

Title: To amend the Elementary and Secondary Education Act of 1965 to ensure that every child is ready for college or a career.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Every Child Ready for College or Career Act of 2013”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec.1.Short title.

Sec.2.Table of contents.

Sec.3.References.

Sec.4.Statement of purpose.

Sec.5.Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

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Sec.102.Authorization of appropriations.

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Sec.605.Impact aid.

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SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 4. STATEMENT OF PURPOSE.

The purpose of this Act is to restore freedom to parents, teachers, principals, Governors, and local communities so that they can improve their local public schools.

1 SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY
2 AND SECONDARY EDUCATION ACT OF 1965.

3 Section 2 is amended to read as follows:

4 “SEC. 2. TABLE OF CONTENTS.

5 “The table of contents for this Act is as follows:

6 “Sec.1.Short title.

7 “Sec.2.Table of contents.

8 “TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT
9 OF THE DISADVANTAGED

10 “Sec.1001.Statement of purpose.

11 “Sec.1002.Authorization of appropriations.

12 “Sec.1003.State administration.

13 “Part A—Improving Basic Programs Operated by Local
14 Educational Agencies

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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 101. STATEMENT OF PURPOSE.

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

“SEC. 1001. STATEMENT OF PURPOSE.

“The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to receive a high-quality education that prepares them for postsecondary education or the workforce, without the need for remediation, and to close the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers.”.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

“(a) Local Educational Agency Grants.—For the purpose of carrying out part A, there are authorized to be appropriated \$14,974,091,000 for each of fiscal years 2014 through 2018.

“(b) State Assessments.—For the purpose of carrying out part B, there are authorized to be appropriated \$368,900,000 for each of fiscal years 2014 through 2018.

“(c) Education of Migratory Children.—For the purpose of carrying out part C, there are authorized to be appropriated \$372,751,000 for each of fiscal years 2014 through 2018.

“(d) Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or at Risk.—For the purpose of carrying out part D, there are authorized to be appropriated \$47,614,000 for each of fiscal years 2014 through 2018.

“(e) Federal Activities.—For the purpose of carrying out section 1501, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2014 through 2018.”.

SEC. 103. SCHOOL IMPROVEMENT AND STATE ADMINISTRATION.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by striking section 1003;

(2) by redesignating section 1004 as section 1003; and

(3) in section 1003, as redesignated by paragraph (2)—

(A) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(B) by adding at the end the following:

“(c) Technical Assistance and Support.—

1 “(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the
2 State receives under subpart 2 of part A for a fiscal year to carry out paragraph (2) and to
3 carry out the State educational agencies responsibilities under section 1114(a), including
4 carrying out the State educational agency’s statewide system of technical assistance and
5 support for local educational agencies.

6 “(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State
7 educational agency—

8 “(A) shall allocate not less than 95 percent of the amount directly to local
9 educational agencies for schools identified by the State under section 1114(a)(1)(B),
10 for activities under section 1114(b); or

11 “(B) may, with the approval of the local educational agency, directly provide for
12 such activities or arrange for their provision through other entities, such as school
13 support teams or educational service agencies.”.

14 SEC. 104. BASIC PROGRAM REQUIREMENTS.

15 Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended—

16 (1) by striking sections 1111 through 1117 and inserting the following:

17 “SEC. 1111. STATE PLANS.

18 “(a) Plans Required.—

19 “(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State
20 educational agency shall submit to the Secretary a plan, developed by the State educational
21 agency in consultation with local educational agencies, teachers, principals, pupil services
22 personnel, administrators, other staff, and parents, that satisfies the requirements of this
23 section.

24 “(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be
25 submitted as part of a consolidated plan under section 9302.

26 “(3) PEER REVIEW AND SECRETARIAL APPROVAL.—

27 “(A) IN GENERAL.—The Secretary shall—

28 “(i) establish a peer-review process to assist in the review of State plans;

29 “(ii) establish multidisciplinary peer review teams and appoint their members,
30 including representatives of teachers, State educational agencies, local educational
31 agencies, and those with practical experience in implementing academic
32 standards, assessments, accountability, the needs of low-performing schools, and
33 other educational needs of students; and

34 “(iii) approve a State plan within 45 days of its submission unless the Secretary
35 presents a body of substantial, high-quality education research that clearly
36 demonstrates that the State’s plan does not meet the requirements of this section
37 and is likely to be ineffective or is inappropriate for its intended purposes.

38 “(B) PURPOSE OF PEER REVIEW.—The peer review process shall be designed to—

1 “(i) promote effective implementation of State-developed challenging academic
2 standards through State and local innovation; and

3 “(ii) provide transparent feedback to States designed to strengthen the States’
4 plans.

5 “(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct a good
6 faith review of State plans in their totality and in deference to State and local
7 judgments, with the goal of promoting State- and local-led innovation.

8 “(4) STATE PLAN DETERMINATION, DEMONSTRATION, AND REVISION.—If the Secretary
9 determines that the State plan does not meet the requirements of this subsection or
10 subsection (b) or (c), the Secretary shall, prior to declining to approve a State plan—

11 “(A) immediately notify the State of such determination;

12 “(B) provide a detailed description of the specific requirements of this subsection or
13 subsection (b) or (c) of the State plan that the Secretary determines fails to meet such
14 requirements;

15 “(C) offer the State an opportunity to revise and resubmit its plan within 60 days of
16 such determination;

17 “(D) provide technical assistance, upon request of the State, in order to assist the
18 State to meet the requirements of this subsection or subsection (b) or (c); and

19 “(E) conduct a public hearing within 30 days of such resubmission, with public
20 notice provided not less than 15 days before such hearing.

21 “(5) STATE PLAN DISAPPROVAL.—The Secretary shall have the authority to disapprove a
22 State plan if the State has been notified and offered an opportunity to revise and submit with
23 technical assistance under paragraph (4), and—

24 “(A) the State does not revise and resubmit its plan; or

25 “(B) the State revises and resubmits a plan that the Secretary determines does not
26 meet the requirements of this part after a hearing conducted under paragraph (4)(E).

27 “(6) LIMITATIONS.—The Secretary shall not have the authority to require a State, as a
28 condition of approval of the State plan, to—

29 “(A) include in, or delete from, such plan 1 or more specific elements of the State’s
30 academic content standards or academic achievement standards;

31 “(B) use specific academic assessment instruments or items;

32 “(C) include in, or delete from, such a plan any criterion that specifies, defines, or
33 prescribes the standards or measures that State or local educational agencies use to
34 establish, implement, or improve—

35 “(i) State standards;

36 “(ii) assessments;

37 “(iii) State accountability systems;

38 “(iv) systems that measure student growth;

1 “(v) measures of other academic indicators; or

2 “(vi) teacher and principal evaluation systems; or

3 “(D) require the collection, publication, or transmission to the Department of
4 individual student data that is not expressly required to be collected under this Act.

5 “(7) PUBLIC REVIEW.—All written communications, feedback, and notifications under
6 this subsection shall be conducted in a manner that is transparent and immediately made
7 available to the public through the Department website, including—

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

9 “(B) peer review comments;

10 “(C) State plan determinations by the Secretary, including approvals or
11 disapprovals; and

12 “(D) public hearings under this section.

13 “(8) DURATION OF THE PLAN.—

14 “(A) IN GENERAL.—Each State plan shall—

15 “(i) remain in effect for the duration of the State’s participation under this part;
16 and

17 “(ii) be periodically reviewed and revised as necessary by the State educational
18 agency to reflect changes in the State’s strategies and programs under this part.

19 “(B) ADDITIONAL INFORMATION.—A State shall notify the Secretary if a State makes
20 significant changes to its plan, such as the adoption of new State academic content
21 standards, State academic achievement standards, new academic assessments, or
22 changes to its accountability system under subsection (b)(3).

23 “(9) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements
24 of this section, then the Secretary may withhold funds for State administration under this
25 part until the Secretary determines that the State has fulfilled those requirements.

26 “(b) Academic Standards, Academic Assessments, and State Accountability Systems.—

27 “(1) CHALLENGING STATE ACADEMIC STANDARDS.—

28 “(A) IN GENERAL.—Each State shall provide an assurance that the State has adopted
29 challenging academic content standards and student academic achievement standards
30 that will be used by the State, its local educational agencies, and its schools to carry out
31 this part.

32 “(B) SAME STANDARDS.—The standards required by subparagraph (A) shall be the
33 same standards that the State applies to all public schools and public school children in
34 the State.

35 “(C) SUBJECTS.—The State shall have such standards in mathematics, reading or
36 language arts, and science, and any other subjects as determined by the State, which
37 shall include the same knowledge, skills, and levels of achievement expected of all
38 children in the State.

1 “(D) ALIGNMENT.—Each State shall provide an assurance to the Secretary that the
2 State’s challenging academic content standards are aligned with—

3 “(i) entrance requirements, without the need for academic remediation, for an
4 institution of higher education in the State; and

5 “(ii) State performance measures identified in the State plan under section
6 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006.

7 “(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other
8 provision of this paragraph, a State may, through a documented and validated
9 standards-setting process, adopt alternate academic achievement standards for students
10 with the most significant cognitive disabilities who take an alternate assessment,
11 provided those standards—

12 “(i) are aligned with the State’s challenging academic content standards under
13 subparagraph (A);

14 “(ii) promote access to the general curriculum; and

15 “(iii) reflect professional judgment of the highest achievement standards
16 attainable by those students.

17 “(F) MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other
18 provision of this paragraph, a State may, through a documented and validated
19 standards-setting process, adopt modified academic achievement standards for students
20 who have disabilities that preclude them from meeting State student achievement
21 standards within the academic year covered by a student’s individualized education
22 program under section 614(d) of the Individuals with Disabilities Education Act,
23 provided those standards—

24 “(i) are aligned with the State’s challenging academic content standards under
25 subparagraph (A) for the grade in which the student is enrolled; and

26 “(ii) are challenging for such eligible students, but may be less difficult than the
27 grade-level academic achievement standards under this section.

28 “(G) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall provide
29 an assurance that the State has adopted English language proficiency standards that are
30 aligned with the State’s challenging academic content standards under subparagraph
31 (A). Such standards shall—

32 “(i) ensure proficiency in each of the domains of speaking, listening, reading,
33 and writing;

34 “(ii) address the different proficiency levels of English language learners; and

35 “(iii) be aligned with the State’s academic content standards in reading or
36 language arts so that achieving proficiency against the State’s English language
37 proficiency standards indicates a sufficient knowledge of English to measure
38 validly and reliably the student’s achievement on the State’s reading or language
39 arts standards.

40 “(H) PROHIBITIONS.—

1 “(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to
2 submit any standards developed under this subsection for academic content or
3 student academic achievement to the Secretary for review or approval.

4 “(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to
5 mandate, direct, control, or exercise any direction or supervision over the
6 academic content standards or academic achievement standards adopted or
7 implemented by a State.

8 “(I) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising,
9 consistent with this section, any standard adopted under this part before or after the
10 date of enactment of the Every Child Ready for College or Career Act of 2013.

11 “(2) ACADEMIC ASSESSMENTS.—

12 “(A) IN GENERAL.—Each State plan shall provide an assurance that the State
13 educational agency, in consultation with local educational agencies, has implemented a
14 set of high-quality, yearly student academic assessments that include, at a minimum,
15 academic assessments in mathematics and reading or language arts that will be used as
16 the primary means of determining the yearly performance of each school in the State in
17 enabling all children to meet the State’s challenging student academic achievement
18 standards.

19 “(B) REQUIREMENTS.—Each State plan shall provide an assurance that such
20 assessments—

21 “(i) are the same academic assessments used to measure the achievement of all
22 students;

23 “(ii) are aligned with the State’s challenging academic content and student
24 academic achievement standards, and provide coherent information about student
25 attainment of such standards;

26 “(iii) are used for purposes for which such assessments are valid and reliable,
27 be of adequate technical quality for each purpose required under this Act, and be
28 consistent with relevant, nationally recognized professional and technical
29 standards;

30 “(iv)(I) measure the annual academic achievement of all students against the
31 State’s challenging academic achievement standards in mathematics and reading
32 or language arts, and be administered—

33 “(aa) in each of grades 3 through 8; and

34 “(bb) at least once in grades 9 through 12; and

35 “(II) measure the academic achievement of all students against the State’s
36 challenging academic achievement standards in science, and be administered not
37 less than one time, during—

38 “(aa) grades 3 through 5;

39 “(bb) grades 6 through 8; and

40 “(cc) grades 9 through 12;

1 “(v) involve multiple up-to-date measures of student academic achievement;

2 “(vi) provide for—

3 “(I) the participation in such assessments of all students;

4 “(II) the reasonable adaptations and accommodations for children with
5 disabilities (as defined in section 602(3) of the Individuals with Disabilities
6 Education Act) necessary to measure the academic achievement of such
7 children relative to State academic content and student academic
8 achievement standards;

9 “(III) alternate assessments aligned with grade-level academic content and
10 academic achievement standards, unless the State develops alternate
11 assessments aligned with—

12 “(aa) alternate academic achievement standards, consistent with
13 subparagraph (C), for students with the most significant cognitive
14 disabilities; or

15 “(bb) modified academic achievement standards consistent with
16 subparagraph (C); and

17 “(IV) the inclusion of English language learners, who shall be assessed in
18 a valid and reliable manner and provided reasonable accommodations on
19 assessments administered to such students under this paragraph, including, to
20 the extent practicable, assessments in the language and form most likely to
21 yield accurate data on what such students know and can do in academic
22 content areas, until such students have achieved English language
23 proficiency, as determined under paragraph (1)(G);

24 “(vii) produce individual student interpretive, descriptive, and diagnostic
25 reports, consistent with clause (iii), that allow parents, teachers, and principals to
26 understand and address the specific academic needs of students, and include
27 information regarding achievement on academic assessments, and that are
28 provided to parents, teachers, and principals in a timely manner after the
29 assessment is given, in an understandable and uniform format; and

30 “(viii) enable results to be disaggregated within each State, local educational
31 agency, and school, by—

32 “(I) each major racial and ethnic group;

33 “(II) economically disadvantaged students as compared to students who
34 are not economically disadvantaged;

35 “(III) students with disabilities as compared to nondisabled students;

36 “(IV) English proficiency status;

37 “(V) gender; and

38 “(VI) migrant status.

39 “(C) STUDENTS WITH DISABILITIES.—

1 “(i) ALTERNATE STANDARDS.—A State may provide for alternate assessments
2 aligned with alternate academic achievement standards for students with the most
3 significant cognitive disabilities, if the State—

4 “(I) establishes and monitors implementation of clear and appropriate
5 guidelines for individualized education program teams (as defined in section
6 614(d)(1)(B) of the Individuals with Disabilities Education Act) (referred to
7 in this section as ‘IEP Teams’) to apply in determining when a child’s
8 significant cognitive disability justifies assessment based on alternate
9 academic achievement standards;

10 “(II) ensures that the parents of those students are informed that their
11 child’s academic achievement will be based on alternate academic
12 achievement standards;

13 “(III) documents that students with the most significant cognitive
14 disabilities are, to the extent practicable, included in the general curriculum,
15 and in assessments aligned with that curriculum;

16 “(IV) develops, disseminates information on, and promotes the use of
17 appropriate accommodations to increase the number of students with
18 disabilities who are tested against academic achievement standards for the
19 grade in which a student is enrolled; and

20 “(V) ensures that regular and special education teachers and other
21 appropriate staff know how to administer assessments, including making
22 appropriate use of accommodations, for students with disabilities.

23 “(ii) MODIFIED STANDARDS.—A State may assess students with disabilities
24 based on modified academic achievement standards, if the State—

25 “(I) establishes and ensures implementation of clear and appropriate
26 guidelines for IEP Teams to apply in determining which students with
27 disabilities are eligible to be assessed based on modified academic
28 achievement standards, which criteria, at a minimum, shall include—

29 “(aa) whether the student’s disability has precluded the student from
30 achieving grade-level proficiency, as demonstrated by objective
31 evidence, such as the student’s performance on the State’s regular
32 assessments or on other assessments that can validly demonstrate
33 academic achievement; and

34 “(bb) whether the student’s progress in response to appropriate
35 instruction, including special education and related services designed to
36 address the student’s individual needs, is such that, even if significant
37 growth occurs, the IEP Team is reasonably certain that the student will
38 not achieve to grade-level within the year covered by the IEP, which
39 progress shall be based on multiple measurements, over a period of
40 time, that are valid for the subjects being assessed;

41 “(II) ensures that, if a student’s IEP includes goals for a subject assessed
42 based on modified academic achievement standards, those goals are based on

academic content standards for the grade in which the student is enrolled;

“(III) ensures that parents of students with disabilities who are assessed against modified academic achievement standards are informed that their child’s achievement will be measured based on modified academic achievement standards;

“(IV) ensures that the alternate assessment yields results that measure the achievement of those students separately in reading or language arts, mathematics, and science relative to the modified academic achievement standards;

“(V) ensures that students who are assessed based on modified academic achievement standards have access to the curriculum, including instruction, for the grade in which the students are enrolled; and

“(VI) establishes and monitors implementation of clear and appropriate guidelines for IEP Teams to apply in developing and implementing IEPs for students who are assessed based on modified academic achievement standards.

“(D) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed, and such State shall make every effort to develop such assessments as are necessary.

“(E) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall provide an assurance that local educational agencies in the State will provide for an annual assessment of English proficiency (measuring students’ speaking, listening, reading, and writing skills in English) of all English language learners in the schools served by the State educational agency, except that each local educational agency shall have discretion to exempt any student who has been assessed as proficient in listening, speaking, reading, or writing English from the corresponding portion of the assessment.

“(F) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than \$368,900,000.

“(G) CONSTRUCTION.—Nothing in this paragraph shall be construed to prescribe or prohibit the use of the academic assessments described in this part for student promotion or graduation purposes.

“(3) STATE ACCOUNTABILITY SYSTEM.—

“(A) IN GENERAL.—Each State plan shall provide an assurance that the State has developed and is implementing a single, statewide State accountability system that will be based on the challenging academic content standards and student academic achievement standards adopted by the State, and other academic indicators related to student achievement identified by the State, to ensure that all students graduate from

high school prepared for postsecondary education or the workforce without the need for remediation and that, at a minimum—

“(i) annually measures academic achievement of all public school students in the State towards meeting the State’s challenging academic achievement standards established by the State in mathematics and reading or language arts, which may include measures of student growth to such standards and any other valid and reliable academic indicators related to student achievement;

“(ii) establishes a system of annually identifying and differentiating among all public schools in the State based on student academic achievement and any other factors determined appropriate by the State and also takes into account—

“(I) achievement gaps between each category of students described in subclauses (I) through (IV) of paragraph (2)(B)(viii);

“(II) overall performance of all students and of each category of students described in subclauses (I) through (IV) of paragraph (2)(B)(viii); and

“(III) secondary school graduation rates, as appropriate;

“(iii) for public schools participating under this part, includes a system for annually—

“(I) identifying such schools that are in need of strategies for improving student academic achievement and any other measures determined appropriate by the State; and

“(II) providing assistance to local educational agencies to develop and implement appropriate strategies for improving identified schools;

“(iv) provides a clear and understandable explanation of the method of identifying schools under clause (iii);

“(v) measures the annual progress of not less than 95 percent of each category of students described in subclauses (I) through (IV) of paragraph (2)(B)(viii) who are enrolled in the school and are required to take the assessments under paragraph (2); and

“(vi) measures the high school graduation rate for each category of students described in subclauses (I) through (IV) of paragraph (2)(B)(viii).

“(B) PROHIBITION ON REGULATION.—Nothing in this subsection shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes the standards or measures that State or local educational agencies use to establish, implement, or improve—

“(i) State standards;

“(ii) assessments;

“(iii) State accountability systems;

“(iv) systems that measure student growth;

“(v) measures of other academic indicators; or

1 “(vi) teacher and principal evaluation systems.

2 “(c) Provisions to Support Teaching and Learning.—Each State plan shall provide an
3 assurance that—

4 “(1) the State will notify local educational agencies, schools, teachers, parents, and the
5 public of the academic content standards, student academic achievement standards,
6 academic assessments, and State accountability system, developed under this section;

7 “(2) the State educational agency will assist each local educational agency and school
8 affected by the State plan to meet the requirements of this part; and

9 “(3) low-income and minority children, enrolled in schools assisted under this part, are
10 served by effective teachers and principals and have access to a high-quality instructional
11 program in the core academic subjects, and the State shall adopt measures to evaluate and
12 publicly report the progress of the State educational agency with respect to such steps.

13 “(d) Other Assurances.—Each State plan shall contain an assurance that—

14 “(1) the State will participate in biennial State academic assessments of 4th and 8th grade
15 reading and mathematics under the National Assessment of Educational Progress carried
16 out under section 303(b)(3) of the National Assessment of Educational Progress
17 Authorization Act if the Secretary pays the costs of administering such assessments;

18 “(2) the State educational agency will modify or eliminate State fiscal and accounting
19 barriers so that schools can easily consolidate funds from other Federal, State, and local
20 sources in order to improve educational opportunities and reduce unnecessary fiscal and
21 accounting requirements;

22 “(3) the State educational agency will support the collection and dissemination to local
23 educational agencies and schools of effective parental involvement practices;

24 “(4) the State educational agency will provide the least restrictive and burdensome
25 regulations for local educational agencies and individual schools participating in a program
26 assisted under this part;

27 “(5) the State educational agency will ensure that local educational agencies, to the extent
28 feasible, in developing and implementing programs under this part, will work in
29 consultation with outside intermediary organizations or individuals who have expertise in
30 using strategies and programs based on scientifically valid research to improve teaching,
31 learning, and schools; and

32 “(6) the State educational agency has appropriate procedures and safeguards in place to
33 ensure the validity of the assessment process.

34 “(e) Reports.—

35 “(1) ANNUAL STATE REPORT CARD.—

36 “(A) IN GENERAL.—A State that receives assistance under this part shall prepare and
37 disseminate widely to the public an annual State report card.

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

39 “(i) concise; and

1 “(ii) presented in an understandable and uniform format.

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

4 “(i) information, in the aggregate, on student achievement on the State
5 academic assessments described in subsection (b)(2) (disaggregated by each
6 category of students described in subsection (b)(2)(B)(viii));

7 “(ii) the percentage of students tested (disaggregated by each category of
8 students described in subsection (b)(2)(B)(viii));

9 “(iii) information on any other indicator used by the State to determine student
10 achievement under subsection (b)(3) (disaggregated by each category of students
11 described in subsection (b)(2)(B)(viii));

12 “(iv) graduation rates for secondary school students consistent with subsection
13 (b)(3)(A)(vi);

14 “(v) the professional qualifications of teachers in the State and the percentage
15 of such teachers teaching with emergency or provisional credentials, in the
16 aggregate and disaggregated by high-poverty compared to low-poverty schools
17 which, for the purpose of this clause, means schools in the top quartile of poverty
18 and the bottom quartile of poverty in the State;

19 “(vi) information on the performance of local educational agencies and schools
20 in the State; and

21 “(vii) for a State that implements a teacher and principal evaluation system
22 consistent with title II, the evaluation results of teachers and principals, except
23 that such information shall not provide individually identifiable information on
24 individual teachers or principals.

25 “(D) FINANCIAL INFORMATION.—The State shall include in its annual State report
26 card the per-pupil expenditures of Federal, State, and local funds for each local
27 educational agency in the State for the preceding fiscal year.

28 “(E) OPTIONAL INFORMATION.—The State may include in its annual State report
29 card such other information as the State believes will best provide parents, students,
30 and other members of the public with information regarding the progress of each of the
31 State’s public schools.

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

33 “(A) REPORT CARDS.—A local educational agency that receives assistance under this
34 part shall prepare and disseminate, in accordance with subparagraph (E), an annual
35 local educational agency report card.

36 “(B) MINIMUM REQUIREMENTS.—The local educational agency shall include in its
37 report card the information described in paragraph (1)(C) as applied to the local
38 educational agency and each school served by the local educational agency, and—

39 “(i) in the case of a local educational agency, information that shows how
40 students served by the local educational agency achieved on the statewide

academic assessment compared to students in the State as a whole; and

“(ii) in the case of a school, information that shows how the school’s students’ achievement on the statewide academic assessments compared to students in the local educational agency and the State as a whole.

“(C) FINANCIAL INFORMATION.—The local educational agency shall include in its annual local educational agency report card the per-pupil expenditures of Federal, State, and local funds for each school served by the agency for the preceding fiscal year.

“(D) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

“(E) PUBLIC DISSEMINATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall—

“(I) publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending such schools in an understandable and uniform format; and

“(II) make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

“(ii) EXCEPTION.—If a local educational agency issues a report card for all students, the local educational agency may include the information described in this paragraph as part of such report.

“(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Every Child Ready for College or Career Act of 2013, may use such report cards for the purpose of disseminating information under this subsection if the report card is modified, as may be needed, to contain the information required by this subsection.

“(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

“(A) information on the achievement of students on the academic assessments required under subsection (b)(2), including the disaggregated results for each category of students described in subsection (b)(2)(B)(viii);

“(B) information on the acquisition of English proficiency by children who are English language learners;

“(C) the number and names of the schools identified under section 1114(a)(1)(B), and the school assistance strategies developed and implemented by the local educational agency under section 1114(b) to address the needs of students in each

1 school;

2 “(D) the number of students and schools that participated in public school choice
3 under this title;

4 “(E)(i) information on the quality and effectiveness of teachers; and

5 “(ii) the percentage of classes being taught by teachers who are licensed or certified
6 to teach in their field of study, for the State and for each local educational agency and
7 public elementary school or secondary school in the State; and

8 “(F) information on the results of the teacher and principal evaluation system, as
9 applicable.

10 “(5) PRESENTATION OF DATA.—

11 “(A) IN GENERAL.—A State educational agency or local educational agency shall
12 only include in its annual report card described under paragraphs (1) and (2) data that
13 are sufficient to yield statistically reliable information, as determined by the State or
14 local educational agency, and that do not reveal personally identifiable information
15 about an individual student.

16 “(B) STUDENT PRIVACY.—Subject to section 444 of the General Education
17 Provisions Act and notwithstanding section 444(b)(1)(F) of such Act, student
18 educational records and information shall not be shared without the informed explicit
19 consent of the student’s legal guardian or if the student has reached the age of majority,
20 the student, with any—

21 “(i) individual or governmental entity outside of the school;

22 “(ii) local educational agency or State educational agency; and

23 “(iii) third party contractor, such as a researcher or private or nonprofit non-
24 governmental organization, including third party assessment and testing
25 organizations.

26 “(C) EXCEPTION.—Notwithstanding subparagraph (B), the sharing of educational
27 records and information shall be permissible—

28 “(i) in an emergency situation; and

29 “(ii) in the case where the student does not currently have a recognized legal
30 guardian or is part of a court proceeding regarding child abuse or neglect.

31 “(6) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on
32 Health, Education, Labor, and Pensions of the Senate and the Committee on Education and
33 the Workforce of the House of Representatives a report that provides national and State
34 level data on the information collected under paragraph (4). Such report shall be submitted
35 through electronic means only.

36 “(7) SECRETARY’S REPORT CARD.—

37 “(A) IN GENERAL.—Not later than July 1, 2015, and annually thereafter, the
38 Secretary shall transmit to the Committee on Health, Education, Labor, and Pensions
39 of the Senate and the Committee on Education and the Workforce of the House of
40 Representatives a national report card on the status of elementary and secondary

education in the United States. Such report shall—

“(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

“(ii) analyze data from the National Assessment of Educational Progress and comparable international assessments;

“(iii) identify trends in student achievement, student performance, and secondary school graduation rates, by analyzing and reporting on the status and performance of students, disaggregated by each category of students described in subsection (b)(2)(B)(viii);

“(iv) analyze data on Federal, State, and local expenditures on education, including per-pupil spending, teacher salaries and pension obligations, school level spending, and other financial data publicly available, and report on current trends and major findings; and

“(v) analyze information on the teaching and principal profession, including education and training, retention and mobility, and effectiveness in improving student achievement.

“(B) SPECIAL RULE.—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

“(f) Voluntary Partnerships.—

“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State from entering into a voluntary partnership with another State to develop and implement the academic assessments, State academic content standards, and accountability systems required under this section.

“(2) PROHIBITION.—The Secretary shall be prohibited from requiring a State to enter into a voluntary partnership described in paragraph (1), including as a condition of approval of a State plan under this section or as a condition of an award of Federal funds under any grant, contract, or cooperative agreement.

“(g) Special Rule With Respect to Bureau-funded Schools.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of the Interior that receives funds under this part, the following shall apply:

“(1) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

“(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment in consultation with, and with the approval of, the Secretary of

the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

“(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

“(a) Plans Required.—

“(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part, that satisfies the requirements of this section.

“(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

“(3) STATE REVIEW AND APPROVAL.—

“(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

“(B) APPROVAL.—The State educational agency shall approve a local educational agency’s plan only if the State educational agency determines that the local educational agency’s plan satisfies the requirements of this part and enables children served under this part to meet the State’s challenging academic standards described in section 1111(b)(1).

“(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Child Ready for College or Career Act of 2013 and shall remain in effect for the duration of the agency’s participation under this part.

“(5) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency’s strategies and programs under this part.

“(b) Plan Provisions.—To ensure that all children receive a high-quality education that prepares them for postsecondary education and the workforce without the need for academic remediation, and to close the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers, each local educational agency plan shall describe—

“(1) how the local educational agency will work with each of the schools served by the agency so that students meet the State’s challenging academic standards by—

“(A) developing and implementing a comprehensive program of instruction to meet

1 the academic needs of all students;

2 “(B) identifying quickly and effectively students who may be at risk for academic
3 failure;

4 “(C) providing additional educational assistance to individual students determined as
5 needing help in meeting the State’s challenging academic achievement standards;

6 “(D) identifying significant gaps in student academic achievement between each
7 category of students described in subclauses (I) through (IV) of section
8 1111(b)(2)(B)(viii) and develop strategies to reduce such gaps in achievement; and

9 “(E) identifying and implementing effective methods and instructional strategies that
10 are based on scientifically valid research intended to strengthen the core academic
11 program of the school;

12 “(2) how the local educational agency will monitor and evaluate the effectiveness of
13 school programs in improving student academic achievement, especially for students not
14 meeting the State’s challenging academic achievement standards;

15 “(3)(A) how the local educational agency will meet the requirements of section 1119
16 regarding the qualifications of teachers and paraprofessionals; and

17 “(B) how the local educational agency, through incentives for voluntary transfers,
18 recruitment programs, incentive pay, performance- or merit-based pay systems, or other
19 effective strategies, will identify and address any disparities that result in low-income
20 students and minority students being taught at higher rates than other students by
21 ineffective, out-of-field, or inexperienced teachers;

22 “(4) the actions the local educational agency will take to assist schools identified under
23 section 1114(a)(1)(B) and other schools also determined by the local educational agency to
24 be in need of assistance to improve student academic achievement, and the funds used to
25 conduct such actions;

26 “(5) the programs to be conducted by such agency’s schools under section 1113, and
27 where appropriate, educational services outside such schools for children living in local
28 institutions for neglected or delinquent children, and for neglected and delinquent children
29 in community day school programs;

30 “(6) the services the local educational agency will provide homeless children, including
31 services provided with funds reserved under section 1113(a)(3)(C)(i);

32 “(7) the strategy the local educational agency will use to implement effective parental
33 involvement under section 1118;

34 “(8) how the local educational agency will coordinate and integrate services provided
35 under this part with preschool educational services at the local educational agency or
36 individual school level, including plans for the transition of participants in such programs to
37 local elementary school programs, and, if appropriate, a description of how the local
38 educational agency will use funds under this part to support preschool programs for
39 children, particularly children participating in a Head Start program, which may be provided
40 directly by the local educational agency or through a subcontract with the local Head Start
41 agency designated by the Secretary of Health and Human Services under section 641 of the

1 Head Start Act, or another comparable public early childhood development program;

2 “(9) how the local educational agency will coordinate programs and integrate services
3 under this part with other Federal, State, and local services and programs; and

4 “(10) how teachers, in consultation with parents, administrators, and pupil services
5 personnel, in targeted assistance schools under section 1113, will identify the eligible
6 children most in need of services under this part.

7 “(c) Assurances.—Each local educational agency plan shall provide assurances that the local
8 educational agency will—

9 “(1) ensure that the results from the academic assessments required under section
10 1111(b)(2) will be provided to parents and teachers as soon as is practicably possible after
11 the test is taken;

12 “(2) ensure that migratory children and formerly migratory children who are eligible to
13 receive services under this part are selected to receive such services on the same basis as
14 other children who are selected to receive services under this part;

15 “(3) provide services to eligible children attending private elementary schools and
16 secondary schools in accordance with section 1120, and timely and meaningful consultation
17 with private school officials regarding such services; and

18 “(4) participate, if selected, in the National Assessment of Educational Progress in 4th
19 and 8th grade reading and mathematics carried out under section 303(b)(2) of the National
20 Assessment of Educational Progress Authorization Act.

21 “(d) Schoolwide Program Plans.—In addition to the plan requirements described in subsection
22 (c), for schools operating a schoolwide program under section 1113(b)(2), the plan shall also
23 include—

24 “(1) a description of schoolwide reform strategies that—

25 “(A) provide opportunities for all children to meet the State’s challenging academic
26 achievement standards under section 1111(b);

27 “(B) use effective methods and instructional strategies that are based on
28 scientifically valid research that—

29 “(i) strengthen the core academic program in the school; and

30 “(ii) increase the amount and quality of learning time and help provide an
31 enriched and accelerated curriculum; and

32 “(C) address the academic and other support needs of all children in the school;

33 “(2) a list of State educational agency and local educational agency programs and other
34 Federal programs that will be consolidated in the schoolwide program; and

35 “(3) if appropriate, a description of how funds will be used to establish or enhance
36 prekindergarten programs for children below the age of 6.

37 “(e) Targeted Assistance School Plans.—In addition to the plan requirements described in
38 subsection (c), for schools operating a targeted assistance program under section 1113(b)(3), the
39 plan shall also include—

1 “(1) a description of—

2 “(A) the process for determining which students will be served and the students to
3 be served;

4 “(B) the assistance that will be provided to such students; and

5 “(C) how the activities supported under this part will be coordinated with and
6 incorporated into the regular education program of the school; and

7 “(2) assurances that the school will—

8 “(A) help provide an accelerated, high-quality curriculum;

9 “(B) minimize removing children from the regular classroom during regular school
10 hours for instruction provided under this part; and

11 “(C) on an ongoing basis, review the progress of participating children and revise
12 the plan under this section, if necessary, to provide additional assistance to enable such
13 children to meet the State’s challenging academic achievement standards.

14 “(f) Parents Right-to-know.—

15 “(1) TEACHER QUALIFICATIONS.—

16 “(A) IN GENERAL.—At the beginning of each school year, a local educational agency
17 that receives funds under this part shall notify the parents of each student attending any
18 school receiving funds under this part that the parents may request, and the agency will
19 provide the parents on request (and in a timely manner), information regarding the
20 professional qualifications of the student’s classroom teachers, including, at a
21 minimum, the following:

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

24 “(ii) Whether the teacher is teaching under emergency or other provisional
25 status through which State qualification or licensing criteria have been waived.

26 “(iii) Whether the child is provided services by paraprofessionals and, if so,
27 whether each such paraprofessional meets the qualifications required under
28 section 1119.

29 “(B) ADDITIONAL INFORMATION.—In addition to the information that parents may
30 request under subparagraph (A), a school that receives funds under this part shall
31 provide to each individual parent—

32 “(i) information on the level of achievement of the parent’s child in each of the
33 State academic assessments as required under this part; and

34 “(ii) timely notice that the parent’s child has been assigned, or has been taught
35 for 4 or more consecutive weeks by, a teacher who does not meet applicable State
36 certification or licensure requirements.

37 “(2) LANGUAGE INSTRUCTION.—

38 “(A) NOTICE.—Each local educational agency using funds under this part to provide
39 a language instruction educational program as determined under title III shall, not later

1 than 30 days after the beginning of the school year, inform a parent or parents of an
2 English language learner identified for participation or participating in such a program
3 of—

4 “(i) the reasons for the identification of their child as an English language
5 learner and in need of placement in a language instruction educational program;

6 “(ii) the child’s level of English proficiency, how such level was assessed, and
7 the status of the child’s academic achievement;

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

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

14 “(v) how such program will specifically help their child learn English and meet
15 age-appropriate academic achievement standards for grade promotion and
16 graduation;

17 “(vi) the specific exit requirements for the program, including the expected rate
18 of transition from such program into classrooms that are not tailored for English
19 language learners, and the expected rate of graduation from secondary school for
20 such program if funds under this part are used for children in secondary schools;

21 “(vii) in the case of a child with a disability, how such program meets the
22 objectives of the individualized education program of the child, as described in
23 section 614(a)(1)(D) of the Individuals with Disabilities Education Act; and

24 “(viii) information pertaining to parental rights that includes written
25 guidance—

26 “(I) detailing—

27 “(aa) the right that parents have to have their child immediately
28 removed from such program upon their request; and

29 “(bb) the options that parents have to decline to enroll their child in
30 such program or to choose another program or method of instruction, if
31 available; and

32 “(II) assisting parents in selecting among various programs and methods
33 of instruction, if more than 1 program or method is offered by the eligible
34 entity.

35 “(B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who
36 have not been identified as English language learners prior to the beginning of the
37 school year but are identified as English language learners during such school year, the
38 local educational agency shall notify the children’s parents during the first 2 weeks of
39 the child being placed in a language instruction educational program consistent with
40 subparagraph (A).

1 “(C) PARENTAL PARTICIPATION.—Each local educational agency receiving funds
2 under this part shall implement an effective means of outreach to parents of English
3 language learners to inform the parents regarding how the parents can be involved in
4 the education of their children, and be active participants in assisting their children to
5 attain English proficiency, achieve at high levels in core academic subjects, and meet
6 challenging State academic achievement standards and State academic content
7 standards expected of all students, including holding, and sending notice of
8 opportunities for, regular meetings for the purpose of formulating and responding to
9 recommendations from parents of students assisted under this part.

10 “(D) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or
11 excluded from, any Federally assisted education program on the basis of a surname or
12 language-minority status.

13 “(3) FORMAT.—The notice and information provided to parents under this subsection
14 shall be in an understandable and uniform format and, to the extent practicable, provided in
15 a language that the parents can understand.

16 “SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;
17 SCHOOLWIDE PROGRAMS; TARGETED ASSISTANCE
18 PROGRAMS.

19 “(a) Eligible School Attendance Areas.—

20 “(1) DETERMINATION.—

21 “(A) IN GENERAL.—A local educational agency shall use funds received under this
22 part only in eligible school attendance areas.

23 “(B) ELIGIBLE SCHOOL ATTENDANCE AREAS.—In this part—

24 “(i) the term ‘school attendance area’ means, in relation to a particular school,
25 the geographical area in which the children who are normally served by that
26 school reside; and

27 “(ii) the term ‘eligible school attendance area’ means a school attendance area
28 in which the percentage of children from low-income families is at least as high as
29 the percentage of children from low-income families served by the local
30 educational agency as a whole.

31 “(C) RANKING ORDER.—If funds allocated in accordance with paragraph (3) are
32 insufficient to serve all eligible school attendance areas, a local educational agency
33 shall—

34 “(i) annually rank, without regard to grade spans, such agency’s eligible school
35 attendance areas in which the concentration of children from low-income families
36 exceeds 75 percent from highest to lowest according to the percentage of children
37 from low-income families; and

38 “(ii) serve such eligible school attendance areas in rank order.

39 “(D) REMAINING FUNDS.—If funds remain after serving all eligible school

attendance areas under subparagraph (C), a local educational agency shall—

“(i) annually rank such agency’s remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

“(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

“(E) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

“(i) to identify eligible school attendance areas;

“(ii) to determine the ranking of each area; and

“(iii) to determine allocations under paragraph (3).

“(F) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

“(G) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency’s written request for a waiver of the requirements of this paragraph and paragraph (3) and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

“(i) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school’s total enrollment; and

“(ii) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

“(2) LOCAL EDUCATIONAL AGENCY DISCRETION.—

“(A) IN GENERAL.—Notwithstanding paragraph (1)(B), a local educational agency may—

“(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

“(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

1 “(iii) designate and serve a school attendance area or school that is not eligible
2 under this section, but that was eligible and that was served in the preceding fiscal
3 year, but only for 1 additional fiscal year; and

4 “(iv) elect not to serve an eligible school attendance area or eligible school that
5 has a higher percentage of children from low-income families if—

6 “(I) the school meets the comparability requirements of section 1120A(b);

7 “(II) the school is receiving supplemental funds from other State or local
8 sources that are spent according to the requirements of this section; and

9 “(III) the funds expended from such other sources equal or exceed the
10 amount that would be provided under this part.

11 “(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children
12 attending private elementary schools and secondary schools who are to receive
13 services, and the assistance such children are to receive under this part, shall be
14 determined without regard to whether the public school attendance area in which such
15 children reside is assisted under subparagraph (A).

16 “(3) ALLOCATIONS.—

17 “(A) IN GENERAL.—A local educational agency shall allocate funds received under
18 this part to eligible school attendance areas or eligible schools, identified under
19 paragraphs (1) and (2) in rank order, on the basis of the total number of children from
20 low-income families in each area or school.

21 “(B) SPECIAL RULE.—

22 “(i) IN GENERAL.—Except as provided in clause (ii), the per-pupil amount of
23 funds allocated to each school attendance area or school under subparagraph (A)
24 shall be at least 125 percent of the per-pupil amount of funds a local educational
25 agency received for that year under the poverty criteria described by the local
26 educational agency in the plan submitted under section 1112, except that this
27 clause shall not apply to a local educational agency that only serves schools in
28 which the percentage of such children is 35 percent or greater.

29 “(ii) EXCEPTION.—A local educational agency may reduce the amount of funds
30 allocated under clause (i) for a school attendance area or school by the amount of
31 any supplemental State and local funds expended in that school attendance area or
32 school for programs that meet the requirements of this section.

33 “(C) RESERVATION.—A local educational agency shall reserve such funds as are
34 necessary under this part to provide services comparable to those provided to children
35 in schools funded under this part to serve—

36 “(i) homeless children who do not attend participating schools, including
37 providing educationally related support services to children in shelters and other
38 locations where children may live;

39 “(ii) children in local institutions for neglected children; and

40 “(iii) if appropriate, children in local institutions for delinquent children, and

neglected or delinquent children in community day school programs.

“(b) Schoolwide Programs and Targeted Assistance Schools.—

“(1) IN GENERAL.—For each school that will receive funds under this part, the local educational agency shall determine whether the school operates as a schoolwide program consistent with paragraph (2) or a targeted assistance school consistent with paragraph (3).

“(2) SCHOOLWIDE PROGRAMS.—

“(A) IN GENERAL.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

“(B) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

“(i) IN GENERAL.—No school participating in a schoolwide program shall be required—

“(I) to identify particular children under this part as eligible to participate in a schoolwide program; or

“(II) to provide services to such children that are supplementary, as otherwise required by section 1120A(a).

“(ii) SUPPLEMENTAL FUNDS.—A school participating in a schoolwide program shall use funds available to carry out this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English language learners.

“(C) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

“(i) EXEMPTION.—The Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

“(ii) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

“(iii) RECORDS.—A school that consolidates and uses funds from different

Federal programs under this paragraph shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

“(D) PREKINDERGARTEN PROGRAM.—A school that is eligible for a schoolwide program under this paragraph may use funds made available under this part to establish or enhance prekindergarten programs for children below the age of 6.

“(3) TARGETED ASSISTANCE SCHOOLS.—

“(A) IN GENERAL.—In all schools selected to receive funds under subsection (a)(3) that are ineligible for a schoolwide program under paragraph (2), or that choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subparagraph (B) identified as having the greatest need for special assistance.

“(B) ELIGIBLE CHILDREN.—

“(i) ELIGIBLE POPULATION.—

“(I) IN GENERAL.—The eligible population for services under this section is—

“(aa) children not older than age 21 who are entitled to a free public education through grade 12; and

“(bb) children who are not yet at a grade level at which the local educational agency provides a free public education.

“(II) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.—From the population described in subclause (I), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State’s challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school.

“(ii) CHILDREN INCLUDED.—

“(I) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children, or children who are English language learners, are eligible for services under this part on the same basis as other children selected to receive services under this part.

“(II) HEAD START AND PRESCHOOL CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, or in preschool services under this title, is eligible for services under this part.

“(III) MIGRANT CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services

1 under part C is eligible for services under this part.

2 “(IV) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local
3 institution for neglected or delinquent children and youth or attending a
4 community day program for such children is eligible for services under this
5 part.

6 “(V) HOMELESS CHILDREN.—A child who is homeless and attending any
7 school served by the local educational agency is eligible for services under
8 this part.

9 “(iii) SPECIAL RULE.—Funds received under this part may not be used to
10 provide services that are otherwise required by law to be made available to
11 children described in clause (ii) but may be used to coordinate or supplement such
12 services.

13 “(C) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of
14 staff supported with funds under this part into the regular school program and overall
15 school planning and improvement efforts, public school personnel who are paid with
16 funds received under this part may—

17 “(i) participate in general professional development and school planning
18 activities; and

19 “(ii) assume limited duties that are assigned to similar personnel who are not so
20 paid, including duties beyond classroom instruction or that do not benefit
21 participating children, so long as the amount of time spent on such duties is the
22 same proportion of total work time as prevails with respect to similar personnel at
23 the same school.

24 “(D) SPECIAL RULES.—

25 “(i) SIMULTANEOUS SERVICE.—Nothing in this paragraph shall be construed to
26 prohibit a school from serving students under this paragraph simultaneously with
27 students with similar educational needs, in the same educational settings where
28 appropriate.

29 “(ii) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services
30 are not otherwise available to eligible children in a targeted assistance school and
31 such school, if appropriate, has engaged in a comprehensive needs assessment and
32 established a collaborative partnership with local service providers and funds are
33 not reasonably available from other public or private sources to provide such
34 services, then a portion of the funds provided under this part may be used as a last
35 resort to provide such services, including—

36 “(I) the provision of basic medical equipment, such as eyeglasses and
37 hearing aids;

38 “(II) compensation of a coordinator; and

39 “(III) professional development necessary to assist teachers, pupil services
40 personnel, other staff, and parents in identifying and meeting the
41 comprehensive needs of eligible children.

“SEC. 1114. SCHOOL IDENTIFICATION AND ASSISTANCE.

“(a) State Review and Responsibilities.—

“(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use a system designed by the State in accordance with section 1111(b)(3)(A) to annually —

“(A) review the academic performance of each public school in the State to measure the progress of each public school served under this part in meeting the State’s challenging academic standards and any other measures determined appropriate by the State, by using—

“(i) the State academic assessments described in section 1111(b)(2);

“(ii) secondary school graduation rates, as appropriate; and

“(iii) other indicators determined by the State; and

“(B) identify the public schools that receive funds under this part and are in need of assistance for improving student academic achievement and any other measures determined appropriate by the State.

“(2) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

“(A) make technical assistance available to local educational agencies that serve schools identified under paragraph (1)(B);

“(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, take such actions as the State educational agency determines to be appropriate and in compliance with State law; and

“(C) inform local educational agencies of schools identified under subparagraph (1)(B) in a timely manner that is before the beginning of the school year.

“(b) Local Educational Agency Review and Responsibilities.—

“(1) IN GENERAL.—Each local educational agency with a school identified under subsection (a)(1)(B) shall, in consultation with school personnel, parents, and the local community—

“(A) conduct a review of such school and student achievement data, including data from the State assessments described in section 1111(b)(2), to determine the factors that led to such identification;

“(B) conduct a review of the policies, procedures, personnel decisions, and budgetary decisions of the local educational agency and the school that impact the school and could have contributed to the identification of the school;

“(C) develop appropriate strategies, as described under paragraph (3), for assisting the identified school; and

“(D) develop a comprehensive plan for the successful implementation of the assistance strategies, including—

1 “(i) technical assistance that will be provided to the school;

2 “(ii) improved delivery of services to be provided by the local educational
3 agency;

4 “(iii) curriculum, program of instruction, or other services provided to students
5 in the school; and

6 “(iv) any changes to personnel necessary to improve educational opportunities
7 for children in the school.

8 “(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent
9 or parents of each student enrolled in a school identified under subsection (a)(1)(B)—

10 “(A) an explanation of what the identification means, and how the school compares
11 in terms of academic achievement to other schools served by the local educational
12 agency and the State educational agency involved;

13 “(B) the reasons for the identification;

14 “(C) an explanation of what the local educational agency or State educational
15 agency is doing to help the school address the student academic achievement problem,
16 including a description of the assistance strategies developed under paragraph (1)(C)
17 that will be implemented in the school;

18 “(D) an explanation of how the parents can become involved in addressing the
19 academic achievement issues that caused the school to be identified; and

20 “(E) an explanation of the parents’ option to transfer their child to another public
21 school under paragraph (4), if applicable.

22 “(3) SCHOOL ASSISTANCE STRATEGIES.—

23 “(A) IN GENERAL.—Consistent with subsection (a)(1) and paragraph (1), a local
24 educational agency shall develop assistance strategies for an identified school, which
25 may include, among other strategies—

26 “(i) replacing the principal who led the school before implementation of the
27 strategy;

28 “(ii) screening and replacing teachers that are not effective in improving
29 student achievement, as determined by the State or local educational agency;

30 “(iii) giving the school sufficient operational flexibility in programming,
31 staffing, budgeting, and scheduling to fully implement a comprehensive strategy
32 that is designed to substantially improve student achievement and, if applicable,
33 increase the graduation rate;

34 “(iv) providing ongoing, high-quality professional development to instructional
35 staff that is aligned with the school’s instructional program, facilitates effective
36 teaching and learning, and supports the implementation of school turnaround
37 model;

38 “(v) implementing strategies, such as financial incentives, increased
39 opportunities for promotion and career growth, and more flexible work
40 conditions, that are designed to recruit, place, and retain staff with the skills that

are necessary to meet the needs of the students in the school;

“(vi) using data to identify and implement a research-based instructional program that is aligned with the State’s challenging academic standards or to inform and differentiate instruction in order to meet the academic needs of individual students;

“(vii) converting a school or closing and reopening the school—

“(I) under a charter school operator, a charter management organization, an education management organization, as a magnet school, or as an innovative school as defined under State law; and

“(II) enrolling in the school, within the grades it serves, any former student from the identified school who wishes to attend the school;

“(viii) closing a school and enrolling the students who attended that school in other schools of the local educational agency that are higher performing;

“(ix) adopting a new governance structure for the school; and

“(x) any other strategies and activities that the local educational agency deems appropriate to address the needs of students in identified schools.

“(B) STATE DETERMINED STRATEGIES.—Consistent with State law, a State educational agency may establish alternative State determined strategies that can be used by local educational agencies to assist a school identified under subsection (a)(1)(B), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

“(4) PUBLIC SCHOOL CHOICE.—

“(A) IN GENERAL.—In addition to the assistance strategies developed under paragraph (3)(A), a local educational agency may, not later than 3 months before the first day of the school year following identification under subsection (a)(1)(B), provide all students enrolled in the identified school with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

“(B) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

“(C) TREATMENT.—Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

“(D) SPECIAL RULE.—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.

“(E) PROVISION OF TRANSPORTATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency

shall provide, or shall pay for the provision of, transportation for a student who transfers under this paragraph to the public school to which the student transfers.

“(ii) EXCEPTION.—The obligation of a local educational agency to provide, or pay for the provision of, transportation for a student who transfers under this paragraph ends at the end of a school year if the local educational agency determines that the school from which the student transferred is no longer identified under subsection (a)(1)(B).

“SEC. 1115. RESERVED.

“SEC. 1116. RESERVED.

“SEC. 1117. RESERVED.”; and

(2) by striking section 1119 and inserting the following:

“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

“(a) Teachers.—Each local educational agency receiving assistance under this part shall ensure that all teachers working in a program supported with funds under this part meet applicable State certification and licensure requirements.

“(b) Paraprofessionals.—

“(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110) and working in a program supported with funds under this part have—

“(A) completed not less than 2 years of study at an institution of higher education;

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

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

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

“(ii) knowledge of, and the ability to assist in, reading readiness, writing readiness, and mathematics readiness, as appropriate.

“(2) CLARIFICATION.—The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).

“(c) Exceptions for Translation and Parental Involvement Activities.—Subsection (b) shall not apply to a paraprofessional—

“(1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

1 “(2) whose duties consist solely of conducting parental involvement activities consistent
2 with section 1118.

3 “(d) Duties of Paraprofessionals.—

4 “(1) IN GENERAL.—Each local educational agency receiving assistance under this part
5 shall ensure that a paraprofessional working in a program supported with funds under this
6 part is not assigned a duty inconsistent with this subsection.

7 “(2) LIMITATIONS.—A paraprofessional described in paragraph (1) may only provide
8 instructional service to a student under the direct supervision of a teacher or principal.

9 “(3) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional
10 described in paragraph (1) may be assigned—

11 “(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled
12 at a time when a student would not otherwise receive instruction from a teacher;

13 “(B) to assist with classroom management, such as organizing instructional and
14 other materials;

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

16 “(D) to conduct parental involvement activities;

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

18 “(F) to act as a translator; or

19 “(G) to provide instructional services to students in accordance with paragraph (2).”.

20 SEC. 105. PARTICIPATION OF CHILDREN ENROLLED IN 21 PRIVATE SCHOOLS.

22 Section 1120(a) (20 U.S.C. 6320(a)) is amended by striking paragraph (4) and inserting the
23 following:

24 “(4) EXPENDITURES.—

25 “(A) IN GENERAL.—Expenditures for educational services and other benefits to
26 eligible private school children shall be equal to the proportion of funds allocated to
27 the local educational agency based on the number of children from low-income
28 families who attend private schools.

29 “(B) TERM OF DETERMINATION.—The local educational agency may determine the
30 equitable share each year or every 2 years.

31 “(C) METHOD OF DETERMINATION.—The proportional share of funds shall be
32 determined—

33 “(i) based on the total allocation received by the local educational agency; and

34 “(ii) prior to any allowable expenditures or transfers by the local educational
35 agency.”.

36 SEC. 106. TITLE I FUNDS FOLLOW THE LOW-INCOME

CHILD STATE OPTION.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by adding at the end the following:

“SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME CHILD STATE OPTION.

“(a) In General.—Notwithstanding any other provision of law and to the extent permitted under State law, a State educational agency may allocate grant funds under this subpart among the local educational agencies in the State based on the number of eligible children enrolled in the public schools operated by each local educational agency.

“(b) Eligible Child.—

“(1) DEFINITION.—In this section, the term ‘eligible child’ means a child aged 5 to 17, inclusive, from a family with an income below the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce.

“(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of this section, a State educational agency shall use the criteria of poverty used by the Census Bureau in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

“(c) Student Enrollment in Public Schools.—

“(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency that receives grant funding in accordance with subsection (a) shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency.

“(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Based on the identification of eligible children in paragraph (1), the State educational shall provide to a local educational agency an amount equal to the sum of the amount available for each eligible child in the State multiplied by the number of eligible children identified by the local educational agency under paragraph (1).

“(3) DISTRIBUTION TO SCHOOLS.—Each local educational agency that receives funds under paragraph (2) shall distribute such funds to the public schools served by the local educational agency—

“(A) based on the number of eligible children enrolled in such schools; and

“(B) in a manner that would, in the absence of such Federal funds, supplement the funds made available from non-Federal resources for the education of pupils participating in programs under this part, and not to supplant such funds.”.

SEC. 107. ACADEMIC ASSESSMENTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended to read as follows:

1 “PART B—ACADEMIC ASSESSMENTS

2 “SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND
3 RELATED ACTIVITIES.

4 “The Secretary shall make grants to States to enable the States to carry out the following:

5 “(1) To pay the costs of the development of the additional State assessments and
6 standards required by section 1111(b), which may include the costs of working in voluntary
7 partnerships with other States, at the sole discretion of each such State.

8 “(2) If a State has developed the assessments required by section 1111(b), to administer
9 those assessments or to carry out other activities described in this part and other activities
10 related to ensuring that the State’s schools and local educational agencies are held
11 accountable for results, such as the following:

12 “(A) Expanding the range of appropriate accommodations available to English
13 language learners and students with disabilities to improve the rates of inclusion in
14 regular assessments of such students, including professional development activities to
15 improve the implementation of such accommodations in instructional practice.

16 “(B) Developing or improving assessments for students with disabilities, including
17 the development of assessments—

18 “(i) for all students, including students with disabilities, using the principles of
19 universal design;

20 “(ii) aligned to modified State content standards; and

21 “(iii) aligned to alternate State content standards for students with the most
22 significant cognitive disabilities.

23 “(C) Developing challenging academic content and student academic achievement
24 standards and aligned assessments in academic subjects for which standards and
25 assessments are not required under section 1111(b).

26 “(D) Developing or improving assessments of English language proficiency
27 necessary to comply with section 1111(b)(2)(B)(vi)(IV).

28 “(E) Ensuring the continued validity and reliability of State assessments.

29 “(F) Refining State assessments to ensure their continued alignment with the State’s
30 academic content standards and to improve the alignment of curricula and instructional
31 materials.

32 “SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT
33 INSTRUMENTS.

34 “(a) Grant Program Authorized.—

35 “(1) IN GENERAL.—From funds made available to carry out this part, the Secretary shall
36 award, on a competitive basis, grants to State educational agencies to enable the agencies to
37 carry out the activities described in this section.

1 “(2) APPLICATION.—A State educational agency that desires to receive a grant under this
2 section shall submit an application to the Secretary at such time, in such manner, and
3 containing such information as the Secretary may require.

4 “(3) AWARD OF GRANTS.—The Secretary shall award grants to State educational agencies
5 whose applications demonstrate, to the satisfaction of the Secretary, that the following
6 requirements of this section will be met:

7 “(A) Developing or improving assessments for students with disabilities, including
8 the development of assessments—

9 “(i) for all students, including students with disabilities, using the principles of
10 universal design;

11 “(ii) aligned to modified State content standards; and

12 “(iii) aligned to alternate State content standards for students with the most
13 significant cognitive disabilities.

14 “(B) Collaborating with institutions of higher education, other research institutions,
15 or other organizations to improve the quality, validity, and reliability of State academic
16 assessments.

17 “(C) Measuring student academic achievement using multiple measures of student
18 academic achievement from multiple sources.

19 “(D) Measuring student progress or academic growth over time.

20 “(E) Evaluating student academic achievement through the development of
21 comprehensive academic assessment instruments, such as performance and
22 technology-based academic assessments.

23 “(F) Developing or improving the quality, validity, and reliability of assessments for
24 English language learners, including alternative assessments aligned with State content
25 standards, testing accommodations for English language learners, and assessments of
26 English language proficiency.

27 “(b) Annual Report.—Each State educational agency receiving a grant under this section shall
28 submit an annual report to the Secretary describing its activities, and the result of those activities,
29 under the grant.

30 “SEC. 1203. FUNDING.

31 “(a) Allotment of Appropriated Funds.—

32 “(1) IN GENERAL.—From amounts made available for each fiscal year under subsection
33 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(F)
34 (referred to in this subsection as the ‘trigger amount’), the Secretary shall—

35 “(A) reserve $\frac{1}{2}$ of 1 percent for the Bureau of Indian Affairs;

36 “(B) reserve $\frac{1}{2}$ of 1 percent for the outlying areas; and

37 “(C) from the remainder, allocate to each State an amount equal to—

38 “(i) \$3,000,000; and

“(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

“(A)(i) To award funds under section 1202 to States according to the quality, needs, and scope of the State application under that section.

“(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State’s grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(3) PRIORITY.—The Secretary shall give priority to States that propose to conduct activities consistent with section 1202(a)(3)(A).

“(b) State Defined.—In this section, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

SEC. 108. EVALUATIONS.

Section 1501 (20 U.S.C. 6491) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “relative to the goal of all students reaching the proficient level of achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 1111” and inserting “so that all students are prepared to graduate from high school ready to enter postsecondary education or the workforce without the need for academic remediation”;

(ii) by striking subparagraphs (D), (F), and (G);

(iii) by redesignating subparagraphs (E), (H), (I), (J), (K), (L), (M), (N), and (O), as subparagraphs (D), (E), (F), (G), (H), (I), (J), (K), and (L), respectively;

(iv) in subparagraph (D), as redesignated by clause (iii)—

(I) in clause (iii), by adding “and” after the semicolon;

(II) in clause (iv), by striking “; and” and inserting a period; and

(III) by striking clause (v);

(v) by striking subparagraph (F), as redesignated by clause (iii), and inserting the following:

“(F) The extent to which actions authorized under section 1114(b) are implemented by State educational agencies and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of such actions, including the following:

“(i) The number of schools identified under section 1114(a)(1)(B) and the factors that lead to such identification.

“(ii) The assistance strategies designed and implemented by the State educational agency or the local educational agency and the impact of such strategies on improving student academic achievement and improving school performance.

“(iii) If applicable, the number of parents who take advantage of the public school choice provisions of this title, the costs (including transportation costs) associated with implementing these provisions, the implementation of these provisions, and the impact of these provisions (including the impact of attending another school) on student achievement.”; and

(vi) in subparagraph (K), as redesignated by clause (iii), by striking “section 1111(b)(2)(C)(v)(II)” and inserting “subclauses (I) through (IV) of section 1111(b)(2)(B)(viii)”;

(B) in paragraph (6)—

(i) in subparagraph (A), by striking “the No Child Left Behind Act of 2001” and inserting “the Every Child Ready for College or Career Act of 2013”; and

(ii) in subparagraph (B), by striking “the No Child Left Behind Act of 2001” and inserting “the Every Child Ready for College or Career Act of 2013”; and

(2) in subsection (c)(2)(E), by striking “section 1116” and inserting “section 1114(c)”.

SEC. 109. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

Part E of title I (20 U.S.C. 6491 et seq.) is amended by striking sections 1502 through 1504.

SEC. 110. GENERAL PROVISIONS.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by striking parts F, G, and H;

(2) in section 1120A, by striking subsection (a) and redesignating subsections (b), (c), and (d), as subsections (a), (b), and (c);

(3) by striking section 1908;

(4) by redesignating part I as part F;

(5) by redesignating sections 1901 through 1907 as sections 1601 through 1607; and

(6) in section 1604, as redesignated by paragraph (5), by striking “6 local educational agencies” and inserting “25 local educational agencies” both places the term appears.

SEC. 111. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

Section 305 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9624) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) State Assessments.—For the purpose of administering the State assessments under this title, there are authorized to be appropriated \$72,000,000 for each of fiscal years 2014 through 2018.”.

TITLE II—HIGH-QUALITY TEACHERS AND PRINCIPALS

SEC. 201. HIGH-QUALITY TEACHERS AND PRINCIPALS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating subpart 5 of part C of title II as subpart 3 of part E of title IX and moving that subpart to the end of part E of title IX;

(2) by redesignating sections 2361 through 2368 as sections 9541 through 9548, respectively;

(3) by striking the subpart heading of subpart 3 of part E of title IX, as redesignated by paragraph (1), and inserting the following:

“Subpart 3—Teacher Liability Protection”;

(4) in section 9546(b), as redesignated by paragraph (2), by striking the matter following paragraph (2) and inserting the following:

“(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.”;

(5) by redesignating subpart 4 of part D of title II as subpart 4 of part E of title IX and moving that subpart to follow subpart 3 of part E of title IX, as redesignated by paragraph (1);

(6) by redesignating section 2441 as section 9551;

(7) by striking the subpart heading of subpart 4 of part E of title IX, as redesignated by paragraph (5), and inserting the following:

“Subpart 4—Internet Safety”; and

(8) by striking title II and inserting the following:

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS AND PRINCIPALS

“SEC. 2101. PURPOSE.

“The purpose of this title is to improve student academic achievement by—

“(1) increasing the capacity of local educational agencies, schools, teachers, and principals to provide a well-rounded and complete education for all students;

“(2) improving teacher and principal quality and effectiveness;

“(3) increasing the number of teachers and principals who are effective in improving student academic achievement in schools; and

“(4) ensuring that low-income and minority students are served by effective teachers and principals and have access to a high-quality instructional program in the core academic subjects.

“SEC. 2102. DEFINITIONS.

“In this title:

“(1) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ means English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, music, and physical education.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.

“(a) Grants to States and Local Educational Agencies.—There are authorized to be appropriated to carry out this title \$3,045,058,000 for each of fiscal years 2014 through 2018.

“(b) National Activities.—From amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve not more than 5 percent to carry out activities authorized under section 2108.

“(c) Teacher Incentive Fund.—From amounts appropriated under subsection (a) for each fiscal year that remain after making the reservation under subsection (b), the Secretary shall reserve not less than 10 percent to carry out activities authorized under part B.

“PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

“SEC. 2104. FORMULA GRANTS TO STATES.

“(a) Reservation of Funds.—From the total amount appropriated under section 2103(a) for a fiscal year after the Secretary makes the reservations under subsections (b) and (c) of section

2103, the Secretary shall reserve—

“(1) $\frac{1}{2}$ of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

“(2) $\frac{1}{2}$ of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(b) State Allotments.—

“(1) IN GENERAL.—From the funds appropriated under section 2103(a) for a fiscal year that remains after the Secretary makes the reservations under paragraphs (1) and (2) and subsections (b) and (c) of section 2103, the Secretary shall allot to each State the sum of—

“(A) an amount that bears the same relationship to 20 percent of the remaining amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(B) an amount that bears the same relationship to 80 percent of the remaining amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(2) EXCEPTIONS.—

“(A) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than $\frac{1}{2}$ of 1 percent of the total remaining amount allotted under such paragraph for a fiscal year.

“(B) REALLOTMENT.—If a State does not receive an allotment under this title for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(c) State Use of Funds.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year, to make subgrants to local educational agencies as described in section 2105.

“(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency’s responsibilities under this title.

“(3) STATE ACTIVITIES.—The State educational agency for a State that receives an allotment under subsection (a) may use funds not reserved under paragraph (1) to carry out the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

“(A) Reforming teacher and principal certification, recertification, licensing, or tenure systems to ensure that—

1 “(i) teachers have the necessary subject matter knowledge and teaching skills in
2 the academic subjects that the teachers teach to help students meet challenging
3 State standards;

4 “(ii) principals have the instructional leadership skills to help teachers teach
5 and to help students meet challenging State standards; and

6 “(iii) teacher certification or licensing requirements are aligned with
7 challenging State standards.

8 “(B) Developing or improving teacher and principal evaluation systems that shall be
9 based in significant part on evidence of student achievement and may include student
10 growth and other measures determined by the State.

11 “(C) Carrying out programs that establish, expand, or improve alternative routes for
12 State certification of teachers and principals, especially in the areas of mathematics and
13 science, for—

14 “(i) highly qualified individuals with a bachelor’s or master’s degree;

15 “(ii) mid-career professionals from other occupations;

16 “(iii) paraprofessionals;

17 “(iv) former military personnel; and

18 “(v) recent college or university graduates with records of academic distinction
19 who demonstrate the potential to become highly effective teachers or principals.

20 “(D) Developing and implementing mechanisms to assist local educational agencies
21 and schools in effectively recruiting and retaining teachers and principals who are
22 effective in improving student academic achievement.

23 “(E) Fulfilling the State educational agency’s responsibilities concerning proper and
24 efficient administration and monitoring of the programs carried out under this part,
25 including provision of technical assistance to local educational agencies.

26 “(F) Developing, or assisting local educational agencies in developing—

27 “(i) performance-based pay systems;

28 “(ii) strategies that provide differential and bonus pay for teachers in high-need
29 academic subjects and teachers or principals in high-poverty schools and districts;

30 “(iii) teacher advancement initiatives that promote professional growth and
31 emphasize multiple career paths and pay differentiation; and

32 “(iv) new teacher and principal induction and mentoring programs that are
33 designed to—

34 “(I) improve instruction and student learning and achievement; and

35 “(II) increase the retention of effective teachers and principals.

36 “(G) Providing assistance to local educational agencies for the development and
37 implementation of high-quality professional development programs for principals that
38 enable the principals to be effective school leaders and prepare all students to meet

challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to develop educational leaders.

“(H) Supporting efforts to train teachers and principals to effectively integrate technology into curricula and instruction.

“(I) Providing training, technical assistance, and capacity building to local educational agencies that receive a subgrant under this title.

“(J) Other activities identified by the State that meet the purpose of this part.

“(d) State Plan.—

“(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each plan described under paragraph (1) shall include the following:

“(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

“(B) An assurance that the State educational agency will monitor the implementation of activities under this title and provide technical assistance to local educational agencies in carrying out such activities.

“(C) An assurance that the State educational agency will work in consultation with the entity responsible for teacher professional standards, certification, and licensing, to ensure that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

“SEC. 2105. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Allocation of Funds to Local Educational Agencies.—

“(1) IN GENERAL.—A State educational agency that receives a grant under this title for a fiscal year shall provide the amount made available under section 2104(c)(1) to award subgrants to local educational agencies from allocations described in paragraph (2).

“(2) ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

“(A) an amount that bears the same relationship to 20 percent of the funds for such fiscal year as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

“(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals age 5 through 17 from families with incomes

below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(3) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (2), a local educational agency may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this title.

“(b) Local Applications.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(2) NEEDS ASSESSMENT.—

“(A) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct a comprehensive needs assessment of the local educational agency and of all schools within the jurisdiction of the local educational agency.

“(B) REQUIREMENTS.—Such needs assessment shall be designed to determine the schools with the most acute staffing needs related to—

“(i) increasing the number of teachers and principals who are effective in improving student academic achievement;

“(ii) ensuring that low-income and minority students are served by effective teachers and principals and have access to a high-quality instructional program in the core academic subjects;

“(iii) hiring, retention, and promotion;

“(iv) understanding and using data and assessments to improve student learning and classroom practice;

“(v) improving student behavior in the classroom and school, including the identification of early and appropriate interventions; and

“(vi) teaching students who are English language learners and students with disabilities.

“(3) CONSULTATION.—

“(A) IN GENERAL.—In conducting a needs assessment as described in paragraph (2), a local educational agency shall—

“(i) involve teachers, principals, pupil services personnel, parents, community-based organizations, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this part; and

“(ii) take into account the activities that need to be conducted in order to give teachers and principals the skills to provide students with the opportunity to meet challenging State standards.

1 “(B) CONTINUED CONSULTATION.—A local educational agency shall consult with
2 such individuals and organizations described in subparagraph (A) on an ongoing basis
3 in order to—

4 “(i) seek advice regarding how best to improve the local educational agency’s
5 activities to meet the purpose of this part; and

6 “(ii) coordinate the local educational agency’s activities under this part with
7 other related strategies, programs, and activities being conducted in the
8 community.

9 “(4) CONTENTS.—Each application submitted under this section shall be based on the
10 results of the needs assessment required under paragraph (2) and shall include the
11 following:

12 “(A) A description of the results of the comprehensive needs assessment carried out
13 under paragraph (2).

14 “(B) A description of the activities to be carried out by the local educational agency
15 under this section and how these activities will be aligned with the State’s challenging
16 academic standards.

17 “(C) An assurance that such activities will comply with the principles of
18 effectiveness described in section 2106(b).

19 “(D) A description of the professional development activities that will be made
20 available to teachers and principals to meet needs identified by the needs assessment
21 described in paragraph (2).

22 “(E) A description of how the local educational agency will support efforts to train
23 teachers and principals to effectively integrate technology into curricula and
24 instruction.

25 “(F) An assurance that the local educational agency will comply with section 9501
26 (regarding participation by private school children and teachers).

27 “(G) A description of how the local educational agency will prioritize funds to
28 schools served by the agency that are identified under section 1114(a)(1)(B) and have
29 the highest percentage or number of children counted under section 1124(c).

30 “(H) An assurance that the local educational agency will coordinate professional
31 development activities authorized under this subpart with professional development
32 activities provided through other Federal, State, and local programs.

33 “SEC. 2106. LOCAL USE OF FUNDS.

34 “(a) In General.—A local educational agency that receives a subgrant under section 2105 shall
35 use the funds made available through the subgrant to develop, implement, and evaluate
36 comprehensive programs and activities, which may be carried out through a grant or contract
37 with a for-profit or nonprofit entity, that are in accordance with the purposes of this title and —

38 “(1) meet the needs identified in the needs assessment described in 2105(b)(2);

39 “(2) are consistent with the principles of effectiveness described in subsection (b); and

1 “(3) may include, among other programs and activities—

2 “(A) developing or improving a rigorous, transparent, and fair evaluation system for
3 teachers and principals that shall be based in significant part on evidence of student
4 achievement, and may include student growth as a significant factor;

5 “(B) developing and implementing initiatives to assist in recruiting, hiring, and
6 retaining highly effective teachers and principals, particularly in high-poverty schools
7 with high percentages of ineffective teachers and high percentages of students who do
8 not meet State-determined proficient levels of achievement in the core academic
9 subjects, including initiatives that provide—

10 “(i) differential, incentive, or bonus pay for teachers in high-need academic
11 subject areas and specialty areas;

12 “(ii) performance-based pay systems for teachers and principals;

13 “(iii) teacher advancement, professional growth, and emphasis on multiple
14 career paths and pay differentiation; and

15 “(iv) new teacher and principal induction and mentoring programs that are
16 designed to improve instruction, student learning and achievement, and to
17 increase teacher and principal retention;

18 “(C) recruiting qualified individuals from other fields, including mid-career
19 professionals from other occupations, former military personnel, and recent graduates
20 of an institution of higher education with a record of academic distinction who
21 demonstrate potential to become effective teachers or principals;

22 “(D) establishing, improving, or expanding model instructional programs in the core
23 academic subjects to ensure that all children receive a well-rounded and complete
24 education;

25 “(E) providing high-quality professional development for teachers and principals
26 focused on improving teaching and student learning and achievement in the core
27 academic subjects, including supporting efforts to train teachers and principals to
28 effectively integrate technology into curricula and instruction;

29 “(F) developing programs and activities that increase the ability of teachers to
30 effectively teach students with disabilities, including students with significant
31 cognitive disabilities, which may include the use of response to intervention and
32 positive behavioral intervention and supports, and students who are English language
33 learners so that such students can meet the State’s challenging academic content and
34 student academic achievement standards;

35 “(G) providing students with increased access to up-to-date school library materials,
36 a well-equipped, technologically advanced school library media center, and well-
37 trained professionally certified school library media specialist;

38 “(H) providing programs and activities to help students prepare for postsecondary
39 level coursework in the core academic subjects, including early college or dual
40 enrollment programs, Advanced Placement and International Baccalaureate programs,
41 and other advanced learning programs, including programs to meet the educational

needs of gifted and talented students;

“(I) providing programs that support extended learning opportunities in the core academic subjects, including before and after school programs, summer school programs, and programs that extend the school day, week, or school-year calendar;

“(J) providing general liability insurance coverage for the purchase by teachers related to actions performed in their scope of duties; and

“(K) carrying out other activities identified by the local educational agencies that meet the purpose of this part.

“(b) Principles of Effectiveness.—

“(1) IN GENERAL.—For a program or activity developed pursuant to this title to meet the principles of effectiveness, such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for programs and activities in the schools to be served to—

“(i) increase the number of teachers and principals who are effective in improving student academic achievement; and

“(ii) ensure that low-income and minority students are served by effective teachers and principals and have access to a high-quality instructional program in the core academic subjects;

“(B) be based upon an established set of performance measures aimed at ensuring that all students receive a high-quality education in the core academic subjects, taught by effective teachers, that result in improved student academic achievement in the school served by the program;

“(C) reflect, to the extent practicable, scientifically valid research, or in the absence of a strong research base, reflect best practices in the field, that provides evidence that the program or activity will improve student academic achievement in the core academic subjects; and

“(D) include meaningful and ongoing consultation with and input from teachers, principals, and parents, in the development of the application and administration of the program or activity.

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving the goal of providing students with a high-quality education in the core academic subjects, taught by effective teachers, that results in improved student academic achievement.

“(B) USE OF RESULTS.—The results of evaluations described under subparagraph (A) shall be—

“(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and

“(ii) made available to the public upon request, with public notice of such availability provided.

1 “SEC. 2107. REPORTING.

2 “(a) In General.—Each State educational agency receiving funds under this title shall submit
3 to the Secretary a report that provides—

4 “(1) the number of teachers and principals in the State who are licensed and certified;

5 “(2) the number of teachers in the State who are licensed and certified to teach in their
6 field of study;

7 “(3) the number of teachers and principals in the State who have received emergency
8 licensure;

9 “(4) the passage rate of teacher and principal licensure examinations; and

10 “(5) if applicable, results of teacher and principal evaluation systems.

11 “(b) Local Educational Agency Report.—Each local educational agency receiving funds under
12 this title shall submit to the State educational agency such information that the State requires,
13 which shall include the information listed in subsection (a).

14 “(c) Availability.—The reports and information provided under subsections (a) and (b) shall
15 be made readily available to the public.

16 “SEC. 2108. NATIONAL ACTIVITIES OF
17 DEMONSTRATED EFFECTIVENESS.

18 “(a) Purpose.—The purpose of this section is to promote innovative instruction and learning
19 strategies by nationally-recognized organizations with a proven track record of effectiveness in
20 providing preparation and professional development activities and programs for teachers and
21 principals, particularly in underserved areas.

22 “(b) Technical Assistance and National Evaluation.—From the funds reserved by the
23 Secretary under section 2103(b) to carry out this section, the Secretary may reserve not more
24 than 20 percent to carry out directly or through grants and contracts—

25 “(1) technical assistance to States and local educational agencies carrying out activities
26 under this part; and

27 “(2) national evaluations of activities carried out by States and local educational agencies
28 under this part.

29 “(c) Programs of National Significance.—From the funds reserved by the Secretary under
30 section 2103(b), and not reserved under subsection (b), the Secretary shall award grants, on a
31 competitive basis, to eligible entities for the purposes of—

32 “(1) providing teachers and school leaders from non-traditional preparation and
33 certification routes to serve in traditionally underserved local education agencies;

34 “(2) providing professional development activities that addresses literacy, numeracy,
35 remedial, or other needs of local education agencies and their students; or

36 “(3) making freely available services and learning opportunities to local education
37 agencies through partnerships and cooperative agreements or by making publicly accessible
38 through the Internet or other widely available means.

“(d) Program Periods and Diversity of Projects.—

“(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be of sufficient size, for a period of not more than 3 years, and may be renewed by the Secretary for an additional 2 year period.

“(2) DIVERSITY OF PROJECTS.—The Secretary shall ensure that reach eligible entity will serve different areas, including urban, suburban, and rural areas.

“(3) LIMITATION.—The Secretary may not award more than one grant to an eligible entity during a grant period.

“(e) Cost-sharing.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section, shall provide, from non-Federal sources, not less than 50 percent of the funds for the total cost for each year of activities carried out under this section.

“(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

“(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

“(f) Applications.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary in such time and in such manner that the Secretary may require, which shall include, at a minimum, a certification that the eligible entity will provide services to the local educational agency and schools it serves at no cost to its students or parents.

“(g) Definition of Eligible Entity.—In this section, the term ‘eligible entity’ means—

“(1) an institution of higher education, as defined in section 102 of the Higher Education Act of 1965, that provides course materials or resources that are research proven in increasing academic achievement; or

“(2) a national nonprofit or for-profit organization with a demonstrated track record of raising student academic achievement, graduation rates, and college-going rates.

“SEC. 2109. PROHIBITION AGAINST FEDERAL
MANDATES, DIRECTION, OR CONTROL.

“Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, control, or exercise any direction or supervision over a State, local educational agency, or school’s instructional content or materials, curriculum, program of instruction, academic content and student academic achievement standards, or academic assessments.

“SEC. 2110. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.

“PART B—TEACHER INCENTIVE FUND

“SEC. 2201. PURPOSES; DEFINITIONS.

“(a) Purposes.—The purposes of this part are—

“(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems for teachers and principals, especially for teachers and principals in high-need schools, who raise student academic achievement and close the achievement gap; and

“(2) to study and review performance-based compensation systems for teachers and principals to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

“(b) Definitions.—In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency or a consortium of local educational agencies, including a charter school that is a local educational agency;

“(B) a State educational agency, or other State agency designated by the chief executive of a State to participate under this part; or

“(C) a partnership consisting of—

“(i) one or more agencies described in subparagraph (A) or (B); and

“(ii) at least 1 nonprofit or for-profit organization.

“(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency—

“(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

“(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

“(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

“(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

“(3) HIGH-NEED SCHOOL.—The term ‘high-need school’ means a school that—

“(A) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or

“(B)(i) has a high percentage of out-of-field teachers;

“(ii) is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teaching positions at the schools;

“(iii) has a high teacher turnover rate; or

“(iv) has a high percentage of teachers who are not certified or licensed.

1 “(4) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term ‘performance-based
2 compensation system’ means a system of compensation for teachers and principals that—

3 “(A) differentiates levels of compensation primarily on the basis of measurable
4 increases in student academic achievement; and

5 “(B) may include—

6 “(i) differentiated levels of compensation on the basis of effective teachers’ and
7 principals’ employment and success in hard-to-staff schools or high-need subject
8 areas; and

9 “(ii) recognition of the skills and knowledge of teachers and principals as
10 demonstrated through—

11 “(I) successful fulfillment of additional responsibilities or job functions;
12 and

13 “(II) evidence of high achievement and mastery of content knowledge and
14 superior teaching skills.

15 “SEC. 2202. TEACHER INCENTIVE FUND GRANTS.

16 “(a) In General.—From the amounts appropriated to carry out this part, the Secretary is
17 authorized to award grants, on a competitive basis, to eligible entities to enable the eligible
18 agencies to develop, implement, improve, or expand a performance-based compensation system
19 in a school served by a project under this part.

20 “(b) Priority.—In awarding a grant under this part, the Secretary shall give priority to an
21 eligible entity that concentrates the activities proposed to be assisted under the grant on teachers
22 and principals serving in high-need schools.

23 “(c) Applications.—To be eligible to receive a grant under this part, an eligible entity shall
24 submit an application to the Secretary, at such time and in such manner as the Secretary may
25 reasonably require. The application shall include—

26 “(1) a description of the performance-based compensation system that the eligible entity
27 proposes to develop, implement, improve, or expand;

28 “(2) a description and evidence of the support and commitment, from teachers and
29 principals in the school to be served by the project, the community, and the local
30 educational agency, for the performance-based compensation system, including a
31 demonstration of consultation with teachers and principals on the development and
32 implementation of the performance-based compensation system;

33 “(3) a description of how the eligible entity will develop and implement a fair, rigorous,
34 and objective process to evaluate teacher, principal, and student performance under the
35 project, including the baseline performance against which evaluations of improved
36 performance will be made;

37 “(4) a description of the local educational agency or school to be served by the project,
38 including such student academic achievement, demographic, and socioeconomic
39 information as the Secretary may request;

1 “(5) a description of the quality of teachers and principals in the local educational agency
2 and the schools to be served by the project and how the project will increase the quality of
3 teachers and principals in a high-need school;

4 “(6) a description of how the eligible entity will use grant funds under this part in each
5 year of the grant;

6 “(7) a description of how the eligible entity will continue the performance-based
7 compensation system assisted under the grant after the grant ends;

8 “(8) a description, if applicable, of how the eligible entity will define effective for the
9 purposes of section 2201(b)(4)(B)(i), through the use of measurable indicators, that are
10 based in significant part on measures of student academic achievement; and

11 “(9) a description of the State, local, or other public or private funds that will be used to
12 supplement the grant and sustain the activities assisted under the grant at the end of the
13 grant period.

14 “(d) Use of Funds.—

15 “(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use the
16 grant funds to develop, implement, improve, or expand, in collaboration with teachers,
17 principals, other school administrators, and members of the public, a performance-based
18 compensation system consistent with this part.

19 “(2) AUTHORIZED ACTIVITIES.—Grant funds under this part may be used for the
20 following:

21 “(A) Developing appraisal systems that reflect clear and fair measures of teacher and
22 principal performance based on demonstrated improvements in student academic
23 achievement.

24 “(B) Conducting outreach within a local educational agency or a State to gain input
25 on how to construct the appraisal system and to develop support for the appraisal
26 system.

27 “(C) Paying, as part of a comprehensive performance-based compensation system,
28 bonuses and increased salaries, if the eligible entity uses an increasing share of non-
29 Federal funds to pay the bonuses and increased salaries each year of the grant, to—

30 “(i) teachers and principals who raise student academic achievement;

31 “(ii) teachers who—

32 “(I) raise student academic achievement; and

33 “(II)(aa) teach in high-need schools; or

34 “(bb) teach subjects that are difficult to staff; or

35 “(iii) principals who raise student academic achievement in the school and
36 serve in high-need schools.

37 “(e) Duration of Grants.—

38 “(1) IN GENERAL.—The Secretary may award a grant under this part for a period of not
39 more than 5 years.

1 “(2) LIMITATION.—A local educational agency may receive (whether individually or as
2 part of a consortium or partnership) a grant under this part only once.

3 “(f) Equitable Distribution.—To the extent practicable, the Secretary shall ensure an equitable
4 geographic distribution of grants under this part.

5 “(g) Matching Requirement.—Each eligible entity that receives a grant under this part shall
6 provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant
7 (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

8 “(h) Supplement, Not Supplant.—Grant funds provided under this part shall be used to
9 supplement, not supplant, other Federal or State funds available to carry out activities described
10 in this part.

11 “SEC. 2203. REPORTS AND EVALUATIONS.

12 “(a) Activities Summary.—Each eligible entity receiving a grant under this part shall provide
13 to the Secretary a summary of the activities assisted under the grant.

14 “(b) Report.—The Secretary shall provide to Congress an annual report on the implementation
15 of the program assisted under this part, including—

16 “(1) information on eligible entities that received grant funds under this part, including—

17 “(A) information provided by eligible entities to the Secretary in the applications
18 submitted under section 2202(c);

19 “(B) the summaries received under subsection (a); and

20 “(C) grant award amounts;

21 “(2) student academic achievement data; and

22 “(3) such other information as the Secretary may include.

23 “(c) Evaluation.—

24 “(1) IN GENERAL.—The Secretary shall, through a grant or contract, carry out an
25 independent evaluation to measure the effectiveness of the program assisted under this part.

26 “(2) CONTENTS.—The evaluation under paragraph (1) shall measure—

27 “(A) the effectiveness of the program in improving student academic achievement;

28 “(B) the satisfaction of the participating teachers or principals; and

29 “(C) the extent to which the program assisted the eligible entities in recruiting and
30 retaining high-quality teachers and principals, especially in hard-to-staff subject areas.

31 “SEC. 2204. RESERVATION OF FUNDS.

32 “Of the total amount reserved under section 2103(c) for this part for a fiscal year, the
33 Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation
34 under section 2203(c) and for technical assistance in carrying out this part.”.

35 TITLE III—SAFE AND HEALTHY STUDENTS

SEC. 301. GENERAL PROVISIONS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in title IV (20 U.S.C. 7101 et seq.)—

(A) by redesignating subpart 3 of part A as subpart 5 of part E of title IX and moving that subpart to follow subpart 4 of part E of title IX, as redesignated by section 201 of this Act;

(B) by redesignating section 4141 as section 9561;

(C) by redesignating section 4155 as section 9537 and moving that section so as to follow section 9536;

(D) by redesignating part C as subpart 6 of part E of title IX and moving that subpart to follow subpart 5 of part E of title IX, as redesignated by subparagraph (A); and

(E) by redesignating sections 4301, 4302, 4303, and 4304, as sections 9571, 9572, 9573, and 9574, respectively; and

(2) by striking title IV (20 U.S.C. 7101 et seq.) and inserting the following:

“TITLE IV—SAFE AND HEALTHY STUDENTS

“SEC. 4101. PURPOSE.

“The purpose of this title is to improve students’ safety, health, and well-being during and after the school day by—

“(1) increasing the capacity of local educational agencies, schools, and local communities to create safe, healthy, supportive, and drug-free environments;

“(2) carrying out programs designed to improve school safety and promote students’ physical and mental health well-being, healthy eating and nutrition, and physical fitness;

“(3) preventing and reducing substance abuse, school violence, and bullying; and

“(4) strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

“SEC. 4102. DEFINITIONS.

“In this title:

“(1) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(2) DRUG.—The term ‘drug’ includes controlled substances, the illegal use of alcohol or tobacco, and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

“(3) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’ means—

1 “(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or
2 education related to the illegal use of drugs; and

3 “(B) with respect to violence, the promotion of school safety, such that students and
4 school personnel are free from violent and disruptive acts, including sexual harassment
5 and abuse, and victimization associated with prejudice and intolerance, on school
6 premises, going to and from school, and at school-sponsored activities, though the
7 creation and maintenance of a school environment that is free of weapons and fosters
8 individual responsibility and respect for the rights of others.

9 “(4) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘school-based
10 mental health services provider’ includes a State licensed or State certified school
11 counselor, school psychologist, school social worker, or other State licensed or certified
12 mental health professional qualified under State law to provide such services to children and
13 adolescents.

14 “(5) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and
15 the Commonwealth of Puerto Rico.

16 “SEC. 4103. FORMULA GRANTS TO STATES.

17 “(a) Reservations.—From the total amount appropriated under section 4108 for a fiscal year,
18 the Secretary shall reserve—

19 “(1) not more than 1 percent for national activities, which the Secretary may carry out
20 directly or through grants and contracts, such as providing technical assistance to States and
21 local educational agencies carrying out activities under this title or conducting a national
22 evaluation;

23 “(2) $\frac{1}{2}$ of 1 percent for allotments for the United States Virgin Islands, Guam,
24 American Samoa, and the Commonwealth of the Northern Mariana Islands, to be
25 distributed among those outlying areas on the basis of their relative need, as determined by
26 the Secretary, in accordance with the purpose of this title; and

27 “(3) $\frac{1}{2}$ of 1 percent for the Secretary of the Interior for programs under this title in
28 schools operated or funded by the Bureau of Indian Education.

29 “(b) State Allotments.—

30 “(1) ALLOTMENT.—

31 “(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allot
32 among each of the States the total amount made available to carry out this title for any
33 fiscal year and not reserved under subsection (a).

34 “(B) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—Subject to paragraph (2),
35 the Secretary shall allot the amount made available under subparagraph (A) for a fiscal
36 year among the States in proportion to the number of children, aged 5 to 17, who reside
37 within the State and are from families with incomes below the poverty line for the
38 most recent fiscal year for which satisfactory data are available, compared to the
39 number of such individuals who reside in all such States for that fiscal year.

40 “(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may

1 receive less than $\frac{1}{2}$ of 1 percent of the total amount allotted under such paragraph.

2 “(3) REALLOTMENT.—If a State does not receive an allotment under this title for a fiscal
3 year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States
4 in accordance with this section.

5 “(c) State Use of Funds.—

6 “(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve
7 not less than 98 percent of the amount allotted to such State under subsection (b), for each
8 fiscal year for subgrants to local educational agencies under section 4104.

9 “(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1
10 percent of the amount made available to the State under subsection (b) for the
11 administrative costs of carrying out its responsibilities under this title.

12 “(3) STATE ACTIVITIES.—A State educational agency may use the amount made available
13 to the State under subsection (b) and not reserved under paragraph (1) for the following
14 activities:

15 “(A) Providing training, technical assistance, and capacity building to local
16 educational agencies that are recipients of awards under this title.

17 “(B) Other activities identified by the State that meet the purpose of this title.

18 “(d) State Plan.—

19 “(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year,
20 a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary
21 may reasonably require.

22 “(2) CONTENTS.—Each plan submitted by a State under this section shall include the
23 following:

24 “(A) A description of how the State educational agency will use funds received
25 under this title for State-level activities.

26 “(B) An assurance that the State educational agency will monitor the
27 implementation of activities under this title and provide technical assistance to local
28 educational agencies in carrying out such activities.

29 “SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL 30 AGENCIES.

31 “(a) Allocations to Local Educational Agencies.—

32 “(1) IN GENERAL.—A State that receives an allotment under this title for a fiscal year
33 shall provide the amount made available under section 4103(c)(1) for subgrants to local
34 educational agencies in accordance with this section.

35 “(2) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—From the funds reserved by a State
36 under section 4103(c)(1), the State shall allocate to each local educational agency in the
37 State an amount that bears the same relationship to such funds as the number of individuals
38 ages 5 to 17 from families with incomes below the poverty line in the geographic area
39 served by the agency, as determined by the Secretary on the basis of the most recent

satisfactory data, bears to the number of such individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(3) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (2), a local educational agency may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this title.

“(b) Local Applications.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(2) CONSULTATION.—

“(A) IN GENERAL.—A local educational agency shall conduct a needs assessment described in paragraph (3), and develop its application, through consultation with parents, teachers, principals, pupil services personnel, students, community-based organizations, local government representatives, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title.

“(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with the individuals and organizations described in subparagraph (A) in order to seek advice regarding how best—

“(i) to improve the local educational agency’s activities in order to meet the purpose of this title; and

“(ii) to coordinate such agency’s activities under this title with other related strategies, programs, and activities being conducted in the community.

“(3) NEEDS ASSESSMENT.—

“(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall conduct a comprehensive needs assessment of the local educational agency and of all schools within the jurisdiction of the local educational agency.

“(B) REQUIREMENTS.—The needs assessment required under subparagraph (A) shall take into account risk factors of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of drug use, violent behavior, and the physical and mental health and well-being of youth in the school and community.

“(4) CONTENTS.—Each application submitted under this subsection shall be based on the needs assessment described in paragraph (3) and shall include the following:

“(A) The results of the needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.

“(B) A description of the activities to be carried out by the local educational agency under this title and how these activities are aligned with the results of the needs

assessment conducted under paragraph (3).

“(C) A description of the performance indicators that will be used to evaluate the effectiveness of the activities carried out under this section.

“(D) An assurance that the activities will comply with the principles of effectiveness described in section 4105(b), and foster a healthy, safe, and supportive school environment that improves students’ safety, health, and well-being during and after the school day.

“(E) An assurance that the local educational agency will prioritize funds to schools served by the local educational agency that—

“(i) are among the schools with the greatest needs as identified through the needs assessment conducted under paragraph (3);

“(ii) have the highest percentages or numbers of children counted under section 1124(c);

“(iii) are identified for improvement under section 1114; or

“(iv) are identified as a persistently dangerous public elementary school or secondary school under section 9532.

“(F) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

“SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.

“(a) Local Educational Agency Activities.—A local educational agency that receives a subgrant under section 4104 shall use the subgrant funds to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other schools and community-based services and programs, that are in accordance with the purpose of this title and—

“(1) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

“(2) are consistent with the principles of effectiveness described in subsection (b);

“(3) promote the involvement of parents in the activity or program; and

“(4) may include, among other programs and activities—

“(A) drug and violence prevention activities and programs, including professional development and training for school and pupil services personnel, and interested community members in prevention, education, early identification, and intervention mentoring, or rehabilitation referral, as related to drug and violence prevention;

“(B) before and after school programs and activities, including during summer recess periods, and programs to extend the school day, week, or school-year calendar;

“(C) school-based mental health services, including early identification of drug use and violence, and direct individual or group counseling services provided by qualified

1 school-based mental health services providers;

2 “(D) emergency intervention services following traumatic crisis events;

3 “(E) programs that train school personnel to identify warning signs of youth suicide;

4 “(F) mentoring programs and activities for children who are at risk of academic
5 failure, dropping out of school, or involvement in criminal or delinquent activities, or
6 who lack strong positive role models;

7 “(G) elementary school and secondary school counseling programs;

8 “(H) programs or activities that support a healthy, active lifestyle, including
9 nutritional education and regular, structured physical education programs for
10 elementary school and secondary school students;

11 “(I) implementation of schoolwide positive behavioral interventions and supports,
12 including through coordination with similar activities carried out under the Individuals
13 with Disabilities Education Act; and

14 “(J) other activities and programs identified as necessary by the local educational
15 agency through the needs assessment conducted under section 4104(b)(3) that meet the
16 purpose of this title.

17 “(b) Principles of Effectiveness.—

18 “(1) IN GENERAL.—For a program or activity developed pursuant to this title to meet the
19 principles of effectiveness, such program or activity shall—

20 “(A) be based upon an assessment of objective data regarding the need for programs
21 and activities in the elementary schools and secondary schools and communities to be
22 served to—

23 “(i) improve school safety and promote students’ physical and mental health
24 well-being, healthy eating and nutrition, and physical fitness; and

25 “(ii) strengthen parent and community engagement to ensure a healthy, safe,
26 and supportive school environment;

27 “(B) be based upon an established set of performance measures aimed at ensuring a
28 healthy, safe, and supportive school environment for students in the elementary
29 schools and secondary schools and communities to be served by the program;

30 “(C) reflect, to the extent practicable, scientifically valid research, or in the absence
31 of a strong research base, reflect best practices in the field, that provides evidence that
32 the program or activity will provide students a healthy, safe, and supportive school
33 environment; and

34 “(D) include meaningful and ongoing consultation with and input from parents in
35 the development of the application and administration of the program or activity.

36 “(2) PERIODIC EVALUATION.—

37 “(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to
38 assess its progress toward achieving its goal of providing students a healthy, safe, and
39 supportive school environment that promotes school safety and students’ physical and

1 mental health and well-being, healthy eating and nutrition, and physical fitness.

2 “(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall
3 be—

4 “(i) used to refine, improve, and strengthen the program or activity, and to
5 refine the performance measures; and

6 “(ii) made available to the public upon request, with public notice of such
7 availability provided.

8 **“SEC. 4106. SUPPLEMENT, NOT SUPPLANT.**

9 “Funds made available under this title shall be used to supplement, and not supplant, non-
10 Federal funds that would otherwise be used for activities authorized under this title.

11 **“SEC. 4107. PROHIBITED USE OF FUNDS.**

12 “No funds under this title may be used for—

13 “(1) construction; or

14 “(2) medical services, drug treatment or rehabilitation, except for pupil services or
15 referral to treatment for students who are victims of, or witnesses to, crime or who illegally
16 use drugs.

17 **“SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out this title \$1,372,627,000 for each of
19 fiscal years 2014 through 2018.”.

20 **TITLE IV—EMPOWERING PARENTS THROUGH**
21 **QUALITY CHARTER SCHOOLS**

22 **SEC. 401. PURPOSE.**

23 Section 5201 (20 U.S.C. 7221) is amended to read as follows:

24 **“SEC. 5201. PURPOSE.**

25 “It is the purpose of this subpart to—

26 “(1) provide financial assistance for the planning, program design, and initial
27 implementation of charter schools;

28 “(2) expand the number of high-quality charter schools available to students across the
29 Nation;

30 “(3) evaluate the impact of such schools on student achievement, families, and
31 communities, and share best practices between charter schools and other public schools;

32 “(4) encourage States to provide support to charter schools for facilities financing in an
33 amount more nearly commensurate to the amount the States have typically provided for
34 traditional public schools;

1 “(5) improve student services to increase opportunities for students who are children with
2 disabilities, English language learners, and other traditionally underserved students to attend
3 charter schools and meet challenging State academic achievement standards; and

4 “(6) support efforts to strengthen the charter school authorizing process to improve
5 performance management, including transparency, monitoring, and evaluation of such
6 schools.”.

7 SEC. 402. PROGRAM AUTHORIZED.

8 Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

9 “SEC. 5202. PROGRAM AUTHORIZED.

10 “(a) In General.—The Secretary is authorized to carry out a charter school program that
11 supports charter schools that serve elementary school and secondary school students by—

12 “(1) supporting the startup, replication, and expansion of charter schools;

13 “(2) assisting charter schools in accessing credit to acquire and renovate facilities for
14 school use; and

15 “(3) carrying out national activities to support—

16 “(A) charter school development;

17 “(B) the dissemination of best practices of charter schools for all schools; and

18 “(C) the evaluation of the impact of the program on schools participating in the
19 charter school program.

20 “(b) Funding Allotment.—From the amount made available under section 5211 for a fiscal
21 year, the Secretary shall—

22 “(1) reserve 15 percent to support charter school facilities assistance under section 5204;

23 “(2) reserve not more than 5 percent to carry out national activities under section 5205;
24 and

25 “(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry
26 out section 5203.

27 “(c) Prior Grants and Subgrants.—The recipient of a grant or subgrant under this subpart, as
28 such subpart was in effect on the day before the date of enactment of the Every Child Ready for
29 College or Career Act of 2013, shall continue to receive funds in accordance with the terms and
30 conditions of such grant or subgrant.”.

31 SEC. 403. GRANTS TO SUPPORT HIGH-QUALITY 32 CHARTER SCHOOLS.

33 Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

34 “SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY 35 CHARTER SCHOOLS.

1 “(a) Definitions.—In this section:

2 “(1) CHARTER MANAGEMENT ORGANIZATION.—The term ‘charter management
3 organization’ means a nonprofit organization that operates, manages, or oversees multiple
4 charter schools by centralizing or sharing certain functions and resources among schools, or
5 a group or consortium of such organizations.

6 “(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

7 “(A) a State entity;

8 “(B) an authorized public chartering agency;

9 “(C) a local educational agency; or

10 “(D) a charter management organization.

11 “(3) STATE ENTITY.—The term ‘State entity’ means—

12 “(A) a State educational agency;

13 “(B) a State charter school board;

14 “(C) a Governor of a State; or

15 “(D) a charter support organization.

16 “(b) Program Authorized.—From the amount available under section 5202(b)(3), the Secretary
17 shall award grants, on a competitive basis, to eligible entities to enable—

18 “(1) eligible entities described in subparagraph (A), (B), or (C) of subsection (a)(2) to—

19 “(A) award subgrants to eligible applicants—

20 “(i) to open new charter schools;

21 “(ii) to open replicable, high-quality charter school models; or

22 “(iii) to expand high-quality charter schools; and

23 “(B) provide technical assistance to eligible applicants and authorized public
24 chartering agencies in carrying out the activities described in subparagraph (A) and
25 work with authorized public chartering agencies in the State to improve authorizing
26 quality; or

27 “(2) eligible entities described in subparagraph (B), (C), or (D) of subsection (a)(2) to
28 open new charter schools, to open replicable high-quality charter school models, or to
29 expand high-quality charter schools, which may include—

30 “(A) supporting the physical expansion of charter school buildings, including
31 financing the development of new buildings and campuses to meet increased
32 enrollment needs;

33 “(B) paying costs associated with hiring additional teachers to serve additional
34 students;

35 “(C) providing transportation to students to and from the charter school;

36 “(D) purchasing instructional materials, implementing teacher and principal

professional development programs, and hiring additional non-teaching staff; and

“(E) supporting any necessary activities associated with the charter school carrying out the purpose of this section.

“(c) Uses of Funds.—

“(1) SPECIAL RULE FOR SUBGRANTING ENTITIES.—An eligible entity receiving a grant under subsection (b)(1) shall—

“(A) use 90 percent of the grant funds to carry out subsection (b)(1)(A), in accordance with the quality charter school program described in the entity’s application approved pursuant to subsection (f); and

“(B) reserve 10 percent of such funds to carry out the activities described in subsection (b)(1)(B), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

“(2) CONTRACTS AND GRANTS.—An eligible entity may use a grant received under this section to carry out the activities described in subsection (b) directly or through grants, contracts, or cooperative agreements.

“(d) Program Periods; Peer Review; Diversity of Projects.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years, and may be renewed by the Secretary for 1 additional 2-year period.

“(B) SUBGRANTS.—A subgrant awarded by an eligible entity under this section shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design. An eligible entity may renew a subgrant for 1 additional 2-year period.

“(2) PEER REVIEW.—The Secretary, and each eligible entity awarding subgrants under this section, shall use a peer review process to review applications for assistance under this section.

“(3) DIVERSITY OF PROJECTS.—Each eligible entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(e) Limitations.—

“(1) GRANTS.—An eligible entity may not receive more than 1 grant under this section at a time, unless the eligible entity demonstrates to the Secretary that, for each charter school supported under the first grant, the education results have improved in the areas described in subparagraphs (A) and (D) of section 5210(7).

“(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this

1 section per charter school for each grant period or renewal period.

2 “(f) Applications.—An eligible entity desiring to receive a grant under this section shall
3 submit an application to the Secretary at such time and in such manner as the Secretary may
4 require. The application shall include the following:

5 “(1) A description of the entity’s objectives in running a quality charter school program
6 under this section and how the objectives of the program will be carried out, including—

7 “(A) a description of how the entity will—

8 “(i) support both new charter school startup and the expansion and replication
9 of high-quality charter school models;

10 “(ii) work with charter schools to promote inclusion of all students and support
11 all students upon enrollment to promote retention;

12 “(iii) work with charter schools on recruitment practices, including efforts to
13 engage groups that may otherwise have limited opportunities to participate in
14 charter schools;

15 “(iv) share best and promising practices between charter schools and other
16 public schools;

17 “(v) ensure the charter schools the eligible entity supports can meet the
18 educational needs of their students, including students who are children with
19 disabilities and English language learners; and

20 “(vi) support efforts to increase quality initiatives, including meeting the
21 quality authorizing elements described in paragraph (2)(D)(ii);

22 “(B) in the case of any eligible entity that will be awarding subgrants under
23 subsection (b)(1)(A), a description of how the entity will—

24 “(i) inform eligible charter schools, developers, authorized public chartering
25 agencies, and other entities of the availability of funds under the program;

26 “(ii) work with eligible applicants to ensure that the applicants access all
27 Federal funds that they are eligible to receive, and help the charter schools
28 supported by the applicants and the students attending the charter schools—

29 “(I) participate in the Federal programs in which the schools and students
30 are eligible to participate; and

31 “(II) receive the commensurate share of Federal funds the schools and
32 students are eligible to receive under such programs;

33 “(iii) ensure eligible applicants that receive a subgrant under the entity’s
34 program are prepared to continue to operate the charter schools receiving the
35 subgrant funds once the funds have expired;

36 “(iv) support charter schools in local educational agencies with large numbers
37 of schools identified by the State under section 1114(a)(1)(B); and

38 “(v) carry out the subgrant competition, including—

39 “(I) a description of the application each eligible applicant desiring to

1 receive a subgrant will submit, which application shall include—

2 “(aa) a description of the roles and responsibilities of eligible
3 applicants, partner organizations, and charter management
4 organizations, including the administrative and contractual roles and
5 responsibilities; and

6 “(bb) a description of the quality controls agreed to between the
7 eligible applicant and the authorized public chartering agency involved,
8 such as a contract or performance agreement, and how a school’s
9 performance on the State’s academic accountability system will be a
10 primary factor for renewal; and

11 “(II) a description of how the entity will review applications;

12 “(C) except in the case of an eligible entity described in subsection (a)(3)(A), a
13 description of how the entity—

14 “(i) will work with the State educational agency and the charter schools in the
15 State to maximize charter school participation in Federal and State programs for
16 charter schools; and

17 “(ii) will work with the State educational agency to adequately operate the
18 entity’s program under this section, where applicable;

19 “(D) in the case of an eligible entity that is a State entity, a description of the extent
20 to which the entity—

21 “(i) is able to meet and carry out the priorities described in subsection (g)(2);
22 and

23 “(ii) is working to develop or strengthen a cohesive statewide system to support
24 the opening of new charter schools, the opening of replicable, high-quality charter
25 school models, and the expansion of high-quality charter schools; and

26 “(E) in the case of an entity that partners with an outside organization to carry out
27 the entity’s quality charter school program, in whole or in part, a description of the
28 roles and responsibilities of such partner.

29 “(2) Assurances, including a description of how the assurances will be met, that—

30 “(A) the eligible entity, if awarding subgrants, will—

31 “(i) consider applications from eligible charter schools, authorized public
32 chartering agencies, charter management organizations, and other entities as
33 applicable under State law; and

34 “(ii) provide adequate technical assistance to such eligible applicants to—

35 “(I) meet the objectives described in clauses (ii) and (iii) of paragraph
36 (1)(A) and subparagraph (B); and

37 “(II) enroll traditionally underserved students, including students who are
38 children with disabilities and English language learners, to promote an
39 inclusive education environment;

1 “(B) each charter school receiving funds under the entity’s program will have a high
2 degree of autonomy over budget and operations;

3 “(C) the entity will support charter schools in meeting the educational needs of their
4 students as described in paragraph (1)(A)(v);

5 “(D) in the case of an eligible entity that is a State entity—

6 “(i) the entity will ensure that the authorized public chartering agency of any
7 charter school that receives funds under the entity’s program—

8 “(I) ensures that the charter school is meeting the obligations under this
9 Act, part B of the Individuals with Disabilities Education Act, title VI of the
10 Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973;
11 and

12 “(II) adequately monitors and helps the schools in recruiting, enrolling,
13 and meeting the needs of all students, including students who are children
14 with disabilities and English language learners; and

15 “(ii) the entity will promote quality authorizing, such as through providing
16 technical assistance, to support all authorized public chartering agencies in the
17 State to improve the monitoring of their charter schools, including by—

18 “(I) using annual performance data, which may include graduation rates
19 and student growth data, as appropriate, to measure the progress of their
20 schools toward becoming high-quality charter schools; and

21 “(II) reviewing the schools’ independent, annual audits of financial
22 statements conducted in accordance with generally accepted accounting
23 principles, and ensuring any such audits are publically reported.

24 “(3) A request and justification for waivers of any Federal statutory or regulatory
25 provisions that the entity believes are necessary for the successful operation of the charter
26 schools that will receive funds under the entity’s program under this section, and a
27 description of any State or local rules, generally applicable to public schools, that will be
28 waived, or otherwise not apply, to such schools.

29 “(g) Selection Criteria; Priority.—

30 “(1) SELECTION CRITERIA.—The Secretary shall award grants to eligible entities under
31 this section on the basis of the quality of the applications submitted under subsection (f),
32 after taking into consideration—

33 “(A) the degree of flexibility afforded by the State’s public charter school law and,
34 in the case of an eligible entity described in subsection (a)(2)(A), how the entity will
35 work to maximize the flexibility provided to charter schools under the law;

36 “(B) the quality of the strategy for assessing achievement of the entity’s objectives
37 under subsection (f)(1);

38 “(C) the likelihood that the eligible entity, and any eligible applicants receiving
39 subgrants from the eligible entity, will meet those objectives and improve educational
40 results for students;

1 “(D) the proposed number of new charter schools to be opened, and the number of
2 high-quality charter schools to be replicated or expanded under the program;

3 “(E) in the case of an eligible entity awarding subgrants under subsection (b)(1)(A),
4 the entity’s plan to—

5 “(i) adequately monitor the eligible applicants receiving subgrants under the
6 entity’s program;

7 “(ii) work with the authorized public chartering agencies involved to avoid
8 duplication of work for the charter schools and authorized public chartering
9 agencies; and

10 “(iii) provide adequate technical assistance, as described in the entity’s
11 application under subsection (f), for the eligible applicants receiving subgrants
12 under the entity’s program; and

13 “(F) the eligible entity’s plan to support quality authorizing efforts in the State,
14 consistent with the objectives under subsection (f)(1).

15 “(2) PRIORITY.—In selecting eligible entities that are State entities to receive a portion of
16 the grants awarded under this section, the Secretary shall give priority to State entities to the
17 extent that the entities meet the following criteria:

18 “(A) In the case in which a State entity is located in a State that allows an entity
19 other than the State educational agency to be an authorized public chartering agency or
20 a State in which only a local educational agency may be an authorized public
21 chartering agency, the State has an appeals process for the denial of an application for
22 a charter school.

23 “(B) The State entity is located in a State that ensures equitable financing, as
24 compared to traditional public schools, for charter schools and students in a prompt
25 manner.

26 “(C) The State entity is located in a State that uses charter schools and best practices
27 from charter schools to help improve struggling schools and local educational
28 agencies.

29 “(D) The State entity partners with an organization that has a demonstrated record of
30 success in developing management organizations to support the development of charter
31 schools in the State.

32 “(E) The State entity supports charter schools that support at-risk students through
33 activities such as dropout prevention or dropout recovery.

34 “(h) Local Uses of Funds.—An eligible applicant receiving a subgrant under this section shall
35 use such funds to open new charter schools , open replicable, high-quality charter school models,
36 or expand existing high-quality charter schools, which may include the activities described in
37 subparagraphs (A) through (E) of subsection (b)(2).

38 “(i) Reporting Requirements.—Each eligible entity receiving a grant under this section shall
39 submit to the Secretary, at the end of the second and third year of the grant period and at the end
40 of any renewal period, a report that includes the following:

1 “(1) The number of students served and, if applicable, how many new students were
2 served during each year of the grant.

3 “(2) In the case of an eligible entity awarding subgrants under subsection (b)(1)(A), the
4 number of subgrants awarded under this section to carry out each of the following:

5 “(A) The opening of new charter schools.

6 “(B) The opening of replicable, high-quality charter school models.

7 “(C) The expansion of high-quality charter schools.

8 “(3) In the case of an eligible entity receiving a grant under subsection (b)(2), the number
9 of new charter schools opened, the number of replicable high-quality charter school models
10 opened, and the number of high-quality charter schools expanded under the grant.

11 “(4) In the case of a State entity described in subparagraph (A), (B), or (C) of subsection
12 (a)(3), the progress the State entity made toward meeting the priorities described in
13 subsection (g)(2), as applicable.

14 “(5) A description of—

15 “(A) how the entity met the objectives of the quality charter school program
16 described in the entity’s application under subsection (f);

17 “(B) how the entity complied with, and, if applicable, ensured that eligible
18 applicants complied with, the assurances described in the entity’s application; and

19 “(C) how the entity worked with authorized public chartering agencies, including
20 how the agencies worked with the management company or leadership of the schools
21 in which the subgrants were awarded, if applicable.”.

22 SEC. 404. FACILITIES FINANCING ASSISTANCE.

23 Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

24 “SEC. 5204. FACILITIES FINANCING ASSISTANCE.

25 “(a) Grants to Eligible Entities.—

26 “(1) IN GENERAL.—From the amount reserved under section 5202(b)(1), the Secretary
27 shall award not less than 3 grants to eligible entities that have applications approved under
28 subsection (d) to demonstrate innovative methods of assisting charter schools to address the
29 cost of acquiring, constructing, and renovating facilities by enhancing the availability of
30 loans or bond financing.

31 “(2) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means—

32 “(A) a public entity, such as a State or local governmental entity;

33 “(B) a private nonprofit entity; or

34 “(C) a consortium of entities described in subparagraphs (A) and (B).

35 “(b) Grantee Selection.—

36 “(1) EVALUATION OF APPLICATION.—The Secretary shall evaluate each application

submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

“(2) DISTRIBUTION OF GRANTS.—The Secretary shall award not less than one grant to an eligible entity described in subsection (a)(2)(A), not less than one grant to an eligible entity described in subsection (a)(2)(B), and not less than one grant to an eligible entity described in subsection (a)(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

“(c) Grant Characteristics.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) Applications.—

“(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

“(e) Charter School Objectives.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

1 “(2) The construction of new facilities, including predevelopment costs, or the
2 renovation, repair, or alteration of existing facilities, necessary to commence or continue the
3 operation of a charter school.

4 “(f) Reserve Account.—

5 “(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in
6 subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance
7 with State and local law, directly or indirectly, alone or in collaboration with others, deposit
8 the funds received under subsection (a) (other than funds used for administrative costs in
9 accordance with subsection (g)) in a reserve account established and maintained by the
10 eligible entity for this purpose. Amounts deposited in such account shall be used by the
11 eligible entity for one or more of the following purposes:

12 “(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans,
13 and interests therein, the proceeds of which are used for an objective described in
14 subsection (e).

15 “(B) Guaranteeing and insuring leases of personal and real property for an objective
16 described in such subsection.

17 “(C) Facilitating financing by identifying potential lending sources, encouraging
18 private lending, and other similar activities that directly promote lending to, or for the
19 benefit of, charter schools.

20 “(D) Facilitating the issuance of bonds by charter schools, or by other public entities
21 for the benefit of charter schools, by providing technical, administrative, and other
22 appropriate assistance (including the recruitment of bond counsel, underwriters, and
23 potential investors and the consolidation of multiple charter school projects within a
24 single bond issue).

25 “(2) INVESTMENT.—Funds received under this section and deposited in the reserve
26 account established under paragraph (1) shall be invested in obligations issued or
27 guaranteed by the United States or a State, or in other similarly low-risk securities.

28 “(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a)
29 shall be deposited in the reserve account established under paragraph (1) and used in
30 accordance with such subsection.

31 “(g) Limitation on Administrative Costs.—An eligible entity may use not more than 2.5
32 percent of the funds received under subsection (a) for the administrative costs of carrying out its
33 responsibilities under this section (excluding subsection (k)).

34 “(h) Audits and Reports.—

35 “(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each
36 eligible entity receiving a grant under subsection (a) shall be maintained in accordance with
37 generally accepted accounting principles and shall be subject to an annual audit by an
38 independent public accountant.

39 “(2) REPORTS.—

40 “(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under
41 subsection (a) annually shall submit to the Secretary a report of the entity’s operations

and activities under this section.

“(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) No Full Faith and Credit for Grantee Obligation.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) Recovery of Funds.—

“(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in such subsection.

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in

paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

“(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

“(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

“(k) Per-pupil Facilities Aid Program.—

“(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) GRANTS.—

“(A) IN GENERAL.—From the amount reserved under section 5202(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent for the second such year;

“(iii) 60 percent for the third such year;

“(iv) 40 percent for the fourth such year; and

“(v) 20 percent for the fifth such year.

“(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

“(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such grant funds provided to charter schools increases with each successive grant.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

1 “(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount
2 made available to a State through a grant under this subsection for a fiscal year, the
3 State may reserve not more than 5 percent to carry out evaluations, to provide technical
4 assistance, and to disseminate information.

5 “(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection
6 shall be used to supplement, and not supplant, State and local public funds expended to
7 provide per-pupil facilities aid programs, operations financing programs, or other
8 programs, for charter schools.

9 “(4) REQUIREMENTS.—

10 “(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a
11 program carried out under this subsection.

12 “(B) STATE LAW.—

13 “(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a
14 State shall establish or enhance, and administer, a per-pupil facilities aid program
15 for charter schools in the State, that—

16 “(I) is specified in State law; and

17 “(II) provides annual financing, on a per-pupil basis, for charter school
18 facilities.

19 “(ii) SPECIAL RULE.—A State that is required under State law to provide its
20 charter schools with access to adequate facility space may be eligible to receive a
21 grant under this subsection if the State agrees to use the funds to develop a per-
22 pupil facilities aid program consistent with the requirements of this subsection.

23 “(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall
24 submit an application to the Secretary at such time, in such manner, and containing such
25 information as the Secretary may require.”.

26 SEC. 405. NATIONAL ACTIVITIES.

27 Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

28 “SEC. 5205. NATIONAL ACTIVITIES.

29 “(a) In General.—From the amount reserved under section 5202(b)(2), the Secretary shall—

30 “(1) use not less than 50 percent of such funds to award grants in accordance with
31 subsection (b); and

32 “(2) use the remainder of such funds to—

33 “(A) disseminate technical assistance to State entities in awarding subgrants under
34 section 5203(b)(1)(A);

35 “(B) disseminate best practices regarding public charter schools; and

36 “(C) evaluate the impact of the charter school program, including the impact on
37 student achievement, carried out under this subpart.

“(b) Grants.—

“(1) IN GENERAL.—From the amounts described in subsection (a)(1), the Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 5202(a)(1) and section 5203(b).

“(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded under section 5203.

“(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term ‘eligible applicant’ means an eligible applicant that desires to open a charter school in a State that—

“(A) did not apply for a grant under section 5203;

“(B) did not receive a grant under section 5203; or

“(C) received a grant under section 5203 and is in the fourth or fifth year of the grant period for such grant.

“(c) Contracts and Grants.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.”.

SEC. 406. RECORDS TRANSFER.

Section 5208 (20 U.S.C. 7221g) is amended by inserting “as quickly as possible and” before “to the extent practicable”.

SEC. 407. DEFINITIONS.

Section 5210 (20 U.S.C. 7221i) is amended—

(1) in paragraph (1)—

(A) in subparagraph (K), by striking “and” at the end;

(B) in subparagraph (L), by striking the period at the end and inserting “; and”; and

(C) by adding at the end, the following:

“(M) may serve prekindergarten or postsecondary students.”;

(2) in paragraph (3), by striking “under section 5203(d)(3)”;

(3) by adding at the end the following:

“(5) CHARTER SUPPORT ORGANIZATION.—The term ‘charter support organization’ means a nonprofit, non-governmental entity that provides, on a statewide or regional basis, assistance to developers during the planning, program design, and initial implementation of a charter school, and technical assistance to operating charter schools.

“(6) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term ‘expansion of a high-quality charter school’ means a high-quality charter school that either significantly increases its enrollment or adds one or more grades to its school.

“(7) HIGH-QUALITY CHARTER SCHOOL.—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of strong academic results;

“(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement and attainment for all students served by charter schools; and

“(D) has demonstrated success in increasing student academic achievement for the subgroups of students described in section 1111(b)(2)(B)(viii).

“(8) REPLICABLE, HIGH-QUALITY CHARTER SCHOOL MODEL.—The term ‘replicable, high-quality charter school model’ means a high-quality charter school that will open a new campus under an existing charter.”.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$241,507,000 for each of fiscal years 2014 through 2018.”.

SEC. 409. GENERAL PROVISIONS.

Title V (20 U.S.C. 7201 et seq.) is amended by—

(1) striking part A;

(2) striking subparts 2 and 3 of part B;

(3) striking part D;

(4) in part B, by striking “Subpart 1—Charter School Programs”;

(5) by redesignating part B as part A; and

(6) by redesignating part C as part B.

TITLE V—STATE INNOVATION AND FLEXIBILITY

SEC. 501. PURPOSES.

The purposes of this title are to—

(1) support State, local, and tribal leadership and innovation in preparing all students to meet State-developed academic content standards and student academic achievement standards;

(2) establish a process to permit State, local, and tribal educational leaders to implement alternative and innovative strategies to improve academic achievement for all students and otherwise meet the purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(3) provide States and local educational agencies with maximum flexibility in using

Federal funds provided under this Act; and

(4) direct the Secretary of Education to defer to State, local, and tribal judgments regarding how best to accomplish the purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 502. TRANSFERABILITY OF FUNDS.

Section 6123 (20 U.S.C. 7305b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “not more than 50 percent of the nonadministrative State funds” and inserting “all, or any lesser amount, of State funds”; and

(ii) by striking subparagraphs (A) through (D) and inserting the following:

“(A) Any provision of title II.

“(B) Any provision of title IV.”; and

(B) in paragraph (2), by striking “and subject to the 50 percent limitation described in paragraph (1)”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “(except” and all that follows through “subparagraph (C))” and inserting “may transfer all, or any lesser amount, of the funds allocated to it”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B), as redesignated by clause (iii), by striking “and subject to the percentage limitation described in subparagraph (A) or (B), as applicable”; and

(B) in paragraph (2)—

(i) by striking “subparagraph (A), (B), or (C)” and inserting “subparagraph (A) or (B)”; and

(ii) by striking subparagraphs (A) through (D) and inserting the following:

“(A) Any provision of title II.

“(B) Any provision of title IV.”.

SEC. 503. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

Section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861) is

1 amended—

2 (1) by striking subsection (a) and inserting the following:

3 “(a) In General.—

4 “(1) REQUEST FOR WAIVER.—A State educational agency, local educational agency
5 (through a State educational agency), or Indian tribe that receives funds under a program
6 authorized under this Act may submit a request to the Secretary to waive any statutory or
7 regulatory requirement of this Act.

8 “(2) RECEIPT OF WAIVER.—Except as provided in subsection (c), the Secretary shall
9 waive any statutory or regulatory requirement of this Act for a State educational agency,
10 local educational agency, Indian tribe, or school (through a local educational agency), that
11 submits a waiver request pursuant to this subsection.”;

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subparagraph (A), by inserting “, which shall include
15 a plan” after “waiver request to the Secretary”;

16 (ii) in subparagraph (B), by striking “and how the waiving of those
17 requirements will” and all that follows through the end, and inserting a semicolon;

18 (iii) by redesignating subparagraph (E) as subparagraph (F); and

19 (iv) by striking subparagraphs (C) and (D), and inserting the following:

20 “(C) describes the methods the State educational agency, local educational agency,
21 or Indian tribe will use to—

22 “(i) monitor the effectiveness of the implementation of the plan; and

23 “(ii) assure regular evaluation and continuous improvement of the plan;

24 “(D) as applicable to the waiver request, includes information on how the State
25 educational agency, local educational agency, or Indian tribe will maintain and
26 improve transparency in reporting to parents and the public on student achievement
27 and school performance, including the achievement of students according to the
28 student subgroups described in subclauses (I) through (IV) of section
29 1111(b)(2)(B)(viii); and”;

30 (B) in paragraph (2)(B)(i)(II), by striking “(on behalf of, and based on the requests
31 of, local educational agencies)” and inserting “(on their own behalf, or on behalf of,
32 and based on the requests of, local educational agencies in the State)”;

33 (C) in paragraph (3)—

34 (i) in subparagraph (A), in the matter preceding clause (i), by inserting “or on
35 behalf of local educational agencies in the State,” after “acting on its own
36 behalf,”; and

37 (ii) in subparagraph (B), by striking “reviewed by the State educational agency”
38 and inserting “reviewed and approved by the State educational agency before
39 being submitted to the Secretary”; and

(D) by adding at the end the following:

“(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

“(A) IN GENERAL.—The Secretary shall approve a waiver request not more than 90 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

“(i) the waiver request does not meet the requirements of this section; and

“(ii) the waiver is not permitted under subsection (c).

“(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

“(i) immediately—

“(I) notify the State educational agency, local educational agency, or Indian tribe of such determination; and

“(II) at the request of the State educational agency, local educational agency, or Indian tribe, provide detailed reasons for such determination in writing;

“(ii) offer the State educational agency, local educational agency, or Indian tribe an opportunity to revise and resubmit the waiver request not more than 60 days after the date of such determination; and

“(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

“(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

“(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

“(ii) the State educational agency, local educational agency, or Indian tribe—

“(I) does not revise and resubmit the waiver request; or

“(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii).

“(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.”;

(3) in subsection (c), by striking paragraph (2) and redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), and (10) as paragraphs (2), (3), (4), (5), (6), (7), (8), and (9);

(4) in subsection (d)—

(A) in the heading, by adding “; Limitations” after “Duration and Extension of

Waiver”; and

(B) by adding at the end the following:

“(3) SPECIFIC LIMITATIONS.—The Secretary shall not place any requirements on a State educational agency, local educational agency, or Indian tribe, as a condition of approval of a waiver request.”.

(5) by striking subsection (e) and inserting the following:

“(e) Reports.—A State educational agency, local educational agency, and Indian Tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(e), the progress of schools covered under the provisions of such waiver toward increasing academic achievement.”; and

(6) in subsection (f), by inserting “and the recipient of the waiver has failed to make revisions needed to carry out the purpose of the waiver,” after “has been inadequate to justify a continuation of the waiver.

SEC. 504. MAINTENANCE OF EFFORT.

Section 9521 (20 U.S.C. 7901) is repealed.

SEC. 505. PLAN APPROVAL PROCESS.

Title IX (20 U.S.C. 7801 et seq.) is amended by adding at the end the following:

“PART G—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

“SEC. 9701. APPROVAL AND DISAPPROVAL OF STATE PLANS.

“(a) Deemed Approval.—A plan submitted by a State pursuant to section 2104(d) or section 4103(d) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2104(d) or section 4103(d), as applicable.

“(b) Disapproval Process.—

“(1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2104(d) or section 4103(d), except after giving the State educational agency notice and an opportunity for a hearing.

“(2) NOTIFICATION.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2104(d) or section 4103(d), as applicable, the Secretary shall—

“(A) give the State educational agency notice and an opportunity for a hearing; and

“(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(i) cite the specific provisions in the plan that are not in compliance; and

1 “(ii) request additional information, only as to the noncompliant provisions,
2 needed to make the plan compliant.

3 “(3) RESPONSE.—If the State educational agency responds to the Secretary’s notification
4 described in paragraph (2)(B) during the 45-day period beginning on the date on which the
5 State educational agency received the notification, and resubmits the plan with the
6 requested information described in paragraph (2)(B)(ii), the Secretary shall approve or
7 disapprove such plan prior to the later of—

8 “(A) the expiration of the 45-day period beginning on the date on which the plan is
9 resubmitted; or

10 “(B) the expiration of the 120-day period described in subsection (a).

11 “(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the
12 Secretary’s notification described in paragraph (2)(B) during the 45-day period beginning
13 on the date on which the State educational agency received the notification, such plan shall
14 be deemed to be disapproved.

15 “SEC. 9702. APPROVAL AND DISAPPROVAL OF LOCAL
16 EDUCATIONAL AGENCY APPLICATIONS.

17 “(a) Deemed Approval.—An application submitted by a local educational agency pursuant to
18 section 2105(b) or section 4104(b) shall be deemed to be approved by the State educational
19 agency unless the State educational agency makes a written determination, prior to the expiration
20 of the 120-day period beginning on the date on which the State educational agency received the
21 application, that the application is not in compliance with section 2105(b) or section 4104(b), as
22 applicable.

23 “(b) Disapproval Process.—

24 “(1) IN GENERAL.—The State educational agency shall not finally disapprove an
25 application submitted under section 2105(b) or section 4104(b), except after giving the local
26 educational agency notice and opportunity for a hearing.

27 “(2) NOTIFICATION.—If the State educational agency finds that the application is not in
28 compliance, in whole or in part, with section 2105(b) or section 4104(b), as applicable, the
29 State educational agency shall—

30 “(A) give the local educational agency notice and an opportunity for a hearing; and

31 “(B) notify the local educational agency of the finding of noncompliance, and in
32 such notification, shall—

33 “(i) cite the specific provisions in the application that are not in compliance;
34 and

35 “(ii) request additional information, only as to the noncompliant provisions,
36 needed to make the application compliant.

37 “(3) RESPONSE.—If the local educational agency responds to the State educational
38 agency’s notification described in paragraph (2)(B) during the 45-day period beginning on
39 the date on which the local educational agency received the notification, and resubmits the

application with the requested information described in paragraph (2)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 120-day period described in subsection (a).

“(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (2)(B) during the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.”.

TITLE VI—EXTENSIONS OF AUTHORIZATIONS

SEC. 601. ENGLISH LEARNERS AND IMMIGRANT STUDENTS.

Section 3001 (20 U.S.C. 6801) is amended by striking “\$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.” and inserting “\$693,848,000 for each of fiscal years 2014 through 2018.”.

SEC. 602. MAGNET SCHOOL ASSISTANCE.

Section 5311 (20 U.S.C. 7231j) is amended by striking “\$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.” and inserting “\$91,647,000 for each of fiscal years 2014 through 2018.”.

SEC. 603. RURAL EDUCATION ACHIEVEMENT PROGRAM.

Section 6234 (20 U.S.C. 7355c) is amended by striking “\$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years” and inserting “\$169,840,000 for each of fiscal years 2014 through 2018”.

SEC. 604. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.

(a) Grants to Local Educational Agencies and Tribes.—Section 7152 (20 U.S.C. 7492) is amended to read as follows:

“SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) Subpart 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated \$100,381,000 for each of fiscal years 2014 through 2018.

“(b) Subpart 2.—For the purpose of carrying out subpart 2, there are authorized to be appropriated \$17,993,000 for each of fiscal years 2014 through 2018.

“(c) Subpart 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated \$5,565,000 for each of fiscal years 2014 through 2018.”.

(b) Native Hawaiian Education.—Section 7205(c) (20 U.S.C. 7515(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7204 \$32,397,000 for each of fiscal years 2014 through 2018.”; and

(2) in paragraph (2), by striking “for fiscal year 2002 and each of the 5 succeeding fiscal years” and inserting “for fiscal years 2014 through 2018”.

(c) Alaska Native Education.—Section 7304(d)(1) (20 U.S.C. 7544(d)(1)) is amended by striking “such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.” and inserting “\$31,453,000 for each of fiscal years 2014 through 2108.”.

SEC. 605. IMPACT AID.

Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking “\$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.” and inserting “\$63,445,000 for each of fiscal years 2014 through 2018.”;

(2) in subsection (b), by striking “\$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.” and inserting “\$1,093,203,000 for each of fiscal years 2014 through 2018.”;

(3) in subsection (c), by striking “\$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.” and inserting “\$45,881,000 for each of fiscal years 2014 through 2018.”;

(4) in subsection (e), by striking “\$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years.” and inserting “\$16,529,000 for each of fiscal years 2014 through 2018.”; and

(5) in subsection (f), by striking “\$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.” and inserting “\$4,591,000 for each of fiscal years 2014 through 2018.”.

SEC. 606. MCKINNEY-VENTO HOMELESS ASSISTANCE.

Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended by striking “\$100,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year.” and inserting “\$61,771,000 for each of fiscal years 2014 through 2018.”.