General Counsel of the Department on issues
25 related to such prohibitions.

1 “(3) TECHNICAL ASSISTANCE.—Such guidance
2 shall stress that any information disseminated, or
3 technical assistance provided, related to this subpart,
4 shall represent multiple perspectives and not in any
5 way endorse or appear to endorse any particular
6 product or service that might be purchased by a
7 State educational agency or local educational agency
8 in the course of such agency’s implementation of the
9 program under this subpart.”.

10 (2) CONFORMING AMENDMENT.—The table of
11 contents for such title is amended by inserting after
12 the item relating to section 1208 the following new
13 item:

“Sec. 1209. Prohibition on Federal Government.”.

14 **SEC. 114. AMENDMENTS TO PART C (EDUCATION OF MIGRA-**
15 **TORY CHILDREN AND YOUTH).**

16 (a) TITLE CHANGE.—Part C of title I (20 U.S.C.
17 6391 et seq.) is amended by striking the part heading and
18 inserting the following:

19 **“PART C—EDUCATION OF MIGRATORY CHILDREN**
20 **AND YOUTH”.**

21 (b) PROGRAM PURPOSE.—Section 1301 (20 U.S.C.
22 6391) is amended by striking “It is the purpose of this
23 part to assist States to—” and all that follows through
24 the period at the end and inserting “It is the purpose of
25 this part to assist States in providing high-quality, com-

1 prehensive education programs (including instructional
2 and supportive services, as appropriate) that address the
3 special educational needs of migratory children and youth
4 that result from their migratory lives, in order to help
5 those children and youth succeed in school, meet the same
6 challenging State academic content standards and student
7 academic achievement standards that all children are ex-
8 pected to meet, and prepare those children and youth to
9 make a successful transition to postsecondary education
10 and employment.”.

11 (c) PROGRAM AUTHORIZED.—Section 1302 (20
12 U.S.C. 6392) is amended by striking “children” and in-
13 serting “children and youth”.

14 (d) STATE ALLOCATIONS.—Section 1303 (20 U.S.C.
15 6393) is amended—

16 (1) by amending subsection (a) to read as fol-
17 lows:

18 “(a) STATE ALLOCATIONS.—

19 “(1) IN GENERAL.—For each fiscal year, each
20 State (other than the Commonwealth of Puerto
21 Rico) is entitled to receive under this part an
22 amount equal to—

23 “(A) the sum of—

24 “(i) the estimated number of migra-
25 tory children and youth aged 3 through 21

1 who reside in the State, as determined in
2 accordance with subsection (e); and

3 “(ii) the number of such children and
4 youth who received instructional or support
5 services under this part that meet the iden-
6 tified needs of such children and youth in
7 summer or other intersessional programs
8 provided by the State during such year;
9 multiplied by

10 “(B) 40 percent of the average per-pupil
11 expenditure in the State, except that the
12 amount determined under this subsection shall
13 not be less than 32 percent, nor more than 48
14 percent, of the average per-pupil expenditure in
15 the United States.

16 “(2) SPECIAL RULE.—Notwithstanding para-
17 graph (1), for each of fiscal years 2008 through
18 2010, each such State shall receive at least 90 per-
19 cent of the amount it received the previous fiscal
20 year.”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “children” and insert-
24 ing “children and youth”; and

1 (ii) by striking “subsection (a)(1)(A)”
2 and inserting “(a)(1)”; and
3 (B) by striking paragraphs (2) and (3);
4 (3) in subsection (c)(2)—
5 (A) by striking “children” both places such
6 term appears and inserting “children and
7 youth”; and
8 (B) in subparagraph (A), by striking “ and
9 needs” and inserting “and identified edu-
10 cational needs”;
11 (4) in subsection (d)(3)(B), by striking “chil-
12 dren” and inserting “children and youth”; and
13 (5) in subsection (e)—
14 (A) in the subsection heading, by striking
15 “CHILDREN” and inserting “CHILDREN AND
16 YOUTH”; and
17 (B) by striking paragraphs (1) through (4)
18 and inserting the following:
19 “(1) require each State to submit documenta-
20 tion on the number of migratory children and youth
21 who reside in the State, including evidence of the ac-
22 curacy of such documentation, of which the Sec-
23 retary shall on a periodic basis select a random sam-
24 pling of States on which to conduct an audit of such
25 documentation and evidence; and

1 “(2) develop and implement a procedure for
2 monitoring the accuracy of such information pro-
3 vided that such procedure does not act as or create
4 a barrier to the access to services under this part or
5 educational success of migratory children and youth
6 who are eligible for services under this part.”.

7 (e) STATE APPLICATIONS; SERVICES.—Section 1304
8 (20 U.S.C. 6394) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “migratory children” and inserting “mi-
13 gratory children and youth”; and

14 (ii) in subparagraph (B)—

15 (I) by striking “migrant chil-
16 dren” and inserting “migratory chil-
17 dren and youth”; and

18 (II) by inserting before the semi-
19 colon the following: “and educational
20 programs under part A of this title”;

21 (B) in paragraph (2), by striking “all chil-
22 dren” and inserting “all children and youth”;

23 (C) by redesignating paragraphs (3)
24 through (7) as (4) through (8), respectively;

1 (D) by inserting after paragraph (2) the
2 following:

3 “(3) a description of how the State will ensure
4 the timely, electronic transfer of student records
5 under section 1308 and how the State will use such
6 records transfer to meet the special educational
7 needs of migratory children and youth;”;

8 (E) in paragraph (4) (as so redesignated),
9 by striking “migratory children” and all that
10 follows through the semicolon at the end and
11 inserting “migratory children and youth;”;

12 (F) in paragraph (5) (as so redesignated),
13 by striking “needs” and inserting “identified
14 educational needs”;

15 (G) in paragraph (6) (as so redesignated)—
16

17 (i) by striking “needs” and inserting
18 “identified educational needs”; and

19 (ii) by striking “children” and insert-
20 ing “children and youth”;

21 (H) in paragraph (7) (as so redesignated),
22 by striking “and” at the end;

23 (I) in paragraph (8) (as so redesignated)—

24 (i) by striking “children” and insert-
25 ing “children and youth”; and

1 (ii) by striking the period at the end
2 and inserting a semicolon; and

3 (J) by adding at the end the following:

4 “(9) a description of how the State will facili-
5 tate the participation of migratory parents in their
6 children’s education;

7 “(10) if the State provides the Secretary the
8 number of migratory children and youth in accord-
9 ance with section 1303(a)(2)(A)(ii) a demonstration
10 that services provided during summer or interses-
11 sional periods will be high quality and meaningful
12 instructional or supportive services that meet the
13 identified needs of such children and youth; and

14 “(11) an assurance that the State will require
15 that paraeducators supported with funds under this
16 part meet the requirements set forth under sub-
17 sections (c), (f), and (g) of section 1119, except that
18 paraeducators who were hired before the date of the
19 enactment of the Improving No Child Left Behind
20 for All Students Act shall meet the requirements set
21 forth under section 1119(c) not later than four years
22 after such date of enactment.”;

23 (2) in subsection (c)—

24 (A) in paragraph (1)(B), by striking “chil-
25 dren” and inserting “children and youth”;

1 (B) in paragraph (4)—

2 (i) by striking “unmet education
3 needs” and inserting “unmet identified
4 educational needs”; and

5 (ii) by striking “children” and insert-
6 ing “children and out-of-school youth”;

7 (C) in paragraph (6)(A), by striking “chil-
8 dren” each place such term appears and insert-
9 ing “children and youth”; and

10 (D) in paragraph (7)—

11 (i) by striking “children” and insert-
12 ing “children and youth”;

13 (ii) by striking “paragraphs (1)(A)
14 and (2)(B)(i) of”; and

15 (iii) by inserting before the period at
16 the end the following: “, except that the
17 Secretary may not require additional infor-
18 mation that is not directly related to deter-
19 mining the migratory status of the child or
20 youth, as defined in section 1311(2)”.

21 (3) by amending subsection (d) to read as fol-
22 lows:

23 “(d) PRIORITY FOR SERVICES.—In providing services
24 with funds received under this part, each recipient of
25 funds shall give priority to migratory children and youth

1 who are not meeting, or most at risk of not meeting, the
2 State’s challenging State academic content standards and
3 challenging State student academic achievement stand-
4 ards, and whose education has been disrupted within the
5 past 12 months as a result of a qualifying move, which
6 may include preschool children and out of school migra-
7 tory youth.”; and

8 (4) in subsection (e), by striking “child” each
9 place such term appears and inserting “child or
10 youth”.

11 (f) SECRETARIAL APPROVAL; PEER REVIEW.—Sec-
12 tion 1305(b) (20 U.S.C. 6395(b)) is amended by striking
13 “may” and inserting “shall”.

14 (g) COMPREHENSIVE NEEDS ASSESSMENT AND
15 SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.—
16 Section 1306 (20 U.S.C. 6396) is amended—

17 (1) in subsection (a)(1)—

18 (A) in the matter preceding subparagraph

19 (A)—

20 (i) by striking “special educational
21 needs” and inserting “identified edu-
22 cational needs”; and

23 (ii) by striking “children” and insert-
24 ing “children and youth”;

25 (B) in subparagraph (B)—

1 (i) by striking “children” both places
2 such term appears and inserting “children
3 and youth”; and

4 (ii) in clause (i), by striking “special
5 needs” and inserting “identified edu-
6 cational needs”;

7 (C) in subparagraph (C) by striking “chil-
8 dren” both places such term appears and in-
9 serting “children and youth”;

10 (D) in subparagraph (E) by striking “chil-
11 dren” and inserting “children and youth”; and
12 (2) in subsection (b)—

13 (A) by striking “children” each place such
14 term appears and inserting “children and
15 youth”; and

16 (B) in paragraph (4), by striking “special
17 educational needs” and inserting “identified
18 educational needs”.

19 (h) BYPASS.—Section 1307 (20 U.S.C. 6397) is
20 amended in each of paragraphs (1) and (3) by striking
21 “children” and inserting “children and youth”.

22 (i) COORDINATION OF MIGRANT EDUCATION ACTIVI-
23 TIES.—Part C of title I is amended—

24 (1) by striking section 1308 (20 U.S.C. 6398);
25 and

1 (2) by inserting after section 1307 the fol-
2 lowing:

3 **“SEC. 1308. TRANSFER OF MIGRATORY STUDENT RECORDS.**

4 “(a) ASSISTANCE.—The Secretary shall maintain an
5 effective system for the electronic transfer of student
6 records and in determining the number of migratory chil-
7 dren and youth in each State.

8 “(b) INFORMATION SYSTEM.—

9 “(1) IN GENERAL.—The Secretary, in consulta-
10 tion with the States, shall—

11 “(A) ensure the linkage of migratory stu-
12 dent records in a cost effective manner for the
13 purpose of electronically exchanging, among the
14 States, health and educational information re-
15 garding all migratory students; and

16 “(B) utilize, at a minimum, the minimum
17 data elements promulgated in regulation by the
18 Secretary.

19 “(2) CONSULTATION.—The Secretary shall
20 maintain ongoing consultation with the States, local
21 educational agencies, and other migratory student
22 service providers on the effectiveness of the system
23 of electronic records transfer and ongoing improve-
24 ment to such system.

1 “(3) TECHNICAL ASSISTANCE.—The Secretary
2 shall provide technical assistance to the States to
3 help them meet the requirements for the collection
4 and transfer of migratory student data.

5 “(c) NO COST FOR CERTAIN TRANSFERS.—A State
6 educational agency or local educational agency receiving
7 assistance under this part shall make student records
8 available to another State educational agency or local edu-
9 cational agency that requests the records at no cost to the
10 requesting agency, if the request is made in order to meet
11 the needs of a migratory child or youth.

12 “(d) REPORT TO CONGRESS.—Not later than 2 years
13 after the date of the enactment of the Improving No Child
14 Left Behind for All Students Act, the Secretary shall re-
15 port to the Committee on Health, Education, Labor, and
16 Pensions of the Senate and the Committee on Education
17 and Labor of the House of Representatives, the Sec-
18 retary’s findings and recommendations regarding the
19 maintenance and transfer of health and educational infor-
20 mation for migratory students by the States.

21 “(e) AVAILABILITY OF FUNDS.—For the purpose of
22 carrying out this section in any fiscal year, the Secretary
23 shall reserve not more than \$2,500,000 of the amount ap-
24 propriated to carry out this part for such year.

1 **“SEC. 1309. IMPROVEMENTS AND COORDINATION.**

2 “(a) IN GENERAL.—The Secretary, after full con-
3 sultation with the States, may make grants to, or enter
4 into contracts with, State educational agencies, local edu-
5 cational agencies, institutions of higher education, and
6 other public and private nonprofit entities to improve the
7 interstate and intra-State coordination among such agen-
8 cies’ programs, including the establishment or improve-
9 ment of programs for credit accrual and exchange, avail-
10 able to migratory students.

11 “(b) INCENTIVE GRANTS.—The Secretary may award
12 grants of not more than \$250,000 on a competitive basis
13 to State educational agencies that propose a consortium
14 arrangement with another State or other appropriate eligi-
15 ble entity described in subsection (a) that the Secretary
16 determines, pursuant to criteria that the Secretary shall
17 establish, will improve the delivery of services to migratory
18 children and youth whose education is disrupted and who
19 are described in section 1304(d).

20 “(c) DURATION.—Grants under this section may be
21 awarded for not more than 5 years.

22 “(d) AVAILABILITY OF FUNDS.—From the funds ap-
23 propriated under this part, the Secretary may reserve no
24 more than \$6,500,000 for grants under this section.

1 **“SEC. 1310. DATA COLLECTION.**

2 “(a) IN GENERAL.—The Secretary shall direct the
3 National Center for Education Statistics to collect data
4 on migratory children and youth from preschool through
5 postsecondary education that shall not include any person-
6 ally identifiable information.

7 “(b) LIMITATION.—Migratory children and youth or
8 their parents, guardian, or spouse, shall not be required
9 or compelled to provide data under this section as a re-
10 quirement for eligibility of services under this part.

11 **“SEC. 1311. PROGRAM EVALUATION.**

12 “(a) EVALUATION REQUIRED.—From funds appro-
13 priated to carry out this part for fiscal years 2008 through
14 2013, the Secretary may reserve a total of not more than
15 \$3,500,000 to carry out a national evaluation of the pro-
16 gram under this part, including an examination of the suc-
17 cess of State efforts to identify and meet the unique edu-
18 cational needs of migratory children.

19 “(b) INSTITUTE OF EDUCATION SCIENCES.—The
20 Secretary shall carry out the evaluation through the Insti-
21 tute of Education Sciences.”.

22 (j) DEFINITIONS.—Section 1309 (20 U.S.C. 6399)
23 is—

24 (1) redesignated as section 1312; and

25 (2) amended—

1 (A) in paragraph (1)(C), by striking “mi-
2 grant education” and inserting “migratory edu-
3 cation”; and

4 (B) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) MIGRATORY CHILD OR YOUTH.—The term
7 ‘migratory child or youth’ means a child or youth
8 who is, or whose parent, guardian, or spouse is, an
9 individual who—

10 “(A) has made a qualifying move within
11 the preceding 36 months, provided that in the
12 case of a parent, guardian, or spouse, such
13 child or youth accompanies such parent, guard-
14 ian, or spouse; and

15 “(B) is employed, or has sought temporary
16 (of usually not longer than 12 months) or sea-
17 sonal employment, in qualifying work.

18 “(3) QUALIFYING MOVE.—The term ‘qualifying
19 move’ means any of the following, if made in order
20 to obtain qualifying work:

21 “(A) A move from one school district to
22 another.

23 “(B) Within a State that is comprised of
24 a single school district, a move from one admin-
25 istrative area to another within such district.

1 “(C) Within a school district of more than
2 15,000 square miles, a migration of a distance
3 of 20 miles or more to a temporary residence
4 to engage in a fishing activity.

5 “(4) QUALIFYING WORK.—The term ‘qualifying
6 work’ means any activity directly related to—

7 “(A) the production of crops, dairy prod-
8 ucts, poultry, or livestock, for initial commercial
9 sale or personal subsistence;

10 “(B) the cultivation or harvesting of trees;

11 “(C) fish farms or fishing activity, for ini-
12 tial commercial sale or personal subsistence;

13 “(D) working with raw agricultural or fish-
14 ing products and processing them into a more
15 refined product for initial commercial sale.”.

16 **SEC. 115. AMENDMENTS TO PART E (NATIONAL ASSESS-**
17 **MENT OF TITLE D).**

18 (a) EVALUATIONS.—Section 1501(a) (20 U.S.C.
19 6491(a)) is amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (A) by inserting after
22 “poverty)” the following: “and graduation
23 rates”; and

24 (B) in subparagraph (B) by inserting be-
25 fore the period at the end the following: “and

1 the types of programs and services that have
2 demonstrated the greatest likelihood of helping
3 students graduate from secondary school on
4 time”;

5 (C) in subparagraph (I)—

6 (i) in the matter preceding clause (i)
7 by inserting after “low-performing schools”
8 the following: “and increase graduation
9 rates”;

10 (ii) in clause (ii) by inserting before
11 the period at the end the following: “and
12 increasing graduation rates”; and

13 (iii) by amending clause (iv) to read
14 as follows:

15 “(iv) The number of students who re-
16 ceived supplemental educational services,
17 the criteria used by the States to deter-
18 mine the quality of providers, the kinds of
19 services that are available and utilized (in-
20 cluding services for children with disabil-
21 ities and English language learners), the
22 costs associated with implementing this op-
23 tion, the allocations and expenditures for
24 supplemental educational services by local
25 educational agencies, and the impact of re-

1 ceiving supplemental educational services
2 on student achievement, using criteria for
3 success to evaluate such impact, including
4 criteria consistent with scientifically valid
5 research.”;

6 (D) in subparagraph (N) by inserting after
7 “achievement” the following: “and graduation
8 rates”;

9 (E) by redesignating subparagraph (O) as
10 (P); and

11 (F) by inserting after subparagraph (N)
12 the following:

13 “(O) The extent to which students with
14 disabilities and English language learners are
15 represented as compared to all students receiv-
16 ing supplemental educational services.”; and

17 (2) in paragraph (6), in each of subparagraphs
18 (A) and (B), by striking “No Child Left Behind Act
19 of 2001” and inserting “Improving No Child Left
20 Behind for All Students Act”.

21 (b) ASSESSMENT EVALUATION.—Section 1503 (20
22 U.S.C. 6393) is amended—

23 (1) in subsection (b) by striking “Assistant Sec-
24 retary of Educational Research and Improvement”

1 and inserting “Director of the Institute for Edu-
2 cation Sciences”;

3 (2) in subsection (c)(3) by striking “the Work-
4 force” and inserting “Labor”; and

5 (3) in subsection (e)—

6 (A) by striking “the Workforce” and in-
7 serting “Labor”; and

8 (B) by striking “the President and”.

9 (c) CLOSE UP FELLOWSHIP PROGRAM.—Section
10 1504 (20 U.S.C. 6494) is amended—

11 (1) by transferring subsection (b) so that it ap-
12 pears after subsection (c);

13 (2) by redesignating subsection (c) as (b), and
14 subsection (b) (as so transferred) as (c);

15 (3) in subsection (b) (as so redesignated)—

16 (A) by striking the subsection heading and
17 inserting “PROGRAMS FOR NEW AMERICAN
18 STUDENTS.—”; and

19 (B) in paragraph (1)—

20 (i) in subparagraph (C) by striking
21 “and their teachers”; and

22 (ii) in subparagraph (D)—

23 (I) by striking “and teachers”;

24 and

1 (II) by striking “New Ameri-
2 cans” and inserting “New American
3 Students”; and

4 (C) in paragraph (2)(B)(i) by striking
5 “New Americans” and inserting “New Amer-
6 ican Students”;

7 (4) in subsection (c) (as so redesignated)—

8 (A) in paragraph (1)(A) by striking “mid-
9 dle school and secondary school teachers” and
10 inserting “middle school, secondary school, and
11 New American teachers”; and

12 (B) in paragraph (2)(B)(i) by inserting “or
13 (b)(1)(A)” before the semicolon at the end; and

14 (5) in subsection (d)(2) by striking “part G of
15 title X before the date of enactment of the No Child
16 Left Behind Act of 2001” and inserting “this sec-
17 tion before the date of the enactment of the Improv-
18 ing No Child Left Behind for All Students Act”.

19 **SEC. 116. AMENDMENTS TO PART G (ADVANCED PLACE-**
20 **MENT).**

21 (a) **IN GENERAL.**—Part G of title I (20 U.S.C. 6531
22 et seq.) is amended to read as follows:

1 **“PART G—ADVANCED PLACEMENT AND**
2 **INTERNATIONAL BACCALAUREATE PROGRAMS**

3 **“SEC. 1701. PURPOSE.**

4 “It is the purpose of this part—

5 “(1) to raise academic achievement through Ad-
6 vanced Placement and International Baccalaureate
7 programs by increasing, by 70,000, over a 4-year pe-
8 riod beginning in 2008, the number of teachers serv-
9 ing high-need schools who are qualified to teach Ad-
10 vanced Placement or International Baccalaureate
11 courses;

12 “(2) to increase, to 700,000 per year, the num-
13 ber of students attending high-need schools who—

14 “(A) take and score a 3, 4, or 5 on an Ad-
15 vanced Placement examination administered by
16 the College Board; or

17 “(B) achieve a passing score on an exam-
18 ination administered by the International Bac-
19 calaureate Organization;

20 “(3) to increase the availability of, and enroll-
21 ment in, Advanced Placement or International Bac-
22 calaureate course, and pre-Advanced Placement or
23 pre-International Baccalaureate courses in high-need
24 schools; and

25 “(4) to support statewide efforts to increase the
26 availability of, and enrollment in, Advanced Place-

1 ment or International Baccalaureate courses and
2 pre-Advanced Placement or pre-International Bacca-
3 laureate courses in high-need schools.

4 **“SEC. 1702. DEFINITIONS.**

5 “In this part:

6 “(1) ADVANCED PLACEMENT OR INTER-
7 NATIONAL BACCALAUREATE COURSE.—The term
8 ‘Advanced Placement or International Baccalaureate
9 course’ means a course of college-level instruction
10 provided to secondary school students, terminating
11 in an examination administered by the College
12 Board or the International Baccalaureate Organiza-
13 tion, or another such examination approved by the
14 Secretary, or another highly rigorous course that in-
15 cludes a terminating examination that is widely ac-
16 cepted for credit at institutions of higher education.

17 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
18 tity’ means—

19 “(A) a State educational agency;

20 “(B) a local educational agency; or

21 “(C) a partnership consisting of—

22 “(i) a national, regional, or statewide
23 nonprofit organization, with expertise and
24 experience in providing Advanced Place-

1 ment or International Baccalaureate serv-
2 ices; and

3 “(ii) a State educational agency or
4 local educational agency.

5 “(5) HIGH-NEED LOCAL EDUCATIONAL AGEN-
6 CY.—The term ‘high-need local educational agency’
7 means a local educational agency or educational
8 service agency described in section 2102.

9 “(6) HIGH-NEED SCHOOL.—The term ‘high-
10 need school’ means a secondary school—

11 “(A) with a demonstrated need for Ad-
12 vanced Placement or International Bacca-
13 laureate courses or for additional Advanced
14 Placement or International Baccalaureate
15 courses; and

16 “(B)(i) with a high concentration of low-
17 income students; or

18 “(ii) designated with a school locale code of
19 41, 42, and 43, as determined by the Secretary.

20 **“SEC. 1703. ADVANCED PLACEMENT AND INTERNATIONAL**
21 **BACCALAUREATE PROGRAMS.**

22 “(a) PROGRAM AUTHORIZED.—From the amounts
23 appropriated under subsection (l), the Secretary is author-
24 ized to award grants, on a competitive basis, to eligible

1 entities to enable the eligible entities to carry out the au-
2 thorized activities described in subsection (g).

3 “(b) DURATION OF GRANTS.—The Secretary may
4 award grants under this section for a period of not more
5 than 5 years.

6 “(c) COORDINATION.—The Secretary shall coordinate
7 the activities carried out under this section with the activi-
8 ties carried out under section 1705.

9 “(d) PRIORITY.—In awarding grants under this sec-
10 tion, the Secretary shall give priority to eligible entities
11 that—

12 “(1) are part of a statewide strategy for in-
13 creasing the availability of Advanced Placement or
14 International Baccalaureate courses, and pre-Ad-
15 vanced Placement or pre-International Bacca-
16 laureate course, in high-need schools;

17 “(2) make Advanced Placement courses avail-
18 able to students who are prepared for such work in
19 earlier grades than traditionally made available; and

20 “(3) use funds to support courses in science,
21 math, and critical foreign languages.

22 “(e) EQUITABLE DISTRIBUTION.—The Secretary, to
23 the extent practicable, shall—

24 “(1) ensure an equitable geographic distribution
25 of grants under this section among the States; and

1 “(2) promote an increase in participation in Ad-
2 vanced Placement or International Baccalaureate
3 courses and examinations in all States.

4 “(f) APPLICATION.—

5 “(1) IN GENERAL.—Each eligible entity desir-
6 ing a grant under this section shall submit an appli-
7 cation to the Secretary at such time, in such man-
8 ner, and containing such information as the Sec-
9 retary may reasonably require.

10 “(2) CONTENTS.—The application shall, at a
11 minimum, include a description of—

12 “(A) the goals and objectives for the
13 project, including—

14 “(i) increasing the number of teachers
15 serving high-need schools who are qualified
16 to teach Advanced Placement or Inter-
17 national Baccalaureate courses;

18 “(ii) increasing the number of Ad-
19 vanced Placement or International Baccala-
20 laureate courses that are available to stu-
21 dents attending high-need schools; and

22 “(iii) increasing the number of stu-
23 dents attending a high-need school, par-
24 ticularly low-income students, who enroll in
25 and pass—

1 “(I) Advanced Placement or
2 International Baccalaureate courses;
3 and

4 “(II) pre-Advanced Placement or
5 pre-International Baccalaureate
6 courses (where provided in accordance
7 with subparagraph (B));

8 “(B) how the eligible entity will ensure
9 that students have access to courses, including
10 pre-Advanced Placement and pre-International
11 Baccalaureate courses, that will prepare the
12 students to enroll and succeed in Advanced
13 Placement or International Baccalaureate
14 courses;

15 “(C) how the eligible entity will provide
16 professional development for teachers assisted
17 under this section;

18 “(D) how the eligible entity will ensure
19 that teachers serving high-need schools are
20 qualified to teach Advanced Placement or Inter-
21 national Baccalaureate courses;

22 “(E) how the eligible entity will provide for
23 the involvement of business and community or-
24 ganizations and other entities, including institu-

1 tions of higher education, in the activities to be
2 assisted; and

3 “(F) how the eligible entity will use funds
4 received under this section, including how the
5 eligible entity will evaluate the success of its
6 project.

7 “(g) AUTHORIZED ACTIVITIES.—

8 “(1) IN GENERAL.—Each eligible entity that re-
9 ceives a grant under this section shall use the grant
10 funds to carry out activities designed to increase—

11 “(A) the number of qualified teachers serv-
12 ing high-need schools who are teaching Ad-
13 vanced Placement or International Bacca-
14 laureate courses; and

15 “(B) the number of students attending
16 high-need schools who enroll in, and pass, the
17 examinations for such courses including reim-
18 bursing low-income students attending high-
19 need schools for part or all of the cost of Ad-
20 vanced Placement or International Bacca-
21 laureate examination fees.

22 “(2) PERMISSIVE ACTIVITIES.—The activities
23 described in paragraph (1) may include—

24 “(A) teacher professional development, in
25 order to expand the pool of teachers in the par-

1 ticipating State, local educational agency, or
2 high-need school who are qualified to teach Ad-
3 vanced Placement or International Bacca-
4 laureate courses;

5 “(B) pre-Advanced Placement or pre-Inter-
6 national Baccalaureate course development and
7 professional development;

8 “(C) coordination and articulation between
9 grade levels to prepare students to enroll and
10 succeed in Advanced Placement or International
11 Baccalaureate courses;

12 “(D) purchase of instructional materials;

13 “(E) activities to increase the availability
14 of, and participation in, online Advanced Place-
15 ment or International Baccalaureate courses;

16 “(F) carrying out subsection (j), relating
17 to collecting and reporting data;

18 “(G) in the case of a State educational
19 agency that receives a grant under this section,
20 awarding subgrants to local educational agen-
21 cies to enable the local educational agencies to
22 carry out authorized activities described in sub-
23 paragraphs (A) through (F); and

1 “(H) providing salary increments or bo-
2 nuses to teachers serving high-need schools
3 who—

4 “(i) become qualified to teach, and
5 teach, Advanced Placement or Inter-
6 national Baccalaureate courses in mathe-
7 matics, science, or a critical foreign lan-
8 guage; or

9 “(ii) increase the number of low-in-
10 come students, who take Advanced Place-
11 ment or International Baccalaureate ex-
12 aminations with the goal of successfully
13 passing such examinations.

14 “(h) MATCHING REQUIREMENT.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 each eligible entity that receives a grant under this
17 section shall provide, toward the cost of the activities
18 assisted under the grant, from non-Federal sources,
19 an amount equal to 100 percent of the amount of
20 the grant, except that an eligible entity that is a
21 high-need local educational agency shall provide an
22 amount equal to not more than 50 percent of the
23 amount of the grant.

24 “(2) WAIVER.—The Secretary may waive all or
25 part of the matching requirement described in para-

1 graph (1) for any fiscal year for an eligible entity
2 described in subparagraph (A) or (B) of section
3 1702(2), if the Secretary determines that applying
4 the matching requirement to such eligible entity
5 would result in serious hardship or an inability to
6 carry out the authorized activities described in sub-
7 section (g).

8 “(i) SUPPLEMENT NOT SUPPLANT.—Grant funds
9 provided under this section shall be used to supplement,
10 not supplant, other Federal and non-Federal funds avail-
11 able to carry out the activities described in subsection (g).

12 “(j) COLLECTING AND REPORTING REQUIRE-
13 MENTS.—

14 “(1) REPORT.—Each eligible entity receiving a
15 grant under this section shall collect and report to
16 the Secretary annually such data on the results of
17 the grant as the Secretary may reasonably require,
18 including data regarding—

19 “(A) the number of students enrolling in
20 Advanced Placement or International Baccalaureate
21 courses and pre-Advanced Placement
22 or pre-International Baccalaureate courses, by
23 the grade the student is enrolled in, and the
24 distribution of grades those students receive;

1 “(B) the number of students taking Ad-
2 vanced Placement or International Bacca-
3 laureate examination and the distribution of
4 scores on those examinations by the grade the
5 student is enrolled in at the time of the exam-
6 ination;

7 “(C) the number of teachers receiving
8 training in teaching Advanced Placement or
9 International Baccalaureate courses who will be
10 teaching such courses in the next school year;

11 “(D) the number of teachers becoming
12 qualified to teach Advanced Placement or Inter-
13 national Baccalaureate courses; and

14 “(E) the number of qualified teachers who
15 are teaching Advanced Placement or Inter-
16 national Baccalaureate courses in a high-need
17 school.

18 “(2) REPORTING OF DATA.—Each eligible enti-
19 ty receiving a grant under this section shall report
20 data required under paragraph (1)—

21 “(A) disaggregated by subject area;

22 “(B) in the case of student data,
23 disaggregated in the same manner as informa-
24 tion is disaggregated under section
25 1111(b)(2)(C)(v); and

1 “(C) to the extent feasible, in a manner
2 that allows comparison of conditions before,
3 during, and after the project.

4 “(k) EVALUATION AND REPORT.—From the amount
5 made available for any fiscal year under subsection (l),
6 the Secretary shall reserve such sums as may be nec-
7 essary—

8 “(1) to conduct an annual independent evalua-
9 tion, by grant or by contract, of the program carried
10 out under this section, which shall include an assess-
11 ment of the impact of the program on student aca-
12 demic achievement; and

13 “(2) to prepare and submit an annual report on
14 the results of the evaluation described in paragraph
15 (1) to—

16 “(A) the Committee on Health, Education,
17 Labor, and Pensions and the Committee on Ap-
18 propriations of the Senate; and

19 “(B) the Committee on Education and
20 Labor and the Committee on Appropriations of
21 the House of Representatives.

22 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 such sums as may be necessary for fiscal year 2009 and
25 each of the 4 succeeding fiscal years.

1 “(m) NATIONAL ACTIVITIES.—The Secretary shall
2 reserve up to 4 percent of the amount appropriated for
3 a fiscal year under for this part to be used for the peer
4 review of applications for grants under this part, as well
5 as for research, evaluation and technical assistance.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents for such part is amended to read as follows:

“PART G—ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE
PROGRAMS

“Sec. 1701. Purpose.

“Sec. 1702. Definitions.

“Sec. 1703. Advanced placement and international baccalaureate programs.”.

8 **SEC. 117. USE OF ADAPTIVE ASSESSMENTS.**

9 Section 1111 of the Elementary and Secondary Edu-
10 cation Act of 1965 is amended by adding at the end the
11 following:

12 “(n) USE OF ADAPTIVE ASSESSMENTS.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of this Act, a State may provide that the
15 assessments to be used to measure student achieve-
16 ment by that State, and by the schools and local
17 educational agencies of that State, shall be adaptive
18 assessments that accurately assess student achieve-
19 ment above and below grade level while also meas-
20 uring grade-level performance.

21 “(2) DEFINITION.—For purposes of paragraph
22 (1), an adaptive assessment is an assessment that

1 changes its difficulty according to the performance
2 of a student but reports the outcome of the assess-
3 ment on a scale that is common to all students.

4 “(3) EVALUATION.—The State shall ensure
5 that the protocol for evaluating the adaptive assess-
6 ments is included in peer review guidance docu-
7 ments.”.

8 **Subtitle B—Striving Readers**

9 **SEC. 121. STRIVING READERS.**

10 Part B of title I (20 U.S.C. 6361 et seq.) is amended
11 by adding at the end the following:

12 **“Subpart 5—Striving Readers**

13 **“SECTION 1261. SHORT TITLE.**

14 “This subpart may be cited as the ‘Striving Readers
15 Act of 2008’.

16 **“SEC. 1262. PURPOSES.**

17 “The purposes of this subpart are as follows:

18 “(1) To provide assistance to State educational
19 agencies and local educational agencies in estab-
20 lishing adolescent reading programs for students in
21 grades 4 through 12 that are based on scientifically
22 based reading research, to improve student achieve-
23 ment and secondary school graduation and college
24 readiness rates.

1 “(2) To provide assistance to State educational
2 agencies and local educational agencies in preparing
3 teachers, including special education teachers,
4 through professional development and other support,
5 so the teachers can identify specific reading barriers
6 facing their students and so the teachers have the
7 tools to effectively help their students learn to read.

8 “(3) To provide assistance to State educational
9 agencies and local educational agencies in selecting
10 or administering screening, diagnostic, formative,
11 and summative instructional reading assessments.

12 “(4) To provide assistance to State educational
13 agencies and local educational agencies in selecting
14 or developing effective instructional materials (in-
15 cluding classroom-based materials to assist teachers
16 in implementing the essential components of reading
17 instruction), programs, learning systems, and strate-
18 gies to implement methods that have been proven to
19 prevent or remediate reading failure within a State.

20 “(5) To strengthen coordination among schools,
21 reading programs, and family literacy programs to
22 improve reading achievement for all children.

23 **“SEC. 1263. DEFINITIONS.**

24 “‘In this subpart:

1 “(1) The terms ‘eligible professional develop-
2 ment provider’, ‘essential components of reading in-
3 struction’, ‘instructional staff’, ‘reading’, and ‘sci-
4 entifically based reading research’ have the meaning
5 given the term in section 1208.

6 “(2) CHILD WITH A DISABILITY.—The term
7 ‘child with a disability’ has the meaning given the
8 term in section 602 of the Individuals with Disabil-
9 ities Education Act (20 U.S.C. 1401).

10 “(3) DIAGNOSTIC ASSESSMENT.—The term ‘di-
11 agnostic assessment’ means an assessment that is—

12 “(A) valid, reliable, and based on literacy
13 research; and

14 “(B) used for the purposes of—

15 “(i) identifying a student’s specific
16 areas of strengths and weaknesses in lit-
17 eracy;

18 “(ii) determining any difficulties that
19 the student may have in literacy and the
20 potential cause of such difficulties; and

21 “(iii) helping to determine possible lit-
22 eracy intervention strategies for, and the
23 related special needs of, the student.

24 “(4) FORMATIVE ASSESSMENT.—The term
25 ‘formative assessment’ means an assessment that—

1 “(A) evaluates a student’s learning based
2 on systematic observations by teachers of the
3 student performing academic tasks that are
4 part of the student’s daily classroom experience;

5 “(B) is used to improve instruction in lit-
6 eracy, including classroom instruction; and

7 “(C) causes the student to reflect on the
8 student’s strengths and needs, and helps the
9 student to internalize strategies for improving
10 the student’s literacy skills.

11 “(5) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given the term in section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 “(6) SCREENING ASSESSMENT.—The term
16 ‘screening assessment’ means an assessment that
17 is—

18 “(A) valid, reliable, and based on scientif-
19 ically based reading research; and

20 “(B) a brief procedure designed as a first
21 step in identifying children who may be at high
22 risk for delayed development or academic fail-
23 ure and in need of further diagnosis of their
24 need for special services or additional reading
25 instruction.

1 “(7) SPECIAL EDUCATION.—The term ‘special
2 education’ has the meaning given the term in section
3 602 of the Individuals with Disabilities Education
4 Act (20 U.S.C. 1401).

5 “(8) STATE.—The term ‘State’ means each of
6 the several States of the United States, the District
7 of Columbia, and the Commonwealth of Puerto Rico.

8 “(9) SUMMATIVE ASSESSMENT.—The term
9 ‘summative assessment’ means an assessment that
10 evaluates a student’s learning based on a standard-
11 ized examination designed to measure literacy
12 achievement.

13 **“SEC. 1264. BASIC GRANT REQUIREMENTS.**

14 “(a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

15 “(1) IN GENERAL.—For any fiscal year for
16 which the funds appropriated under section 1271
17 are less than \$200,000,000, the Secretary shall—

18 “(A) reserve not more than a total of 1
19 percent of such funds—

20 “(i) to award a contract under section
21 1268 for a national evaluation of the grant
22 programs assisted under this subsection;
23 and

24 “(ii) for the dissemination of informa-
25 tion, resulting from the grant programs as-

1 sisted under this subsection, in accordance
2 with section 1269; and

3 “(B) use the funds not reserved under sub-
4 paragraph (A) to award grants, on a competi-
5 tive basis and in accordance with section
6 1266(c), to local educational agencies (or con-
7 sortia of local educational agencies) described in
8 paragraph (2) that apply under section
9 1266(b), for the purpose of enabling the local
10 educational agencies or consortia to carry out
11 the authorized activities described in section
12 1266(d).

13 “(2) ELIGIBILITY.—A local educational agency
14 or consortium of local educational agencies shall only
15 be eligible for a grant under this subsection if—

16 “(A) in the case of a single local edu-
17 cational agency, the local educational agency is
18 eligible for assistance under part A; and

19 “(B) in the case of a consortium of local
20 educational agencies, each local educational
21 agency participating in the consortium is eligi-
22 ble for assistance under such part.

23 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

1 “(1) IN GENERAL.—For any fiscal year for
2 which the funds appropriated under section 1271
3 equal or exceed \$200,000,000, the Secretary shall—

4 “(A) reserve not more than a total of 1
5 percent of such funds or \$3,000,000, whichever
6 amount is less—

7 “(i) to award a contract under section
8 1268 for a national evaluation of the State
9 grant and subgrant programs assisted
10 under this Act; and

11 “(ii) for the dissemination of informa-
12 tion, resulting from the State grant and
13 subgrant programs assisted under this Act,
14 in accordance with section 1269;

15 “(B) reserve $\frac{1}{2}$ of 1 percent for allotments
16 for the United States Virgin Islands, Guam,
17 American Samoa, and the Commonwealth of
18 the Northern Mariana Islands, to be distributed
19 among such outlying areas on the basis of their
20 relative need, as determined by the Secretary in
21 accordance with the purposes of this Act;

22 “(C) reserve $\frac{1}{2}$ of 1 percent for the Sec-
23 retary of the Interior for programs under this
24 Act in schools operated or funded by the Bu-
25 reau of Indian Affairs; and

1 “(D) use the funds not reserved under sub-
2 paragraphs (A), (B), and (C) to award grants
3 to State educational agencies, through allot-
4 ments under paragraph (2), to enable the State
5 educational agencies to award subgrants to
6 local educational agencies or consortia of local
7 educational agencies for the implementation of
8 adolescent reading initiatives in accordance with
9 section 1266.

10 “(2) ALLOTMENT FORMULA.—From the funds
11 made available under paragraph (1)(D) for a fiscal
12 year and subject to paragraph (3), the Secretary
13 shall allot to each State educational agency for the
14 fiscal year an amount that bears the same ratio to
15 such funds as the product of—

16 “(A) the number of children, aged 5 to 17,
17 who reside within the State and are from fami-
18 lies below the poverty level, based on the most
19 recent satisfactory data provided to the Sec-
20 retary by the Bureau of the Census for deter-
21 mining eligibility under section 1124(c)(1)(A)
22 of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 6333(c)(1)(A)); multi-
24 plied by

1 “(B) the percentage of students in grade 8
2 in the State who received a score below the
3 basic level of achievement on the most recent
4 grade 8 reading assessment conducted as part
5 of the National Assessment of Educational
6 Progress under section 303 of the National As-
7 sessment of Educational Progress Authorization
8 Act (20 U.S.C. 9622) for which data are avail-
9 able,

10 bears to the sum of all such products for all States.

11 “(3) SPECIAL RULES.—

12 “(A) MINIMUM ALLOTMENT.—No State re-
13 ceiving an allotment under paragraph (2) may
14 receive less than one-fourth of 1 percent of the
15 total amount allotted under such paragraph.

16 “(B) SPECIAL RULES FOR PUERTO RICO.—
17 In determining the allotment under paragraph
18 (2) for Puerto Rico, the Secretary shall comply
19 with the following:

20 “(i) USE OF NATIONAL PERCENT-
21 AGE.—If Puerto Rico did not participate in
22 the most recent grade 8 reading assess-
23 ment of the National Assessment of Edu-
24 cational Progress for which data are avail-
25 able, the Secretary shall use the national

1 percentage of students who received a
2 score below the basic level of achievement
3 on such assessment to calculate Puerto
4 Rico's allotment.

5 “(ii) LIMITATION OF ALLOTMENT
6 PERCENTAGE.—Notwithstanding clause (i)
7 or paragraph (2), in no case shall the Sec-
8 retary allot to Puerto Rico under para-
9 graph (2) for a fiscal year a percentage of
10 the total amount available for all allot-
11 ments under paragraph (1)(D) that ex-
12 ceeds the percentage allotted to Puerto
13 Rico of the total funds allotted to all
14 States under part A of title I of the Ele-
15 mentary and Secondary Education Act of
16 1965 (20 U.S.C. 6311 et seq.) for the pre-
17 ceding fiscal year.

18 “(c) DURATION OF GRANT OR SUBGRANT.—Each
19 grant or subgrant awarded under subsection (b) shall be
20 for a period of not more than 5 years.

21 “(d) PEER REVIEW.—

22 “(1) IN GENERAL.—The Secretary, in consulta-
23 tion with the Director of the National Institute for
24 Literacy, shall convene a peer review panel to evalu-
25 ate applications for each grant awarded to a State

1 educational agency under subsection (b)(1)(D), or to
2 a local educational agency under subsection
3 (a)(1)(B), using the evaluation criteria described in
4 paragraph (2).

5 “(2) DEVELOPMENT OF EVALUATION CRI-
6 TERIA.—The Secretary shall promulgate regulations,
7 subject to notice and comment, establishing the cri-
8 teria that the peer review panel shall use to evaluate
9 the grant applications under this section.

10 “(3) MEMBERSHIP.—

11 “(A) COMPOSITION.—The peer review
12 panel convened under paragraph (1) shall be
13 composed of not less than 12 members, of
14 whom—

15 “(i) 3 shall be appointed by the Sec-
16 retary;

17 “(ii) 3 shall be appointed by the Sec-
18 retary from among persons recommended
19 by the Director of the National Institute
20 for Literacy and relevant education organi-
21 zations and professional associations with
22 expertise in adolescent reading;

23 “(iii) 3 shall be appointed by the Sec-
24 retary from among persons recommended
25 by the Chairman of the National Research

1 Council of the National Academy of
2 Sciences; and

3 “(iv) 3 shall be appointed by the Sec-
4 retary from among persons recommended
5 by the Director of the National Institute of
6 Child Health and Human Development.

7 “(B) COMPETENCY AND EXPERTISE.—

8 “(i) COMPETENCY.—The Secretary
9 shall ensure that each member of the peer
10 review panel appointed under subpara-
11 graph (A) is competent, by virtue of the
12 training, expertise, or experience of the
13 member, to evaluate grant applications
14 under this section.

15 “(ii) EXPERTISE.—The Secretary
16 shall ensure that the peer review panel ap-
17 pointed under subparagraph (A) includes,
18 at a minimum—

19 “(I) classroom teachers with ex-
20 pertise in reading and, including spe-
21 cial education teachers and teachers
22 of students who are limited English
23 proficient;

24 “(II) experts who provide profes-
25 sional development to individuals who

1 teach reading to children and adults
2 based on scientifically based reading
3 research;

4 “(III) experts who provide pro-
5 fessional development to other instruc-
6 tional staff based on scientifically
7 based reading research; and

8 “(IV) an individual who has ex-
9 pertise in screening, diagnostic, and
10 classroom-based instructional reading
11 assessments.

12 “(iii) CONFLICT OF INTEREST.—The
13 Secretary shall ensure that members of the
14 peer review panel do not stand to benefit
15 financially from grants awarded under this
16 Act.

17 “(4) RECOMMENDATIONS.—The panel shall rec-
18 ommend grant applications from State educational
19 agencies under this section to the Secretary for
20 funding or for disapproval.

21 “(5) DISTRIBUTION OF RECOMMENDATIONS.—
22 Not later than 120 days after the panel submits the
23 panel’s recommendation regarding an application by
24 a State educational agency or a local educational
25 agency for a grant under this section to the Sec-

1 retary, the Secretary shall notify the State edu-
2 cational agency or local educational agency that the
3 application has been approved or disapproved and
4 shall provide to such State educational agency or
5 local educational agency a copy of the panel's rec-
6 ommendation.

7 “(e) SUPPLEMENT NOT SUPPLANT.—Grant funds
8 awarded under this section shall supplement, and not sup-
9 plant, non-Federal funds that would, in the absence of
10 such grant funds, be made available for the reading in-
11 struction of pupils participating in programs assisted
12 under this Act.

13 “(f) MAINTENANCE OF EFFORT.—Each State edu-
14 cational agency that receives a grant under this section,
15 and each local educational agency that receives a grant
16 or subgrant under this section, shall maintain the expendi-
17 tures of the State educational agency or local educational
18 agency, respectively, for reading instruction in grades 4
19 through 12 at a level not less than the level of such ex-
20 penditures maintained by the State educational agency or
21 local educational agency, respectively, for the fiscal year
22 preceding the fiscal year for which the grant or subgrant
23 is received.

1 **“SEC. 1265. STATE GRANTS.**

2 “(a) STATE APPLICATIONS.—A State educational
3 agency desiring to receive an allotment under section
4 1264(b)(1)(D) shall submit an application to the Sec-
5 retary at such time, in such manner, and containing such
6 information as the Secretary may require. Each such ap-
7 plication shall include—

8 “(1) an assurance from the State educational
9 agency that the State educational agency has incor-
10 porated the following elements into the Reading and
11 Literacy Partnerships authorized under section
12 1203(d) of this Act. Such elements shall include—

13 “(A) building public support for a state-
14 wide focus on adolescent reading;

15 “(B) strengthening and aligning State
16 reading standards with curricula, assessments,
17 and high-quality professional development re-
18 quirements;

19 “(C) guiding local educational agencies
20 and schools in the creation of adolescent read-
21 ing initiatives;

22 “(D) building educators’ capacity to pro-
23 vide adolescent reading instruction;

24 “(E) measuring and assessing progress in
25 adolescent reading at the school, local edu-
26 cational agency, and State levels, using existing

1 data if such data are valid, appropriate, and ap-
2 proved by the Secretary; and

3 “(F) disseminating information on prom-
4 ising practices and progress in student reading
5 achievement;

6 “(2) an assurance that the State educational
7 agency, and any local educational agency receiving a
8 subgrant from the State educational agency under
9 section 1266, will, if requested, participate in the
10 national evaluation under section 1268;

11 “(3) a description of how the State educational
12 agency will assist local educational agencies with de-
13 veloping or identifying and using the formative,
14 summative, screening and diagnostic assessments,
15 teaching strategies and approaches, and instruc-
16 tional materials based on scientifically based reading
17 research, including early intervention and reading
18 remediation materials, programs, and approaches;

19 “(4) a description of how the State educational
20 agency will ensure that professional development ac-
21 tivities related to reading instruction are coordinated
22 with other Federal, State, and local level funds and
23 used effectively to improve instructional practices for
24 reading and based on scientifically based reading re-
25 search;

1 “(5) a description of how the activities assisted
2 under this subpart will address the needs of teachers
3 and other instructional staff in implementing the es-
4 sential components of reading instruction;

5 “(6) a description of how the State educational
6 agency will ensure that eligible local educational
7 agencies receiving subgrants under this subpart will
8 use practices based on scientifically based reading
9 research;

10 “(7) a description of how the State educational
11 agency will, to the extent practicable, made grants
12 to eligible local educational agencies in both rural
13 and urban areas;

14 “(8) a description of how the State educational
15 agency will build on, and promote coordination
16 among reading programs in the State (including fed-
17 erally funded programs such as programs under the
18 Adult Education and Family Literacy Act, the Indi-
19 viduals with Disabilities Education Act, and subpart
20 1 and 2) to increase the effectiveness of the pro-
21 grams in improving reading for adults and children
22 and to avoid duplications of the efforts of the pro-
23 gram;

24 “(9) a description of how the State educational
25 agency will assess and evaluate, on a regular basis,

1 eligible local educational agency activities assisted
2 under this subpart, with respect to whether the ac-
3 tivities have been effective in achieving the purposes
4 of the program; and

5 “(10) a description of how the State edu-
6 cational agency will address the reading needs of
7 children with disabilities, and students who are lim-
8 ited English proficient, in grades 4 through 12 and
9 how the State educational agency will provide profes-
10 sional development in adolescent reading instruction
11 to special education teachers or teachers of students
12 who are limited English proficient.

13 “(b) STATE DISTRIBUTION OF FUNDS.—Of the
14 amount allotted to a State educational agency under sec-
15 tion 1264(b)(1)(D), the State educational agency shall
16 use—

17 “(1) not less than 95 percent of such amount
18 to award subgrants under section 1266 and

19 “(2) not more than 5 percent of such amount
20 to carry out the activities described in subsection (c)
21 and to administer the program.

22 “(c) STATE ACTIVITIES.—

23 “(1) MANDATORY ACTIVITIES.—A State edu-
24 cational agency that receives an allotment under sec-
25 tion 1264(b)(1)(D) shall use the funds made avail-

1 able under subsection (b)(2) to carry out all of the
2 following activities:

3 “(A) PROFESSIONAL INSERVICE AND
4 PRESERVICE DEVELOPMENT AND REVIEW.—A
5 State educational agency may expend not more
6 than 65 percent of the amount of the funds
7 made available under paragraph (1)—

8 “(i) to develop and implement a pro-
9 gram of professional development for
10 teachers, including special education teach-
11 ers, in grades 4 through 12 that will pre-
12 pare these teachers in all the essential
13 components of reading instruction and
14 shall include—

15 “(I) information on instructional
16 materials, programs, strategies, and
17 approaches based on scientifically
18 based reading research, including
19 early intervention and reading remedi-
20 ation materials, programs, and ap-
21 proaches; and

22 “(II) instruction in the use of
23 screening, diagnostic, and classroom-
24 based instructional reading assess-
25 ments and other scientifically based

1 procedures that effectively identify
2 students who may be at risk for read-
3 ing failure or who are having dif-
4 ficulty reading; and

5 “(ii) to strengthen and enhance
6 preservice courses for students preparing,
7 at all public institutions of higher edu-
8 cation in the State, to teach grades 4
9 through 12 by—

10 “(I) reviewing such courses to de-
11 termine whether the courses’ content
12 is consistent with the findings of the
13 most current scientifically based read-
14 ing research, including findings on the
15 essential components of reading in-
16 struction;

17 “(II) following up such reviews
18 with recommendations to ensure that
19 such institutions offer courses that
20 meet the highest standards; and

21 “(III) preparing a report on the
22 results of such reviews, submitting the
23 report to the reading and literacy
24 partnership for the State established
25 under section 1203(d) and all public

1 institutions of higher education in the
2 State, and making the report available
3 for public review by means of the
4 Internet; and

5 “(iii) to make recommendations on
6 how the State licensure and certification
7 standards in the area of reading might be
8 improved.

9 “(B) TECHNICAL ASSISTANCE FOR LOCAL
10 EDUCATIONAL AGENCIES AND SCHOOLS.—A
11 State educational agency may expend not more
12 than 25 percent of the amount of the funds
13 made available under paragraph (1) for one or
14 more of the following:

15 “(i) Assisting local educational agen-
16 cies in accomplishing the tasks required to
17 design and implement a program under
18 this subpart, including—

19 “(I) selecting and implementing a
20 program or programs of reading in-
21 struction based on scientifically based
22 reading research;

23 “(II) selecting screening, diag-
24 nostic, and classroom based instruc-
25 tional reading assessments; and

1 “(III) identifying eligible profes-
2 sional development providers to help
3 prepare reading teachers to teach de-
4 scribed in subclauses (I) and (II).

5 “(ii) Providing expanded opportunities
6 to students in grades 4 through 12 who
7 are served by eligible local educational
8 agencies for receiving reading assistance
9 from alternative providers that includes—

10 “(I) screening, diagnostic, and
11 classroom-based instructional reading
12 assessments; and

13 “(II) as need is indicated by the
14 assessments under clause (I), instruc-
15 tion based on scientifically based read-
16 ing research that includes the essen-
17 tial components of reading instruc-
18 tion.

19 “(C) PLANNING, ADMINISTRATION, AND
20 REPORTING.—

21 “(i) EXPENDITURE OF FUNDS.—A
22 State educational agency may expend not
23 more than 10 percent of the amount of
24 funds made available under paragraph (1)

1 for the activities described in this para-
2 graph.

3 “(ii) PLANNING AND ADMINISTRA-
4 TION.—A State educational agency that re-
5 ceives a grant under this section may ex-
6 pend funds made available under clause (i)
7 for planning and administration relating to
8 the State uses of funds authorized under
9 this subpart, including the following:

10 “(I) Administering the distribu-
11 tion of competitive subgrants to eligi-
12 ble local educational agencies.

13 “(II) Assessing and evaluating,
14 on a regular basis, eligible local edu-
15 cational agency activities assisted
16 under this subpart, with respect to
17 whether they have been effective in in-
18 creasing the number of children in
19 grades 4 through 12 served under this
20 subpart who can read at or above
21 grade level.

22 “(D) ANNUAL REPORTING.—

23 “(i) IN GENERAL.—A State edu-
24 cational agency that receives a grant under
25 this section shall expend funds made avail-

1 able under subparagraph (A) to provide
2 the Secretary annually with a report on the
3 implementation of this subpart.

4 “(ii) INFORMATION INCLUDED.—Each
5 report under this subparagraph shall in-
6 clude information on the following:

7 “(I) Evidence that the State edu-
8 cational agency is fulfilling its obliga-
9 tions under this subpart.

10 “(II) Specific identification of
11 those schools and local educational
12 agencies that report the largest gains
13 in reading achievement.

14 “(III) The progress the State
15 educational agency and local edu-
16 cational agencies within the State are
17 making in reducing the number of
18 students served under this subpart in
19 grades 4 through 12 who are reading
20 below grade level, as demonstrated by
21 such information as teacher reports
22 and school evaluations of mastery of
23 the essential components of reading
24 instruction.

1 “(IV) Evidence on whether the
2 State educational agency and local
3 educational agencies within the State
4 have significantly increased the num-
5 ber of students reading at grade level
6 or above, significantly increased the
7 percentages of students described in
8 section 1111(b)(2)(C)(v)(II) who are
9 reading at grade level or above, and
10 successfully implemented this subpart.

11 “(iii) PRIVACY PROTECTION.—Data in
12 the report shall be reported in a manner
13 that protects the privacy of individuals.

14 “(iv) CONTRACT.—To the extent prac-
15 ticable, a State educational agency shall
16 enter into a contract with an entity that
17 conducts scientifically based reading re-
18 search, under which contract the entity will
19 assist the State educational agency in pro-
20 ducing the reports required to be sub-
21 mitted under this subparagraph.

22 “(2) PERMISSIVE ACTIVITIES.—A State edu-
23 cational agency that receives an allotment under sec-
24 tion 1264(b)(1)(D) may use the funds made avail-

1 able under subsection (b)(2) to carry out any of the
2 following activities:

3 “(A) Identifying providers of high-quality
4 professional development for local educational
5 agencies.

6 “(B) Training the personnel of local edu-
7 cational agencies to use data systems that track
8 student reading achievement.

9 “(d) REVIEW.—

10 “(1) PROGRESS REPORT.—

11 “(A) SUBMISSION.—Not later than 60
12 days after the termination of the third year and
13 fifth year of the grant period, each State edu-
14 cational agency receiving a grant under this
15 section shall submit a progress report to the
16 Secretary.

17 “(B) INFORMATION INCLUDED.—The
18 progress report shall include information on the
19 progress the State educational agency and local
20 educational agencies within the State are mak-
21 ing in reducing the number of students served
22 under this subpart in grades 4 through 12 who
23 are reading below grade level (as demonstrated
24 by such information as teacher reports and
25 school evaluations of mastery of the essential

1 components of reading instruction). The report
2 shall also include evidence from the State edu-
3 cational agency and local educational agencies
4 within the State that the State educational
5 agency and the local educational agencies have
6 significantly increased the number of students
7 reading at grade level or above, significantly in-
8 creased the percentages of students described in
9 section 1111(b)(2)(C)(v)(II) who are reading at
10 grade level or above, and successfully imple-
11 mented this subpart.

12 “(2) PEER REVIEW.—The progress report de-
13 scribed in paragraph (1) shall be reviewed by the
14 peer review panel convened under section 1264(d).

15 “(e) FUNDS NOT USED FOR STATE LEVEL ACTIVI-
16 TIES.—Any portion of funds described in subsection (c)(1)
17 that a State educational agency does not expend in accord-
18 ance with subsection (c)(1) shall be expended for the pur-
19 pose of making subgrants in accordance with section
20 1266.

21 **“SEC. 1266. GRANTS AND SUBGRANTS TO LOCAL EDU-
22 CATIONAL AGENCIES.**

23 “(a) SUBGRANTS AUTHORIZED.—A State receiving
24 an allotment under section 1264(b)(1)(D) shall use funds
25 made available under section 1265(b)(1) to award sub-

1 grants, on a competitive basis, to local educational agen-
2 cies and consortia of local educational agencies to enable
3 the local educational agencies and consortia to carry out
4 the authorized activities described in subsection (d).

5 “(b) APPLICATIONS.—A local educational agency or
6 consortium desiring to receive a grant or subgrant under
7 this Act shall submit an application to the Secretary or
8 the State educational agency (as appropriate) at such
9 time, in such manner, and containing such information as
10 the Secretary or the State educational agency, respec-
11 tively, may require. Such application shall include the in-
12 formation described in section 1265(a)(2) through (10).

13 “(c) AWARD BASIS.—

14 “(1) PRIORITY.—

15 “(A) IN GENERAL.—The Secretary or the
16 State educational agency, as appropriate, shall
17 give priority to awarding a grant or subgrant
18 under this subpart to a local educational agency
19 or consortium, on the basis of the factors de-
20 scribed in subparagraph (B).

21 “(B) FACTORS.—The factors referred to in
22 subparagraph (A) are—

23 “(i) the number of children aged 5 to
24 17 served by the local educational agency
25 or consortium who are from families below

1 the poverty level, based on the most recent
2 satisfactory data provided to the Secretary
3 by the Bureau of the Census for deter-
4 mining eligibility under section
5 1124(c)(1)(A);

6 “(ii) the number or percentage of stu-
7 dents in grades 4 through 12 served by the
8 local educational agency or consortium who
9 are reading or writing below grade level;
10 and

11 “(iii) the total number or percentage
12 of schools served by the local educational
13 agency or consortium that—

14 “(I) enroll students in any of the
15 grades 4 through 12; and

16 “(II) were identified for school
17 improvement, corrective action, or re-
18 structuring under paragraph (1), (7),
19 or (8) of section 1116(b) for the pre-
20 ceding academic year.

21 “(2) AMOUNT OF THE GRANT.—In determining
22 the amounts of the grant or subgrant awards under
23 this subpart, the Secretary or the State educational
24 agency, as applicable, shall—

1 “(A) provide funds in sufficient size and
2 scope to enable the local educational agency or
3 consortium receiving a grant or subgrant to im-
4 prove adolescent literacy instruction; and

5 “(B) provide funds in an amount related
6 to the number or percentage of students in
7 grades 4 through 12 served by the local edu-
8 cational agency or consortium who are reading
9 below grade level.

10 “(d) LOCAL AUTHORIZED ACTIVITIES.—

11 “(1) MANDATORY ACTIVITIES.—A local edu-
12 cational agency or consortium that receives a grant
13 or subgrant under this subpart shall use the grant
14 or subgrant funds to carry out all of the following
15 activities for students in grades 4 through 12:

16 “(A) Selecting and administering
17 screenings, diagnostic assessments, formative
18 assessments, and summative assessments.

19 “(B) Selecting and implementing a learn-
20 ing system or program of reading instruction
21 based on scientifically based reading research
22 that—

23 “(i) includes the essential components
24 of reading instruction; and

1 “(ii) provides such instruction to the
2 children in kindergarten grades 4 through
3 12 in the schools served by the eligible
4 local educational agency, including children
5 who—

6 “(I) may have reading difficul-
7 ties;

8 “(II) are at risk of being referred
9 to special education based on these
10 difficulties;

11 “(III) have been evaluated under
12 section 614 of the Individuals with
13 Disabilities Education Act but, in ac-
14 cordance with section 614(b)(5) of
15 that Act, have not been identified as
16 being a child with a disability (as de-
17 fined in section 602 of that Act);

18 “(IV) are being served under
19 such Act primarily due to being iden-
20 tified as being a child with a specific
21 learning disability (as defined in sec-
22 tion 602 of that Act) related to read-
23 ing;

24 “(V) are deficient in the essential
25 components of reading skills, as listed

1 in subparagraphs (A) through (E) of
2 section 1208(3); or

3 “(VI) are identified as having
4 limited English proficiency.

5 “(C) Procuring and implementing instruc-
6 tional materials, including education technology
7 such as software and other digital curricula,
8 that are based on scientifically based reading
9 research.

10 “(D) Providing professional development
11 for teachers in grades 4 through 12, and special
12 education teachers in grades 4 through 12,
13 that—

14 “(i) will prepare these teachers in all
15 of the essential components of reading in-
16 struction;

17 “(ii) shall include—

18 “(I) information on instructional
19 materials, programs, strategies, and
20 approaches based on scientifically
21 based reading research, including
22 early intervention, classroom reading
23 materials, and remedial programs and
24 approaches; and

1 “(II) instruction in the use of
2 screening, diagnostic, and classroom-
3 based instructional reading assess-
4 ments and other procedures that ef-
5 fectively identify students who may be
6 at risk for reading failure or who are
7 having difficulty reading;

8 “(iii) shall be provided by eligible pro-
9 fessional development providers; and

10 “(iv) will assist teachers in becoming
11 highly qualified in reading instruction in
12 accordance with the requirements of sec-
13 tion 1119.

14 “(E) Collecting and summarizing data—

15 “(i) to document the effectiveness of
16 activities carried out under this subpart in
17 individual schools and in the local edu-
18 cational agency as a whole; and

19 “(ii) to stimulate and accelerate im-
20 provement by identifying the schools that
21 produce significant gains in reading
22 achievement.

23 “(F) Reporting data for all students and
24 categories of students described in section
25 1111(b)(2)(C)(v)(II).

1 “(G) Promoting reading and library pro-
2 grams that provide access to engaging reading
3 material, including coordination with programs
4 funded through grants received under subpart
5 4, where applicable.

6 “(H) In the case of a local educational
7 agency or consortium receiving a grant under
8 section 1264(a)(1)(B), submitting to the Sec-
9 retary, not later than 60 days after the termi-
10 nation of the third year and the fifth year of
11 the grant period, a progress report that con-
12 tains the information described in section
13 1265(c)(1)(D)(i) with respect to the local edu-
14 cational agency, which report shall be reviewed
15 by the peer review panel convened under section
16 1264(d).

17 “(2) PERMISSIVE ACTIVITIES.—A local edu-
18 cational agency or consortium that receives a grant
19 or subgrant under this subpart may use the grant
20 or subgrant funds to carry out any of the following
21 activities for students in grades 4 through 12:

22 “(A) Providing training in the essential
23 components of reading instruction to a parent
24 or other individual who volunteers to be a stu-
25 dent’s reading tutor, to enable such parent or

1 individual to support instructional practices
2 that are based on scientifically based reading
3 research and are being used by the student’s
4 teacher.

5 “(B) Assisting parents, through the use of
6 materials and reading programs, strategies, and
7 approaches (including family literacy services)
8 that are based on scientifically based reading
9 research, to encourage reading and support
10 their child’s reading development.

11 “(3) LIMITATION TO CERTAIN SCHOOLS.—A
12 local educational agency receiving a subgrant under
13 subsection (a) shall, in distributing subgrant funds
14 under this subsection, provide funds only to schools
15 that both—

16 “(A) are among the schools served by the
17 local educational agency with the highest per-
18 centages or numbers of students in grades 4
19 through 12 reading below grade level, based on
20 the most currently available data; and

21 “(B)(i) are identified for school improve-
22 ment and assistance or redesign under section
23 1116; or

24 “(ii) have the highest percentages or num-
25 bers of children counted under section 1124(c).

1 “(e) LOCAL PLANNING AND ADMINISTRATION.—An
2 eligible local educational agency that receives a subgrant
3 under this subsection may use not more than 3.5 percent
4 of the funds provided under the subgrant for planning and
5 administration.

6 **“SEC. 1267. CONSEQUENCES OF INSUFFICIENT PROGRESS.**

7 “(a) CONSEQUENCES FOR GRANT RECIPIENTS.—If
8 the Secretary determines that a State educational agency
9 receiving a grant under section 1264(b)(1)(D) or a local
10 educational agency or consortium receiving a grant under
11 section 1264(a)(1)(B) is not making significant progress
12 in meeting the purposes of this Act after the submission
13 of a progress report described in section 1265(c)(1)(D) or
14 section 1266(d)(1)(F), respectively, then the Secretary
15 may withhold, in whole or in part, further payments under
16 this Act in accordance with section 455 of the General
17 Education Provisions Act (20 U.S.C. 1234d) or take such
18 other action authorized by law as the Secretary determines
19 necessary, including providing technical assistance upon
20 request of the State educational agency, local educational
21 agency, or consortium, respectively.

22 “(b) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—
23 A State educational agency receiving a grant under section
24 1264(b)(1)(D) may refuse to award subgrant funds to a
25 local educational agency or consortium under section

1 1266(a) if the State educational agency finds that the
2 local educational agency or consortium is not making sig-
3 nificant progress in meeting the purposes of this subpart,
4 after—

5 “(1) providing technical assistance to the local
6 educational agency or consortium; and

7 “(2) affording the local educational agency or
8 consortium notice and an opportunity for a hearing.

9 **“SEC. 1268. NATIONAL EVALUATION.**

10 “(a) IN GENERAL.—From amounts reserved under
11 subsection (a)(1) or (b)(1) (as the case may be) of section
12 1264, the Secretary shall enter into a contract with an
13 independent organization to perform a 5-year evaluation
14 of the grant and subgrant programs assisted under this
15 Act. Such evaluation shall include research that applies
16 rigorous, systematic, and objective procedures to obtain
17 valid knowledge relevant to reading development, reading
18 and writing instruction, and reading and writing difficul-
19 ties; and includes research that employs experimental,
20 quasi-experimental, and qualitative research methods in-
21 volving rigorous data analyses that are adequate to test
22 the stated hypotheses and justify the general conclusions
23 drawn.

1 “(b) CONTENTS OF EVALUATION.—The evaluation
2 described in subsection (a) shall include an analysis of
3 each of the following:

4 “(1) An analysis of the relationship between
5 each of the essential components of reading instruc-
6 tion and overall reading proficiency.

7 “(2) An analysis of whether assessment tools
8 used by State educational agencies and local edu-
9 cational agencies measure the essential components
10 of reading.

11 “(3) An analysis of how State reading stand-
12 ards correlate with the essential components of read-
13 ing instruction.

14 “(4) A measurement of the extent to which spe-
15 cific instructional materials improve reading pro-
16 ficiency.

17 “(5) A measurement of the extent to which spe-
18 cific screening, diagnostic, and classroom-based in-
19 structional reading assessments assist teachers in
20 identifying specific reading deficiencies.

21 “(6) A measurement of the extent to which pro-
22 fessional development programs implemented by
23 State educational agencies using funds received
24 under this subpart improve reading instruction.

1 “(7) A measurement of how well students pre-
2 paring to enter the teaching profession are prepared
3 to teach the essential components of reading instruc-
4 tion.

5 “(8) An analysis of changes in students’ inter-
6 est in reading and time spent reading outside of
7 school.

8 “(9) Any other analysis or measurement perti-
9 nent to this subpart that is determined to be appro-
10 priate by the Secretary.

11 “(c) PROGRAM IMPROVEMENT.—The findings of the
12 evaluation conducted under this section shall be provided
13 to State educational agencies and local educational agen-
14 cies on a periodic basis for use in program improvement.

15 **“SEC. 1269. INFORMATION DISSEMINATION.**

16 “From amounts reserved under subsection (a)(1) or
17 (b)(1) (as the case may be) of section 5, the Director of
18 the National Institute for Literacy, in collaboration with
19 the Secretary, the regional educational laboratories estab-
20 lished under part D of the Education Sciences Reform Act
21 of 2002 (20 U.S.C. 9561 et seq.), and the Director of the
22 National Institute of Child Health and Human Develop-
23 ment, shall distribute information on adolescent reading
24 instruction, including—

1 “(1) disseminate information on scientifically
2 based reading research pertaining to children, youth,
3 and adults;

4 “(2) identify and disseminate information about
5 schools, local educational agencies, and State edu-
6 cational agencies that have effectively developed and
7 implemented classroom reading programs that meet
8 the requirements of this subpart, including those
9 State educational agencies, local educational agen-
10 cies, and schools that have been identified as effec-
11 tive through the evaluation and peer review provi-
12 sions of this subpart; and

13 “(3) support the continued identification and
14 dissemination of information on reading programs
15 that contain the essential components of reading in-
16 struction as supported by scientifically based reading
17 research, that can lead to improved reading out-
18 comes for children, youth, and adults.

19 **“SEC. 1270. PROHIBITION AGAINST FEDERAL MANDATES,**
20 **DIRECTION, OR CONTROL.**

21 “Nothing in this subpart shall be construed to au-
22 thorize an officer, employee, or contractor of the Federal
23 Government to mandate, direct, limit, or control a State,
24 local educational agency, or school’s specific instructional

1 content, academic achievement standards and assess-
2 ments, curriculum, or program of instruction.

3 **“SEC. 1271. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this subpart such sums as may be necessary for each of
6 fiscal years 2009 through 2012.”

7 **TITLE II—RECRUITING TEACH-**
8 **ERS FOR UNDERSERVED**
9 **URBAN AND RURAL UNITED**
10 **STATES COMMUNITIES**

11 **SEC. 201. PURPOSES.**

12 The purposes of this part are—

13 (1) to raise the number of highly accomplished
14 recent college graduates teaching in underserved
15 urban and rural communities in the United States;

16 (2) to increase the number of school districts
17 and communities served by a nationally recruited
18 corps of outstanding new teachers; and

19 (3) to build a broader pipeline of talented and
20 experienced future leaders in public education and
21 education reform.

22 **SEC. 202. DEFINITIONS.**

23 In this part:

24 (1) **IN GENERAL.**—The terms “highly quali-
25 fied”, “local educational agency”, and “Secretary”

1 have the meanings given the terms in section 9101
2 of the Elementary and Secondary Education Act of
3 1965 (20 U.S.C. 7801).

4 (2) GRANTEE.—The term “grantee” means
5 Teach For America, Inc.

6 (3) HIGH NEED.—The term “high need”, when
7 used with respect to a local educational agency,
8 means a local educational agency in which a sub-
9 stantial percentage of students are eligible for free
10 or reduced price meals through the Richard B. Rus-
11 sell National School Lunch Act (42 U.S.C. 1751 et
12 seq.).

13 **SEC. 203. GRANT PROGRAM AUTHORIZED.**

14 The Secretary is authorized to award a grant to
15 Teach For America, Inc., the national corps of out-
16 standing recent college graduates who commit to teach for
17 2 years in underserved communities in the United States,
18 to implement and expand its program of recruiting, select-
19 ing, training, and supporting new teachers.

20 **SEC. 204. GRANT REQUIREMENTS.**

21 In carrying out the grant program under this part,
22 the Secretary shall enter into an agreement with the
23 grantee under which the grantee agrees to use the grant
24 funds—

1 (1) to provide highly qualified teachers to high
2 need local educational agencies in urban and rural
3 communities;

4 (2) to pay the cost of recruiting, selecting,
5 training, and supporting new teachers; and

6 (3) to serve a substantial number of students
7 who are eligible for free or reduced price meals
8 through the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1751 et seq.).

10 **SEC. 205. AUTHORIZED ACTIVITIES.**

11 Grant funds provided under this part shall be used
12 by the grantee to carry out each of the following activities:

13 (1) Recruiting and selecting teachers through a
14 highly-selective national process.

15 (2) Providing preservice training to selected
16 teachers through a rigorous summer institute that
17 includes hands-on teaching experience and signifi-
18 cant exposure to education coursework and theory.

19 (3) Placing selected teachers in schools and po-
20 sitions in high need local education agencies.

21 (4) Providing ongoing professional development
22 activities for the selected teachers in the classroom,
23 including regular classroom observations and feed-
24 back, and ongoing training and support.

1 **SEC. 206. EVALUATION.**

2 (a) ANNUAL REPORT.—The grantee shall provide to
3 the Secretary an annual report that includes—

4 (1) data on the number and characteristics of
5 the teachers provided to local educational agencies
6 through the grant under this part;

7 (2) an externally conducted analysis of the sat-
8 isfaction of local educational agencies and principals
9 with the teachers so provided; and

10 (3) comprehensive data on the background of
11 the selected teachers, the training such teachers re-
12 ceived, the placement sites of the teachers, the pro-
13 fessional development of the teachers, and the reten-
14 tion of the teachers.

15 (b) STUDY.—From funds appropriated under this
16 legislation, the Secretary shall provide for a study com-
17 paring the academic achievement of students taught by
18 the teachers selected, trained, and placed under this part
19 with the academic achievement of students taught by other
20 teachers in the same schools and positions. The Secretary
21 shall provide for such a study not less than once every
22 3 years, and each such study shall include multiple local
23 education agencies. Each such study shall meet the peer-
24 review standards of the education research community.

1 **SEC. 207. PARTICIPATION AGREEMENT AND FINANCIAL AS-**
2 **SISTANCE UNDER TROOPS TO TEACHERS**
3 **PROGRAM.**

4 Section 2304 of the Elementary and Secondary Edu-
5 cation Act of 1965 is amended in subsection (a)(1)(B) by
6 striking “for not less than 3 school years” and all that
7 follows through the period at the end and inserting the
8 following: “for not less than 3 school years, to begin the
9 school year after obtaining that certification or licensing,
10 with a high-need local educational agency or public charter
11 school, as such terms are defined in section 2102 or, if
12 there is no high-need local educational agency or public
13 charter school for which the member is qualified to teach
14 within a 50-mile radius of the member’s residence, then
15 under circumstances covered by section 2302(b)(2).”.

16 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this Act such sums as may be necessary.

19 **SEC. 209. NEW PART E (CIVIC EDUCATION; TRANSFERRED**
20 **FROM TITLE II).**

21 (a) NEW PART.—Title V is amended by adding at
22 the end the following:

23 **“PART E—CIVIC EDUCATION”.**

24 (b) TRANSFER FROM TITLE II.—Sections 2341
25 through 2346 (20 U.S.C. 6711 through 6716), as in effect
26 immediately before the enactment of this Act, are—

1 (1) transferred to part E of title V;

2 (2) added after the part heading; and

3 (3) redesignated as 5701 through 5706, respec-
4 tively.

5 (c) CONFORMING CHANGES.—Part E of title V is fur-
6 ther amended—

7 (1) in each of sections 5701, 5702, and 5706
8 (as so redesignated) by striking “subpart” and in-
9 serting “part”; and

10 (2) by striking “2343”, “2344”, “2345”, and
11 “2346” each place such term appears (including
12 where it appears as part of a longer citation, such
13 as in “2343(a)(1)”) and inserting “5703”, “5704”,
14 “5705”, and “5706”, respectively.

15 (d) GENERAL AUTHORITY.—Section 5703 (formerly
16 2343; 20 U.S.C. 6713) is further amended in subsection
17 (a)(3)—

18 (1) by striking “government education and eco-
19 nomic education” and inserting “government edu-
20 cation or economic education”; and

21 (2) by inserting after “civic education” the fol-
22 lowing: “or economic education”.

23 (e) WE THE PEOPLE PROGRAM.—Section 5704 (for-
24 merly 2344; 20 U.S.C. 6714) is further amended—

25 (1) in subsection (a)(1)(B)—

1 (A) in clause (ii) by striking “and” at the
2 end;

3 (B) in clause (iii) by striking the period at
4 the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(iv) to provide civic education mate-
7 rials and services to address the needs of
8 Native Americans; and

9 “(v) to implement a comprehensive
10 program to improve public knowledge, un-
11 derstanding, and support of American
12 democratic institutions.”; and

13 (2) in subsection (b)(1)—

14 (A) in subparagraph (A)(iii) by striking
15 “middle school level” and inserting “middle and
16 secondary school levels”; and

17 (B) in subparagraph (B)—

18 (i) in clause (iii) by striking “and” at
19 the end;

20 (ii) in clause (iv) by striking the pe-
21 riod at the end and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(v) to provide civic education mate-
25 rials and services to address the needs of

1 Native Americans, immigrants, new citi-
2 zens, and other postsecondary and adult
3 populations.”.

4 (f) COOPERATIVE CIVIC EDUCATION AND ECONOMIC
5 EDUCATION EXCHANGE PROGRAMS.—Section 5705 (for-
6 merly 2345; 20 U.S.C. 6715) is further amended in sub-
7 section (g) by striking “and any developing country” and
8 all that follows through the period at the end and inserting
9 “and any other developing country if the Secretary of
10 State concurs with the Secretary that conducting such ac-
11 tivities in such developing country is consistent with the
12 goals of achieving a political culture supportive of demo-
13 cratic values, principles, and institutions.”.

14 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
15 5706 (formerly 2346; 20 U.S.C. 6716) is further amended
16 by striking “\$30,000,000 for fiscal year 2002” and all
17 that follows through the period at the end and inserting
18 “such sums as may be necessary for each fiscal year.”.

19 **TITLE III—HOMELESS** 20 **EDUCATION**

21 **SEC. 301. EDUCATION FOR HOMELESS CHILDREN AND** 22 **YOUTHS.**

23 Subtitle B of title VII of the McKinney-Vento Home-
24 less Assistance Act (42 U.S.C. 11431 et seq.) is amended
25 to read as follows:

1 **“Subtitle B—Education for**
2 **Homeless Children and Youths**

3 **“SEC. 721. STATEMENT OF POLICY.**

4 “The following is the policy of Congress:

5 “(1) Each State and local educational agency
6 shall ensure that each child of a homeless individual
7 and each homeless youth has equal access to the
8 same free, appropriate public education, including
9 State-funded or local educational agency-funded pre-
10 school programs, as provided to other children and
11 youths.

12 “(2) In any State or local educational agency
13 where compulsory residency requirements or other
14 requirements of laws, regulations, practices, or poli-
15 cies may act as a barrier to the enrollment, attend-
16 ance, or success in school or in State-funded or local
17 educational agency-funded preschool programs of
18 homeless children and youths, the State, and local
19 educational agencies, will review and revise such
20 laws, regulations, practices, or policies to ensure that
21 homeless children and youths are afforded the same
22 free, appropriate public education as provided to
23 other children and youths.

1 “(3) Homelessness alone is not sufficient reason
2 to separate students from the mainstream school en-
3 vironment.

4 “(4) Homeless children and youths should have
5 access to the education and other services, including
6 transportation services to assist with school readi-
7 ness, success, and maintaining school stability, that
8 such children and youths need to ensure that such
9 children and youths have an opportunity to meet the
10 same challenging State student academic achieve-
11 ment standards to which all students are held.

12 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
13 **THE EDUCATION OF HOMELESS CHILDREN**
14 **AND YOUTHS.**

15 “(a) GENERAL AUTHORITY.—The Secretary is au-
16 thorized to make grants to States in accordance with the
17 provisions of this section to enable such States to carry
18 out the activities described in subsections (d) through (g).

19 “(b) APPLICATION.—No State may receive a grant
20 under this section unless the State educational agency
21 submits an application to the Secretary at such time, in
22 such manner, and containing or accompanied by such in-
23 formation as the Secretary may reasonably require.

24 “(c) ALLOCATION AND RESERVATIONS.—

25 “(1) ALLOCATION.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the Secretary is authorized to allot
3 to each State an amount that bears the same
4 ratio to the amount appropriated for such year
5 under section 726 that remains after the Sec-
6 retary reserves funds under paragraph (2) and
7 uses funds to carry out subsections (d) and (h)
8 of section 724, as the amount allocated under
9 section 1122 of the Elementary and Secondary
10 Education Act of 1965 to the State for that
11 year bears to the total amount allocated under
12 section 1122 of such Act to all States for that
13 year, except that no State shall receive less
14 than the greater of—

15 “(i) \$300,000; or

16 “(ii) one-fourth of one percent of the
17 amount appropriated under section 726 for
18 that year;

19 “(B) RATABLE REDUCTION FOR INSUFFI-
20 CIENT FUNDS.—If there are insufficient funds
21 in a fiscal year to allot to each State the min-
22 imum amount under subparagraph (A), the
23 Secretary shall ratably reduce the allotments to
24 all States based on the proportionate share that

1 each State received under this subsection for
2 the preceding fiscal year.

3 “(2) RESERVATIONS.—(A) The Secretary is au-
4 thorized to reserve 0.1 percent of the amount appro-
5 priated for each fiscal year under section 726 to be
6 allocated by the Secretary among the United States
7 Virgin Islands, Guam, American Samoa, and the
8 Commonwealth of the Northern Mariana Islands, ac-
9 cording to their respective need for assistance under
10 this subtitle, as determined by the Secretary.

11 “(B)(i) The Secretary shall transfer one percent
12 of the amount appropriated for each fiscal year
13 under section 726 to the Department of the Interior
14 for programs for Indian students served by schools
15 funded by the Secretary of the Interior, as deter-
16 mined under the Indian Self-Determination and
17 Education Assistance Act (25 U.S.C. 450 et seq.),
18 that are consistent with the purposes of the pro-
19 grams described in this subtitle.

20 “(ii) The Secretary and the Secretary of the In-
21 terior shall enter into an agreement, consistent with
22 the requirements of this subtitle, for the distribution
23 and use of the funds described in clause (i) under
24 terms that the Secretary determines best meet the
25 purposes of the programs described in this subtitle.

1 Such agreement shall set forth the plans of the Sec-
2 retary of the Interior for the use of the amounts
3 transferred, including appropriate goals, objectives,
4 and milestones.

5 “(3) STATE DEFINED.—For purposes of this
6 subsection, the term ‘State’ does not include the
7 United States Virgin Islands, Guam, American
8 Samoa, or the Commonwealth of the Northern Mar-
9 iana Islands.

10 “(d) ACTIVITIES.—Grants under this section shall be
11 used for the following:

12 “(1) To carry out the policies set forth in sec-
13 tion 721 in the State.

14 “(2) To provide activities for, and services to,
15 homeless children and youths that enable such chil-
16 dren and youths to enroll in, attend, and succeed in
17 school, including in State-funded and local edu-
18 cational agency-funded preschool programs.

19 “(3) To establish or designate an Office of Co-
20 ordinator for Education of Homeless Children and
21 Youths in the State educational agency that has suf-
22 ficient capacity to carry out the duties described in
23 this subtitle.

24 “(4) To prepare and carry out the State plan
25 described in subsection (g).

1 “(5) To develop and implement professional de-
2 velopment activities for liaisons designated under
3 subsection (g)(1)(J)(ii), and school personnel (that
4 may include personnel at community agencies that
5 provide services to homeless children and youth) to
6 heighten their awareness of, and capacity to respond
7 to, specific problems in the education of homeless
8 children and youths.

9 “(e) STATE AND LOCAL SUBGRANTS.—

10 “(1) MINIMUM DISBURSEMENTS BY STATES.—
11 From the sums made available each year to carry
12 out this subtitle, the State educational agency shall
13 distribute not less than 75 percent in subgrants to
14 local educational agencies for the purposes of car-
15 rying out section 723.

16 “(2) USE BY STATE EDUCATIONAL AGENCY.—
17 A State educational agency may use funds made
18 available for State use under this subtitle to conduct
19 activities under subsection (f) directly or through
20 grants or contracts.

21 “(3) PROHIBITION ON SEGREGATING HOMELESS
22 STUDENTS.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B) and section 723(a)(2)(B)(ii),
25 in providing a free public education to a home-

1 less child or youth, no State receiving funds
2 under this subtitle shall segregate such child or
3 youth in a separate school, or in a separate pro-
4 gram within a school, based on such child's or
5 youth's status as homeless.

6 “(B) EXCEPTION.—Notwithstanding sub-
7 paragraph (A), paragraphs (1)(J)(i) and (3) of
8 subsection (g), section 723(a)(2), and any other
9 provision of this subtitle relating to the place-
10 ment of homeless children or youths in schools,
11 a State that has a separate school for homeless
12 children or youths that was operated in fiscal
13 year 2000 in a covered county shall be eligible
14 to receive funds under this subtitle for pro-
15 grams carried out in such school if—

16 “(i) the school meets the requirements
17 of subparagraph (C);

18 “(ii) any local educational agency
19 serving a school that the homeless children
20 and youths enrolled in the separate school
21 are eligible to attend meets the require-
22 ments of subparagraph (E); and

23 “(iii) the State is otherwise eligible to
24 receive funds under this subtitle.

1 “(C) SCHOOL REQUIREMENTS.—For the
2 State to be eligible under subparagraph (B) to
3 receive funds under this subtitle, the school de-
4 scribed in such subparagraph shall—

5 “(i) provide written notice, at the time
6 any child or youth seeks enrollment in such
7 school, and at least twice annually while
8 the child or youth is enrolled in such
9 school, to the parent or guardian of the
10 child or youth (or, in the case of an unac-
11 companied youth, the youth) that—

12 “(I) shall be signed by the parent
13 or guardian (or, in the case of an un-
14 accompanied youth, the youth);

15 “(II) sets forth the general rights
16 provided under this subtitle;

17 “(III) specifically states—

18 “(aa) the choice of schools
19 homeless children and youths are
20 eligible to attend, as provided in
21 subsection (g)(3)(A);

22 “(bb) that no homeless child
23 or youth is required to attend a
24 separate school for homeless chil-
25 dren or youths;

1 “(cc) that homeless children
2 and youths shall be provided
3 comparable services described in
4 subsection (g)(4), including
5 transportation services, edu-
6 cational services, and meals
7 through school meals programs;
8 and

9 “(dd) that homeless children
10 and youths should not be stig-
11 matized by school personnel; and

12 “(IV) provides contact informa-
13 tion for the local educational agency
14 liaison and the Coordinator for Edu-
15 cation of Homeless Children and
16 Youths in the State;

17 “(ii)(I) provide assistance to the par-
18 ent or guardian of each homeless child or
19 youth (or, in the case of an unaccompanied
20 youth, the youth) to exercise the right to
21 attend the parent’s or guardian’s (or
22 youth’s) choice of schools, as provided in
23 subsection (g)(3)(A); and

24 “(II) coordinate with the local edu-
25 cational agency with jurisdiction for the

1 school selected by the parent or guardian
2 (or youth), to provide transportation and
3 other necessary services;

4 “(iii) ensure that the parent or guard-
5 ian (or, in the case of an unaccompanied
6 youth, the youth) shall receive the informa-
7 tion required by this subparagraph in a
8 manner and form understandable to such
9 parent or guardian (or youth), including, if
10 necessary and to the extent feasible, in the
11 native language of such parent or guardian
12 (or youth); and

13 “(iv) demonstrate in the school’s ap-
14 plication for funds under this subtitle that
15 such school—

16 “(I) is complying with clauses (i)
17 and (ii); and

18 “(II) is meeting (as of the date
19 of submission of the application) the
20 same Federal and State standards,
21 regulations, and mandates as other
22 public schools in the State (such as
23 complying with sections 1111 and
24 1116 of the Elementary and Sec-
25 ondary Education Act of 1965 and

1 providing a full range of education
2 and related services, including services
3 applicable to students with disabili-
4 ties).

5 “(D) SCHOOL INELIGIBILITY.—A separate
6 school described in subparagraph (B) that fails
7 to meet the standards, regulations, and man-
8 dates described in subparagraph (C)(iv)(II)
9 shall not be eligible to receive funds under this
10 subtitle for programs carried out in such school
11 after the first date of such failure.

12 “(E) LOCAL EDUCATIONAL AGENCY RE-
13 QUIREMENTS.—For the State to be eligible to
14 receive the funds described in subparagraph
15 (B), the local educational agency described in
16 subparagraph (B)(ii) shall—

17 “(i) implement a coordinated system
18 for ensuring that homeless children and
19 youths—

20 “(I) are advised of the choice of
21 schools provided in subsection
22 (g)(3)(A);

23 “(II) are immediately enrolled, in
24 accordance with subsection (g)(3)(C),

1 in the school selected under subsection
2 (g)(3)(A); and

3 “(III) are promptly provided nec-
4 essary services described in subsection
5 (g)(4), including transportation, to
6 allow homeless children and youths to
7 exercise their choices of schools under
8 subsection (g)(3)(A);

9 “(ii) document that written notice has
10 been provided—

11 “(I) in accordance with subpara-
12 graph (C)(i) for each child or youth
13 enrolled in a separate school under
14 subparagraph (B); and

15 “(II) in accordance with sub-
16 section (g)(6)(A)(v);

17 “(iii) prohibit schools within the agen-
18 cy’s jurisdiction from referring homeless
19 children or youths to, or requiring home-
20 less children and youths to enroll in or at-
21 tend, a separate school described in sub-
22 paragraph (B);

23 “(iv) identify and remove any barriers
24 that exist in schools within the agency’s ju-
25 risdiction that may have contributed to the

1 creation or existence of separate schools
2 described in subparagraph (B); and

3 “(v) not use funds received under this
4 subtitle to establish—

5 “(I) new or additional separate
6 schools for homeless children or
7 youths; or

8 “(II) new or additional sites for
9 separate schools for homeless children
10 or youths, other than the sites occu-
11 pied by the schools described in sub-
12 paragraph (B) in fiscal year 2000.

13 “(F) REPORT.—

14 “(i) PREPARATION.—The Secretary
15 shall prepare a report on the separate
16 schools and local educational agencies de-
17 scribed in subparagraph (B) that receive
18 funds under this subtitle in accordance
19 with this paragraph. The report shall con-
20 tain, at a minimum, information on—

21 “(I) compliance with all require-
22 ments of this paragraph;

23 “(II) barriers to school access in
24 the school districts served by the local
25 educational agencies; and

1 “(III) the progress the separate
2 schools are making in integrating
3 homeless children and youths into the
4 mainstream school environment, in-
5 cluding the average length of student
6 enrollment in such schools.

7 “(ii) COMPLIANCE WITH INFORMA-
8 TION REQUESTS.—For purposes of ena-
9 bling the Secretary to prepare the report,
10 the separate schools and local educational
11 agencies shall cooperate with the Secretary
12 and the Coordinator for Education of
13 Homeless Children and Youths established
14 in the State under subsection (d)(3), and
15 shall comply with any requests for infor-
16 mation by the Secretary and State Coordi-
17 nator for such State.

18 “(iii) SUBMISSION.—Not later than
19 two years after the date of the enactment
20 of the McKinney-Vento Homeless Edu-
21 cation Assistance Improvements Act of
22 2007, the Secretary shall submit the report
23 described in clause (i) to—

24 “(I) the President;

1 “(II) the Committee on Edu-
2 cation and Labor of the House of
3 Representatives; and

4 “(III) the Committee on Health,
5 Education, Labor, and Pensions of
6 the Senate.

7 “(G) DEFINITION.—For purposes of this
8 paragraph, the term ‘covered county’ means—

9 “(i) San Joaquin County, California;

10 “(ii) Orange County, California;

11 “(iii) San Diego County, California;

12 and

13 “(iv) Maricopa County, Arizona.

14 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
15 NATOR.—The Coordinator for Education of Homeless
16 Children and Youths established in each State shall—

17 “(1) gather and make publicly available reliable,
18 valid, and comprehensive information on the nature
19 and extent of the problems homeless children and
20 youths have in gaining access to State-funded and
21 local educational agency-funded preschool programs
22 and to public elementary schools and secondary
23 schools, the difficulties in identifying the special
24 needs of such children and youths, any progress
25 made by the State educational agency and local edu-

1 cational agencies in the State in addressing such
2 problems and difficulties, and the success of the pro-
3 grams under this subtitle in allowing homeless chil-
4 dren and youths to enroll in, attend, and succeed in,
5 school;

6 “(2) develop and carry out the State plan de-
7 scribed in subsection (g);

8 “(3) collect and transmit to the Secretary, at
9 such time and in such manner as the Secretary may
10 require, reports containing such information as the
11 Secretary determines is necessary to assess the edu-
12 cational needs of all homeless children and youths
13 within the State, including data requested pursuant
14 to subsection (h) of section 724;

15 “(4) in order to improve the provision of com-
16 prehensive education and related services to home-
17 less children and youths and their families, and to
18 minimize educational disruption for such children
19 and youth and their families, coordinate and collabo-
20 rate with—

21 “(A) educators, including special education
22 personnel, State-funded and local educational
23 agency-funded preschool program personnel,
24 and personnel from programs provided under ti-
25 tles I, III, and IV of the Elementary and Sec-

1 ondary Education Act of 1965 and similar
2 State programs;

3 “(B) State and local providers of services
4 to homeless children, and youths (including un-
5 accompanied youths), and homeless families, in-
6 cluding child welfare and social services agen-
7 cies, law enforcement, juvenile and family
8 courts, agencies providing mental health serv-
9 ices, domestic violence agencies, child care pro-
10 viders, runaway and homeless youth centers,
11 and services and programs funded under the
12 Runaway and Homeless Youth Act (42 U.S.C.
13 5701 et seq.);

14 “(C) State and local providers of emer-
15 gency, transitional, and permanent housing to
16 homeless children, youths, and families, includ-
17 ing public housing agencies, shelter operators,
18 transitional housing facilities, and transitional
19 living programs for homeless youths;

20 “(D) local educational agency liaisons des-
21 ignated under subsection (g)(1)(J)(ii) for home-
22 less children and youths; and

23 “(E) community organizations and groups
24 representing homeless children and youths and
25 their families; and

1 “(5) provide technical assistance to and conduct
2 monitoring and oversight of local educational agen-
3 cies, in coordination with local educational agency li-
4 aisons designated under subsection (g)(1)(J)(ii), to
5 ensure that local educational agencies comply with
6 the requirements of section 722(e)(3) and para-
7 graphs (3) through (7) of subsection (g).

8 “(g) STATE PLAN.—

9 “(1) IN GENERAL.—Each State shall submit to
10 the Secretary and implement a plan to provide for
11 the education of all homeless children and youths
12 within the State. Such plan shall include the fol-
13 lowing:

14 “(A) A description of how such children
15 and youths are (or will be) given the oppor-
16 tunity to meet the same challenging State aca-
17 demic achievement standards all students are
18 expected to meet.

19 “(B) An assurance that the State edu-
20 cational agency and the local educational agen-
21 cy will adopt policies and practices to ensure
22 that all such children and youths, including
23 children and youths separated from public
24 schools, are identified and served.

1 “(C) A description of procedures for the
2 prompt resolution of disputes arising under this
3 subtitle, which shall—

4 “(i) ensure that local educational
5 agencies have developed dispute resolution
6 procedures which, at a minimum—

7 “(I) are developed in coordina-
8 tion and collaboration with the liai-
9 sons designated under subsection
10 (g)(1)(J)(ii);

11 “(II) are accessible to parents
12 and guardians of homeless children
13 and youths and unaccompanied
14 youths;

15 “(III) provide such parents,
16 guardians, and youths with sufficient
17 opportunity to present their com-
18 plaints; and

19 “(IV) ensures that the personnel
20 designated by the local educational
21 agency to carry out dispute resolu-
22 tions have received training on the re-
23 quirements of this subtitle.

24 “(ii) ensure that parents and guard-
25 ians of homeless children and youths and

1 unaccompanied youths who have exhausted
2 the procedures available under clause (i)
3 are able to appeal to the State educational
4 agency, which shall render decisions that
5 are binding on the relevant local edu-
6 cational agencies;

7 “(iii) define the role of the Coordi-
8 nator for Education of Homeless Children
9 and Youths in the State in the dispute res-
10 olution procedures for disputes appealed to
11 the State educational agency;

12 “(iv) include procedures to resolve dis-
13 putes between local educational agencies
14 promptly;

15 “(v) ensure that homeless children
16 and youths are enrolled in school pursuant
17 to subsection (g)(3)(E) and receive trans-
18 portation pursuant to subsection
19 (g)(1)(J)(iii) pending final resolution of
20 disputes, including all available local and
21 State dispute resolution procedures and
22 pending legal actions; and

23 “(vi) include procedures for State or
24 local educational agencies to determine the
25 need for, and ensure the delivery of, sup-

1 plemental academic support in cases where
2 a local educational agency has unlawfully
3 denied a student access to school or school
4 services, including transportation.

5 “(D) A description of programs for school
6 personnel (including liaisons, principals, attend-
7 ance officers, teachers, enrollment personnel,
8 and specialized instructional support services
9 personnel) to heighten the awareness of such
10 personnel of the specific needs of runaway and
11 homeless youths.

12 “(E) A description of procedures that en-
13 sure that homeless children and youths are able
14 to participate in Federal, State, or local food
15 programs.

16 “(F) A description of procedures that en-
17 sure that—

18 “(i) homeless children have access to
19 State-funded and local educational agency-
20 funded preschool programs, including
21 through the policies and practices required
22 under subsection (g)(7);

23 “(ii) homeless youths, including such
24 youths who are separated from the public
25 schools, are identified and accorded access

1 to appropriate secondary education and
2 support services, including through the im-
3 plementation of policies and practices that
4 lift barriers to on time graduation for such
5 youth, such as policies that address full or
6 partial coursework completed at prior
7 schools and credit recovery opportunities;

8 “(iii) homeless children and youths
9 who meet the relevant eligibility criteria
10 have access to magnet schools, charter
11 schools, summer schools, career and tech-
12 nical education programs, and advanced
13 placement programs; and

14 “(iv) homeless children and youths
15 have access to extracurricular activities,
16 athletic activities for which they meet skill
17 level requirements, and before and after
18 school programs, as made available to non-
19 homeless students including through poli-
20 cies and practices that remove barriers re-
21 lated to fees, credit accrual policies, guard-
22 ianship, enrollment and participation dead-
23 lines, and transportation issues.

24 “(G) An assurance that the State edu-
25 cational agency and local educational agencies

1 will ensure that homeless children and youths
2 have opportunities to meet the same challenging
3 State student academic achievement standards
4 to which other students are held, including
5 through policies and practices described in
6 clause (iv).

7 “(H) Strategies to address problems iden-
8 tified in the report provided to the Secretary
9 under subsection (f)(3).

10 “(I) Strategies to address other problems
11 with respect to the education of homeless chil-
12 dren and youths, including problems of enroll-
13 ment related to—

14 “(i) immunization and other required
15 health records and screenings;

16 “(ii) residency requirements;

17 “(iii) lack of birth certificates, school
18 records, or other documentation;

19 “(iv) guardianship issues; or

20 “(v) uniform or dress code require-
21 ments.

22 “(J) A demonstration that the State edu-
23 cational agency and local educational agencies
24 in the State regularly review and revise policies
25 and practices to remove barriers to the enroll-

1 ment, attendance, retention, and success of
2 homeless children and youths in schools and in
3 State-funded and local educational agency-fund-
4 ed preschool programs in the State.

5 “(K) Assurances that the following will be
6 carried out:

7 “(i) The State educational agency and
8 local educational agencies will adopt poli-
9 cies and practices to ensure that homeless
10 children and youths are not stigmatized or
11 segregated on the basis of their status as
12 homeless.

13 “(ii) Local educational agencies will
14 designate a staff person, who may also be
15 a coordinator for other Federal programs,
16 as the local educational agency liaison for
17 homeless children and youths, and provide
18 training and appropriate capacity for such
19 staff person to carry out the duties de-
20 scribed in paragraph (6)(A).

21 “(iii) The State and its local edu-
22 cational agencies will adopt policies and
23 practices to ensure that transportation is
24 provided, at the request of the parent or
25 guardian (or in the case of an unaccom-

1 panied youth, the liaison), to and from the
2 school of origin, (notwithstanding any
3 change to the housing status of such child
4 or youth), for as long as the homeless child
5 or youth has the right to attend the school
6 of origin, as determined in paragraph
7 (3)(A), in accordance with the following, as
8 applicable:

9 “(I) If the homeless child or
10 youth continues to live in the area
11 served by the local educational agency
12 in which the school of origin is lo-
13 cated, the child’s or youth’s transpor-
14 tation to and from the school of origin
15 shall be provided or arranged by the
16 local educational agency in which the
17 school of origin is located.

18 “(II) If the homeless child’s or
19 youth’s living arrangements in the
20 area served by the local educational
21 agency of origin terminate and the
22 child or youth, though continuing his
23 or her education in the school of ori-
24 gin, begins living in an area served by
25 another local educational agency, the

1 local educational agency of origin and
2 the local educational agency in which
3 the child or youth is living shall share
4 equally the cost and responsibility for
5 providing transportation to and from
6 the school of origin, unless such local
7 educational agencies agree upon an-
8 other method to apportion cost and
9 responsibility, or the State educational
10 agency has devised another method to
11 apportion cost and responsibility
12 among local educational agencies.

13 “(2) COMPLIANCE.—

14 “(A) IN GENERAL.—Each plan adopted
15 under this subsection shall also describe how
16 the State will ensure that local educational
17 agencies in the State will comply with the re-
18 quirements of paragraphs (3) through (7).

19 “(B) COORDINATION.—Such plan shall in-
20 dicate what technical assistance the State will
21 furnish to local educational agencies and how
22 compliance efforts will be coordinated with the
23 local educational agency liaisons designated
24 under paragraph (1)(J)(ii).

1 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
2 MENTS.—

3 “(A) IN GENERAL.—The local educational
4 agency serving each child or youth to be as-
5 sisted under this subtitle shall, according to the
6 child’s or youth’s educational best interest—

7 “(i) continue the child’s or youth’s
8 education in the school of origin for the
9 duration of homelessness—

10 “(I) in any case in which a child
11 or youth becomes homeless between
12 academic years or during an academic
13 year, and

14 “(II) for the remainder of the
15 academic year, if the child or youth
16 becomes permanently housed during
17 an academic year; or

18 “(ii) enroll the child or youth in any
19 public school that nonhomeless students
20 who live in the attendance area in which
21 the child or youth is actually living are eli-
22 gible to attend.

23 “(B) BEST INTEREST AND SCHOOL STA-
24 BILITY.—In determining the educational best
25 interest of the child or youth under subpara-

1 graph (A), and to promote the school stability
2 of the child or youth, the local educational
3 agency shall—

4 “(i) presume that continuing in the
5 school of origin is in the child’s or youth’s
6 best interest, except when doing so is con-
7 trary to the wishes of the child’s or youth’s
8 parent or guardian or the unaccompanied
9 youth;

10 “(ii) consider student-centered factors
11 related to the child’s or youth’s educational
12 best interest, in coordination with the par-
13 ent, guardian, or youth, including—

14 “(I) the impact of school mobility
15 on academic achievement and social
16 and emotional well-being;

17 “(II) the age of the child or
18 youth;

19 “(III) the impact any commute
20 may have on the child’s or youth’s
21 education;

22 “(IV) personal safety issues;

23 “(V) the child’s or youth’s need
24 for special education and related serv-
25 ices;

1 “(VI) the length of anticipated
2 stay in temporary shelter or other
3 temporary location;

4 “(VII) the time remaining in the
5 school year; and

6 “(VIII) the school placement of
7 family members;

8 “(iii) provide the child’s or youth’s
9 parent or guardian or the unaccompanied
10 youth with a written explanation, in a
11 manner and form understandable to such
12 parent, guardian, or youth, including a
13 statement regarding the right to appeal de-
14 cisions under subparagraph (E), if the
15 local educational agency determines that it
16 is not in the child’s or youth’s best interest
17 to attend the school of origin or the school
18 requested by the parent, guardian, or
19 youth;

20 “(iv) in the case of an unaccompanied
21 youth, ensure that the homeless liaison
22 designated under paragraph (1)(J)(ii) as-
23 sists in placement or enrollment decisions
24 under this subparagraph, considers the
25 views of such unaccompanied youth, and

1 provides notice to such youth of the right
2 to appeal decisions under subparagraph
3 (E); and

4 “(v) provide transportation pursuant
5 to subsections (g)(1)(J)(iii) and (g)(4).

6 “(C) ENROLLMENT.—

7 “(i) IN GENERAL.—The school se-
8 lected in accordance with this paragraph
9 shall immediately enroll the homeless child
10 or youth, even if the child or youth—

11 “(I) is unable to produce records
12 normally required for enrollment, in-
13 cluding previous academic records, im-
14 munization and other required health
15 records and screenings, proof of resi-
16 dency, proof of guardianship, or other
17 documentation;

18 “(II) is unable to pay fees in the
19 school selected; or

20 “(III) has missed application
21 deadlines, if applicable, during any pe-
22 riod of homelessness.

23 “(ii) RELEVANT ACADEMIC
24 RECORDS.—The enrolling school shall im-
25 mediately contact the school last attended

1 by the child or youth to obtain relevant
2 academic and other records.

3 “(iii) IMMUNIZATIONS.—If the child
4 or youth needs to obtain immunizations, or
5 immunization or other required health
6 records or screenings, the enrolling school
7 shall immediately enroll the child or youth
8 and refer the parent or guardian of the
9 child or youth, or the unaccompanied
10 youth, to the local educational agency liai-
11 son designated under paragraph (1)(J)(ii),
12 who shall assist in obtaining necessary im-
13 munizations, or immunization or other re-
14 quired health records or screenings, in ac-
15 cordance with subparagraph (D).

16 “(D) RECORDS.—Any record ordinarily
17 kept by the school, including immunization and
18 other health records and screenings, academic
19 records, birth certificates, guardianship records,
20 and evaluations for special services or pro-
21 grams, regarding each homeless child or youth
22 shall be—

23 “(i) maintained so that the records
24 are available, in a timely fashion, when a

1 child or youth enters a new school or
2 school district;

3 “(ii) immediately sent to the enrolling
4 school, even if the student owes fees or
5 fines or was not withdrawn from the pre-
6 vious school in conformance with local
7 withdrawal procedures; and

8 “(iii) maintained in a manner con-
9 sistent with section 444 of the General
10 Education Provisions Act (20 U.S.C.
11 1232g).

12 “(E) DISPUTES.—If a dispute arises over
13 eligibility for services, school selection, enroll-
14 ment in a school, or any provision under this
15 subtitle—

16 “(i) the child or youth shall be imme-
17 diately enrolled in the school in which en-
18 rollment is sought, pending final resolution
19 of the dispute, including all available ap-
20 peals;

21 “(ii) the parent, guardian, or unac-
22 companied youth shall be provided with
23 written explanations of the decisions re-
24 garding the subject of the dispute made by
25 the school, the local educational agency, or

1 the State educational agency, which shall
2 include information about the right to ap-
3 peal the decisions;

4 “(iii) the parent, guardian, or unac-
5 companied youth shall be referred to the
6 local educational agency liaison designated
7 under paragraph (1)(J)(ii), who shall carry
8 out the dispute resolution process as de-
9 scribed in paragraph (1)(C) as expedi-
10 tiously as possible after receiving notice of
11 the dispute; and

12 “(iv) in the case of an unaccompanied
13 youth, the homeless liaison shall ensure
14 that the youth is immediately enrolled in
15 the school in which the youth seeks enroll-
16 ment pending resolution of the dispute.

17 “(F) PLACEMENT CHOICE.—The choice re-
18 garding placement shall be made regardless of
19 whether the child or youth lives with the home-
20 less parents or has been temporarily placed
21 elsewhere.

22 “(G) SCHOOL OF ORIGIN DEFINED.—In
23 this paragraph, the term ‘school of origin’
24 means the school that the child or youth at-
25 tended when permanently housed or the school

1 in which the child or youth was last enrolled.
2 Upon the child or youth completing the final
3 grade level served by the school of origin, the
4 term ‘school of origin’ shall include the des-
5 ignated receiving school at the next grade level
6 for all feeder schools.

7 “(H) CONTACT INFORMATION.—Nothing
8 in this subtitle shall prohibit a local educational
9 agency from requiring a parent or guardian of
10 a homeless child to submit contact information.

11 “(I) PRIVACY.—

12 “(i) IN GENERAL.—Information about
13 a homeless child’s or youth’s housing sta-
14 tus, location, or condition of homelessness
15 shall be treated as a student education
16 record under section 444 of the General
17 Education Provisions Act (20 U.S.C.
18 1232g) and shall not be released to hous-
19 ing providers, employers, or other persons
20 or agencies not authorized under section
21 99.31 of Part 34 of the Code of Federal
22 Regulations.

23 “(ii) COMPLIANCE.—In complying
24 with the provisions of this subparagraph,
25 the local educational agency shall prioritize

1 activities that prevent the disruption of the
2 child's or youth's living situation and that
3 support the safety of survivors of domestic
4 violence and unaccompanied youths.

5 “(4) COMPARABLE SERVICES.—In addition to
6 services provided for homeless children and youths
7 under this subtitle or other Federal, State, or local
8 law or regulation each homeless child or youth to be
9 assisted under this subtitle also shall be provided
10 services comparable to services offered to other stu-
11 dents in the school selected under paragraph (3), in-
12 cluding the following:

13 “(A) Transportation services.

14 “(B) Educational services for which the
15 child or youth meets the eligibility criteria, in-
16 cluding charter schools, magnet schools, edu-
17 cational programs for children with disabilities,
18 and educational programs for students with
19 limited English proficiency.

20 “(C) Programs in career and technical
21 education.

22 “(D) Programs for gifted and talented stu-
23 dents.

24 “(E) School nutrition programs.

25 “(5) COORDINATION.—

1 “(A) IN GENERAL.—Each local educational
2 agency serving homeless children and youths
3 shall coordinate—

4 “(i) the provision of services under
5 this subtitle with local social services agen-
6 cies and other agencies or programs pro-
7 viding services to homeless children and
8 youths and their families, including serv-
9 ices and programs funded under the Run-
10 away and Homeless Youth Act (42 U.S.C.
11 5701 et seq.) and other agencies serving
12 unaccompanied youths, child welfare agen-
13 cies, child care agencies, Head Start pro-
14 grams, local programs administering State-
15 funded preschool programs, and agencies
16 providing mental health services;

17 “(ii) with other local educational
18 agencies on interdistrict issues, including
19 transportation and transfer of school
20 records;

21 “(iii) the provision of services under
22 this subtitle with other education pro-
23 grams, including programs provided
24 under—

1 “(I) titles I, III, and IV of the
2 Elementary and Secondary Education
3 Act of 1965 and similar State and
4 local programs, programs in career
5 and technical education, before and
6 after school programs, summer school
7 programs, programs provided for stu-
8 dents with disabilities, students with
9 limited English proficiency, and gifted
10 and talented students; and

11 “(II) the Individuals with Dis-
12 abilities Education Act and section
13 504 of the Rehabilitation Act of 1973;
14 and

15 “(iv) with State and local agencies
16 and organizations providing emergency,
17 transitional, and permanent housing and
18 other services to homeless families and un-
19 accompanied youths.

20 “(B) COORDINATION PURPOSE.—The co-
21 ordination required under subparagraph (A)
22 shall be designed to—

23 “(i) ensure that homeless children and
24 youths have access and reasonable prox-
25 imity to available education and related

1 support services, including through efforts
2 to—

3 “(I) decrease the school mobility
4 and time and length of commute to
5 and from school of children and
6 youths;

7 “(II) raise the awareness of
8 school personnel and service providers
9 of the effects of short-term stays in a
10 shelter and other challenges associ-
11 ated with homelessness; and

12 “(III) minimize educational dis-
13 ruption for homeless children and
14 youth.

15 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

16 “(A) DUTIES.—Each local educational
17 agency liaison for homeless children and youths,
18 designated under paragraph (1)(J)(ii), shall en-
19 sure that—

20 “(i) homeless children and youths are
21 identified by school personnel, through out-
22 reach and coordination activities with other
23 entities and agencies, and through the poli-
24 cies and practices implemented pursuant to
25 subsection (g)(1)(B);

1 “(ii) homeless children and youths en-
2 roll in, and have a full and equal oppor-
3 tunity to succeed in, schools of that local
4 educational agency;

5 “(iii) homeless families, children, and
6 youths receive educational services for
7 which such families, children, and youths
8 are eligible, including Head Start and
9 Even Start programs and State-funded
10 and local educational agency-funded pre-
11 school programs, and referrals to health
12 care services, dental services, mental health
13 services, substance abuse services, housing
14 services, and other appropriate services;

15 “(iv) the parents or guardians of
16 homeless children and youths are informed
17 of the educational and related opportuni-
18 ties available to their children, including
19 preschool opportunities, and are provided
20 with meaningful opportunities to partici-
21 pate in the education of their children;

22 “(v) public notice of the educational
23 rights of homeless children and youths, in-
24 cluding procedures for dispute resolution,
25 is disseminated in locations accessible to

1 parents or guardians of such children and
2 youths and unaccompanied youths, includ-
3 ing schools, shelters, and soup kitchens, in
4 a manner and form understandable to par-
5 ents and guardians of homeless children
6 and youth and unaccompanied youths;

7 “(vi) disputes are resolved in accord-
8 ance with paragraph (3)(E);

9 “(vii) the parent or guardian of a
10 homeless child or youth, and any unaccom-
11 panied youth, is fully informed of all trans-
12 portation services, including transportation
13 to the school of origin, as described in
14 paragraph (1)(J)(iii), and is assisted in ac-
15 cessing transportation to the school that is
16 selected under paragraph (3)(A);

17 “(viii) school personnel are adequately
18 prepared to implement this subtitle and re-
19 ceive the professional development, re-
20 source materials, and technical assistance
21 necessary to carry out the services made
22 available under this subtitle; and

23 “(ix) unaccompanied youths are en-
24 rolled in school and have opportunities to
25 meet the same challenging State student

1 academic achievement standards to which
2 other students are held, including through
3 implementation of the policies and prac-
4 tices required by subsections (g)(1)(F).

5 “(B) NOTICE.—State coordinators estab-
6 lished under subsection (d)(3) and local edu-
7 cational agencies shall inform school personnel,
8 service providers, and advocates working with
9 homeless families of the contact information for
10 local educational agency liaisons designated by
11 the local educational agencies and the duties of
12 such liaisons.

13 “(C) LOCAL AND STATE COORDINATION.—
14 Local educational agency liaisons for homeless
15 children and youths shall, as a part of their du-
16 ties, coordinate and collaborate with State coor-
17 dinators and community and school personnel
18 responsible for the provision of education and
19 related services to homeless children and
20 youths. Such coordination shall include col-
21 lecting and providing to the State coordinator
22 the data needed to meet the requirements of
23 subsections (f)(1) and (f)(3).

24 “(D) PROFESSIONAL DEVELOPMENT.—
25 Local educational agency liaisons for homeless

1 children and youths shall participate in the pro-
2 fessional development and other technical as-
3 sistance activities provided by the State coordi-
4 nator pursuant to subsection (f)(6).

5 “(7) SCHOOL READINESS FOR HOMELESS CHIL-
6 DREN.—

7 “(A) STATE AND LOCAL EDUCATIONAL
8 AGENCIES.—Each State educational agency and
9 local educational agency shall ensure that pre-
10 school programs funded, administered, or over-
11 seen by each such agency—

12 “(i) comply with the requirements of
13 subsections (g)(3) and (g)(4);

14 “(ii) identify homeless children for en-
15 rollment and increase their enrollment and
16 attendance in preschool programs, includ-
17 ing through policies such as—

18 “(I) reserving spaces for pre-
19 school programs for young children;

20 “(II) conducting targeted out-
21 reach to homeless children and their
22 families;

23 “(III) waiving application dead-
24 lines; and

1 “(IV) providing ongoing profes-
2 sional development for staff regarding
3 the needs of homeless children and
4 their families and strategies to serve
5 them; and

6 “(iii) review the educational and re-
7 lated needs of homeless children and their
8 families in their service areas, in coordina-
9 tion with the liaison designated under sub-
10 section (g)(1)(J)(ii), and develop policies
11 and practices to meet such needs.

12 “(B) OTHER STATE AGENCIES.—In the
13 case of State-funded preschool programs that
14 are not funded, administered, or overseen by
15 the State educational agency or a local edu-
16 cational agency, the State agency that funds
17 such preschool programs shall—

18 “(i) develop, review, and revise its
19 policies and practices to remove barriers to
20 the enrollment, attendance, retention, and
21 success of homeless children in preschool
22 programs funded, administered, or over-
23 seen by the agency;

24 “(ii) comply with subsections (g)(3)
25 and (g)(4), except that such programs—

1 “(I) shall not be subject to the
2 dispute resolution procedures of the
3 State educational agency or local edu-
4 cational agencies, but shall ensure
5 that all of the dispute resolution pro-
6 cedures available through such pro-
7 grams and the State agency that
8 funds, administers, or oversees such
9 programs are accessible to parents
10 and guardians of homeless children
11 and shall provide such parents and
12 guardians with a written explanation
13 of their dispute and appeal rights; and

14 “(II) shall not be subject to the
15 transportation requirements of sub-
16 sections (g)(1)(J)(iii) or (g)(3)(B)(v),
17 but shall remove barriers to existing
18 transportation services for homeless
19 children and shall, to the maximum
20 extent practicable, arrange or provide
21 transportation for homeless children
22 to attend preschool programs, includ-
23 ing their preschool program of origin;

24 “(iii) identify homeless children for
25 enrollment and increase their enrollment

1 and attendance in preschool programs, in-
2 cluding through policies such as—

3 “(I) reserving spaces in preschool
4 programs for young children;

5 “(II) conducting targeted out-
6 reach to homeless children and their
7 families;

8 “(III) waiving application dead-
9 lines; and

10 “(IV) providing ongoing profes-
11 sional development for staff regarding
12 the needs of homeless children and
13 their families and strategies to serve
14 them; and

15 “(iv) review the educational and re-
16 lated needs of homeless children and their
17 families in the State, in coordination with
18 the Office of the Coordinator for Edu-
19 cation of Homeless Children and Youths
20 established under subsection (d)(3), and
21 develop policies and practices to meet iden-
22 tified needs.

23 “(C) NO DIMINISHMENT OF POWER.—

24 Nothing in this subtitle shall be construed to di-

1 minish the rights of homeless parents, children
2 or youth otherwise provided under State law.

3 “(8) REVIEW AND REVISIONS.—

4 “(A) IN GENERAL.—Each State edu-
5 cational agency and local educational agency
6 that receives assistance under this subtitle shall
7 review and revise any policies that may act as
8 barriers to the enrollment of homeless children
9 and youths in schools that are selected under
10 paragraph (3).

11 “(B) CONSIDERATION.—In reviewing and
12 revising such policies, consideration shall be
13 given to issues concerning transportations, im-
14 munization, residency, birth certificates, school
15 records and other documentation, and guard-
16 ianship.

17 “(C) SPECIAL ATTENTION.—Special atten-
18 tion shall be given to ensuring the enrollment
19 and attendance of homeless children and youths
20 who are not currently attending school

21 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
22 **THE EDUCATION OF HOMELESS CHILDREN**
23 **AND YOUTHS.**

24 “(a) GENERAL AUTHORITY.—

1 “(1) IN GENERAL.—The State educational
2 agency shall, in accordance with section 722(e), and
3 from amounts made available to such agency under
4 section 726, make subgrants to local educational
5 agencies for the purpose of facilitating the enroll-
6 ment, attendance, and success in school of homeless
7 children and youths.

8 “(2) SERVICES.—

9 “(A) IN GENERAL.—Services under para-
10 graph (1)—

11 “(i) may be provided through pro-
12 grams on school grounds or at other facili-
13 ties; and

14 “(ii) shall, to the maximum extent
15 practicable, be provided through existing
16 programs and mechanisms that integrate
17 homeless children and youths with non-
18 homeless children and youths.

19 “(B) SERVICES ON SCHOOL GROUNDS.—If
20 services under paragraph (1) are provided on
21 school grounds, schools—

22 “(i) may use funds under this subtitle
23 to provide the same services to other chil-
24 dren and youths who are determined by
25 the local educational agency to be at risk

1 of failing in, or dropping out of, school,
2 subject to the requirements of clause (ii);
3 and

4 “(ii) except as otherwise provided in
5 section 722(e)(3)(B), shall not provide
6 services in settings within a school that
7 segregate homeless children and youths
8 from other children and youths, except as
9 necessary for short periods of time—

10 “(I) for health and safety emer-
11 gencies; or

12 “(II) to provide temporary, spe-
13 cial, and supplementary services to
14 meet the unique needs of homeless
15 children and youths.

16 “(3) REQUIREMENT.—Services provided under
17 this section shall not replace the regular academic
18 program and shall be designed to expand upon or
19 improve services provided as part of the school’s reg-
20 ular academic program.

21 “(b) APPLICATION.—A local educational agency that
22 desires to receive a subgrant under this section shall sub-
23 mit an application to the State educational agency at such
24 time, in such manner, and containing or accompanied by
25 such information as the State educational agency may rea-

1 sonably require. Such application shall include the fol-
2 lowing:

3 “(1) An assessment of the educational and re-
4 lated needs of homeless children and youths in the
5 area served by such agency (which may be under-
6 taken as part of needs assessments for other dis-
7 advantaged groups).

8 “(2) A description of the services and programs
9 for which assistance is sought to address the needs
10 identified in paragraph (1).

11 “(3) An assurance that the local educational
12 agency’s combined fiscal effort per student, or the
13 aggregate expenditures of that agency and the State
14 with respect to the provision of free public education
15 by such agency for the fiscal year preceding the fis-
16 cal year for which the determination is made, was
17 not less than 90 percent of such combined fiscal ef-
18 fort or aggregate expenditures for the second fiscal
19 year preceding the fiscal year for which the deter-
20 mination is made.

21 “(4) An assurance that the applicant complies
22 with, or will use requested funds to comply with,
23 paragraphs (3) through (7) of section 722(g).

24 “(5) A description of policies and procedures
25 consistent with section 722(e)(3), that the agency

1 will implement to ensure that activities carried out
2 by the agency will not isolate or stigmatize homeless
3 children and youths.

4 “(6) An assurance that the local educational
5 agency will collect and promptly provide data re-
6 quested by the State coordinator pursuant to sub-
7 sections (f)(1) and (f)(3) of section 722.

8 “(7) A description of the policies and practices
9 the local educational agency has implemented to re-
10 move barriers to the enrollment, attendance, and
11 success in school of all homeless children and
12 youths.

13 “(c) AWARDS.—

14 “(1) IN GENERAL.—The State educational
15 agency shall, in accordance with the requirements of
16 this subtitle and from amounts made available to it
17 under section 726, make competitive subgrants to
18 local educational agencies that submit applications
19 under subsection (b). Such subgrants shall be
20 awarded on the basis of the need of such agencies
21 for assistance under this subtitle and the quality of
22 the applications submitted.

23 “(2) NEED.—In determining need under para-
24 graph (1), the State educational agency may con-
25 sider the number of homeless children and youths

1 enrolled in State-funded or local educational agency-
2 funded preschool programs and in elementary and
3 secondary schools within the area served by the local
4 educational agency, and shall consider the needs of
5 such children and youths and the ability of the local
6 educational agency to meet such needs. The State
7 educational agency may also consider the following:

8 “(A) The extent to which the proposed use
9 of funds will facilitate the enrollment, retention,
10 and educational success of homeless children
11 and youths.

12 “(B) The extent to which the application—

13 “(i) reflects coordination with other
14 local and State agencies that serve home-
15 less children and youths; and

16 “(ii) describes how the applicant will
17 meet the requirements of section
18 722(g)(3).

19 “(C) The extent to which the applicant ex-
20 hibits in the application and in current practice
21 a commitment to education for all homeless
22 children and youths.

23 “(D) Such other criteria as the State agen-
24 cy determines appropriate.

1 “(3) QUALITY.—In determining the quality of
2 applications under paragraph (1), the State edu-
3 cational agency shall consider the following:

4 “(A) The applicant’s needs assessment
5 under subsection (b)(1) and the likelihood that
6 the program presented in the application will
7 meet such needs.

8 “(B) The types, intensity, and coordination
9 of the services to be provided under the pro-
10 gram.

11 “(C) The meaningful involvement of par-
12 ents or guardians of homeless children or
13 youths in the education of their children.

14 “(D) The extent to which homeless chil-
15 dren and youths will be integrated within the
16 regular education program.

17 “(E) The quality of the applicant’s evalua-
18 tion plan for the program.

19 “(F) The extent to which services provided
20 under this subtitle will be coordinated with
21 other services available to homeless children
22 and youths and their families, including housing
23 and child welfare services and services provided
24 under the Individuals with Disabilities Edu-
25 cation Act, title I of the Elementary and Sec-

1 ondary Education Act of 1965, and similar
2 State and local programs.

3 “(G) The extent to which the local edu-
4 cational agency uses the subgrant to leverage
5 resources, including by maximizing funds not
6 provided under this subtitle for the position of
7 the liaison and the provision of transportation.

8 “(H) The reservation of funds under sec-
9 tion 1113(c)(3) of the Elementary and Sec-
10 ondary Education Act of 1965 for homeless
11 children and youth and the applicant’s plan for
12 using such reserved funds to meet the needs de-
13 scribed in the needs assessment conducted pur-
14 suant to subsection (b)(1).

15 “(I) Such other measures as the State edu-
16 cational agency considers indicative of a high-
17 quality program, including the extent to which
18 the local educational agency will provide case
19 management or related services to unaccom-
20 panied youths and young children.

21 “(4) DURATION OF GRANTS.—Grants awarded
22 under this section shall be for terms not to exceed
23 three years.

24 “(d) AUTHORIZED ACTIVITIES.—A local educational
25 agency may use funds awarded under this section for ac-

1 tivities that carry out the purpose of this subtitle, includ-
2 ing the following:

3 “(1) The provision of tutoring, supplemental in-
4 struction, and enriched educational services that are
5 linked to the achievement of the same challenging
6 State academic content standards and challenging
7 State student academic achievement standards the
8 State establishes for other children and youths.

9 “(2) The provision of expedited evaluations of
10 the strengths and needs of homeless children and
11 youths, including needs and eligibility for programs
12 and services (including educational programs for
13 gifted and talented students, children with disabili-
14 ties, and students with limited English proficiency,
15 charter schools, magnet schools, and programs in ca-
16 reer and technical education, and school nutrition
17 programs).

18 “(3) Professional development and other activi-
19 ties for educators and specialized instructional sup-
20 port personnel that are designed to heighten the un-
21 derstanding and sensitivity of such personnel to the
22 needs of homeless children and youths, the rights of
23 such children and youths under this subtitle, and the
24 specific educational needs of runaway and homeless
25 youths.

1 “(4) The provision of referral services to home-
2 less children and youths for medical, dental, mental,
3 and other health services.

4 “(5) The provision of assistance to defray the
5 cost of transportation for students under sections
6 722(g)(1)(J)(iii) and 722(g)(4)(A) and children
7 identified under section 722(g)(7), not otherwise
8 provided through Federal, State, or local funding,
9 where necessary to enable students to attend the
10 school selected under section 722(g)(3).

11 “(6) The provision of developmentally appro-
12 priate early childhood development programs, not
13 otherwise provided through Federal, State, or local
14 funding.

15 “(7) The provision of services and assistance to
16 attract, engage, and retain homeless children and
17 youths, including unaccompanied youths, in public
18 school programs and services provided to nonhome-
19 less children and youths.

20 “(8) The provision for homeless children and
21 youths of before- and after-school, mentoring, and
22 summer programs in which a teacher or other quali-
23 fied individual provides tutoring, homework assist-
24 ance, and supervision of educational activities.

1 “(9) If necessary, the payment of fees and
2 other costs associated with tracking, obtaining, and
3 transferring records necessary to enroll homeless
4 children and youths in school (including in State-
5 funded or local educational agency-funded preschool
6 programs), including birth certificates, immunization
7 or medical records, academic records, guardianship
8 records, and evaluations for special programs or
9 services.

10 “(10) The provision of education and training
11 to the parents of homeless children and youths about
12 the rights of, and resources available to, such chil-
13 dren and youths, and other activities designed to in-
14 crease the meaningful involvement of parents or
15 guardians of homeless children or youths in the edu-
16 cation of their children.

17 “(11) The development of coordination between
18 schools and agencies providing services to homeless
19 children and youths, as described in section
20 722(g)(5).

21 “(12) The provision of specialized instructional
22 support services (including counseling) and referrals
23 for such services.

24 “(13) Activities to address the particular needs
25 of homeless children and youths that may arise from

1 domestic violence and parental mental health or sub-
2 stance abuse problems.

3 “(14) The adaptation of space and purchase of
4 supplies for any nonschool facilities made available
5 under subsection (a)(2) to provide services under
6 this subsection.

7 “(15) The provision of school supplies, includ-
8 ing those supplies to be distributed at shelters or
9 temporary housing facilities, or other appropriate lo-
10 cations.

11 “(16) The provision of assistance to defray the
12 cost of the position of liaison designated pursuant to
13 section 722(g)(1)(J)(ii), not otherwise provided
14 through Federal, State, or local funding.

15 “(17) The provision of other extraordinary or
16 emergency assistance needed to enable homeless chil-
17 dren and youths to enroll, attend, and succeed in
18 school, including in State-funded or local educational
19 agency-funded preschool programs.

20 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

21 “(a) REVIEW OF STATE PLANS.—In reviewing the
22 State plan submitted by a State educational agency under
23 section 722(g), the Secretary shall use a peer review pro-
24 cess and shall evaluate whether State laws, policies, and
25 practices described in such plan adequately address the

1 problems of all homeless children and youths relating to
2 access to education and placement as described in such
3 plan.

4 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide support and technical assistance to a State edu-
6 cational agencies to assist such agencies in carrying out
7 their responsibilities under this subtitle.

8 “(c) NOTICE.—The Secretary shall, before the next
9 school year that begins after the date of enactment of the
10 McKinney-Vento Homeless Education Assistance Im-
11 provements Act of 2007, create and disseminate nation-
12 wide a public notice of the educational rights of homeless
13 children and youths, including information regarding the
14 definition of homeless children and youths in paragraph
15 (3) of section 725, and disseminate such notice to other
16 Department of Education offices, including offices respon-
17 sible for special education programs and higher education
18 and for carrying out title I, title III, title IV, and part
19 B of title V of the Elementary and Secondary Education
20 Act of 1965. The Secretary shall also disseminate such
21 notice to other Federal agencies, programs, and grantees,
22 including Head Start grantees, Health Care for the Home-
23 less grantees, Emergency Food and Shelter grantees, Run-
24 away and Homeless Youth Act grantees, Chafee Independ-
25 ence Program grantees, homeless assistance programs ad-

1 ministered by the Department of Housing and Urban De-
2 velopment, and the Office of the Administration of Chil-
3 dren Youth and Families of the Department of Health and
4 Human Services.

5 “(d) EVALUATION AND DISSEMINATION.—The Sec-
6 retary shall conduct evaluation and dissemination activi-
7 ties of programs designed to meet the educational needs
8 of homeless elementary and secondary school students, in-
9 cluding homeless students who are enrolled in State-fund-
10 ed or local educational agency-funded preschool programs,
11 and may use funds appropriated under section 726 to
12 award grants to, or enter into contracts or cooperative
13 agreements with, eligible entities to enable the eligible en-
14 tities to carry out such activities.

15 “(1) PRIORITIES.—The Secretary, in making
16 an award of such grant, contract, or cooperative
17 agreement, may give priority to programs with—

18 “(A) demonstrated experience in dissemi-
19 nation and technical assistance activities, in-
20 cluding using the Internet and other state-of-
21 the-art technology for efficient and cost-effec-
22 tive dissemination of information and technical
23 assistance;

1 “(B) demonstrated experience in the areas
2 of homelessness, at-risk youth, and education;
3 and

4 “(C) established collaborations and net-
5 works among State educational agencies, local
6 educational agencies, and national organizations
7 that provide services to homeless children,
8 youths, and families.

9 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
10 retary shall require applications for grants under section
11 722 of this subtitle to be submitted to the Secretary not
12 later than the expiration of the 120-day period beginning
13 on the date that funds are available for purposes of mak-
14 ing such grants and shall make such grants not later than
15 the expiration of the 180-day period beginning on such
16 date.

17 “(f) DETERMINATION BY SECRETARY.—The Sec-
18 retary, based on the information received from the States
19 and information gathered by the Secretary under sub-
20 section (h), shall determine the extent to which State edu-
21 cational agencies are ensuring that each homeless child
22 and homeless youth has access to a free appropriate public
23 education, as described in section 721(1), and shall pro-
24 vide support and technical assistance to State educational

1 agencies in areas in which barriers to a free appropriate
2 public education persist for homeless children and youth.

3 “(g) PUBLICATION.—The Secretary shall develop,
4 issue, and publish in the Federal Register, not later than
5 90 days after the date of enactment of the McKinney-
6 Vento Homeless Education Assistance Improvements Act
7 of 2007, a summary of the changes enacted by that Act.
8 The summary shall include—

9 “(1) strategies by which a State may assist
10 local educational agencies to implement the amend-
11 ments;

12 “(2) strategies by which a State can review and
13 revise State policies and procedures that may
14 present barriers to the enrollment, attendance, and
15 success of homeless children and youths; and

16 “(3) strategies by which State-funded or local
17 educational agency-funded preschool programs can
18 implement the requirements of section 722(g)(7).

19 “(h) INFORMATION.—

20 “(1) IN GENERAL.—From funds appropriated
21 under section 726, the Secretary shall, directly or
22 through grants, contracts, or cooperative agree-
23 ments, periodically, but no less frequently than every
24 two years, collect and disseminate publicly data and
25 information regarding—

1 “(A) the number, and type of temporary
2 housing locations of homeless children and
3 youths, including such children and youths en-
4 rolled in State-funded or local educational agen-
5 cy-funded preschool programs, in all local edu-
6 cational agencies;

7 “(B) the education and related services all
8 such children and youths receive;

9 “(C) the extent to which the needs of
10 homeless children and youths are being met;

11 “(D) the academic progress being made by
12 homeless children and youths, including the
13 percent or number of homeless children and
14 youths participating in state assessments; and

15 “(E) such other data and information as
16 the Secretary determines to be necessary and
17 relevant to carry out this subtitle.

18 “(2) COORDINATION.—The Secretary shall co-
19 ordinate such collection and dissemination with
20 other agencies and entities that receive assistance
21 and administer programs under this subtitle.

22 “(i) REPORT.—Not later than four years after the
23 date of the enactment of the McKinney-Vento Homeless
24 Education Assistance Improvements Act of 2007, the Sec-
25 retary shall prepare and submit to the President and the

1 Committee on Education and Labor of the House of Rep-
2 resentatives and the Committee on Health, Education,
3 Labor, and Pensions of the Senate a report on the status
4 of education of homeless children and youths, which shall
5 include information on—

6 “(1) the education of homeless children and
7 youths; and

8 “(2) the actions of the Secretary and the effec-
9 tiveness of the programs supported under this sub-
10 title.

11 **“SEC. 725. DEFINITIONS.**

12 “For purposes of this subtitle:

13 “(1) The terms ‘enroll’ and ‘enrollment’ include
14 attending classes and participating fully in school
15 activities.

16 “(2) The term ‘homeless children and youths’—

17 “(A) means individuals who lack a fixed,
18 regular, and adequate nighttime residence
19 (within the meaning of section 103(a)(1)); and

20 “(B) includes—

21 “(i) children and youths who are shar-
22 ing the housing of other persons due to
23 loss of housing, economic hardship, or a
24 similar reason, are living in motels, hotels,
25 trailer parks, or camping grounds due to

1 the lack of alternative adequate accom-
2 modations, are living in emergency or tran-
3 sitional shelters, are abandoned in hos-
4 pitals, or are awaiting foster care place-
5 ment;

6 “(ii) children and youths who have a
7 primary nighttime residence that is a pub-
8 lic or private place not designed for or or-
9 dinarily used as a regular sleeping accom-
10 modation for human beings (within the
11 meaning of section 103(a)(2)(C));

12 “(iii) children and youths who are liv-
13 ing in cars, parks, public spaces, aban-
14 doned buildings, substandard housing, bus
15 or train stations, or similar settings; and

16 “(iv) migratory children (as such term
17 is defined in section 1309 of the Elemen-
18 tary and Secondary Education Act of
19 1965) who qualify as homeless for the pur-
20 poses of this subtitle because the children
21 are living in circumstances described in
22 clauses (i) through (iii).

23 “(3) The terms ‘local educational agency’ and
24 ‘State educational agency’ have the meanings given

1 such terms in section 9101 of the Elementary and
2 Secondary Education Act of 1965.

3 “(4) The term ‘Secretary’ means the Secretary
4 of Education.

5 “(5) The term ‘State’ means each of the 50
6 States, the District of Columbia, and the Common-
7 wealth of Puerto Rico.

8 “(6) The term ‘unaccompanied youth’ means a
9 homeless child or youth not in the physical custody
10 of a parent or legal guardian.

11 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

12 “For the purpose of carrying out this subtitle, there
13 are authorized to be appropriated such sums as may be
14 necessary for each fiscal year.”.

○