

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Every Student Suc-
3 ceeds Act”.

4 SEC. 2. TABLE OF CONTENTS.

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.

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

- Sec. 1000. Resignations.
- Sec. 1001. Statement of purpose.
- Sec. 1002. Authorization of appropriations.
- Sec. 1003. School improvement.
- Sec. 1004. Direct student services.
- Sec. 1005. State plans.
- Sec. 1006. Local educational agency plans.
- Sec. 1007. Eligible school attendance areas.
- Sec. 1008. Schoolwide programs.
- Sec. 1009. Targeted assistance schools.
- Sec. 1010. Parental involvement.
- Sec. 1011. Participation of children involved in private schools.
- Sec. 1012. Supplement, not supplant.
- Sec. 1013. Coordination requirements.
- Sec. 1014. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 1015. Allocations to States.
- Sec. 1016. Adequacy of funding rule.
- Sec. 1017. Education finance incentive grant program.

PART B—STATE ASSESSMENT GRANTS

- Sec. 1201. State assessment grants.

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 1301. Education of migratory children.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

Sec. 1401. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.

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Sec. 2002. Preparing, training, and recruiting high-quality teachers, principals, or other school leaders.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. Redesignation of certain provisions.

Sec. 3002. Authorization of appropriations.

Sec. 3003. English language acquisition, language enhancement, and academic achievement.

Sec. 3004. General provisions.

TITLE IV—21ST CENTURY SCHOOLS

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Sec. 4002. General provisions.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

Sec. 4101. Student support and academic enrichment grants.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

Sec. 4201. 21st century community learning centers.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

Sec. 4301. Public charter schools.

PART D—MAGNET SCHOOLS ASSISTANCE

Sec. 4401. Magnet schools assistance.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

Sec. 4501. Family Engagement in Education Programs.

PART F—NATIONAL ACTIVITIES

Sec. 4601. National activities.

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- Sec. 5001. General provisions.
- Sec. 5002. Funding Transferability for State and Local Educational Agencies.
- Sec. 5003. Rural education initiative.
- Sec. 5004. General provisions.
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- Sec. 6002. Indian education.
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- Sec. 7005. Policies and procedures relating to children residing on Indian lands.
- Sec. 7006. Application for payments under sections 7002 and 7003.
- Sec. 7007. Construction.
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- Sec. 7010. Federal administration.
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- Sec. 8006. Consolidation of State administrative funds for elementary and secondary education programs.
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- Sec. 8016. Participation by private school children and teachers.
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- Sec. 8019. By-pass determination process.
- Sec. 8020. Maintenance of effort.

- Sec. 8021. Prohibition regarding state aid.
- Sec. 8022. School prayer.
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- Sec. 8024. Prohibitions.
- Sec. 8025. Prohibitions on Federal Government and use of Federal funds.
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- Sec. 8027. Prohibition on federally sponsored testing.
- Sec. 8028. Limitations on national testing or certification for teachers, principals, or other school leaders.
- Sec. 8029. Prohibition on requiring State participation.
- Sec. 8030. Civil rights.
- Sec. 8031. Consultation with Indian tribes and tribal organizations.
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- Sec. 8035. Rule of construction regarding travel to and from school.
- Sec. 8036. Limitations on school-based health centers.
- Sec. 8037. State control over standards.
- Sec. 8038. Sense of Congress on protecting student privacy.
- Sec. 8039. Prohibition on aiding and abetting sexual abuse .
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- Sec. 8041. Privacy.
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PART A—HOMELESS CHILDREN AND YOUTHS

- Sec. 9101. Statement of policy.
- Sec. 9102. Grants for State and local activities.
- Sec. 9103. Local educational agency subgrants.
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- Sec. 9105. Definitions.
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- Sec. 9107. Effective date.

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- Sec. 9201. Findings and sense of Congress on sexual misconduct.
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- Sec. 9203. Preventing improper use of taxpayer funds.
- Sec. 9204. Accountability to taxpayers through monitoring and oversight.
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- Sec. 9206. Posthumous pardon.
- Sec. 9207. Education Flexibility Partnership Act of 1999 reauthorization.
- Sec. 9208. Report on the reduction of the number and percentage of students who drop out of school.
- Sec. 9209. Report on subgroup sample size.
- Sec. 9210. Report on student home access to digital learning resources.
- Sec. 9211. Study on the title I formula.
- Sec. 9212. Preschool development grants.

Sec. 9213. Use of the term “highly qualified” in other laws.
Sec. 9214. Additional conforming amendments to other laws.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. TRANSITION.**

9 (a) **FUNDING AUTHORITY.**—

10 (1) **MULTI-YEAR AWARDS.**—

11 (A) **PROGRAMS NO LONGER AUTHOR-**
12 **IZED.**—Except as otherwise provided in this Act
13 or the amendments made by this Act, the re-
14 cipient of a multiyear award under the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 6301 et seq.), as in effect on the day be-
17 fore the date of enactment of this Act, under a
18 program that is not authorized under the Ele-
19 mentary and Secondary Education Act of 1965
20 (20 U.S.C. 6301 et seq.), as amended by this
21 Act, and—

22 (i) that is not substantively similar to
23 a program authorized under the Elemen-
24 tary and Secondary Education Act of 1965

1 (20 U.S.C. 6301 et seq.), as amended by
2 this Act, shall continue to receive funds in
3 accordance with the terms of such prior
4 award, except that no additional funds for
5 such program may be awarded after Sep-
6 tember 30, 2016; and

7 (ii) that is substantively similar to a
8 program authorized under the Elementary
9 and Secondary Education Act of 1965 (20
10 U.S.C. 6301 et seq.), as amended by this
11 Act, shall continue to receive funds in ac-
12 cordance with the terms of such prior
13 award.

14 (B) AUTHORIZED PROGRAMS.—Except as
15 otherwise provided in this Act, or the amend-
16 ments made by this Act, the recipient of a
17 multiyear award under a program that was au-
18 thorized under the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6301 et
20 seq.), as in effect on the day before the date of
21 enactment of this Act, and that is authorized
22 under such Act (20 U.S.C. 6301 et seq.), as
23 amended by this Act, shall continue to receive
24 funds in accordance with the terms of such
25 prior award.

1 (2) PLANNING AND TRANSITION.—Notwith-
2 standing any other provision of law, a recipient of
3 funds under a program described in paragraph
4 (1)(A)(ii) or (1)(B) may use funds awarded to the
5 recipient under such program, to carry out necessary
6 and reasonable planning and transition activities in
7 order to ensure the recipient’s compliance with the
8 amendments to such program made by this Act.

9 (b) ORDERLY TRANSITION.—Subject to subsection
10 (a)(1)(A)(i), the Secretary shall take such steps as are
11 necessary to provide for the orderly transition to, and im-
12 plementation of, programs authorized under the Elemen-
13 tary and Secondary Education Act of 1965 (20 U.S.C.
14 6301 et. seq.), as amended by this Act, from programs
15 authorized under the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6301 et seq.), as in effect
17 on the day before the date of enactment of this Act.

18 (c) TERMINATION OF CERTAIN WAIVERS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of this Act, and subject to section 5(e)(2),
21 a waiver described in paragraph (2) shall be null
22 and void and have no legal effect on or after August
23 1, 2016.

24 (2) WAIVERS.—A waiver shall be subject to
25 paragraph (1) if the waiver was granted by the Sec-

1 retary of Education to a State or consortium of local
2 educational agencies under the program first intro-
3 duced in a letter to chief State school officers dated
4 September 23, 2011, and authorized under section
5 9401 of the Elementary and Secondary Education
6 Act of 1965 (20 U.S.C. 7861), as in effect on the
7 day before the date of enactment of this Act.

8 **SEC. 5. EFFECTIVE DATES.**

9 (a) **IN GENERAL.**—Except as otherwise provided in
10 this Act, or an amendment made by this Act, this Act,
11 and the amendments made by this Act, shall be effective
12 upon the date of enactment of this Act.

13 (b) **NONCOMPETITIVE PROGRAMS.**—With respect to
14 noncompetitive programs under the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 6301 et seq)
16 and the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11301 et seq.) under which any funds are allotted
18 by the Secretary of Education to recipients on the basis
19 of a formula, the amendments made by this Act shall be
20 effective beginning on July 1, 2016, except as otherwise
21 provided in such amendments.

22 (c) **COMPETITIVE PROGRAMS.**—With respect to pro-
23 grams that are conducted by the Secretary of Education
24 on a competitive basis (and are not programs described
25 in subsection (b)) under the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 6301 et seq.), the
2 amendments made by this Act with respect to appropria-
3 tions for use under such programs shall be effective begin-
4 ning on October 1, 2016, except as otherwise provided in
5 such amendments.

6 (d) IMPACT AID.—With respect to title VII of the EL-
7 ementary and Secondary Education Act of 1965, as
8 amended by this Act, the amendments made by this Act
9 shall take effect with respect to appropriations for use
10 under such title beginning fiscal year 2017, except as oth-
11 erwise provided in such amendments.

12 (e) TITLE I OF THE ELEMENTARY AND SECONDARY
13 EDUCATION ACT OF 1965.—

14 (1) EFFECTIVE DATES FOR SECTION 1111 OF
15 THE ELEMENTARY AND SECONDARY EDUCATION ACT
16 OF 1965.—Notwithstanding any other provision of
17 this Act, or the amendments made by this Act, and
18 subject to paragraph (2) of this subsection—

19 (A) section 1111(b)(2) of the Elementary
20 and Secondary Education Act of 1965 (20
21 U.S.C. 6311(b)(2)), as in effect on the day be-
22 fore the date of enactment of this Act, shall be
23 effective through the close of August 1, 2016;

24 (B) subsections (c) and (d) of section 1111
25 of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 6311), as amended by
2 this Act, shall take effect beginning with school
3 year 2017–2018; and

4 (C) section 1111(b)(2) of the Elementary
5 and Secondary Education Act of 1965 (20
6 U.S.C. 6311(b)(2)), as amended by this Act,
7 and any other provision of section 1111 of such
8 Act (20 U.S.C. 6311), as amended by this Act,
9 which is not described in subparagraph (B) of
10 this paragraph, shall take effect in a manner
11 consistent with subsection (a).

12 (2) SPECIAL RULE.—

13 (A) IN GENERAL.—Notwithstanding any
14 other provision of this Act (including subsection
15 (b) and paragraph (1)), any school or local edu-
16 cational agency described in subparagraph (B)
17 shall continue to implement interventions appli-
18 cable to such school or local educational agency
19 under clause (i) or (ii) of subparagraph (B)
20 until—

21 (i) the State plan for the State in
22 which the school or agency is located under
23 section 1111 of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C.

1 6311), as amended by this Act, is approved
2 under such section (20 U.S.C. 6311); or

3 (ii) subsections (c) and (d) of section
4 1111 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6311),
6 as amended by this Act, take effect in ac-
7 cordance with paragraph (1)(B),

8 whichever occurs first.

9 (B) CERTAIN SCHOOLS AND LOCAL EDU-
10 CATIONAL AGENCIES.—A school or local edu-
11 cational agency shall be subject to the require-
12 ments of subparagraph (A), if such school or
13 local educational agency has been identified by
14 the State in which the school or local edu-
15 cational agency is located—

16 (i) as in need of improvement, correc-
17 tive action, or restructuring under part A
18 of title I of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6311 et
20 seq.), as in effect on the day before the
21 date of enactment of this Act; or

22 (ii) as a priority or focus school under
23 a waiver granted by the Secretary of Edu-
24 cation under section 9401 of the Elemen-
25 tary and Secondary Education Act of 1965

1 (20 U.S.C. 7861), as in effect on the day
2 before the date of enactment of this Act.

3 **SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY AND**
4 **SECONDARY EDUCATION ACT OF 1965.**

5 Section 2 is amended to read as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

“Sec. 1001. Statement of purpose.

“Sec. 1002. Authorization of appropriations.

“Sec. 1003. School improvement.

“Sec. 1003A. Direct student services.

“Sec. 1004. State administration.

“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL
AGENCIES

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State plans.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas.

“Sec. 1114. Schoolwide programs.

“Sec. 1115. Targeted assistance schools.

“Sec. 1116. Parent and family engagement.

“Sec. 1117. Participation of children enrolled in private schools.

“Sec. 1118. Fiscal requirements.

“Sec. 1119. Coordination requirements.

“SUBPART 2—ALLOCATIONS

“Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.

“Sec. 1122. Allocations to States.

“Sec. 1124. Basic grants to local educational agencies.

“Sec. 1124A. Concentration grants to local educational agencies.

“Sec. 1125. Targeted grants to local educational agencies.

“Sec. 1125AA. Adequacy of funding to local educational agencies in fiscal years
after fiscal year 2001.

“Sec. 1125A. Education finance incentive grant program.

“Sec. 1126. Special allocation procedures.

“Sec. 1127. Carryover and waiver.

“PART B—STATE ASSESSMENT GRANTS

“Sec. 1201. Grants for State assessments and related activities.

“Sec. 1202. State option to conduct assessment system audit.

“Sec. 1203. Allotment of appropriated funds.

“Sec. 1204. Innovative assessment and accountability demonstration authority.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purposes.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

“PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

- “Sec. 1401. Purpose and program authorization.
- “Sec. 1402. Payments for programs under this part.

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Technical assistance.

“SUBPART 2—LOCAL AGENCY PROGRAMS

- “Sec. 1421. Purpose.
- “Sec. 1422. Programs operated by local educational agencies.
- “Sec. 1423. Local educational agency applications.
- “Sec. 1424. Uses of funds.
- “Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
- “Sec. 1426. Accountability.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 1431. Program evaluations.
- “Sec. 1432. Definitions.

“PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

- “Sec. 1501. Flexibility for equitable per-pupil funding.

“PART F—GENERAL PROVISIONS

- “Sec. 1601. Federal regulations.
- “Sec. 1602. Agreements and records.
- “Sec. 1603. State administration.
- “Sec. 1604. Prohibition against Federal mandates, direction, or control.
- “Sec. 1605. Rule of construction on equalized spending.

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

- “Sec. 2001. Purpose.
- “Sec. 2002. Definitions.
- “Sec. 2003. Authorization of appropriations.

“PART A—SUPPORTING EFFECTIVE INSTRUCTION

- “Sec. 2101. Formula grants to States.
- “Sec. 2102. Subgrants to local educational agencies.
- “Sec. 2103. Local uses of funds.
- “Sec. 2104. Reporting.

“PART B—NATIONAL ACTIVITIES

- “Sec. 2201. Reservations.

“SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

- “Sec. 2211. Purposes; definitions.
- “Sec. 2212. Teacher and school leader incentive fund grants.
- “Sec. 2213. Reports.

“SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

- “Sec. 2221. Purposes; definitions.
- “Sec. 2222. Comprehensive literacy State development grants.
- “Sec. 2223. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 2224. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 2225. National evaluation and information dissemination.
- “Sec. 2226. Innovative approaches to literacy.

“SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

- “Sec. 2231. Program authorized.
- “Sec. 2232. Presidential and congressional academies for American history and civics.
- “Sec. 2233. National activities.

“SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

- “Sec. 2241. Funding allotment.
- “Sec. 2242. Supporting effective educator development.
- “Sec. 2243. School leader recruitment and support.
- “Sec. 2244. Technical assistance and national evaluation.
- “Sec. 2245. STEM master teacher corps.

“PART C—GENERAL PROVISIONS

- “Sec. 2301. Supplement, not supplant.
- “Sec. 2302. Rules of construction.

“TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

- “Sec. 3001. Authorization of appropriations.

“PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT,
AND ACADEMIC ACHIEVEMENT ACT

“Sec. 3101. Short title.

“Sec. 3102. Purposes.

“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION
AND LANGUAGE ENHANCEMENT

“Sec. 3111. Formula grants to States.

“Sec. 3112. Native American and Alaska Native children in school.

“Sec. 3113. State and specially qualified agency plans.

“Sec. 3114. Within-State allocations.

“Sec. 3115. Subgrants to eligible entities.

“Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

“Sec. 3121. Reporting.

“Sec. 3122. Biennial reports.

“Sec. 3123. Coordination with related programs.

“Sec. 3124. Rules of construction.

“Sec. 3125. Legal authority under State law.

“Sec. 3126. Civil rights.

“Sec. 3127. Programs for Native Americans and Puerto Rico.

“Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 3131. National professional development project.

“PART B—GENERAL PROVISIONS

“Sec. 3201. Definitions.

“Sec. 3202. National clearinghouse.

“Sec. 3203. Regulations.

“TITLE IV—21ST CENTURY SCHOOLS

“Sec. 4001. General provisions.

“PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

“SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

“Sec. 4101. Purpose.

“Sec. 4102. Definitions.

“Sec. 4103. Formula grants to States.

“Sec. 4104. State use of funds.

“Sec. 4105. Allocations to local educational agencies.

“Sec. 4106. Local educational agency applications.

“Sec. 4107. Activities to support well-rounded educational opportunities.

“Sec. 4108. Activities to support safe and healthy students.

“Sec. 4109. Activities to support the effective use of technology.

“Sec. 4110. Supplement, not supplant.

“Sec. 4111. Rule of construction.

“Sec. 4112. Authorization of appropriations.

“SUBPART 2—INTERNET SAFETY

“4121. Internet safety.

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

- “Sec. 4201. Purpose; definitions.
- “Sec. 4202. Allotments to States.
- “Sec. 4203. State application.
- “Sec. 4204. Local competitive subgrant program.
- “Sec. 4205. Local activities.
- “Sec. 4206. Authorization of appropriations.

“PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

“SUBPART 1—CHARTER SCHOOLS

- “Sec. 4301. Purpose.
- “Sec. 4302. Program authorized.
- “Sec. 4303. Grants to support high-quality charter schools.
- “Sec. 4304. Facilities financing assistance.
- “Sec. 4305. National activities.
- “Sec. 4306. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 4307. Solicitation of input from charter school operators.
- “Sec. 4308. Records transfer.
- “Sec. 4309. Paperwork reduction.
- “Sec. 4310. Definitions.
- “Sec. 4311. Authorization of appropriations.

“PART D—MAGNET SCHOOLS ASSISTANCE

- “Sec. 4401. Findings and purpose.
- “Sec. 4402. Definition.
- “Sec. 4403. Program authorized.
- “Sec. 4404. Eligibility.
- “Sec. 4405. Applications and requirements.
- “Sec. 4406. Priority.
- “Sec. 4407. Use of funds.
- “Sec. 4408. Limitations.
- “Sec. 4409. Authorization of appropriations; reservation.

“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

- “Sec. 4501. Purposes.
- “Sec. 4502. Grants authorized.
- “Sec. 4503. Applications.
- “Sec. 4504. Uses of funds.
- “Sec. 4505. Family engagement in Indian schools.
- “Sec. 4506. Authorization of appropriations.

“PART F—NATIONAL ACTIVITIES

- “Sec. 4601. Authorization of appropriations; reservations.

“SUBPART 1—EDUCATION INNOVATION AND RESEARCH

- “Sec. 4611. Grants for education innovation and research.

“SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS

- “Sec. 4621. Purposes.
- “Sec. 4622. Definitions.
- “Sec. 4623. Program authorized.
- “Sec. 4624. Promise neighborhoods.
- “Sec. 4625. Full-service community schools.

“SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY

- “Sec. 4631. National activities for school safety.

“SUBPART 4—ACADEMIC ENRICHMENT

- “Sec. 4641. Awards for academic enrichment.
- “Sec. 4642. Assistance for arts education.
- “Sec. 4643. Ready to learn programming.
- “Sec. 4644. Supporting high-ability learners and learning.

“TITLE V—FLEXIBILITY AND ACCOUNTABILITY

“PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL
EDUCATIONAL AGENCIES

- “Sec. 5101. Short title.
- “Sec. 5102. Purpose.
- “Sec. 5103. Transferability of funds.

“PART B—RURAL EDUCATION INITIATIVE

- “Sec. 5201. Short title.
- “Sec. 5202. Purpose.

“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

- “Sec. 5211. Use of applicable funding.
- “Sec. 5212. Grant program authorized.

“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- “Sec. 5221. Program authorized.
- “Sec. 5222. Use of funds.
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- “Sec. 5224. Report.
- “Sec. 5225. Choice of participation.

“PART C—GENERAL PROVISIONS

- “Sec. 5301. Prohibition against Federal mandates, direction, or control.
- “Sec. 5302. Rule of construction on equalized spending.
- “Sec. 5303. Review relating to rural local educational agencies.

“TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE
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“PART A—INDIAN EDUCATION

- “Sec. 6101. Statement of policy.
- “Sec. 6102. Purpose.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- “Sec. 6111. Purpose.
- “Sec. 6112. Grants to local educational agencies and tribes.
- “Sec. 6113. Amount of grants.
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- “Sec. 6117. Student eligibility forms.
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“SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

- “Sec. 6121. Improvement of educational opportunities for Indian children and youth.
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“SUBPART 3—NATIONAL ACTIVITIES

- “Sec. 6131. National research activities.
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“SUBPART 4—FEDERAL ADMINISTRATION

- “Sec. 6141. National Advisory Council on Indian Education.
- “Sec. 6142. Peer review.
- “Sec. 6143. Preference for Indian applicants.
- “Sec. 6144. Minimum grant criteria.

“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

- “Sec. 6151. Definitions.
- “Sec. 6152. Authorizations of appropriations.

“PART B—NATIVE HAWAIIAN EDUCATION

- “Sec. 6201. Short title.
- “Sec. 6202. Findings.
- “Sec. 6203. Purposes.
- “Sec. 6204. Native Hawaiian Education Council.
- “Sec. 6205. Program authorized.
- “Sec. 6206. Administrative provisions.
- “Sec. 6207. Definitions.

“PART C—ALASKA NATIVE EDUCATION

- “Sec. 6301. Short title.
- “Sec. 6302. Findings.
- “Sec. 6303. Purposes.
- “Sec. 6304. Program authorized.
- “Sec. 6305. Administrative provisions.
- “Sec. 6306. Definitions.

“TITLE VII—IMPACT AID

- “Sec. 7001. Purpose.
- “Sec. 7002. Payments relating to Federal acquisition of real property.
- “Sec. 7003. Payments for eligible federally connected children.
- “Sec. 7004. Policies and procedures relating to children residing on Indian lands.
- “Sec. 7005. Application for payments under sections 7002 and 7003.
- “Sec. 7007. Construction.
- “Sec. 7008. Facilities.
- “Sec. 7009. State consideration of payments in providing State aid.
- “Sec. 7010. Federal administration.
- “Sec. 7011. Administrative hearings and judicial review.
- “Sec. 7012. Forgiveness of overpayments.
- “Sec. 7013. Definitions.
- “Sec. 7014. Authorization of appropriations.

“TITLE VIII—GENERAL PROVISIONS

“PART A—DEFINITIONS

- “Sec. 8101. Definitions.
- “Sec. 8102. Applicability of title.
- “Sec. 8103. Applicability to Bureau of Indian Education operated schools.

“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

- “Sec. 8201. Consolidation of State administrative funds for elementary and secondary education programs.
- “Sec. 8202. Single local educational agency States.
- “Sec. 8203. Consolidation of funds for local administration.
- “Sec. 8204. Consolidated set-aside for Department of the Interior funds.
- “Sec. 8205. Department staff.

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

- “Sec. 8301. Purposes.
- “Sec. 8302. Optional consolidated State plans or applications.
- “Sec. 8303. Consolidated reporting.
- “Sec. 8304. General applicability of State educational agency assurances.
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“PART D—WAIVERS

- “Sec. 8401. Waivers of statutory and regulatory requirements.

“PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

- “Sec. 8451. Approval and disapproval of State plans.
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“PART F—UNIFORM PROVISIONS

“SUBPART 1—PRIVATE SCHOOLS

- “See. 8501. Participation by private school children and teachers.
- “See. 8502. Standards for by-pass.
- “See. 8503. Complaint process for participation of private school children.
- “See. 8504. By-pass determination process.
- “See. 8505. Prohibition against funds for religious worship or instruction.
- “See. 8506. Private, religious, and home schools.

“SUBPART 2—OTHER PROVISIONS

- “See. 8521. Maintenance of effort.
- “See. 8522. Prohibition regarding State aid.
- “See. 8523. Privacy of assessment results.
- “See. 8524. School prayer.
- “See. 8525. Equal access to public school facilities.
- “See. 8526. Prohibited uses of funds
- “See. 8526A. Prohibition against Federal mandates, direction, or control.
- “See. 8527. Prohibitions on Federal Government and use of Federal funds.
- “See. 8528. Armed Forces recruiter access to students and student recruiting information.
- “See. 8529. Prohibition on federally sponsored testing.
- “See. 8530. Limitations on national testing or certification for teachers, principals, or other school leaders.
- “See. 8530A. Prohibition on requiring State participation.
- “See. 8531. Prohibition on nationwide database.
- “See. 8532. Unsafe school choice option.
- “See. 8533. Prohibition on discrimination.
- “See. 8534. Civil rights.
- “See. 8535. Rulemaking.
- “See. 8536. Severability.
- “See. 8537. Transfer of school disciplinary records.
- “See. 8538. Consultation with Indian tribes and tribal organizations.
- “See. 8539. Outreach and technical assistance for rural local educational agencies.
- “See. 8540. Consultation with the Governor.
- “See. 8541. Local governance.
- “See. 8542. Rule of construction regarding travel to and from school.
- “See. 8543. Limitations on school-based health centers.
- “See. 8544. State control over standards.
- “See. 8545. Sense of Congress on protecting student privacy.
- “See. 8546. Prohibition on aiding and abetting sexual abuse.
- “See. 8547. Sense of Congress on restoration of State sovereignty over public education.
- “See. 8548. Privacy.
- “See. 8549. Analysis and periodic review of departmental guidance.
- “See. 8549A. Sense of Congress.
- “See. 8549B. Sense of Congress on early learning and child care.
- “See. 8549C. Technical assistance.

“SUBPART 3—TEACHER LIABILITY PROTECTION

- “See. 8551. Short title.
- “See. 8552. Purpose.
- “See. 8553. Definitions.
- “See. 8554. Applicability.
- “See. 8555. Preemption and election of State nonapplicability.
- “See. 8556. Limitation on liability for teachers.

“Sec. 8557. Allocation of responsibility for noneconomic loss.

“Sec. 8558. Effective date.

“SUBPART 4—GUN POSSESSION

“Sec. 8561. Gun-free requirements.

“SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE

“Sec. 8571. Short title.

“Sec. 8572. Definitions.

“Sec. 8573. Nonsmoking policy for children’s services.

“Sec. 8574. Preemption.

“PART G—EVALUATIONS

“Sec. 8601. Evaluations.”.

1 **TITLE I—IMPROVING BASIC PRO-**
2 **GRAMS OPERATED BY STATE**
3 **AND LOCAL EDUCATIONAL**
4 **AGENCIES**

5 **PART A—IMPROVING BASIC PROGRAMS OPER-**
6 **ATED BY STATE AND LOCAL EDUCATIONAL**
7 **AGENCIES**

8 **SEC. 1000. REDESIGNATIONS.**

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

11 (1) by striking sections 1116, 1117, and 1119;

12 (2) by redesignating section 1118 as section
13 1116;

14 (3) by redesignating section 1120 as section
15 1117;

16 (4) by redesignating section 1120A as section
17 1118; and

1 (5) by redesignating section 1120B as section
2 1119.

3 **SEC. 1001. STATEMENT OF PURPOSE.**

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

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

7 “The purpose of this title is to provide all children
8 significant opportunity to receive a fair, equitable, and
9 high-quality education, and to close educational achieve-
10 ment gaps.”.

11 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

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

14 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

15 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—There
16 are authorized to be appropriated to carry out the activi-
17 ties described in part A—

18 “(1) \$15,012,317,605 for fiscal year 2017;

19 “(2) \$15,457,459,042 for fiscal year 2018;

20 “(3) \$15,897,371,442 for fiscal year 2019; and

21 “(4) \$16,182,344,591 for fiscal year 2020.

22 “(b) STATE ASSESSMENTS.—There are authorized to
23 be appropriated to carry out the activities described in
24 part B, \$378,000,000 for each of fiscal years 2017
25 through 2020.

1 “(c) EDUCATION OF MIGRATORY CHILDREN.—There
2 are authorized to be appropriated to carry out the activi-
3 ties described in part C, \$374,751,000 for each of fiscal
4 years 2017 through 2020.

5 “(d) PREVENTION AND INTERVENTION PROGRAMS
6 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-
7 LINQUENT, OR AT-RISK.—There are authorized to be ap-
8 propriated to carry out the activities described in part D,
9 \$47,614,000 for each of fiscal years 2017 through 2020.

10 “(e) FEDERAL ACTIVITIES.—For the purpose of car-
11 rying out evaluation activities related to title I under sec-
12 tion 8601, there are authorized to be appropriated
13 \$710,000 for each of fiscal years 2017 through 2020.

14 “(f) SENSE OF CONGRESS REGARDING ADJUST-
15 MENTS TO AUTHORIZATIONS OF APPROPRIATIONS PRO-
16 VIDED IN THIS ACT FOR FUTURE BUDGET AGREE-
17 MENTS.—It is the sense of Congress that if legislation is
18 enacted that revises the limits on discretionary spending
19 established under section 251(c) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985 (2 U.S.C.
21 901(c)), the levels of appropriations authorized through-
22 out this Act should be adjusted in a manner that is con-
23 sistent with the adjustments in nonsecurity category fund-
24 ing provided for under the revised limits on discretionary
25 spending.”.

1 **SEC. 1003. SCHOOL IMPROVEMENT.**

2 Section 1003 (20 U.S.C. 6303) is amended to read
3 as follows:

4 **“SEC. 1003. SCHOOL IMPROVEMENT.**

5 “(a) STATE RESERVATIONS.—To carry out sub-
6 section (b) and the State educational agency’s statewide
7 system of technical assistance and support for local edu-
8 cational agencies, each State shall reserve the greater of—

9 “(1) 7 percent of the amount the State receives
10 under subpart 2 of part A; or

11 “(2) the sum of the amount the State—

12 “(A) reserved for fiscal year 2016 under
13 this subsection, as in effect on the day before
14 the date of enactment of the Every Student
15 Succeeds Act; and

16 “(B) received for fiscal year 2016 under
17 subsection (g), as in effect on the day before
18 the date of enactment of the Every Student
19 Succeeds Act.

20 “(b) USES.—Of the amount reserved under sub-
21 section (a) for any fiscal year, the State educational agen-
22 cy—

23 “(1)(A) shall allocate not less than 95 percent
24 of that amount to make grants to local educational
25 agencies on a formula or competitive basis, to serve
26 schools implementing comprehensive support and im-

1 provement activities or targeted support and im-
2 provement activities under section 1111(d); or

3 “(B) may, with the approval of the local edu-
4 cational agency, directly provide for these activities
5 or arrange for their provision through other entities
6 such as school support teams, educational service
7 agencies, or nonprofit or for-profit external providers
8 with expertise in using evidence-based strategies to
9 improve student achievement, instruction, and
10 schools; and

11 “(2) shall use the funds not allocated to local
12 educational agencies paragraph (1) to carry out this
13 section, which shall include—

14 “(A) establishing the method, consistent
15 with paragraph (1)(A), the State will use to al-
16 locate funds to local educational agencies under
17 such paragraph, including ensuring—

18 “(i) the local educational agencies re-
19 ceiving an allotment under such paragraph
20 represent the geographic diversity of the
21 State; and

22 “(ii) that allotments are of sufficient
23 size to enable a local educational agency to
24 effectively implement selected strategies;

1 “(B) monitoring and evaluating the use of
2 funds by local educational agencies receiving an
3 allotment under such paragraph; and

4 “(C) as appropriate, reducing barriers and
5 providing operational flexibility for schools in
6 the implementation of comprehensive support
7 and improvement activities or targeted support
8 and improvement activities under section
9 1111(d).

10 “(c) DURATION.—The State educational agency shall
11 award each subgrant under subsection (b) for a period of
12 not more than 4 years, which may include a planning year.

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed as prohibiting a State from allo-
15 cating subgrants under this section to a statewide school
16 district, consortium of local educational agencies, or an
17 educational service agency that serves schools imple-
18 menting comprehensive support and improvement activi-
19 ties or targeted support and improvement activities, if
20 such entities are legally constituted or recognized as local
21 educational agencies in the State.

22 “(e) APPLICATION.—To receive an allotment under
23 subsection (b)(1), a local educational agency shall submit
24 an application to the State educational agency at such
25 time, in such form, and including such information as the

1 State educational agency may require. Each application
2 shall include, at a minimum—

3 “(1) a description of how the local educational
4 agency will carry out its responsibilities under sec-
5 tion 1111(d) for schools receiving funds under this
6 section, including how the local educational agency
7 will—

8 “(A) develop comprehensive support and
9 improvement plans under section 1111(d)(1)
10 for schools receiving funds under this section;

11 “(B) support schools developing or imple-
12 menting targeted support and improvement
13 plans under section 1111(d)(2), if funds re-
14 ceived under this section are used for such pur-
15 pose;

16 “(C) monitor schools receiving funds under
17 this section, including how the local educational
18 agency will carry out its responsibilities under
19 clauses (iv) and (v) of section 1111(d)(2)(B) if
20 funds received under this section are used to
21 support schools implementing targeted support
22 and improvement plans;

23 “(D) use a rigorous review process to re-
24 cruit, screen, select, and evaluate any external

1 partners with whom the local educational agen-
2 cy will partner;

3 “(E) align other Federal, State, and local
4 resources to carry out the activities supported
5 with funds received under subsection (b)(1);
6 and

7 “(F) as appropriate, modify practices and
8 policies to provide operational flexibility that
9 enables full and effective implementation of the
10 plans described in paragraphs (1) and (2) of
11 section 1111(d); and

12 “(2) an assurance that each school the local
13 educational agency proposes to serve will receive all
14 of the State and local funds it would have received
15 in the absence of funds received under this section.

16 “(f) PRIORITY.—The State educational agency, in al-
17 locating funds to local educational agencies under this sec-
18 tion, shall give priority to local educational agencies
19 that—

20 “(1) serve high numbers, or a high percentage
21 of, elementary schools and secondary schools imple-
22 menting plans under paragraphs (1) and (2) of sec-
23 tion 1111(d);

24 “(2) demonstrate the greatest need for such
25 funds, as determined by the State; and

1 “(3) demonstrate the strongest commitment to
2 using funds under this section to enable the lowest-
3 performing schools to improve student achievement
4 and student outcomes.

5 “(g) UNUSED FUNDS.—If, after consultation with
6 local educational agencies in the State, the State edu-
7 cational agency determines that the amount of funds re-
8 served to carry out subsection (b) is greater than the
9 amount needed to provide the assistance described in that
10 subsection, the State educational agency shall allocate the
11 excess amount to local educational agencies in accordance
12 with—

13 “(1) the relative allocations the State edu-
14 cational agency made to those agencies for that fis-
15 cal year under subpart 2 of part A; or

16 “(2) section 1126(c).

17 “(h) SPECIAL RULE.—Notwithstanding any other
18 provision of this section, the amount of funds reserved by
19 the State educational agency under subsection (a) for fis-
20 cal year 2018 and each subsequent fiscal year shall not
21 decrease the amount of funds each local educational agen-
22 cy receives under subpart 2 of part A below the amount
23 received by such local educational agency under such sub-
24 part for the preceding fiscal year.

1 “(i) REPORTING.—The State shall include in the re-
2 port described in section 1111(h)(1) a list of all the local
3 educational agencies and schools that received funds under
4 this section, including the amount of funds each school
5 received and the types of strategies implemented in each
6 school with such funds.”.

7 **SEC. 1004. DIRECT STUDENT SERVICES.**

8 The Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 6301 et seq.) is amended by inserting
10 after section 1003 (20 U.S.C. 6303) the following:

11 **“SEC. 1003A. DIRECT STUDENT SERVICES.**

12 “(a) STATE RESERVATION.—

13 “(1) IN GENERAL.—

14 “(A) STATES.—Each State educational
15 agency, after meaningful consultation with geo-
16 graphically diverse local educational agencies
17 described in subparagraph (B), may reserve not
18 more than 3 percent of the amount the State
19 educational agency receives under subpart 2 of
20 part A for each fiscal year to carry out this sec-
21 tion.

22 “(B) CONSULTATION.—A State edu-
23 cational agency shall consult under subpara-
24 graph (A) with local educational agencies that
25 include—

1 “(i) suburban, rural, and urban local
2 educational agencies;

3 “(ii) local educational agencies serving
4 a high percentage of schools identified by
5 the State for comprehensive support and
6 improvement under section
7 1111(c)(4)(D)(i); and

8 “(iii) local educational agencies serv-
9 ing a high percentage of schools imple-
10 menting targeted support and improvement
11 plans under section 1111(d)(2).

12 “(2) PROGRAM ADMINISTRATION.—Of the
13 funds reserved under paragraph (1)(A), the State
14 educational agency may use not more than 1 percent
15 to administer the program described in this section.

16 “(b) AWARDS.—

17 “(1) IN GENERAL.—From the amount reserved
18 under subsection (a) by a State educational agency,
19 the State educational agency shall award grants to
20 geographically diverse local educational agencies de-
21 scribed in subsection (a)(1)(B)(i).

22 “(2) PRIORITY.—In making such awards, the
23 State educational agency shall prioritize awards to
24 local educational agencies serving the highest per-

1 centage of schools, as compared to other local edu-
2 cational agencies in the State—

3 “(A) identified by the State for com-
4 prehensive support and improvement under sec-
5 tion 1111(c)(4)(D)(i); or

6 “(B) implementing targeted support and
7 improvement plans under section 1111(d)(2).

8 “(c) LOCAL USE OF FUNDS.—A local educational
9 agency receiving an award under this section—

10 “(1) may use not more than 1 percent of its
11 award for outreach and communication to parents
12 about available direct student services described in
13 paragraph (3) in the local educational agency and
14 State;

15 “(2) may use not more than 2 percent of its
16 award for administrative costs related to such direct
17 student services;

18 “(3) shall use the remainder of the award to
19 pay the costs associated with one or more of the fol-
20 lowing direct student services—

21 “(A) enrollment and participation in aca-
22 demic courses not otherwise available at a stu-
23 dent’s school, including—

24 “(i) advanced courses; and

1 “(ii) career and technical education
2 coursework that—

3 “(I) is aligned with the chal-
4 lenging State academic standards; and

5 “(II) leads to industry-recognized
6 credentials that meet the quality cri-
7 teria established by the State under
8 section 123(a) of the Workforce Inno-
9 vation and Opportunity Act (29
10 U.S.C. 3102);

11 “(B) credit recovery and academic accel-
12 eration courses that lead to a regular high
13 school diploma;

14 “(C) activities that assist students in suc-
15 cessfully completing postsecondary level instruc-
16 tion and examinations that are accepted for
17 credit at institutions of higher education (in-
18 cluding Advanced Placement and International
19 Baccalaureate courses), which may include re-
20 imbursing low-income students to cover part or
21 all of the costs of fees for such examinations;

22 “(D) components of a personalized learn-
23 ing approach, which may include high-quality
24 academic tutoring; and

1 “(E) in the case of a local educational
2 agency that does not reserve funds under sec-
3 tion 1111(d)(1)(D)(v), transportation to allow a
4 student enrolled in a school identified for com-
5 prehensive support and improvement under sec-
6 tion 1111(c)(4)(D)(i) to transfer to another
7 public school (which may include a charter
8 school) that has not been identified by the State
9 under such section; and

10 “(4) in paying the costs associated with the di-
11 rect student services described in paragraph (3),
12 shall—

13 “(A) first, pay such costs for students who
14 are enrolled in schools identified by the State
15 for comprehensive support and improvement
16 under section 1111(c)(4)(D)(i);

17 “(B) second, pay such costs for low-achiev-
18 ing students who are enrolled in schools imple-
19 menting targeted support and improvement
20 plans under section 1111(d)(2); and

21 “(C) with any remaining funds, pay such
22 costs for other low-achieving students served by
23 the local educational agency.

24 “(d) APPLICATION.—A local educational agency de-
25 siring to receive an award under subsection (b) shall sub-

1 mit an application to the State educational agency at such
2 time and in such manner as the State educational agency
3 shall require. At a minimum, each application shall de-
4 scribe how the local educational agency will—

5 “(1) provide adequate outreach to ensure par-
6 ents can exercise a meaningful choice of direct stu-
7 dent services for their child’s education;

8 “(2) ensure parents have adequate time and in-
9 formation to make a meaningful choice prior to en-
10 rolling their child in a direct student service;

11 “(3) in the case of a local educational agency
12 offering public school choice under this section, en-
13 sure sufficient availability of seats in the public
14 schools the local educational agency will make avail-
15 able for public school choice options;

16 “(4) prioritize services to students who are low-
17 est-achieving;

18 “(5) select providers of direct student services,
19 which may include one or more of—

20 “(A) the local educational agency or other
21 local educational agencies;

22 “(B) community colleges or other institu-
23 tions of higher education;

24 “(C) non-public entities;

25 “(D) community-based organizations; or

1 “(E) in the case of high-quality academic
2 tutoring, a variety of providers of such tutoring
3 that are selected and approved by the State and
4 appear on the State’s list of such providers re-
5 quired under subsection (e)(2);

6 “(6) monitor the provision of direct student
7 services; and

8 “(7) publicly report the results of direct student
9 service providers in improving relevant student out-
10 comes in a manner that is accessible to parents.

11 “(e) PROVIDERS AND SCHOOLS.—A State edu-
12 cational agency that reserves an amount under subsection
13 (a) shall—

14 “(1) ensure that each local educational agency
15 that receives an award under this section and in-
16 tends to provide public school choice under sub-
17 section (c)(3)(E) can provide a sufficient number of
18 options to provide a meaningful choice for parents;

19 “(2) compile and maintain an updated list of
20 State-approved high-quality academic tutoring pro-
21 viders that—

22 “(A) is developed using a fair negotiation
23 and rigorous selection and approval process;

24 “(B) provides parents with meaningful
25 choices;

1 “(C) offers a range of tutoring models, in-
2 cluding online and on campus; and

3 “(D) includes only providers that—

4 “(i) have a demonstrated record of
5 success in increasing students’ academic
6 achievement;

7 “(ii) comply with all applicable Fed-
8 eral, State, and local health, safety, and
9 civil rights laws; and

10 “(iii) provide instruction and content
11 that is secular, neutral, and non-ideolog-
12 ical;

13 “(3) ensure that each local educational agency
14 receiving an award is able to provide an adequate
15 number of high-quality academic tutoring options to
16 ensure parents have a meaningful choice of services;

17 “(4) develop and implement procedures for
18 monitoring the quality of services provided by direct
19 student service providers; and

20 “(5) establish and implement clear criteria de-
21 scribing the course of action for direct student serv-
22 ice providers that are not successful in improving
23 student academic outcomes, which, for a high-quality
24 academic tutoring provider, may include a process to
25 remove State approval under paragraph (2).”.

1 **SEC. 1005. STATE PLANS.**

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

4 **“SEC. 1111. STATE PLANS.**

5 “(a) **FILING FOR GRANTS.**—

6 “(1) **IN GENERAL.**—For any State desiring to
7 receive a grant under this part, the State edu-
8 cational agency shall file with the Secretary a plan
9 that is—

10 “(A) developed by the State educational
11 agency with timely and meaningful consultation
12 with the Governor, members of the State legis-
13 lature and State board of education (if the
14 State has a State board of education), local
15 educational agencies (including those located in
16 rural areas), representatives of Indian tribes lo-
17 cated in the State, teachers, principals, other
18 school leaders, charter school leaders (if the
19 State has charter schools), specialized instruc-
20 tional support personnel, paraprofessionals, ad-
21 ministrators, other staff, and parents; and

22 “(B) is coordinated with other programs
23 under this Act, the Individuals with Disabilities
24 Education Act (20 U.S.C. 1400 et seq.), the
25 Rehabilitation Act of 1973 (20 U.S.C. 701 et
26 seq.), the Carl D. Perkins Career and Technical

1 Education Act of 2006 (20 U.S.C. 2301 et
2 seq.), the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3101 et seq.), the Head
4 Start Act (42 U.S.C. 9831 et seq.), the Child
5 Care and Development Block Grant Act of
6 1990 (42 U.S.C. 9858 et seq.), the Education
7 Sciences Reform Act of 2002 (20 U.S.C. 9501
8 et seq.), the Education Technical Assistance
9 Act of 2002 (20 U.S.C. 9601 et. seq.), the Na-
10 tional Assessment of Educational Progress Au-
11 thorization Act (20 U.S.C. 9621 et seq.), the
12 McKinney-Vento Homeless Assistance Act (42
13 U.S.C. 11301 et seq.), and the Adult Education
14 and Family Literacy Act (29 U.S.C. 3271 et
15 seq.).

16 “(2) LIMITATION.—Consultation required under
17 paragraph (1)(A) shall not interfere with the timely
18 submission of the plan required under this section.

19 “(3) CONSOLIDATED PLAN.—A State plan sub-
20 mitted under paragraph (1) may be submitted as
21 part of a consolidated plan under section 8302.

22 “(4) PEER REVIEW AND SECRETARIAL AP-
23 PROVAL.—

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

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

3 “(ii) establish multidisciplinary peer-
4 review teams and appoint members of such
5 teams—

6 “(I) who are representative of—

7 “(aa) parents, teachers,
8 principals, other school leaders,
9 specialized instructional support
10 personnel, State educational
11 agencies, local educational agen-
12 cies, and the community (includ-
13 ing the business community); and

14 “(bb) researchers who are
15 familiar with—

16 “(AA) the implementa-
17 tion of academic standards,
18 assessments, or account-
19 ability systems; and

20 “(BB) how to meet the
21 needs of disadvantaged stu-
22 dents, children with disabil-
23 ities, and English learners,
24 the needs of low-performing

1 schools, and other edu-
2 cational needs of students;

3 “(II) that include, to the extent
4 practicable, majority representation of
5 individuals who, in the most recent 2
6 years, have had practical experience in
7 the classroom, school administration,
8 or State or local government (such as
9 direct employees of a school, local
10 educational agency, or State edu-
11 cational agency); and

12 “(III) who represent a regionally
13 diverse cross-section of States;

14 “(iii) make available to the public, in-
15 cluding by such means as posting to the
16 Department’s website, the list of peer re-
17 viewers who have reviewed State plans
18 under this section;

19 “(iv) ensure that the peer-review
20 teams consist of varied individuals so that
21 the same peer reviewers are not reviewing
22 all of the State plans;

23 “(v) approve a State plan not later
24 than 120 days after its submission, unless

1 the Secretary meets the requirements of
2 clause (vi);

3 “(vi) have the authority to disapprove
4 a State plan only if—

5 “(I) the Secretary—

6 “(aa) determines how the
7 State plan fails to meet the re-
8 quirements of this section;

9 “(bb) immediately provides
10 to the State, in writing, notice of
11 such determination, and the sup-
12 porting information and rationale
13 to substantiate such determina-
14 tion;

15 “(cc) offers the State an op-
16 portunity to revise and resubmit
17 its State plan, and provides the
18 State—

19 “(AA) technical assist-
20 ance to assist the State in
21 meeting the requirements of
22 this section;

23 “(BB) in writing, all
24 peer-review comments, sug-
25 gestions, recommendations,

1 or concerns relating to its
2 State plan; and

3 “(CC) a hearing, unless
4 the State declines the oppor-
5 tunity for such hearing; and

6 “(II) the State—

7 “(aa) does not revise and re-
8 submit its State plan; or

9 “(bb) in a case in which a
10 State revises and resubmits its
11 State plan after a hearing is con-
12 ducted under subclause
13 (I)(cc)(CC), or after the State
14 has declined the opportunity for
15 such a hearing, the Secretary de-
16 termines that such revised State
17 plan does not meet the require-
18 ments of this section.

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

21 “(i) maximize collaboration with each
22 State;

23 “(ii) promote effective implementation
24 of the challenging State academic stand-

1 ards through State and local innovation;
2 and

3 “(iii) provide transparent, timely, and
4 objective feedback to States designed to
5 strengthen the technical and overall quality
6 of the State plans.

7 “(C) STANDARD AND NATURE OF RE-
8 VIEW.—Peer reviewers shall conduct an objec-
9 tive review of State plans in their totality and
10 out of respect for State and local judgments,
11 with the goal of supporting State- and local-led
12 innovation and providing objective feedback on
13 the technical and overall quality of a State plan.

14 “(D) PROHIBITION.—Neither the Sec-
15 retary nor the political appointees of the De-
16 partment, may attempt to participate in, or in-
17 fluence, the peer-review process.

18 “(5) PUBLIC REVIEW.—All written communica-
19 tions, feedback, and notifications under this sub-
20 section shall be conducted in a manner that is trans-
21 parent and immediately made available to the public
22 on the Department’s website, including—

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

1 “(B) peer-review guidance, notes, and com-
2 ments and the names of the peer reviewers
3 (once the peer reviewers have completed their
4 work);

5 “(C) State plan determinations by the Sec-
6 retary, including approvals or disapprovals; and

7 “(D) notices and transcripts of hearings
8 under this section.

9 “(6) DURATION OF THE PLAN.—

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

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

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

19 “(B) ADDITIONAL INFORMATION.—

20 “(i) IN GENERAL.—If a State makes
21 significant changes to its plan at any time,
22 such as the adoption of new challenging
23 State academic standards or new academic
24 assessments under subsection (b), or
25 changes to its accountability system under

1 subsection (c), such information shall be
2 submitted to the Secretary in the form of
3 revisions or amendments to the State plan.

4 “(ii) REVIEW OF REVISED PLANS.—
5 The Secretary shall review the information
6 submitted under clause (i) and approve
7 changes to the State plan, or disapprove
8 such changes in accordance with para-
9 graph (4)(A)(vi), within 90 days, without
10 undertaking the peer-review process under
11 such paragraph.

12 “(iii) SPECIAL RULE FOR STAND-
13 ARDS.—If a State makes changes to its
14 challenging State academic standards, the
15 requirements of subsection (b)(1), includ-
16 ing the requirement that such standards
17 need not be submitted to the Secretary
18 pursuant to subsection (b)(1)(A), shall still
19 apply.

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

1 “(8) PUBLIC COMMENT.—Each State shall
2 make the State plan publicly available for public
3 comment for a period of not less than 30 days, by
4 electronic means and in an easily accessible format,
5 prior to submission to the Secretary for approval
6 under this subsection. The State, in the plan it files
7 under this subsection, shall provide an assurance
8 that public comments were taken into account in the
9 development of the State plan.

10 “(b) CHALLENGING ACADEMIC STANDARDS AND
11 ACADEMIC ASSESSMENTS.—

12 “(1) CHALLENGING STATE ACADEMIC STAND-
13 ARDS.—

14 “(A) IN GENERAL.—Each State, in the
15 plan it files under subsection (a), shall provide
16 an assurance that the State has adopted chal-
17 lenging academic content standards and aligned
18 academic achievement standards (referred to in
19 this Act as ‘challenging State academic stand-
20 ards’), which achievement standards shall in-
21 clude not less than 3 levels of achievement, that
22 will be used by the State, its local educational
23 agencies, and its schools to carry out this part.
24 A State shall not be required to submit such

1 challenging State academic standards to the
2 Secretary.

3 “(B) SAME STANDARDS.—Except as pro-
4 vided in subparagraph (E), the standards re-
5 quired by subparagraph (A) shall—

6 “(i) apply to all public schools and
7 public school students in the State; and

8 “(ii) with respect to academic achieve-
9 ment standards, include the same knowl-
10 edge, skills, and levels of achievement ex-
11 pected of all public school students in the
12 State.

13 “(C) SUBJECTS.—The State shall have
14 such academic standards for mathematics, read-
15 ing or language arts, and science, and may have
16 such standards for any other subject deter-
17 mined by the State.

18 “(D) ALIGNMENT.—

19 “(i) IN GENERAL.—Each State shall
20 demonstrate that the challenging State
21 academic standards are aligned with en-
22 trance requirements for credit-bearing
23 coursework in the system of public higher
24 education in the State and relevant State
25 career and technical education standards.

1 “(ii) RULE OF CONSTRUCTION.—
2 Nothing in this Act shall be construed to
3 authorize public institutions of higher edu-
4 cation to determine the specific challenging
5 State academic standards required under
6 this paragraph.

7 “(E) ALTERNATE ACADEMIC ACHIEVE-
8 MENT STANDARDS FOR STUDENTS WITH THE
9 MOST SIGNIFICANT COGNITIVE DISABILITIES.—

10 “(i) IN GENERAL.—The State may,
11 through a documented and validated
12 standards-setting process, adopt alternate
13 academic achievement standards for stu-
14 dents with the most significant cognitive
15 disabilities, provided those standards—

16 “(I) are aligned with the chal-
17 lenging State academic content stand-
18 ards under subparagraph (A);

19 “(II) promote access to the gen-
20 eral education curriculum, consistent
21 with the Individuals with Disabilities
22 Education Act (20 U.S.C. 1400 et
23 seq.);

1 “(III) reflect professional judgment as to the highest possible standards achievable by such students;

2
3
4 “(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for each such student as the academic achievement standards that will be used for the student; and

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12 “(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment, consistent with the purposes of Public Law 93–112, as in effect on July 22, 2014.

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19 “(ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic

1 achievement standards that meet the re-
2 quirements of clause (i).

3 “(F) ENGLISH LANGUAGE PROFICIENCY
4 STANDARDS.—Each State plan shall dem-
5 onstrate that the State has adopted English
6 language proficiency standards that—

7 “(i) are derived from the 4 recognized
8 domains of speaking, listening, reading,
9 and writing;

10 “(ii) address the different proficiency
11 levels of English learners; and

12 “(iii) are aligned with the challenging
13 State academic standards.

14 “(G) PROHIBITIONS.—

15 “(i) STANDARDS REVIEW OR AP-
16 PROVAL.—A State shall not be required to
17 submit any standards developed under this
18 subsection to the Secretary for review or
19 approval.

20 “(ii) FEDERAL CONTROL.—The Sec-
21 retary shall not have the authority to man-
22 date, direct, control, coerce, or exercise any
23 direction or supervision over any of the
24 challenging State academic standards
25 adopted or implemented by a State.

1 “(H) EXISTING STANDARDS.—Nothing in
2 this part shall prohibit a State from revising,
3 consistent with this section, any standards
4 adopted under this part before or after the date
5 of enactment of the Every Student Succeeds
6 Act.

7 “(2) ACADEMIC ASSESSMENTS.—

8 “(A) IN GENERAL.—Each State plan shall
9 demonstrate that the State educational agency,
10 in consultation with local educational agencies,
11 has implemented a set of high-quality student
12 academic assessments in mathematics, reading
13 or language arts, and science. The State retains
14 the right to implement such assessments in any
15 other subject chosen by the State.

16 “(B) REQUIREMENTS.—The assessments
17 under subparagraph (A) shall—

18 “(i) except as provided in subpara-
19 graph (D), be—

20 “(I) the same academic assess-
21 ments used to measure the achieve-
22 ment of all public elementary school
23 and secondary school students in the
24 State; and

1 “(II) administered to all public
2 elementary school and secondary
3 school students in the State;

4 “(ii) be aligned with the challenging
5 State academic standards, and provide co-
6 herent and timely information about stu-
7 dent attainment of such standards and
8 whether the student is performing at the
9 student’s grade level;

10 “(iii) be used for purposes for which
11 such assessments are valid and reliable,
12 consistent with relevant, nationally recog-
13 nized professional and technical testing
14 standards, objectively measure academic
15 achievement, knowledge, and skills, and be
16 tests that do not evaluate or assess per-
17 sonal or family beliefs and attitudes, or
18 publicly disclose personally identifiable in-
19 formation;

20 “(iv) be of adequate technical quality
21 for each purpose required under this Act
22 and consistent with the requirements of
23 this section, the evidence of which shall be
24 made public, including on the website of
25 the State educational agency;

1 “(v)(I) in the case of mathematics
2 and reading or language arts, be adminis-
3 tered—

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

6 “(bb) at least once in grades 9
7 through 12;

8 “(II) in the case of science, be admin-
9 istered not less than one time during—

10 “(aa) grades 3 through 5;

11 “(bb) grades 6 through 9; and

12 “(cc) grades 10 through 12; and

13 “(III) in the case of any other subject
14 chosen by the State, be administered at the
15 discretion of the State;

16 “(vi) involve multiple up-to-date meas-
17 ures of student academic achievement, in-
18 cluding measures that assess higher-order
19 thinking skills and understanding, which
20 may include measures of student academic
21 growth and may be partially delivered in
22 the form of portfolios, projects, or ex-
23 tended performance tasks;

24 “(vii) provide for—

1 “(I) the participation in such as-
2 sements of all students;

3 “(II) the appropriate accom-
4 modations, such as interoperability
5 with, and ability to use, assistive tech-
6 nology, for children with disabilities
7 (as defined in section 602(3) of the
8 Individuals with Disabilities Edu-
9 cation Act (20 U.S.C. 1401(3))), in-
10 cluding students with the most signifi-
11 cant cognitive disabilities, and stu-
12 dents with a disability who are pro-
13 vided accommodations under an Act
14 other than the Individuals with Dis-
15 abilities Education Act (20 U.S.C.
16 1400 et seq.), necessary to measure
17 the academic achievement of such
18 children relative to the challenging
19 State academic standards or alternate
20 academic achievement standards de-
21 scribed in paragraph (1)(E); and

22 “(III) the inclusion of English
23 learners, who shall be assessed in a
24 valid and reliable manner and pro-
25 vided appropriate accommodations on

1 assessments administered to such stu-
2 dents under this paragraph, including,
3 to the extent practicable, assessments
4 in the language and form most likely
5 to yield accurate data on what such
6 students know and can do in academic
7 content areas, until such students
8 have achieved English language pro-
9 ficiency, as determined under sub-
10 paragraph (G);

11 “(viii) at the State’s discretion—

12 “(I) be administered through a
13 single summative assessment; or

14 “(II) be administered through
15 multiple statewide interim assess-
16 ments during the course of the aca-
17 demic year that result in a single
18 summative score that provides valid,
19 reliable, and transparent information
20 on student achievement or growth;

21 “(ix) notwithstanding clause (vii)(III),
22 provide for assessments (using tests in
23 English) of reading or language arts of
24 any student who has attended school in the
25 United States (not including the Common-

1 wealth of Puerto Rico) for 3 or more con-
2 secutive school years, except that if the
3 local educational agency determines, on a
4 case-by-case individual basis, that aca-
5 demic assessments in another language or
6 form would likely yield more accurate and
7 reliable information on what such student
8 knows and can do, the local educational
9 agency may make a determination to as-
10 sess such student in the appropriate lan-
11 guage other than English for a period that
12 does not exceed 2 additional consecutive
13 years, provided that such student has not
14 yet reached a level of English language
15 proficiency sufficient to yield valid and reli-
16 able information on what such student
17 knows and can do on tests (written in
18 English) of reading or language arts;

19 “(x) produce individual student inter-
20 pretive, descriptive, and diagnostic reports,
21 consistent with clause (iii), regarding
22 achievement on such assessments that
23 allow parents, teachers, principals, and
24 other school leaders to understand and ad-
25 dress the specific academic needs of stu-

1 dents, and that are provided to parents,
2 teachers, and school leaders, as soon as is
3 practicable after the assessment is given,
4 in an understandable and uniform format,
5 and to the extent practicable, in a lan-
6 guage that parents can understand;

7 “(xi) enable results to be
8 disaggregated within each State, local edu-
9 cational agency, and school by—

10 “(I) each major racial and ethnic
11 group;

12 “(II) economically disadvantaged
13 students as compared to students who
14 are not economically disadvantaged;

15 “(III) children with disabilities as
16 compared to children without disabil-
17 ities;

18 “(IV) English proficiency status;

19 “(V) gender; and

20 “(VI) migrant status,

21 except that such disaggregation shall not
22 be required in the case of a State, local
23 educational agency, or a school in which
24 the number of students in a subgroup is
25 insufficient to yield statistically reliable in-

1 formation or the results would reveal per-
2 sonally identifiable information about an
3 individual student;

4 “(xii) enable itemized score analyses
5 to be produced and reported, consistent
6 with clause (iii), to local educational agen-
7 cies and schools, so that parents, teachers,
8 principals, other school leaders, and ad-
9 ministrators can interpret and address the
10 specific academic needs of students as indi-
11 cated by the students’ achievement on as-
12 sessment items; and

13 “(xiii) be developed, to the extent
14 practicable, using the principles of uni-
15 versal design for learning.

16 “(C) EXCEPTION FOR ADVANCED MATHE-
17 MATICS IN MIDDLE SCHOOL.—A State may ex-
18 empt any 8th grade student from the assess-
19 ment in mathematics described in subparagraph
20 (B)(v)(I)(aa) if—

21 “(i) such student takes the end-of-
22 course assessment the State typically ad-
23 ministers to meet the requirements of sub-
24 paragraph (B)(v)(I)(bb) in mathematics;

1 “(ii) such student’s achievement on
2 such end-of-course assessment is used for
3 purposes of subsection (c)(4)(B)(i), in lieu
4 of such student’s achievement on the
5 mathematics assessment required under
6 subparagraph (B)(v)(I)(aa), and such stu-
7 dent is counted as participating in the as-
8 sessment for purposes of subsection
9 (c)(4)(B)(vi); and

10 “(iii) in high school, such student
11 takes a mathematics assessment pursuant
12 to subparagraph (B)(v)(I)(bb) that—

13 “(I) is any end-of-course assess-
14 ment or other assessment that is more
15 advanced than the assessment taken
16 by such student under clause (i) of
17 this subparagraph; and

18 “(II) shall be used to measure
19 such student’s academic achievement
20 for purposes of subsection
21 (c)(4)(B)(i).

22 “(D) ALTERNATE ASSESSMENTS FOR STU-
23 DENTS WITH THE MOST SIGNIFICANT COG-
24 NITIVE DISABILITIES.—

1 “(i) ALTERNATE ASSESSMENTS
2 ALIGNED WITH ALTERNATE ACADEMIC
3 ACHIEVEMENT STANDARDS.—A State may
4 provide for alternate assessments aligned
5 with the challenging State academic stand-
6 ards and alternate academic achievement
7 standards described in paragraph (1)(E)
8 for students with the most significant cog-
9 nitive disabilities, if the State—

10 “(I) consistent with clause (ii),
11 ensures that, for each subject, the
12 total number of students assessed in
13 such subject using the alternate as-
14 sessments does not exceed 1 percent
15 of the total number of all students in
16 the State who are assessed in such
17 subject;

18 “(II) ensures that the parents of
19 such students are clearly informed, as
20 part of the process for developing the
21 individualized education program (as
22 defined in section 614(d)(1)(A) of the
23 Individuals with Disabilities Edu-
24 cation Act (20 U.S.C.
25 1414(d)(1)(A)))—

1 “(aa) that their child’s aca-
2 demic achievement will be meas-
3 ured based on such alternate
4 standards; and

5 “(bb) how participation in
6 such assessments may delay or
7 otherwise affect the student from
8 completing the requirements for
9 a regular high school diploma;

10 “(III) promotes, consistent with
11 the Individuals with Disabilities Edu-
12 cation Act (20 U.S.C. 1400 et seq.),
13 the involvement and progress of stu-
14 dents with the most significant cog-
15 nitive disabilities in the general edu-
16 cation curriculum;

17 “(IV) describes in the State plan
18 the steps the State has taken to incor-
19 porate universal design for learning,
20 to the extent feasible, in alternate as-
21 sessments;

22 “(V) describes in the State plan
23 that general and special education
24 teachers, and other appropriate
25 staff—

1 “(aa) know how to admin-
2 ister the alternate assessments;
3 and

4 “(bb) make appropriate use
5 of accommodations for students
6 with disabilities on all assess-
7 ments required under this para-
8 graph;

9 “(VI) develops, disseminates in-
10 formation on, and promotes the use of
11 appropriate accommodations to in-
12 crease the number of students with
13 significant cognitive disabilities—

14 “(aa) participating in aca-
15 demic instruction and assess-
16 ments for the grade level in
17 which the student is enrolled; and

18 “(bb) who are tested based
19 on challenging State academic
20 standards for the grade level in
21 which the student is enrolled; and

22 “(VII) does not preclude a stu-
23 dent with the most significant cog-
24 nitive disabilities who takes an alter-
25 nate assessment based on alternate

1 academic achievement standards from
2 attempting to complete the require-
3 ments for a regular high school di-
4 ploma.

5 “(ii) SPECIAL RULES.—

6 “(I) RESPONSIBILITY UNDER
7 IDEA.—Subject to the authority and
8 requirements for the individualized
9 education program team for a child
10 with a disability under section
11 614(d)(1)(A)(i)(VI)(bb) of the Indi-
12 viduals with Disabilities Education
13 Act (20 U.S.C.
14 1414(d)(1)(A)(i)(VI)(bb)), such team,
15 consistent with the guidelines estab-
16 lished by the State and required
17 under section 612(a)(16)(C) of such
18 Act (20 U.S.C. 1412(c)(16)(C)) and
19 clause (i)(II) of this subparagraph,
20 shall determine when a child with a
21 significant cognitive disability shall
22 participate in an alternate assessment
23 aligned with the alternate academic
24 achievement standards.

1 “(II) PROHIBITION ON LOCAL
2 CAP.—Nothing in this subparagraph
3 shall be construed to permit the Sec-
4 retary or a State educational agency
5 to impose on any local educational
6 agency a cap on the percentage of stu-
7 dents administered an alternate as-
8 sessment under this subparagraph, ex-
9 cept that a local educational agency
10 exceeding the cap applied to the State
11 under clause (i)(I) shall submit infor-
12 mation to the State educational agen-
13 cy justifying the need to exceed such
14 cap.

15 “(III) STATE SUPPORT.—A State
16 shall provide appropriate oversight, as
17 determined by the State, of any local
18 educational agency that is required to
19 submit information to the State under
20 subclause (II).

21 “(IV) WAIVER AUTHORITY.—
22 This subparagraph shall be subject to
23 the waiver authority under section
24 8401.

1 “(E) STATE AUTHORITY.—If a State edu-
2 cational agency provides evidence, which is sat-
3 isfactory to the Secretary, that neither the
4 State educational agency, nor any other State
5 government official, agency, or entity has suffi-
6 cient authority, under State law, to adopt chal-
7 lenging State academic standards, and aca-
8 demic assessments aligned with such standards,
9 which will be applicable to all students enrolled
10 in the State’s public elementary schools and
11 secondary schools, then the State educational
12 agency may meet the requirements of this sub-
13 section by—

14 “(i) adopting academic standards and
15 academic assessments that meet the re-
16 quirements of this subsection, on a state-
17 wide basis, and limiting their applicability
18 to students served under this part; or

19 “(ii) adopting and implementing poli-
20 cies that ensure that each local educational
21 agency in the State that receives grants
22 under this part will adopt academic con-
23 tent and student academic achievement
24 standards, and academic assessments
25 aligned with such standards, which—

1 “(I) meet all of the criteria in
2 this subsection and any regulations
3 regarding such standards and assess-
4 ments that the Secretary may publish;
5 and

6 “(II) are applicable to all stu-
7 dents served by each such local edu-
8 cational agency.

9 “(F) LANGUAGE ASSESSMENTS.—

10 “(i) IN GENERAL.—Each State plan
11 shall identify the languages other than
12 English that are present to a significant
13 extent in the participating student popu-
14 lation of the State and indicate the lan-
15 guages for which annual student academic
16 assessments are not available and are
17 needed.

18 “(ii) SECRETARIAL ASSISTANCE.—The
19 State shall make every effort to develop
20 such assessments and may request assist-
21 ance from the Secretary if linguistically ac-
22 cessible academic assessment measures are
23 needed. Upon request, the Secretary shall
24 assist with the identification of appropriate
25 academic assessment measures in the need-

1 ed languages, but shall not mandate a spe-
2 cific academic assessment or mode of in-
3 struction.

4 “(G) ASSESSMENTS OF ENGLISH LAN-
5 GUAGE PROFICIENCY.—

6 “(i) IN GENERAL.—Each State plan
7 shall demonstrate that local educational
8 agencies in the State will provide for an
9 annual assessment of English proficiency
10 of all English learners in the schools
11 served by the State educational agency.

12 “(ii) ALIGNMENT.—The assessments
13 described in clause (i) shall be aligned with
14 the State’s English language proficiency
15 standards described in paragraph (1)(F).

16 “(H) LOCALLY-SELECTED ASSESSMENT.—

17 “(i) IN GENERAL.—Nothing in this
18 paragraph shall be construed to prohibit a
19 local educational agency from admin-
20 istering a locally-selected assessment in
21 lieu of the State-designed academic assess-
22 ment under subclause (I)(bb) and sub-
23 clause (II)(cc) of subparagraph (B)(v), if
24 the local educational agency selects a na-
25 tionally-recognized high school academic

1 assessment that has been approved for use
2 by the State as described in clause (iii) or
3 (iv) of this subparagraph.

4 “(ii) STATE TECHNICAL CRITERIA.—
5 To allow for State approval of nationally-
6 recognized high school academic assess-
7 ments that are available for local selection
8 under clause (i), a State educational agen-
9 cy shall establish technical criteria to de-
10 termine if any such assessment meets the
11 requirements of clause (v).

12 “(iii) STATE APPROVAL.—If a State
13 educational agency chooses to make a na-
14 tionally-recognized high school assessment
15 available for selection by a local edu-
16 cational agency under clause (i), which has
17 not already been approved under this
18 clause, such State educational agency
19 shall—

20 “(I) conduct a review of the as-
21 sessment to determine if such assess-
22 ment meets or exceeds the technical
23 criteria established by the State edu-
24 cational agency under clause (ii);

1 “(II) submit evidence in accord-
2 ance with subsection (a)(4) that dem-
3 onstrates such assessment meets the
4 requirements of clause (v); and

5 “(III) after fulfilling the require-
6 ments of subclauses (I) and (II), ap-
7 prove such assessment for selection
8 and use by any local educational agen-
9 cy that requests to use such assess-
10 ment under clause (i).

11 “(iv) LOCAL EDUCATIONAL AGENCY
12 OPTION.—

13 “(I) LOCAL EDUCATIONAL AGEN-
14 CY.—If a local educational agency
15 chooses to submit a nationally-recog-
16 nized high school academic assess-
17 ment to the State educational agency,
18 subject to the approval process de-
19 scribed in subclause (I) and subclause
20 (II) of clause (iii) to determine if such
21 assessment fulfills the requirements of
22 clause (v), the State educational agen-
23 cy may approve the use of such as-
24 sessment consistent with clause (i).

1 “(II) STATE EDUCATIONAL
2 AGENCY.—Upon such approval, the
3 State educational agency shall ap-
4 prove the use of such assessment in
5 any other local educational agency in
6 the State that subsequently requests
7 to use such assessment without re-
8 peating the process described in sub-
9 clauses (I) and (II) of clause (iii).

10 “(v) REQUIREMENTS.—To receive ap-
11 proval from the State educational agency
12 under clause (iii), a locally-selected assess-
13 ment shall—

14 “(I) be aligned to the State’s
15 academic content standards under
16 paragraph (1), address the depth and
17 breadth of such standards, and be
18 equivalent in its content coverage, dif-
19 ficulty, and quality to the State-de-
20 signed assessments under this para-
21 graph (and may be more rigorous in
22 its content coverage and difficulty
23 than such State-designed assess-
24 ments);

1 “(II) provide comparable, valid,
2 and reliable data on academic achieve-
3 ment, as compared to the State-de-
4 signed assessments, for all students
5 and for each subgroup of students de-
6 fined in subsection (c)(2), with results
7 expressed in terms consistent with the
8 State’s academic achievement stand-
9 ards under paragraph (1), among all
10 local educational agencies within the
11 State;

12 “(III) meet the requirements for
13 the assessments under subparagraph
14 (B) of this paragraph, including tech-
15 nical criteria, except the requirement
16 under clause (i) of such subpara-
17 graph; and

18 “(IV) provide unbiased, rational,
19 and consistent differentiation between
20 schools within the State to meet the
21 requirements of subsection (c).

22 “(vi) PARENTAL NOTIFICATION.—A
23 local educational agency shall notify the
24 parents of high school students served by
25 the local educational agency—

1 “(I) of its request to the State
2 educational agency for approval to ad-
3 minister a locally-selected assessment;
4 and

5 “(II) upon approval, and at the
6 beginning of each subsequent school
7 year during which the locally selected
8 assessment will be administered, that
9 the local educational agency will be
10 administering a different assessment
11 than the State-designed assessments
12 under subclause (I)(bb) and subclause
13 (II)(cc) of subparagraph (B)(v).

14 “(I) DEFERRAL.—A State may defer the
15 commencement, or suspend the administration,
16 but not cease the development, of the assess-
17 ments described in this paragraph, for 1 year
18 for each year for which the amount appro-
19 priated for grants under part B is less than
20 \$369,100,000.

21 “(J) ADAPTIVE ASSESSMENTS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), a State retains the right to develop
24 and administer computer adaptive assess-
25 ments as the assessments described in this

1 paragraph, provided the computer adaptive
2 assessments meet the requirements of this
3 paragraph, except that—

4 “(I) subparagraph (B)(i) shall
5 not be interpreted to require that all
6 students taking the computer adaptive
7 assessment be administered the same
8 assessment items; and

9 “(II) such assessment—

10 “(aa) shall measure, at a
11 minimum, each student’s aca-
12 demic proficiency based on the
13 challenging State academic
14 standards for the student’s grade
15 level and growth toward such
16 standards; and

17 “(bb) may measure the stu-
18 dent’s level of academic pro-
19 ficiency and growth using items
20 above or below the student’s
21 grade level, including for use as
22 part of a State’s accountability
23 system under subsection (c).

24 “(ii) STUDENTS WITH THE MOST SIG-
25 NIFICANT COGNITIVE DISABILITIES AND

1 ENGLISH LEARNERS.—In developing and
2 administering computer adaptive assess-
3 ments—

4 “(I) as the assessments allowed
5 under subparagraph (D), a State shall
6 ensure that such computer adaptive
7 assessments—

8 “(aa) meet the requirements
9 of this paragraph, including sub-
10 subparagraph (D), except such as-
11 sessments shall not be required
12 to meet the requirements of
13 clause (i)(II); and

14 “(bb) assess the student’s
15 academic achievement to meas-
16 ure, in the subject being as-
17 sessed, whether the student is
18 performing at the student’s grade
19 level; and

20 “(II) as the assessments required
21 under subparagraph (G), a State shall
22 ensure that such computer adaptive
23 assessments—

24 “(aa) meet the requirements
25 of this paragraph, including sub-

1 paragraph (G), except such as-
2 sessment shall not be required to
3 meet the requirements of clause
4 (i)(II); and

5 “(bb) assess the student’s
6 language proficiency, which may
7 include growth towards such pro-
8 ficiency, in order to measure the
9 student’s acquisition of English.

10 “(K) RULE OF CONSTRUCTION ON PARENT
11 RIGHTS.—Nothing in this paragraph shall be
12 construed as preempting a State or local law re-
13 garding the decision of a parent to not have the
14 parent’s child participate in the academic as-
15 sessments under this paragraph.

16 “(L) LIMITATION ON ASSESSMENT TIME.—
17 Subject to Federal or State requirements re-
18 lated to assessments, evaluations, and accom-
19 modations, each State may, at the sole discre-
20 tion of such State, set a target limit on the ag-
21 gregate amount of time devoted to the adminis-
22 tration of assessments for each grade, expressed
23 as a percentage of annual instructional hours.

24 “(3) EXCEPTION FOR RECENTLY ARRIVED
25 ENGLISH LEARNERS.—

1 “(A) ASSESSMENTS.—With respect to re-
2 cently arrived English learners who have been
3 enrolled in a school in one of the 50 States in
4 the United States or the District of Columbia
5 for less than 12 months, a State may choose
6 to—

7 “(i) exclude—

8 “(I) such an English learner
9 from one administration of the read-
10 ing or language arts assessment re-
11 quired under paragraph (2); and

12 “(II) such an English learner’s
13 results on either or both of the assess-
14 ments required under paragraph
15 (2)(B)(v)(I) or (2)(G) for the first
16 year of the English learner’s enroll-
17 ment in the school for the purposes of
18 the State-determined accountability
19 system under subsection (c); or

20 “(ii)(I) assess, and report the per-
21 formance of, such an English learner on
22 the reading or language arts and mathe-
23 matics assessments required under para-
24 graph (2)(B)(v)(I) in each year of the stu-
25 dent’s enrollment; and

1 “(II) for the purposes of the State-de-
2 termined accountability system—

3 “(aa) for the first year of the
4 student’s enrollment, exclude the re-
5 sults on the assessments described in
6 subclause (I);

7 “(bb) include a measure of stu-
8 dent growth on the assessments de-
9 scribed in subclause (I) in the second
10 year of the student’s enrollment; and

11 “(cc) include proficiency on the
12 assessments described in subclause (I)
13 in the third year of the student’s en-
14 rollment, and each succeeding year of
15 such student’s enrollment.

16 “(B) ENGLISH LEARNER SUBGROUP.—
17 With respect to a student previously identified
18 as an English learner and for not more than 4
19 years after the student ceases to be identified
20 as an English learner, a State may include the
21 results of the student’s assessments under para-
22 graph (2)(B)(v)(I) within the English learner
23 subgroup of the subgroups of students (as de-
24 fined in subsection (c)(2)(D)) for the purposes
25 of the State-determined accountability system.

1 “(c) STATEWIDE ACCOUNTABILITY SYSTEM.—

2 “(1) IN GENERAL.—Each State plan shall de-
3 scribe a statewide accountability system that com-
4 plies with the requirements of this subsection and
5 subsection (d).

6 “(2) SUBGROUP OF STUDENTS.—In this sub-
7 section and subsection (d), the term ‘subgroup of
8 students’ means—

9 “(A) economically disadvantaged students;

10 “(B) students from major racial and ethnic
11 groups;

12 “(C) children with disabilities; and

13 “(D) English learners.

14 “(3) MINIMUM NUMBER OF STUDENTS.—Each
15 State shall describe—

16 “(A) with respect to any provisions under
17 this part that require disaggregation of infor-
18 mation by each subgroup of students—

19 “(i) the minimum number of students
20 that the State determines are necessary to
21 be included to carry out such requirements
22 and how that number is statistically sound,
23 which shall be the same State-determined
24 number for all students and for each sub-
25 group of students in the State;

1 “(ii) how such minimum number of
2 students was determined by the State, in-
3 cluding how the State collaborated with
4 teachers, principals, other school leaders,
5 parents, and other stakeholders when de-
6 termining such minimum number; and

7 “(iii) how the State ensures that such
8 minimum number is sufficient to not reveal
9 any personally identifiable information.

10 “(4) DESCRIPTION OF SYSTEM.—The statewide
11 accountability system described in paragraph (1)
12 shall be based on the challenging State academic
13 standards for reading or language arts and mathe-
14 matics described in subsection (b)(1) to improve stu-
15 dent academic achievement and school success. In
16 designing such system to meet the requirements of
17 this part, the State shall carry out the following:

18 “(A) ESTABLISHMENT OF LONG-TERM
19 GOALS.—Establish ambitious State-designed
20 long-term goals, which shall include measure-
21 ments of interim progress toward meeting such
22 goals—

23 “(i) for all students and separately for
24 each subgroup of students in the State—

1 “(I) for, at a minimum, im-
2 proved—
3 “(aa) academic achievement,
4 as measured by proficiency on
5 the annual assessments required
6 under subsection (b)(2)(B)(v)(I);
7 and
8 “(bb) high school graduation
9 rates, including—
10 “(AA) the four-year ad-
11 justed cohort graduation
12 rate; and
13 “(BB) at the State’s
14 discretion, the extended-year
15 adjusted cohort graduation
16 rate, except that the State
17 shall set a more rigorous
18 long-term goal for such
19 graduation rate, as com-
20 pared to the long-term goal
21 set for the four-year ad-
22 justed cohort graduation
23 rate;
24 “(II) for which the term set by
25 the State for such goals is the same

1 multi-year length of time for all stu-
2 dents and for each subgroup of stu-
3 dents in the State; and

4 “(III) that, for subgroups of stu-
5 dents who are behind on the measures
6 described in items (aa) and (bb) of
7 subclause (I), take into account the
8 improvement necessary on such meas-
9 ures to make significant progress in
10 closing statewide proficiency and
11 graduation rate gaps; and

12 “(ii) for English learners, for in-
13 creases in the percentage of such students
14 making progress in achieving English lan-
15 guage proficiency, as defined by the State
16 and measured by the assessments de-
17 scribed in subsection (b)(2)(G), within a
18 State-determined timeline.

19 “(B) INDICATORS.—Except for the indi-
20 cator described in clause (iv), annually measure,
21 for all students and separately for each sub-
22 group of students, the following indicators:

23 “(i) For all public schools in the
24 State, based on the long-term goals estab-

1 lished under subparagraph (A), academic
2 achievement—

3 “(I) as measured by proficiency
4 on the annual assessments required
5 under subsection (b)(2)(B)(v)(I); and

6 “(II) at the State’s discretion, for
7 each public high school in the State,
8 student growth, as measured by such
9 annual assessments.

10 “(ii) For public elementary schools
11 and secondary schools that are not high
12 schools in the State—

13 “(I) a measure of student
14 growth, if determined appropriate by
15 the State; or

16 “(II) another valid and reliable
17 statewide academic indicator that al-
18 lows for meaningful differentiation in
19 school performance.

20 “(iii) For public high schools in the
21 State, and based on State-designed long
22 term goals established under subparagraph
23 (A)—

24 “(I) the four-year adjusted co-
25 hort graduation rate; and

1 “(II) at the State’s discretion,
2 the extended-year adjusted cohort
3 graduation rate.

4 “(iv) For public schools in the State,
5 progress in achieving English language
6 proficiency, as defined by the State and
7 measured by the assessments described in
8 subsection (b)(2)(G), within a State-deter-
9 mined timeline for all English learners—

10 “(I) in each of the grades 3
11 through 8; and

12 “(II) in the grade for which such
13 English learners are otherwise as-
14 sessed under subsection
15 (b)(2)(B)(v)(I) during the grade 9
16 through grade 12 period, with such
17 progress being measured against the
18 results of the assessments described in
19 subsection (b)(2)(G) taken in the pre-
20 vious grade.

21 “(v)(I) For all public schools in the
22 State, not less than one indicator of school
23 quality or student success that—

24 “(aa) allows for meaningful dif-
25 ferentiation in school performance;

1 “(bb) is valid, reliable, com-
2 parable, and statewide (with the same
3 indicator or indicators used for each
4 grade span, as such term is deter-
5 mined by the State); and

6 “(cc) may include one or more of
7 the measures described in subclause
8 (II).

9 “(II) For purposes of subclause (I),
10 the State may include measures of—

11 “(III) student engagement;

12 “(IV) educator engagement;

13 “(V) student access to and com-
14 pletion of advanced coursework;

15 “(VI) postsecondary readiness;

16 “(VII) school climate and safety;

17 and

18 “(VIII) any other indicator the
19 State chooses that meets the require-
20 ments of this clause.

21 “(C) ANNUAL MEANINGFUL DIFFERENTIA-
22 TION.—Establish a system of meaningfully dif-
23 ferentiating, on an annual basis, all public
24 schools in the State, which shall—

1 “(i) be based on all indicators in the
2 State’s accountability system under sub-
3 paragraph (B), for all students and for
4 each of subgroup of students, consistent
5 with the requirements of such subpara-
6 graph;

7 “(ii) with respect to the indicators de-
8 scribed in clauses (i) through (iv) of sub-
9 paragraph (B) afford—

10 “(I) substantial weight to each
11 such indicator; and

12 “(II) in the aggregate, much
13 greater weight than is afforded to the
14 indicator or indicators utilized by the
15 State and described in subparagraph
16 (B)(v), in the aggregate; and

17 “(iii) include differentiation of any
18 such school in which any subgroup of stu-
19 dents is consistently underperforming, as
20 determined by the State, based on all indi-
21 cators under subparagraph (B) and the
22 system established under this subpara-
23 graph.

24 “(D) IDENTIFICATION OF SCHOOLS.—

25 Based on the system of meaningful differentia-

1 tion described in subparagraph (C), establish a
2 State-determined methodology to identify—

3 “(i) beginning with school year 2017–
4 2018, and at least once every three school
5 years thereafter, one statewide category of
6 schools for comprehensive support and im-
7 provement, as described in subsection
8 (d)(1), which shall include—

9 “(I) not less than the lowest-per-
10 forming 5 percent of all schools re-
11 ceiving funds under this part in the
12 State;

13 “(II) all public high schools in
14 the State failing to graduate one third
15 or more of their students; and

16 “(III) public schools in the State
17 described under subsection
18 (d)(3)(A)(i)(II); and

19 “(ii) at the discretion of the State, ad-
20 ditional statewide categories of schools.

21 “(E) ANNUAL MEASUREMENT OF
22 ACHIEVEMENT.—(i) Annually measure the
23 achievement of not less than 95 percent of all
24 students, and 95 percent of all students in each
25 subgroup of students, who are enrolled in public

1 schools on the assessments described under sub-
2 section (b)(2)(v)(I).

3 “(ii) For the purpose of measuring, calcu-
4 lating, and reporting on the indicator described
5 in subparagraph (B)(i), include in the denomi-
6 nator the greater of—

7 “(I) 95 percent of all such students,
8 or 95 percent of all such students in the
9 subgroup, as the case may be; or

10 “(II) the number of students partici-
11 pating in the assessments.

12 “(iii) Provide a clear and understandable
13 explanation of how the State will factor the re-
14 quirement of clause (i) of this subparagraph
15 into the statewide accountability system.

16 “(F) PARTIAL ATTENDANCE.—(i) In the
17 case of a student who has not attended the
18 same school within a local educational agency
19 for at least half of a school year, the perform-
20 ance of such student on the indicators described
21 in clauses (i), (ii), (iv), and (v) of subparagraph
22 (B)—

23 “(I) may not be used in the system of
24 meaningful differentiation of all public

1 schools as described in subparagraph (C)
2 for such school year; and

3 “(II) shall be used for the purpose of
4 reporting on the State and local edu-
5 cational agency report cards under sub-
6 section (h) for such school year.

7 “(ii) In the case of a high school student
8 who has not attended the same school within a
9 local educational agency for at least half of a
10 school year and has exited high school without
11 a regular high school diploma and without
12 transferring to another high school that grants
13 a regular high school diploma during such
14 school year, the local educational agency shall,
15 in order to calculate the graduation rate pursu-
16 ant to subparagraph (B)(iii), assign such stu-
17 dent to the high school—

18 “(I) at which such student was en-
19 rolled for the greatest proportion of school
20 days while enrolled in grades 9 through 12;
21 or

22 “(II) in which the student was most
23 recently enrolled.

24 “(5) ACCOUNTABILITY FOR CHARTER
25 SCHOOLS.—The accountability provisions under this

1 Act shall be overseen for charter schools in accord-
2 ance with State charter school law.

3 “(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVI-
4 TIES.—

5 “(1) COMPREHENSIVE SUPPORT AND IMPROVE-
6 MENT.—

7 “(A) IN GENERAL.—Each State edu-
8 cational agency receiving funds under this part
9 shall notify each local educational agency in the
10 State of any school served by the local edu-
11 cational agency that is identified for com-
12 prehensive support and improvement under sub-
13 section (c)(4)(D)(i).

14 “(B) LOCAL EDUCATIONAL AGENCY AC-
15 TION.—Upon receiving such information from
16 the State, the local educational agency shall, for
17 each school identified by the State and in part-
18 nership with stakeholders (including principals
19 and other school leaders, teachers, and par-
20 ents), locally develop and implement a com-
21 prehensive support and improvement plan for
22 the school to improve student outcomes, that—

23 “(i) is informed by all indicators de-
24 scribed in subsection (c)(4)(B), including

1 student performance against State-deter-
2 mined long-term goals;

3 “(ii) includes evidence-based interven-
4 tions;

5 “(iii) is based on a school-level needs
6 assessment;

7 “(iv) identifies resource inequities,
8 which may include a review of local edu-
9 cational agency and school-level budgeting,
10 to be addressed through implementation of
11 such comprehensive support and improve-
12 ment plan;

13 “(v) is approved by the school, local
14 educational agency, and State educational
15 agency; and

16 “(vi) upon approval and implementa-
17 tion, is monitored and periodically reviewed
18 by the State educational agency.

19 “(C) STATE EDUCATIONAL AGENCY DIS-
20 CRETION.—With respect to any high school in
21 the State identified under subsection
22 (c)(4)(D)(i)(II), the State educational agency
23 may—

24 “(i) permit differentiated improve-
25 ment activities that utilize evidence-based

1 interventions in the case of such a school
2 that predominantly serves students—

3 “(I) returning to education after
4 having exited secondary school with-
5 out a regular high school diploma; or

6 “(II) who, based on their grade
7 or age, are significantly off track to
8 accumulate sufficient academic credits
9 to meet high school graduation re-
10 quirements, as established by the
11 State; and

12 “(ii) in the case of such a school that
13 has a total enrollment of less than 100 stu-
14 dents, permit the local educational agency
15 to forego implementation of improvement
16 activities required under this paragraph.

17 “(D) PUBLIC SCHOOL CHOICE.—

18 “(i) IN GENERAL.—A local edu-
19 cational agency may provide all students
20 enrolled in a school identified by the State
21 for comprehensive support and improve-
22 ment under subsection (c)(4)(D)(i) with
23 the option to transfer to another public
24 school served by the local educational agen-

1 cy, unless such an option is prohibited by
2 State law.

3 “(ii) PRIORITY.—In providing stu-
4 dents the option to transfer to another
5 public school, the local educational agency
6 shall give priority to the lowest-achieving
7 children from low-income families, as de-
8 termined by the local educational agency
9 for the purposes of allocating funds to
10 schools under section 1113(a)(3).

11 “(iii) TREATMENT.—A student who
12 uses the option to transfer to another pub-
13 lic school shall be enrolled in classes and
14 other activities in the public school to
15 which the student transfers in the same
16 manner as all other students at the public
17 school.

18 “(iv) SPECIAL RULE.—A local edu-
19 cational agency shall permit a student who
20 transfers to another public school under
21 this paragraph to remain in that school
22 until the student has completed the highest
23 grade in that school.

24 “(v) FUNDING FOR TRANSPOR-
25 TATION.—A local educational agency may

1 spend an amount equal to not more than
2 5 percent of its allocation under subpart 2
3 of this part to pay for the provision of
4 transportation for students who transfer
5 under this paragraph to the public schools
6 to which the students transfer.

7 “(2) TARGETED SUPPORT AND IMPROVE-
8 MENT.—

9 “(A) IN GENERAL.—Each State edu-
10 cational agency receiving funds under this part
11 shall, using the meaningful differentiation of
12 schools described in subsection (c)(4)(C)—

13 “(i) notify each local educational
14 agency in the State of any school served by
15 the local educational agency in which any
16 subgroup of students is consistently under-
17 performing, as described in subsection
18 (c)(4)(C)(iii); and

19 “(ii) ensure such local educational
20 agency provides notification to such school
21 with respect to which subgroup or sub-
22 groups of students in such school are con-
23 sistenty underperforming as described in
24 subsection (c)(4)(C)(iii).

1 “(B) TARGETED SUPPORT AND IMPROVE-
2 MENT PLAN.—Each school receiving a notifica-
3 tion described in this paragraph, in partnership
4 with stakeholders (including principals and
5 other school leaders, teachers and parents),
6 shall develop and implement a school-level tar-
7 geted support and improvement plan to improve
8 student outcomes based on the indicators in the
9 statewide accountability system established
10 under subsection (c)(4), for each subgroup of
11 students that was the subject of notification
12 that—

13 “(i) is informed by all indicators de-
14 scribed in subsection (c)(4)(B), including
15 student performance against long-term
16 goals;

17 “(ii) includes evidence-based interven-
18 tions;

19 “(iii) is approved by the local edu-
20 cational agency prior to implementation of
21 such plan;

22 “(iv) is monitored, upon submission
23 and implementation, by the local edu-
24 cational agency; and

1 “(v) results in additional action fol-
2 lowing unsuccessful implementation of
3 such plan after a number of years deter-
4 mined by the local educational agency.

5 “(C) ADDITIONAL TARGETED SUPPORT.—
6 A plan described in subparagraph (B) that is
7 developed and implemented in any school receiv-
8 ing a notification under this paragraph from
9 the local educational agency in which any sub-
10 group of students, on its own, would lead to
11 identification under subsection (c)(4)(D)(i)(I)
12 using the State’s methodology under subsection
13 (c)(4)(D) shall also identify resource inequities
14 (which may include a review of local educational
15 agency and school level budgeting), to be ad-
16 dressed through implementation of such plan.

17 “(D) SPECIAL RULE.—The State edu-
18 cational agency, based on the State’s differen-
19 tiation of schools under subsection (c)(4)(C) for
20 school year 2017–2018, shall notify local edu-
21 cational agencies of any schools served by the
22 local educational agency in which any subgroup
23 of students, on its own, would lead to identifica-
24 tion under subsection (c)(4)(D)(i)(I) using the
25 State’s methodology under subsection (c)(4)(D),

1 after which notification of such schools under
2 this paragraph shall result from differentiation
3 of schools pursuant to subsection (c)(4)(C)(iii).

4 “(3) CONTINUED SUPPORT FOR SCHOOL AND
5 LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—To
6 ensure continued progress to improve student aca-
7 demic achievement and school success in the State,
8 the State educational agency—

9 “(A) shall—

10 “(i) establish statewide exit criteria
11 for—

12 “(I) schools identified by the
13 State for comprehensive support and
14 improvement under subsection
15 (c)(4)(D)(i), which, if not satisfied
16 within a State-determined number of
17 years (not to exceed four years), shall
18 result in more rigorous State-deter-
19 mined action, such as the implementa-
20 tion of interventions (which may in-
21 clude addressing school-level oper-
22 ations); and

23 “(II) schools described in para-
24 graph (2)(C), which, if not satisfied
25 within a State-determined number of

1 years, shall, in the case of such
2 schools receiving assistance under this
3 part, result in identification of the
4 school by the State for comprehensive
5 support and improvement under sub-
6 section (c)(4)(D)(i)(III);

7 “(ii) periodically review resource allo-
8 cation to support school improvement in
9 each local educational agency in the State
10 serving—

11 “(I) a significant number of
12 schools identified for comprehensive
13 support and improvement under sub-
14 section (c)(4)(D)(i); and

15 “(II) a significant number of
16 schools implementing targeted support
17 and improvement plans under para-
18 graph (2); and

19 “(iii) provide technical assistance to
20 each local educational agency in the State
21 serving a significant number of—

22 “(I) schools implementing com-
23 prehensive support and improvement
24 plans under paragraph (1); or

1 “(II) schools implementing tar-
2 geted support and improvement plans
3 under paragraph (2); and

4 “(B) may—

5 “(i) take action to initiate additional
6 improvement in any local educational agen-
7 cy with—

8 “(I) a significant number of
9 schools that are consistently identified
10 by the State for comprehensive sup-
11 port and improvement under sub-
12 section (c)(4)(D)(i) and not meeting
13 exit criteria established by the State
14 under subparagraph (A)(i)(I); or

15 “(II) a significant number of
16 schools implementing targeted support
17 and improvement plans under para-
18 graph (2); and

19 “(ii) consistent with State law, estab-
20 lish alternative evidence-based State deter-
21 mined strategies that can be used by local
22 educational agencies to assist a school
23 identified for comprehensive support and
24 improvement under subsection (c)(4)(D)(i).

1 “(4) RULE OF CONSTRUCTION FOR COLLECTIVE
2 BARGAINING.—Nothing in this subsection shall be
3 construed to alter or otherwise affect the rights,
4 remedies, and procedures afforded to school or local
5 educational agency employees under Federal, State,
6 or local laws (including applicable regulations or
7 court orders) or under the terms of collective bar-
8 gaining agreements, memoranda of understanding,
9 or other agreements between such employers and
10 their employees.

11 “(e) PROHIBITION.—

12 “(1) IN GENERAL.—Nothing in this Act shall
13 be construed to authorize or permit the Secretary—

14 “(A) when promulgating any rule or regu-
15 lation, to promulgate any rule or regulation on
16 the development or implementation of the state-
17 wide accountability system established under
18 this section that would—

19 “(i) add new requirements that are in-
20 consistent with or outside the scope of this
21 part;

22 “(ii) add new criteria that are incon-
23 sistent with or outside the scope of this
24 part; or

1 “(iii) be in excess of statutory author-
2 ity granted to the Secretary;

3 “(B) as a condition of approval of the
4 State plan, or revisions or amendments to, the
5 State plan, or approval of a waiver request sub-
6 mitted under section 8401, to—

7 “(i) require a State to add any re-
8 quirements that are inconsistent with or
9 outside the scope of this part;

10 “(ii) require a State to add or delete
11 one or more specific elements of the chal-
12 lenging State academic standards; or

13 “(iii) prescribe—

14 “(I) numeric long-term goals or
15 measurements of interim progress
16 that States establish for all students,
17 for any subgroups of students, and for
18 English learners with respect to
19 English language proficiency, under
20 this part, including—

21 “(aa) the length of terms set
22 by States in designing such
23 goals; or

1 “(bb) the progress expected
2 from any subgroups of students
3 in meeting such goals;

4 “(II) specific academic assess-
5 ments or assessment items that States
6 or local educational agencies use to
7 meet the requirements of subsection
8 (b)(2) or otherwise use to measure
9 student academic achievement or stu-
10 dent growth under this part;

11 “(III) indicators that States use
12 within the State accountability system
13 under this section, including any re-
14 quirement to measure student growth,
15 or, if a State chooses to measure stu-
16 dent growth, the specific metrics used
17 to measure such growth under this
18 part;

19 “(IV) the weight of any measure
20 or indicator used to identify or mean-
21 ingfully differentiate schools, under
22 this part;

23 “(V) the specific methodology
24 used by States to meaningfully dif-

1 differentiate or identify schools under
2 this part;

3 “(VI) any specific school support
4 and improvement strategies or activi-
5 ties that State or local educational
6 agencies establish and implement to
7 intervene in, support, and improve
8 schools and improve student outcomes
9 under this part;

10 “(VII) exit criteria established by
11 States under subsection (d)(3)(A)(i);

12 “(VIII) provided that the State
13 meets the requirements in subsection
14 (c)(3), a minimum number of stu-
15 dents established by a State under
16 such subsection;

17 “(IX) any aspect or parameter of
18 a teacher, principal, or other school
19 leader evaluation system within a
20 State or local educational agency;

21 “(X) indicators or specific meas-
22 ures of teacher, principal, or other
23 school leader effectiveness or quality;
24 or

1 “(XI) the way in which the State
2 factors the requirement under sub-
3 section (c)(4)(E)(i) into the statewide
4 accountability system under this sec-
5 tion; or

6 “(C) to issue new non-regulatory guidance
7 that—

8 “(i) in seeking to provide explanation
9 of requirements under this section for
10 State or local educational agencies, either
11 in response to requests for information or
12 in anticipation of such requests, provides a
13 strictly limited or exhaustive list to illus-
14 trate successful implementation of provi-
15 sions under this section; or

16 “(ii) purports to be legally binding; or

17 “(D) to require data collection under this
18 part beyond data derived from existing Federal,
19 State, and local reporting requirements.

20 “(2) DEFINING TERMS.—In carrying out this
21 part, the Secretary shall not, through regulation or
22 as a condition of approval of the State plan or revi-
23 sions or amendments to the State plan, promulgate
24 a definition of any term used in this part, or other-
25 wise prescribe any specification for any such term,

1 that is inconsistent with or outside the scope of this
2 part or is in violation of paragraph (1).

3 “(f) EXISTING STATE LAW.—Nothing in this section
4 shall be construed to alter any State law or regulation
5 granting parents authority over schools that repeatedly
6 failed to make adequate yearly progress under this part,
7 as in effect on the day before the date of the enactment
8 of the Every Student Succeeds Act.

9 “(g) OTHER PLAN PROVISIONS.—

10 “(1) DESCRIPTIONS.—Each State plan shall de-
11 scribe—

12 “(A) how the State will provide assistance
13 to local educational agencies and individual ele-
14 mentary schools choosing to use funds under
15 this part to support early childhood education
16 programs;

17 “(B) how low-income and minority children
18 enrolled in schools assisted under this part are
19 not served at disproportionate rates by ineffec-
20 tive, out-of-field, or inexperienced teachers, and
21 the measures the State educational agency will
22 use to evaluate and publicly report the progress
23 of the State educational agency with respect to
24 such description (except that nothing in this
25 subparagraph shall be construed as requiring a

1 State to develop or implement a teacher, prin-
2 cipal, or other school leader evaluation system);

3 “(C) how the State educational agency will
4 support local educational agencies receiving as-
5 sistance under this part to improve school con-
6 ditions for student learning, including through
7 reducing—

8 “(i) incidences of bullying and harass-
9 ment;

10 “(ii) the overuse of discipline practices
11 that remove students from the classroom;
12 and

13 “(iii) the use of aversive behavioral
14 interventions that compromise student
15 health and safety;

16 “(D) how the State will support local edu-
17 cational agencies receiving assistance under this
18 part in meeting the needs of students at all lev-
19 els of schooling (particularly students in the
20 middle grades and high school), including how
21 the State will work with such local educational
22 agencies to provide effective transitions of stu-
23 dents to middle grades and high school to de-
24 crease the risk of students dropping out;

1 “(E) the steps a State educational agency
2 will take to ensure collaboration with the State
3 agency responsible for administering the State
4 plans under parts B and E of title IV of the
5 Social Security Act (42 U.S.C. 621 et seq. and
6 670 et seq.) to ensure the educational stability
7 of children in foster care, including assurances
8 that—

9 “(i) any such child enrolls or remains
10 in such child’s school of origin, unless a
11 determination is made that it is not in
12 such child’s best interest to attend the
13 school of origin, which decision shall be
14 based on all factors relating to the child’s
15 best interest, including consideration of the
16 appropriateness of the current educational
17 setting and the proximity to the school in
18 which the child is enrolled at the time of
19 placement;

20 “(ii) when a determination is made
21 that it is not in such child’s best interest
22 to remain in the school of origin, the child
23 is immediately enrolled in a new school,
24 even if the child is unable to produce
25 records normally required for enrollment;

1 “(iii) the enrolling school shall imme-
2 diately contact the school last attended by
3 any such child to obtain relevant academic
4 and other records; and

5 “(iv) the State educational agency will
6 designate an employee to serve as a point
7 of contact for child welfare agencies and to
8 oversee implementation of the State agency
9 responsibilities required under this sub-
10 paragraph, and such point of contact shall
11 not be the State’s Coordinator for Edu-
12 cation of Homeless Children and Youths
13 under section 722(d)(3) of the McKinney-
14 Vento Homeless Assistance Act (42 U.S.C.
15 11432(d)(3));

16 “(F) how the State educational agency will
17 provide support to local educational agencies in
18 the identification, enrollment, attendance, and
19 school stability of homeless children and youths;
20 and

21 “(G) such other factors the State edu-
22 cational agency determines appropriate to pro-
23 vide students an opportunity to achieve the
24 knowledge and skills described in the chal-
25 lenging State academic standards.

1 “(2) ASSURANCES.—Each State plan shall con-
2 tain assurances that—

3 “(A) the State will make public any meth-
4 ods or criteria the State is using to measure
5 teacher, principal, or other school leader effec-
6 tiveness for the purpose of meeting the require-
7 ments described in paragraph (1)(B);

8 “(B) the State educational agency will no-
9 tify local educational agencies, Indian tribes
10 and tribal organizations, schools, teachers, par-
11 ents, and the public of the challenging State
12 academic standards, academic assessments, and
13 State accountability system, developed under
14 this section;

15 “(C) the State educational agency will as-
16 sist each local educational agency and school af-
17 fected by the State plan to meet the require-
18 ments of this part;

19 “(D) the State will participate in the bien-
20 nial State academic assessments in reading and
21 mathematics in grades 4 and 8 of the National
22 Assessment of Educational Progress carried out
23 under section 303(b)(3) of the National Assess-
24 ment of Educational Progress Authorization
25 Act (20 U.S.C. 9622(b)(3)) if the Secretary

1 pays the costs of administering such assess-
2 ments;

3 “(E) the State educational agency will
4 modify or eliminate State fiscal and accounting
5 barriers so that schools can easily consolidate
6 funds from other Federal, State, and local
7 sources to improve educational opportunities
8 and reduce unnecessary fiscal and accounting
9 requirements;

10 “(F) the State educational agency will sup-
11 port the collection and dissemination to local
12 educational agencies and schools of effective
13 parent and family engagement strategies, in-
14 cluding those included in the parent and family
15 engagement policy under section 1116;

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

21 “(H) the State educational agency will en-
22 sure that local educational agencies, in devel-
23 oping and implementing programs under this
24 part, will, to the extent feasible, work in con-
25 sultation with outside intermediary organiza-

1 tions (such as educational service agencies), or
2 individuals, that have practical expertise in the
3 development or use of evidence-based strategies
4 and programs to improve teaching, learning,
5 and schools;

6 “(I) the State educational agency has ap-
7 propriate procedures and safeguards in place to
8 ensure the validity of the assessment process;

9 “(J) the State educational agency will en-
10 sure that all teachers and paraprofessionals
11 working in a program supported with funds
12 under this part meet applicable State certifi-
13 cation and licensure requirements, including
14 any requirements for certification obtained
15 through alternative routes to certification;

16 “(K) the State educational agency will co-
17 ordinate activities funded under this part with
18 other Federal activities as appropriate;

19 “(L) the State educational agency has in-
20 volved the committee of practitioners estab-
21 lished under section 1603(b) in developing the
22 plan and monitoring its implementation;

23 “(M) the State has professional standards
24 for paraprofessionals working in a program
25 supported with funds under this part, including

1 qualifications that were in place on the day be-
2 fore the date of enactment of the Every Student
3 Succeeds Act; and

4 “(N) the State educational agency will pro-
5 vide the information described in clauses (ii),
6 (iii), and (iv) of subsection (h)(1)(C) to the
7 public in an easily accessible and user-friendly
8 manner that can be cross-tabulated by, at a
9 minimum, each major racial and ethnic group,
10 gender, English proficiency status, and children
11 with or without disabilities, which—

12 “(i) may be accomplished by including
13 such information on the annual State re-
14 port card described subsection (h)(1)(C);
15 and

16 “(ii) shall be presented in a manner
17 that—

18 “(I) is first anonymized and does
19 not reveal personally identifiable infor-
20 mation about an individual student;

21 “(II) does not include a number
22 of students in any subgroup of stu-
23 dents that is insufficient to yield sta-
24 tistically reliable information or that
25 would reveal personally identifiable in-

1 formation about an individual student;
2 and

3 “(III) is consistent with the re-
4 quirements of section 444 of the Gen-
5 eral Education Provisions Act (20
6 U.S.C. 1232g, commonly known as
7 the ‘Family Educational Rights and
8 Privacy Act of 1974’).

9 “(3) RULES OF CONSTRUCTION.—Nothing in
10 paragraph (2)(N) shall be construed to—

11 “(A) require groups of students obtained
12 by any entity that cross-tabulates the informa-
13 tion provided under such paragraph to be con-
14 sidered subgroups of students, as defined in
15 subsection (c)(2), for the purposes of the State
16 accountability system under subsection (c); or

17 “(B) require or prohibit States or local
18 educational agencies from publicly reporting
19 data in a cross-tabulated manner, in order to
20 meet the requirements of paragraph (2)(N).

21 “(4) TECHNICAL ASSISTANCE.—Upon request
22 by a State educational agency, the Secretary shall
23 provide technical assistance to such agency to—

24 “(A) meet the requirements of paragraph
25 (2)(N); or

1 “(B) in the case of a State educational
2 agency choosing, at its sole discretion, to
3 disaggregate data described in clauses (ii) and
4 (iii)(II) of subsection (h)(1)(C) for Asian and
5 Native Hawaiian or Pacific Islander students
6 using the same race response categories as the
7 decennial census of the population, assist such
8 State educational agency in such disaggregation
9 and in using such data to improve academic
10 outcomes for such students.

11 “(h) REPORTS.—

12 “(1) ANNUAL STATE REPORT CARD.—

13 “(A) IN GENERAL.—A State that receives
14 assistance under this part shall prepare and
15 disseminate widely to the public an annual
16 State report card for the State as a whole that
17 meets the requirements of this paragraph.

18 “(B) IMPLEMENTATION.—The State report
19 card required under this paragraph shall be—

20 “(i) concise;

21 “(ii) presented in an understandable
22 and uniform format that is developed in
23 consultation with parents and, to the ex-
24 tent practicable, in a language that parents
25 can understand; and

1 “(iii) widely accessible to the public,
2 which shall include making available on a
3 single webpage of the State educational
4 agency’s website, the State report card, all
5 local educational agency report cards for
6 each local educational agency in the State
7 required under paragraph (2), and the an-
8 nual report to the Secretary under para-
9 graph (5).

10 “(C) MINIMUM REQUIREMENTS.—Each
11 State report card required under this subsection
12 shall include the following information:

13 “(i) A clear and concise description of
14 the State’s accountability system under
15 subsection (c), including—

16 “(I) the minimum number of stu-
17 dents that the State determines are
18 necessary to be included in each of the
19 subgroups of students, as defined in
20 subsection (c)(2), for use in the ac-
21 countability system;

22 “(II) the long-term goals and
23 measurements of interim progress for
24 all students and for each of the sub-

1 groups of students, as defined in sub-
2 section (c)(2);

3 “(III) the indicators described in
4 subsection (c)(4)(B) used to meaning-
5 fully differentiate all public schools in
6 the State;

7 “(IV) the State’s system for
8 meaningfully differentiating all public
9 schools in the State, including—

10 “(aa) the specific weight of
11 the indicators described in sub-
12 section (c)(4)(B) in such dif-
13 ferentiation;

14 “(bb) the methodology by
15 which the State differentiates all
16 such schools;

17 “(cc) the methodology by
18 which the State differentiates a
19 school as consistently underper-
20 forming for any subgroup of stu-
21 dents described in section
22 (c)(4)(C)(iii), including the time
23 period used by the State to deter-
24 mine consistent underperform-
25 ance; and

1 “(dd) the methodology by
2 which the State identifies a
3 school for comprehensive support
4 and improvement as required
5 under subsection (c)(4)(D)(i);

6 “(V) the number and names of
7 all public schools in the State identi-
8 fied by the State for comprehensive
9 support and improvement under sub-
10 section (c)(4)(D)(i) or implementing
11 targeted support and improvement
12 plans under subsection (d)(2); and

13 “(VI) the exit criteria established
14 by the State as required under clause
15 (i) of subsection (d)(3)(A), including
16 the length of years established under
17 clause (i)(II) of such subsection.

18 “(ii) For all students and
19 disaggregated by each subgroup of stu-
20 dents described in subsection (b)(2)(B)(xi),
21 homeless status, status as a child in foster
22 care, and status as a student with a parent
23 who is a member of the Armed Forces (as
24 defined in section 101(a)(4) of title 10,
25 United States Code) on active duty (as de-

1 fined in section 101(d)(5) of such title), in-
2 formation on student achievement on the
3 academic assessments described in sub-
4 section (b)(2) at each level of achievement,
5 as determined by the State under sub-
6 section (b)(1).

7 “(iii) For all students and
8 disaggregated by each of the subgroups of
9 students, as defined in subsection (c)(2),
10 and for purposes of subclause (II) of this
11 clause, homeless status and status as a
12 child in foster care—

13 “(I) information on the perform-
14 ance on the other academic indicator
15 under subsection (c)(4)(B)(ii) for pub-
16 lic elementary schools and secondary
17 schools that are not high schools, used
18 by the State in the State account-
19 ability system; and

20 “(II) high school graduation
21 rates, including four-year adjusted co-
22 hort graduation rates and, at the
23 State’s discretion, extended-year ad-
24 justed cohort graduation rates.

1 “(iv) Information on the number and
2 percentage of English learners achieving
3 English language proficiency.

4 “(v) For all students and
5 disaggregated by each of the subgroups of
6 students, as defined in subsection (c)(2),
7 information on the performance on the
8 other indicator or indicators of school qual-
9 ity or student success under subsection
10 (c)(4)(B)(v) used by the State in the State
11 accountability system.

12 “(vi) Information on the progress of
13 all students and each subgroup of stu-
14 dents, as defined in subsection (c)(2), to-
15 ward meeting the State-designed long term
16 goals under subsection (c)(4)(A), including
17 the progress of all students and each such
18 subgroup of students against the State
19 measurements of interim progress estab-
20 lished under such subsection.

21 “(vii) For all students and
22 disaggregated by each subgroup of stu-
23 dents described in subsection (b)(2)(B)(xi),
24 the percentage of students assessed and
25 not assessed.

1 “(viii) Information submitted by the
2 State educational agency and each local
3 educational agency in the State, in accord-
4 ance with data collection conducted pursu-
5 ant to section 203(c)(1) of the Department
6 of Education Organization Act (20 U.S.C.
7 3413(c)(1)), on—

8 “(I) measures of school quality,
9 climate, and safety, including rates of
10 in-school suspensions, out-of-school
11 suspensions, expulsions, school-related
12 arrests, referrals to law enforcement,
13 chronic absenteeism (including both
14 excused and unexcused absences),
15 incidences of violence, including bul-
16 lying and harassment; and

17 “(II) the number and percentage
18 of students enrolled in—

19 “(aa) preschool programs;
20 and

21 “(bb) accelerated
22 coursework to earn postsecondary
23 credit while still in high school,
24 such as Advanced Placement and
25 International Baccalaureate

1 courses and examinations, and
2 dual or concurrent enrollment
3 programs.

4 “(ix) The professional qualifications of
5 teachers in the State, including informa-
6 tion (that shall be presented in the aggre-
7 gate and disaggregated by high-poverty
8 compared to low-poverty schools) on the
9 number and percentage of—

10 “(I) inexperienced teachers, prin-
11 cipals, and other school leaders;

12 “(II) teachers teaching with
13 emergency or provisional credentials;
14 and

15 “(III) teachers who are not
16 teaching in the subject or field for
17 which the teacher is certified or li-
18 censed.

19 “(x) The per-pupil expenditures of
20 Federal, State, and local funds, including
21 actual personnel expenditures and actual
22 nonpersonnel expenditures of Federal,
23 State, and local funds, disaggregated by
24 source of funds, for each local educational

1 agency and each school in the State for the
2 preceding fiscal year.

3 “(xi) The number and percentages of
4 students with the most significant cog-
5 nitive disabilities who take an alternate as-
6 sessment under subsection (b)(2)(D), by
7 grade and subject.

8 “(xii) Results on the State academic
9 assessments in reading and mathematics in
10 grades 4 and 8 of the National Assessment
11 of Educational Progress carried out under
12 section 303(b)(3) of the National Assess-
13 ment of Educational Progress Authoriza-
14 tion Act (20 U.S.C. 9622(b)(3)), compared
15 to the national average of such results.

16 “(xiii) Where available, for each high
17 school in the State, and beginning with the
18 report card prepared under this paragraph
19 for 2017, the cohort rate (in the aggregate,
20 and disaggregated for each subgroup of
21 students defined in subsection (c)(2)), at
22 which students who graduate from the
23 high school enroll, for the first academic
24 year that begins after the students’ grad-
25 uation—

1 “(I) in programs of public post-
2 secondary education in the State; and

3 “(II) if data are available and to
4 the extent practicable, in programs of
5 private postsecondary education in the
6 State or programs of postsecondary
7 education outside the State.

8 “(xiv) Any additional information that
9 the State believes will best provide parents,
10 students, and other members of the public
11 with information regarding the progress of
12 each of the State’s public elementary
13 schools and secondary schools, which may
14 include the number and percentage of stu-
15 dents attaining career and technical pro-
16 ficiencies (as defined by section 113(b) of
17 the Carl D. Perkins Career and Technical
18 Education Act of 2006 (20 U.S.C.
19 2323(b)) and reported by States only in a
20 manner consistent with section 113(c) of
21 such Act (20 U.S.C. 2323(c)).

22 “(D) RULES OF CONSTRUCTION.—Nothing
23 in subparagraph (C)(viii) shall be construed as
24 requiring—

1 “(i) reporting of any data that are not
2 collected in accordance with section
3 203(c)(1) of the Department of Education
4 Organization Act (20 U.S.C. 3413(c)(1);
5 or

6 “(ii) disaggregation of any data other
7 than as required under subsection
8 (b)(2)(B)(xi).

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

11 “(A) PREPARATION AND DISSEMINA-
12 TION.—A local educational agency that receives
13 assistance under this part shall prepare and
14 disseminate an annual local educational agency
15 report card that includes information on such
16 agency as a whole and each school served by
17 the agency.

18 “(B) IMPLEMENTATION.—Each local edu-
19 cational agency report card shall be—

20 “(i) concise;

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

1 “(iii) accessible to the public, which
2 shall include—

3 “(I) placing such report card on
4 the website of the local educational
5 agency; and

6 “(II) in any case in which a local
7 educational agency does not operate a
8 website, providing the information to
9 the public in another manner deter-
10 mined by the local educational agency.

11 “(C) MINIMUM REQUIREMENTS.—The
12 State educational agency shall ensure that each
13 local educational agency collects appropriate
14 data and includes in the local educational agen-
15 cy’s annual report the information described in
16 paragraph (1)(C), disaggregated in the same
17 manner as required under such paragraph, ex-
18 cept for clause (xii) of such paragraph, as ap-
19 plied to the local educational agency and each
20 school served by the local educational agency,
21 including—

22 “(i) in the case of a local educational
23 agency, information that shows how stu-
24 dents served by the local educational agen-
25 cy achieved on the academic assessments

1 described in subsection (b)(2) compared to
2 students in the State as a whole;

3 “(ii) in the case of a school, informa-
4 tion that shows how the school’s students’
5 achievement on the academic assessments
6 described in subsection (b)(2) compared to
7 students served by the local educational
8 agency and the State as a whole; and

9 “(iii) any other information that the
10 local educational agency determines is ap-
11 propriate and will best provide parents,
12 students, and other members of the public
13 with information regarding the progress of
14 each public school served by the local edu-
15 cational agency, whether or not such infor-
16 mation is included in the annual State re-
17 port card.

18 “(D) ADDITIONAL INFORMATION.—In the
19 case of a local educational agency that issues a
20 report card for all students, the local edu-
21 cational agency may include the information
22 under this section as part of such report.

23 “(3) PREEXISTING REPORT CARDS.—A State
24 educational agency or local educational agency may
25 use public report cards on the performance of stu-

1 dents, schools, local educational agencies, or the
2 State, that were in effect prior to the date of enact-
3 ment of the Every Student Succeeds Act for the
4 purpose of this subsection, so long as any such re-
5 port card is modified, as may be needed, to contain
6 the information required by this subsection, and pro-
7 tects the privacy of individual students.

8 “(4) COST REDUCTION.—Each State edu-
9 cational agency and local educational agency receiv-
10 ing assistance under this part shall, wherever pos-
11 sible, take steps to reduce data collection costs and
12 duplication of effort by obtaining the information re-
13 quired under this subsection through existing data
14 collection efforts.

15 “(5) ANNUAL STATE REPORT TO THE SEC-
16 RETARY.—Each State educational agency receiving
17 assistance under this part shall report annually to
18 the Secretary, and make widely available within the
19 State—

20 “(A) information on the achievement of
21 students on the academic assessments required
22 by subsection (b)(2), including the
23 disaggregated results for the subgroups of stu-
24 dents as defined in subsection (c)(2);

1 “(B) information on the acquisition of
2 English proficiency by English learners;

3 “(C) the number and names of each public
4 school in the State—

5 “(i) identified for comprehensive sup-
6 port and improvement under subsection
7 (c)(4)(D)(i); and

8 “(ii) implementing targeted support
9 and improvement plans under subsection
10 (d)(2); and

11 “(D) information on the professional quali-
12 fications of teachers in the State, including in-
13 formation on the number and the percentage of
14 the following teachers:

15 “(i) Inexperienced teachers.

16 “(ii) Teachers teaching with emer-
17 gency or provisional credentials.

18 “(iii) Teachers who are not teaching
19 in the subject or field for which the teacher
20 is certified or licensed.

21 “(6) REPORT TO CONGRESS.—The Secretary
22 shall transmit annually to the Committee on Edu-
23 cation and the Workforce of the House of Rep-
24 resentatives and the Committee on Health, Edu-
25 cation, Labor, and Pensions of the Senate a report

1 that provides national and State-level data on the in-
2 formation collected under paragraph (5). Such re-
3 port shall be submitted through electronic means
4 only.

5 “(i) PRIVACY.—

6 “(1) IN GENERAL.—Information collected or
7 disseminated under this section (including any infor-
8 mation collected for or included in the reports de-
9 scribed in subsection (h)) shall be collected and dis-
10 seminated in a manner that protects the privacy of
11 individuals consistent with section 444 of the Gen-
12 eral Education Provisions Act (20 U.S.C. 1232g,
13 commonly known as the ‘Family Educational Rights
14 and Privacy Act of 1974’) and this Act.

15 “(2) SUFFICIENCY.—The reports described in
16 subsection (h) shall only include data that are suffi-
17 cient to yield statistically reliable information.

18 “(3) DISAGGREGATION.—Disaggregation under
19 this section shall not be required if such
20 disaggregation will reveal personally identifiable in-
21 formation about any student, teacher, principal, or
22 other school leader, or will provide data that are in-
23 sufficient to yield statistically reliable information.

24 “(j) VOLUNTARY PARTNERSHIPS.—A State retains
25 the right to enter into a voluntary partnership with an-

1 other State to develop and implement the challenging
2 State academic standards and assessments required under
3 this section, except that the Secretary shall not attempt
4 to influence, incentivize, or coerce State—

5 “(1) adoption of the Common Core State
6 Standards developed under the Common Core State
7 Standards Initiative or any other academic stand-
8 ards common to a significant number of States, or
9 assessments tied to such standards; or

10 “(2) participation in such partnerships.

11 “(k) SPECIAL RULE WITH RESPECT TO BUREAU-
12 FUNDED SCHOOLS.—In determining the assessments to
13 be used by each school operated or funded by the Bureau
14 of Indian Education receiving funds under this part, the
15 following shall apply until the requirements of section
16 8204(c) have been met:

17 “(1) Each such school that is accredited by the
18 State in which it is operating shall use the assess-
19 ments and other academic indicators the State has
20 developed and implemented to meet the require-
21 ments of this section, or such other appropriate as-
22 sessment and academic indicators as approved by
23 the Secretary of the Interior.

24 “(2) Each such school that is accredited by a
25 regional accrediting organization (in consultation

1 with and with the approval of the Secretary of the
2 Interior, and consistent with assessments and aca-
3 demic indicators adopted by other schools in the
4 same State or region) shall adopt an appropriate as-
5 sessment and other academic indicators that meet
6 the requirements of this section.

7 “(3) Each such school that is accredited by a
8 tribal accrediting agency or tribal division of edu-
9 cation shall use an assessment and other academic
10 indicators developed by such agency or division, ex-
11 cept that the Secretary of the Interior shall ensure
12 that such assessment and academic indicators meet
13 the requirements of this section.

14 “(1) CONSTRUCTION.—Nothing in this part shall be
15 construed to prescribe the use of the academic assess-
16 ments described in this part for student promotion or
17 graduation purposes.”.

18 **SEC. 1006. LOCAL EDUCATIONAL AGENCY PLANS.**

19 Section 1112 (20 U.S.C. 6312) is amended to read
20 as follows:

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

22 “(a) PLANS REQUIRED.—

23 “(1) SUBGRANTS.—A local educational agency
24 may receive a subgrant under this part for any fiscal
25 year only if such agency has on file with the State

1 educational agency a plan, approved by the State
2 educational agency, that—

3 “(A) is developed with timely and mean-
4 ingful consultation with teachers, principals,
5 other school leaders, paraprofessionals, special-
6 ized instructional support personnel, charter
7 school leaders (in a local educational agency
8 that has charter schools), administrators (in-
9 cluding administrators of programs described in
10 other parts of this title), other appropriate
11 school personnel, and with parents of children
12 in schools served under this part; and

13 “(B) as appropriate, is coordinated with
14 other programs under this Act, the Individuals
15 with Disabilities Education Act (20 U.S.C.
16 1400 et seq.), the Rehabilitation Act of 1973
17 (20 U.S.C. 701 et seq.), the Carl D. Perkins
18 Career and Technical Education Act of 2006
19 (20 U.S.C. 2301 et seq.), the Workforce Inno-
20 vation and Opportunity Act (29 U.S.C. 3101 et
21 seq.), the Head Start Act (42 U.S.C. 9831 et
22 seq.), the McKinney-Vento Homeless Assistance
23 Act (42 U.S.C. 11301 et seq.), the Adult Edu-
24 cation and Family Literacy Act (29 U.S.C.
25 3271 et seq.), and other Acts as appropriate.

1 “(2) CONSOLIDATED APPLICATION.—The plan
2 may be submitted as part of a consolidated applica-
3 tion under section 8305.

4 “(3) STATE APPROVAL.—

5 “(A) IN GENERAL.—Each local educational
6 agency plan shall be filed according to a sched-
7 ule established by the State educational agency.

8 “(B) APPROVAL.—The State educational
9 agency shall approve a local educational agen-
10 cy’s plan only if the State educational agency
11 determines that the local educational agency’s
12 plan—

13 “(i) provides that schools served
14 under this part substantially help children
15 served under this part meet the chal-
16 lenging State academic standards; and

17 “(ii) meets the requirements of this
18 section.

19 “(4) DURATION.—Each local educational agen-
20 cy plan shall be submitted for the first year for
21 which this part is in effect following the date of en-
22 actment of the Every Student Succeeds Act and
23 shall remain in effect for the duration of the agen-
24 cy’s participation under this part.

1 “(5) REVIEW.—Each local educational agency
2 shall periodically review and, as necessary, revise its
3 plan.

4 “(6) RULE OF CONSTRUCTION.—Consultation
5 required under paragraph (1)(A) shall not interfere
6 with the timely submission of the plan required
7 under this section.

8 “(b) PLAN PROVISIONS.—To ensure that all children
9 receive a high-quality education, and to close the achieve-
10 ment gap between children meeting the challenging State
11 academic standards and those children who are not meet-
12 ing such standards, each local educational agency plan
13 shall describe—

14 “(1) how the local educational agency will mon-
15 itor students’ progress in meeting the challenging
16 State academic standards by—

17 “(A) developing and implementing a well-
18 rounded program of instruction to meet the
19 academic needs of all students;

20 “(B) identifying students who may be at
21 risk for academic failure;

22 “(C) providing additional educational as-
23 sistance to individual students the local edu-
24 cational agency or school determines need help

1 in meeting the challenging State academic
2 standards; and

3 “(D) identifying and implementing instruc-
4 tional and other strategies intended to strength-
5 en academic programs and improve school con-
6 ditions for student learning;

7 “(2) how the local educational agency will iden-
8 tify and address, as required under State plans as
9 described in section 1111(g)(1)(B), any disparities
10 that result in low-income students and minority stu-
11 dents being taught at higher rates than other stu-
12 dents by ineffective, inexperienced, or out-of-field
13 teachers;

14 “(3) how the local educational agency will carry
15 out its responsibilities under paragraphs (1) and (2)
16 of section 1111(d);

17 “(4) the poverty criteria that will be used to se-
18 lect school attendance areas under section 1113;

19 “(5) in general, the nature of the programs to
20 be conducted by such agency’s schools under sec-
21 tions 1114 and 1115 and, where appropriate, edu-
22 cational services outside such schools for children
23 living in local institutions for neglected or delinquent
24 children, and for neglected and delinquent children
25 in community day school programs;

1 “(6) the services the local educational agency
2 will provide homeless children and youths, including
3 services provided with funds reserved under section
4 1113(e)(3)(A), to support the enrollment, attend-
5 ance, and success of homeless children and youths,
6 in coordination with the services the local edu-
7 cational agency is providing under the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C. 11301 et
9 seq.);

10 “(7) the strategy the local educational agency
11 will use to implement effective parent and family en-
12 gagement under section 1116;

13 “(8) if applicable, how the local educational
14 agency will support, coordinate, and integrate serv-
15 ices provided under this part with early childhood
16 education programs at the local educational agency
17 or individual school level, including plans for the
18 transition of participants in such programs to local
19 elementary school programs;

20 “(9) how teachers and school leaders, in con-
21 sultation with parents, administrators, paraprofes-
22 sionals, and specialized instructional support per-
23 sonnel, in schools operating a targeted assistance
24 school program under section 1115, will identify the

1 eligible children most in need of services under this
2 part;

3 “(10) how the local educational agency will im-
4 plement strategies to facilitate effective transitions
5 for students from middle grades to high school and
6 from high school to postsecondary education includ-
7 ing, if applicable—

8 “(A) through coordination with institutions
9 of higher education, employers, and other local
10 partners; and

11 “(B) through increased student access to
12 early college high school or dual or concurrent
13 enrollment opportunities, or career counseling
14 to identify student interests and skills;

15 “(11) how the local educational agency will sup-
16 port efforts to reduce the overuse of discipline prac-
17 tices that remove students from the classroom,
18 which may include identifying and supporting
19 schools with high rates of discipline, disaggregated
20 by each of the subgroups of students, as defined in
21 section 1111(c)(2);

22 “(12) if determined appropriate by the local
23 educational agency, how such agency will support
24 programs that coordinate and integrate—

1 “(A) academic and career and technical
2 education content through coordinated instruc-
3 tional strategies, that may incorporate experien-
4 tial learning opportunities and promote skills
5 attainment important to in-demand occupations
6 or industries in the State; and

7 “(B) work-based learning opportunities
8 that provide students in-depth interaction with
9 industry professionals and, if appropriate, aca-
10 demic credit; and

11 “(13) any other information on how the local
12 educational agency proposes to use funds to meet
13 the purposes of this part, and that the local edu-
14 cational agency determines appropriate to provide,
15 which may include how the local educational agency
16 will—

17 “(A) assist schools in identifying and serv-
18 ing gifted and talented students; and

19 “(B) assist schools in developing effective
20 school library programs to provide students an
21 opportunity to develop digital literacy skills and
22 improve academic achievement.

23 “(c) ASSURANCES.—Each local educational agency
24 plan shall provide assurances that the local educational
25 agency will—

1 “(1) ensure that migratory children and for-
2 merly migratory children who are eligible to receive
3 services under this part are selected to receive such
4 services on the same basis as other children who are
5 selected to receive services under this part;

6 “(2) provide services to eligible children attend-
7 ing private elementary schools and secondary schools
8 in accordance with section 1117, and timely and
9 meaningful consultation with private school officials
10 regarding such services;

11 “(3) participate, if selected, in the National As-
12 sessment of Educational Progress in reading and
13 mathematics in grades 4 and 8 carried out under
14 section 303(b)(3) of the National Assessment of
15 Educational Progress Authorization Act (20 U.S.C.
16 9622(b)(3));

17 “(4) coordinate and integrate services provided
18 under this part with other educational services at
19 the local educational agency or individual school
20 level, such as services for English learners, children
21 with disabilities, migratory children, American In-
22 dian, Alaska Native, and Native Hawaiian children,
23 and homeless children and youths, in order to in-
24 crease program effectiveness, eliminate duplication,

1 and reduce fragmentation of the instructional pro-
2 gram;

3 “(5) collaborate with the State or local child
4 welfare agency to—

5 “(A) designate a point of contact if the
6 corresponding child welfare agency notifies the
7 local educational agency, in writing, that the
8 agency has designated an employee to serve as
9 a point of contact for the local educational
10 agency; and

11 “(B) by not later than 1 year after the
12 date of enactment of the Every Student Suc-
13 ceeds Act, develop and implement clear written
14 procedures governing how transportation to
15 maintain children in foster care in their school
16 of origin when in their best interest will be pro-
17 vided, arranged, and funded for the duration of
18 the time in foster care, which procedures
19 shall—

20 “(i) ensure that children in foster care
21 needing transportation to the school of ori-
22 gin will promptly receive transportation in
23 a cost-effective manner and in accordance
24 with section 475(4)(A) of the Social Secu-
25 rity Act (42 U.S.C. 675(4)(A)); and

1 “(ii) ensure that, if there are addi-
2 tional costs incurred in providing transpor-
3 tation to maintain children in foster care
4 in their schools of origin, the local edu-
5 cational agency will provide transportation
6 to the school of origin if—

7 “(I) the local child welfare agen-
8 cy agrees to reimburse the local edu-
9 cational agency for the cost of such
10 transportation;

11 “(II) the local educational agency
12 agrees to pay for the cost of such
13 transportation; or

14 “(III) the local educational agen-
15 cy and the local child welfare agency
16 agree to share the cost of such trans-
17 portation; and

18 “(6) ensure that all teachers and paraprofes-
19 sionals working in a program supported with funds
20 under this part meet applicable State certification
21 and licensure requirements, including any require-
22 ments for certification obtained through alternative
23 routes to certification; and

24 “(7) in the case of a local educational agency
25 that chooses to use funds under this part to provide

1 early childhood education services to low-income chil-
2 dren below the age of compulsory school attendance,
3 ensure that such services comply with the perform-
4 ance standards established under section 641A(a) of
5 the Head Start Act (42 U.S.C. 9836a(a)).

6 “(d) SPECIAL RULE.—For local educational agencies
7 using funds under this part for the purposes described in
8 subsection (e)(7), the Secretary shall—

9 “(1) consult with the Secretary of Health and
10 Human Services and establish procedures (taking
11 into consideration existing State and local laws, and
12 local teacher contracts) to assist local educational
13 agencies to comply with such subsection; and

14 “(2) disseminate to local educational agencies
15 the education performance standards in effect under
16 section 641A(a) of the Head Start Act (42 U.S.C.
17 9836a(a)), and such agencies affected by such sub-
18 section (e)(7) shall plan to comply with such sub-
19 section (taking into consideration existing State and
20 local laws, and local teacher contracts), including by
21 pursuing the availability of other Federal, State, and
22 local funding sources to assist with such compliance.

23 “(e) PARENTS RIGHT-TO-KNOW.—

24 “(1) INFORMATION FOR PARENTS.—

1 “(A) IN GENERAL.—At the beginning of
2 each school year, a local educational agency
3 that receives funds under this part shall notify
4 the parents of each student attending any
5 school receiving funds under this part that the
6 parents may request, and the agency will pro-
7 vide the parents on request (and in a timely
8 manner), information regarding the professional
9 qualifications of the student’s classroom teach-
10 ers, including at a minimum, the following:

11 “(i) Whether the student’s teacher—
12 “(I) has met State qualification
13 and licensing criteria for the grade
14 levels and subject areas in which the
15 teacher provides instruction;

16 “(II) is teaching under emer-
17 gency or other provisional status
18 through which State qualification or
19 licensing criteria have been waived;
20 and

21 “(III) is teaching in the field of
22 discipline of the certification of the
23 teacher.

1 “(ii) Whether the child is provided
2 services by paraprofessionals and, if so,
3 their qualifications.

4 “(B) ADDITIONAL INFORMATION.—In ad-
5 dition to the information that parents may re-
6 quest under subparagraph (A), a school that re-
7 ceives funds under this part shall provide to
8 each individual parent of a child who is a stu-
9 dent in such school, with respect to such stu-
10 dent—

11 “(i) information on the level of
12 achievement and academic growth of the
13 student, if applicable and available, on
14 each of the State academic assessments re-
15 quired under this part; and

16 “(ii) timely notice that the student
17 has been assigned, or has been taught for
18 4 or more consecutive weeks by, a teacher
19 who does not meet applicable State certifi-
20 cation or licensure requirements at the
21 grade level and subject area in which the
22 teacher has been assigned.

23 “(2) TESTING TRANSPARENCY.—

24 “(A) IN GENERAL.—At the beginning of
25 each school year, a local educational agency

1 that receives funds under this part shall notify
2 the parents of each student attending any
3 school receiving funds under this part that the
4 parents may request, and the local educational
5 agency will provide the parents on request (and
6 in a timely manner), information regarding any
7 State or local educational agency policy regard-
8 ing student participation in any assessments
9 mandated by section 1111(b)(2) and by the
10 State or local educational agency, which shall
11 include a policy, procedure, or parental right to
12 opt the child out of such assessment, where ap-
13 plicable.

14 “(B) ADDITIONAL INFORMATION.—Subject
15 to subparagraph (C), each local educational
16 agency that receives funds under this part shall
17 make widely available through public means (in-
18 cluding by posting in a clear and easily acces-
19 sible manner on the local educational agency’s
20 website and, where practicable, on the website
21 of each school served by the local educational
22 agency) for each grade served by the local edu-
23 cational agency, information on each assess-
24 ment required by the State to comply with sec-
25 tion 1111, other assessments required by the

1 State, and where such information is available
2 and feasible to report, assessments required dis-
3 trictwide by the local educational agency, in-
4 cluding—

5 “(i) the subject matter assessed;

6 “(ii) the purpose for which the assess-
7 ment is designed and used;

8 “(iii) the source of the requirement
9 for the assessment; and

10 “(iv) where such information is avail-
11 able—

12 “(I) the amount of time students
13 will spend taking the assessment, and
14 the schedule for the assessment; and

15 “(II) the time and format for dis-
16 seminating results.

17 “(C) LOCAL EDUCATIONAL AGENCY THAT
18 DOES NOT OPERATE A WEBSITE.—In the case
19 of a local educational agency that does not op-
20 erate a website, such local educational agency
21 shall determine how to make the information
22 described in subparagraph (A) widely available,
23 such as through distribution of that information
24 to the media, through public agencies, or di-
25 rectly to parents.

1 “(3) LANGUAGE INSTRUCTION.—

2 “(A) NOTICE.—Each local educational
3 agency using funds under this part or title III
4 to provide a language instruction educational
5 program as determined under title III shall, not
6 later than 30 days after the beginning of the
7 school year, inform parents of an English learn-
8 er identified for participation or participating in
9 such a program, of—

10 “(i) the reasons for the identification
11 of their child as an English learner and in
12 need of placement in a language instruc-
13 tion educational program;

14 “(ii) the child’s level of English pro-
15 ficiency, how such level was assessed, and
16 the status of the child’s academic achieve-
17 ment;

18 “(iii) the methods of instruction used
19 in the program in which their child is, or
20 will be, participating and the methods of
21 instruction used in other available pro-
22 grams, including how such programs differ
23 in content, instructional goals, and the use
24 of English and a native language in in-
25 struction;

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

5 “(v) how such program will specifi-
6 cally help their child learn English and
7 meet age-appropriate academic achieve-
8 ment standards for grade promotion and
9 graduation;

10 “(vi) the specific exit requirements for
11 the program, including the expected rate of
12 transition from such program into class-
13 rooms that are not tailored for English
14 learners, and the expected rate of gradua-
15 tion from high school (including four-year
16 adjusted cohort graduation rates and ex-
17 tended-year adjusted cohort graduation
18 rates for such program) if funds under this
19 part are used for children in high schools;

20 “(vii) in the case of a child with a dis-
21 ability, how such program meets the objec-
22 tives of the individualized education pro-
23 gram of the child, as described in section
24 614(d) of the Individuals with Disabilities
25 Education Act (20 U.S.C. 1414(d)); and

1 “(viii) information pertaining to pa-
2 rental rights that includes written guid-
3 ance—

4 “(I) detailing the right that par-
5 ents have to have their child imme-
6 diately removed from such program
7 upon their request;

8 “(II) detailing the options that
9 parents have to decline to enroll their
10 child in such program or to choose an-
11 other program or method of instruc-
12 tion, if available; and

13 “(III) assisting parents in select-
14 ing among various programs and
15 methods of instruction, if more than 1
16 program or method is offered by the
17 eligible entity.

18 “(B) SPECIAL RULE APPLICABLE DURING
19 THE SCHOOL YEAR.—For those children who
20 have not been identified as English learners
21 prior to the beginning of the school year but are
22 identified as English learners during such
23 school year, the local educational agency shall
24 notify the children’s parents during the first 2
25 weeks of the child being placed in a language

1 instruction educational program consistent with
2 subparagraph (A).

3 “(C) PARENTAL PARTICIPATION.—

4 “(i) IN GENERAL.—Each local edu-
5 cational agency receiving funds under this
6 part shall implement an effective means of
7 outreach to parents of English learners to
8 inform the parents regarding how the par-
9 ents can—

10 “(I) be involved in the education
11 of their children; and

12 “(II) be active participants in as-
13 sisting their children to—

14 “(aa) attain English pro-
15 ficiency;

16 “(bb) achieve at high levels
17 within a well-rounded education;
18 and

19 “(cc) meet the challenging
20 State academic standards ex-
21 pected of all students.

22 “(ii) REGULAR MEETINGS.—Imple-
23 menting an effective means of outreach to
24 parents under clause (i) shall include hold-
25 ing, and sending notice of opportunities

1 for, regular meetings for the purpose of
2 formulating and responding to rec-
3 ommendations from parents of students
4 assisted under this part or title III.

5 “(D) BASIS FOR ADMISSION OR EXCLU-
6 SION.—A student shall not be admitted to, or
7 excluded from, any federally assisted education
8 program on the basis of a surname or language-
9 minority status.

10 “(4) NOTICE AND FORMAT.—The notice and in-
11 formation provided to parents under this subsection
12 shall be in an understandable and uniform format
13 and, to the extent practicable, provided in a lan-
14 guage that the parents can understand.”.

15 **SEC. 1007. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

16 Section 1113 (20 U.S.C. 6313) is amended—

17 (1) in subsection (a)—

18 (A) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) RANKING ORDER.—

21 “(A) RANKING.—Except as provided in
22 subparagraph (B), if funds allocated in accord-
23 ance with subsection (c) are insufficient to serve
24 all eligible school attendance areas, a local edu-
25 cational agency shall—

1 “(i) annually rank, without regard to
2 grade spans, such agency’s eligible school
3 attendance areas in which the concentra-
4 tion of children from low-income families
5 exceeds 75 percent from highest to lowest
6 according to the percentage of children
7 from low-income families; and

8 “(ii) serve such eligible school attend-
9 ance areas in rank order.

10 “(B) EXCEPTION.—A local educational
11 agency may lower the threshold in subpara-
12 graph (A)(i) to 50 percent for high schools
13 served by such agency.”; and

14 (B) by striking paragraph (5) and insert-
15 ing the following:

16 “(5) MEASURES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), a local educational agency
19 shall use the same measure of poverty, which
20 measure shall be the number of children aged
21 5 through 17 in poverty counted in the most re-
22 cent census data approved by the Secretary, the
23 number of children eligible for a free or reduced
24 price lunch under the Richard B. Russell Na-
25 tional School Lunch Act (42 U.S.C. 1751 et

1 seq.), the number of children in families receiv-
2 ing assistance under the State program funded
3 under part A of title IV of the Social Security
4 Act, or the number of children eligible to re-
5 ceive medical assistance under the Medicaid
6 Program, or a composite of such indicators,
7 with respect to all school attendance areas in
8 the local educational agency—

9 “(i) to identify eligible school attend-
10 ance areas;

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

13 “(iii) to determine allocations under
14 subsection (c).

15 “(B) SECONDARY SCHOOLS.—For meas-
16 uring the number of students in low-income
17 families in secondary schools, the local edu-
18 cational agency shall use the same measure of
19 poverty, which shall be—

20 “(i) the measure described under sub-
21 paragraph (A); or

22 “(ii) subject to meeting the conditions
23 of subparagraph (C), an accurate estimate
24 of the number of students in low-income
25 families in a secondary school that is cal-

1 culated by applying the average percentage
2 of students in low-income families of the
3 elementary school attendance areas as cal-
4 culated under subparagraph (A) that feed
5 into the secondary school to the number of
6 students enrolled in such school.

7 “(C) MEASURE OF POVERTY.—The local
8 educational agency shall have the option to use
9 the measure of poverty described in subpara-
10 graph (B)(ii) after—

11 “(i) conducting outreach to secondary
12 schools within such agency to inform such
13 schools of the option to use such measure;
14 and

15 “(ii) a majority of such schools have
16 approved the use of such measure.”;

17 (2) in subsection (b)(1)(D)(i), by striking “sec-
18 tion 1120A(c)” and inserting “section 1118(c)”; and

19 (3) in subsection (c)—

20 (A) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) RESERVATION OF FUNDS.—

23 “(A) IN GENERAL.—A local educational
24 agency shall reserve such funds as are nec-
25 essary under this part, determined in accord-

1 ance with subparagraphs (B) and (C), to pro-
2 vide services comparable to those provided to
3 children in schools funded under this part to
4 serve—

5 “(i) homeless children and youths, in-
6 cluding providing educationally related
7 support services to children in shelters and
8 other locations where children may live;

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

11 “(iii) if appropriate, children in local
12 institutions for delinquent children, and
13 neglected or delinquent children in commu-
14 nity day programs.

15 “(B) METHOD OF DETERMINATION.—The
16 share of funds determined under subparagraph
17 (A) shall be determined—

18 “(i) based on the total allocation re-
19 ceived by the local educational agency; and

20 “(ii) prior to any allowable expendi-
21 tures or transfers by the local educational
22 agency.

23 “(C) HOMELESS CHILDREN AND
24 YOUTHS.—Funds reserved under subparagraph
25 (A)(i) may be—

1 “(i) determined based on a needs as-
2 sessment of homeless children and youths
3 in the local educational agency, taking into
4 consideration the number and needs of
5 homeless children and youths in the local
6 educational agency, and which needs as-
7 sessment may be the same needs assess-
8 ment as conducted under section 723(b)(1)
9 of the McKinney-Vento Homeless Assist-
10 ance Act (42 U.S.C. 11433(b)(1)); and

11 “(ii) used to provide homeless children
12 and youths with services not ordinarily
13 provided to other students under this part,
14 including providing—

15 “(I) funding for the liaison des-
16 ignated pursuant to section
17 722(g)(1)(J)(ii) of such Act (42
18 U.S.C. 11432(g)(1)(J)(ii)); and

19 “(II) transportation pursuant to
20 section 722(g)(1)(J)(iii) of such Act
21 (42 U.S.C. 11432(g)(1)(J)(iii)).”;

22 (B) in paragraph (4), by striking “school
23 improvement, corrective action, and restruc-
24 turing under section 1116(b)” and inserting
25 “comprehensive support and improvement ac-

1 activities or targeted support and improvement
2 activities under section 1111(d)”; and

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

4 “(5) EARLY CHILDHOOD EDUCATION.—A local
5 educational agency may reserve funds made avail-
6 able to carry out this section to provide early child-
7 hood education programs for eligible children.”.

8 **SEC. 1008. SCHOOLWIDE PROGRAMS.**

9 Section 1114 (20 U.S.C. 6314) is amended—

10 (1) by striking subsection (a) and inserting the
11 following:

12 “(a) IN GENERAL.—

13 “(1) USE OF FUNDS FOR SCHOOLWIDE PRO-
14 GRAMS.—

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

1 “(B) EXCEPTION.—A school that serves an
2 eligible school attendance area in which less
3 than 40 percent of the children are from low-
4 income families, or a school for which less than
5 40 percent of the children enrolled in the school
6 are from such families, may operate a
7 schoolwide program under this section if the
8 school receives a waiver from the State edu-
9 cational agency to do so, after taking into ac-
10 count how a schoolwide program will best serve
11 the needs of the students in the school served
12 under this part in improving academic achieve-
13 ment and other factors.

14 “(2) IDENTIFICATION OF STUDENTS NOT RE-
15 QUIRED.—

16 “(A) IN GENERAL.—No school partici-
17 pating in a schoolwide program shall be re-
18 quired to identify—

19 “(i) particular children under this
20 part as eligible to participate in a
21 schoolwide program; or

22 “(ii) individual services as supple-
23 mentary.

24 “(B) SUPPLEMENTAL FUNDS.—In accord-
25 ance with the method of determination de-

1 scribed in section 1118(b)(2), a school partici-
2 pating in a schoolwide program shall use funds
3 available to carry out this section only to sup-
4 plement the amount of funds that would, in the
5 absence of funds under this part, be made
6 available from non-Federal sources for the
7 school, including funds needed to provide serv-
8 ices that are required by law for children with
9 disabilities and English learners.

10 “(3) EXEMPTION FROM STATUTORY AND REGU-
11 LATORY REQUIREMENTS.—

12 “(A) EXEMPTION.—Except as provided in
13 paragraph (2), the Secretary may, through pub-
14 lication of a notice in the Federal Register, ex-
15 empt schoolwide programs under this section
16 from statutory or regulatory provisions of any
17 other noncompetitive formula grant program
18 administered by the Secretary (other than for-
19 mula or discretionary grant programs under the
20 Individuals with Disabilities Education Act (20
21 U.S.C. 1400 et seq.), except as provided in sec-
22 tion 613(a)(2)(D) of such Act (20 U.S.C.
23 1413(a)(2)(D))), or any discretionary grant
24 program administered by the Secretary, to sup-

1 port schoolwide programs if the intent and pur-
2 poses of such other programs are met.

3 “(B) REQUIREMENTS.—A school that
4 chooses to use funds from such other programs
5 shall not be relieved of the requirements relat-
6 ing to health, safety, civil rights, student and
7 parental participation and involvement, services
8 to private school children, comparability of serv-
9 ices, maintenance of effort, uses of Federal
10 funds to supplement, not supplant non-Federal
11 funds (in accordance with the method of deter-
12 mination described in section 1118)(b)(2)), or
13 the distribution of funds to State educational
14 agencies or local educational agencies that
15 apply to the receipt of funds from such pro-
16 grams.

17 “(C) RECORDS.—A school that chooses to
18 consolidate and use funds from different Fed-
19 eral programs under this section shall not be
20 required to maintain separate fiscal accounting
21 records, by program, that identify the specific
22 activities supported by those particular funds as
23 long as the school maintains records that dem-
24 onstrate that the schoolwide program, consid-
25 ered as a whole, addresses the intent and pur-

1 poses of each of the Federal programs that
2 were consolidated to support the schoolwide
3 program.”;

4 (2) by striking subsection (b) and inserting the
5 following:

6 “(b) SCHOOLWIDE PROGRAM PLAN.—An eligible
7 school operating a schoolwide program shall develop a
8 comprehensive plan (or amend a plan for such a program
9 that was in existence on the day before the date of the
10 enactment of the Every Student Succeeds Act) that—

11 “(1) is developed during a 1-year period, un-
12 less—

13 “(A) the local educational agency deter-
14 mines, in consultation with the school, that less
15 time is needed to develop and implement the
16 schoolwide program; or

17 “(B) the school is operating a schoolwide
18 program on the day before the date of the en-
19 actment of the Every Student Succeeds Act, in
20 which case such school may continue to operate
21 such program, but shall develop amendments to
22 its existing plan during the first year of assist-
23 ance after that date to reflect the provisions of
24 this section;

1 “(2) is developed with the involvement of par-
2 ents and other members of the community to be
3 served and individuals who will carry out such plan,
4 including teachers, principals, other school leaders,
5 paraprofessionals present in the school, administra-
6 tors (including administrators of programs described
7 in other parts of this title), the local educational
8 agency, to the extent feasible, tribes and tribal orga-
9 nizations present in the community, and, if appro-
10 priate, specialized instructional support personnel,
11 technical assistance providers, school staff, if the
12 plan relates to a secondary school, students, and
13 other individuals determined by the school;

14 “(3) remains in effect for the duration of the
15 school’s participation under this part, except that
16 the plan and its implementation shall be regularly
17 monitored and revised as necessary based on student
18 needs to ensure that all students are provided oppor-
19 tunities to meet the challenging State academic
20 standards;

21 “(4) is available to the local educational agency,
22 parents, and the public, and the information con-
23 tained in such plan shall be in an understandable
24 and uniform format and, to the extent practicable,

1 provided in a language that the parents can under-
2 stand; and

3 “(5) if appropriate and applicable, is developed
4 in coordination and integration with other Federal,
5 State, and local services, resources, and programs,
6 such as programs supported under this Act, violence
7 prevention programs, nutrition programs, housing
8 programs, Head Start programs, adult education
9 programs, career and technical education programs,
10 and schools implementing comprehensive support
11 and improvement activities or targeted support and
12 improvement activities under section 1111(d);

13 “(6) is based on a comprehensive needs assess-
14 ment of the entire school that takes into account in-
15 formation on the academic achievement of children
16 in relation to the challenging State academic stand-
17 ards, particularly the needs of those children who
18 are failing, or are at-risk of failing, to meet the chal-
19 lenging State academic standards and any other fac-
20 tors as determined by the local educational agency;
21 and

22 “(7) includes a description of—

23 “(A) the strategies that the school will be
24 implementing to address school needs, including
25 a description of how such strategies will—

1 “(i) provide opportunities for all chil-
2 dren, including each of the subgroups of
3 students (as defined in section 1111(c)(2))
4 to meet the challenging State academic
5 standards;

6 “(ii) use methods and instructional
7 strategies that strengthen the academic
8 program in the school, increase the amount
9 and quality of learning time, and help pro-
10 vide an enriched and accelerated cur-
11 riculum, which may include programs, ac-
12 tivities, and courses necessary to provide a
13 well-rounded education; and

14 “(iii) address the needs of all children
15 in the school, but particularly the needs of
16 those at risk of not meeting the chal-
17 lenging State academic standards, through
18 activities which may include—

19 “(I) counseling, school-based
20 mental health programs, specialized
21 instructional support services, men-
22 toring services, and other strategies to
23 improve students’ skills outside the
24 academic subject areas;

1 “(II) preparation for and aware-
2 ness of opportunities for postsec-
3 ondary education and the workforce,
4 which may include career and tech-
5 nical education programs and broad-
6 ening secondary school students’ ac-
7 cess to coursework to earn postsec-
8 ondary credit while still in high school
9 (such as Advanced Placement, Inter-
10 national Baccalaureate, dual or con-
11 current enrollment, or early college
12 high schools);

13 “(III) implementation of a
14 schoolwide tiered model to prevent
15 and address problem behavior, and
16 early intervening services, coordinated
17 with similar activities and services
18 carried out under the Individuals with
19 Disabilities Education Act (20 U.S.C.
20 1400 et seq.);

21 “(IV) professional development
22 and other activities for teachers, para-
23 professionals, and other school per-
24 sonnel to improve instruction and use
25 of data from academic assessments,

1 and to recruit and retain effective
2 teachers, particularly in high-need
3 subjects; and

4 “(V) strategies for assisting pre-
5 school children in the transition from
6 early childhood education programs to
7 local elementary school programs; and

8 “(B) if programs are consolidated, the spe-
9 cific State educational agency and local edu-
10 cational agency programs and other Federal
11 programs that will be consolidated in the
12 schoolwide program.”;

13 (3) by striking subsection (c) and inserting the
14 following:

15 “(c) PRESCHOOL PROGRAMS.—A school that oper-
16 ates a schoolwide program under this section may use
17 funds available under this part to establish or enhance
18 preschool programs for children who are under 6 years
19 of age.

20 “(d) DELIVERY OF SERVICES.—The services of a
21 schoolwide program under this section may be delivered
22 by nonprofit or for-profit external providers with expertise
23 in using evidence-based or other effective strategies to im-
24 prove student achievement.

1 “(e) USE OF FUNDS FOR DUAL OR CONCURRENT
2 ENROLLMENT PROGRAMS.—

3 “(1) IN GENERAL.—A secondary school oper-
4 ating a schoolwide program under this section may
5 use funds received under this part to operate dual
6 or concurrent enrollment programs that address the
7 needs of low-achieving secondary school students and
8 those at risk of not meeting the challenging State
9 academic standards.

10 “(2) FLEXIBILITY OF FUNDS.—A secondary
11 school using funds received under this part for a
12 dual or concurrent enrollment program described in
13 paragraph (1) may use such funds for any of the
14 costs associated with such program, including the
15 costs of—

16 “(A) training for teachers, and joint pro-
17 fessional development for teachers in collabora-
18 tion with career and technical educators and
19 educators from institutions of higher education,
20 where appropriate, for the purpose of inte-
21 grating rigorous academics in such program;

22 “(B) tuition and fees, books, required in-
23 structional materials for such program, and in-
24 novative delivery methods; and

1 “(C) transportation to and from such pro-
2 gram.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to impose on any
5 State any requirement or rule regarding dual or con-
6 current enrollment programs that is inconsistent
7 with State law.”.

8 **SEC. 1009. TARGETED ASSISTANCE SCHOOLS.**

9 Section 1115 (20 U.S.C. 6315) is amended—

10 (1) by striking subsection (a) and inserting the
11 following:

12 “(a) IN GENERAL.—In all schools selected to receive
13 funds under section 1113(c) that are ineligible for a
14 schoolwide program under section 1114, have not received
15 a waiver under section 1114(a)(1)(B) to operate such a
16 schoolwide program, or choose not to operate such a
17 schoolwide program, a local educational agency serving
18 such school may use funds received under this part only
19 for programs that provide services to eligible children
20 under subsection (c) identified as having the greatest need
21 for special assistance.”;

22 (2) by redesignating subsections (b) and (c) as
23 subsections (c) and (b), respectively, and moving
24 those redesignated subsections so as to appear in al-
25 phabetical order;

1 (3) by striking subsection (b), as redesignated
2 by paragraph (2), and inserting the following:

3 “(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—

4 To assist targeted assistance schools and local educational
5 agencies to meet their responsibility to provide for all their
6 students served under this part the opportunity to meet
7 the challenging State academic standards, each targeted
8 assistance program under this section shall—

9 “(1) determine which students will be served;

10 “(2) serve participating students identified as
11 eligible children under subsection (c), including by—

12 “(A) using resources under this part to
13 help eligible children meet the challenging State
14 academic standards, which may include pro-
15 grams, activities, and academic courses nec-
16 essary to provide a well-rounded education;

17 “(B) using methods and instructional
18 strategies to strengthen the academic program
19 of the school through activities, which may in-
20 clude—

21 “(i) expanded learning time, before-
22 and after-school programs, and summer
23 programs and opportunities; and

24 “(ii) a schoolwide tiered model to pre-
25 vent and address behavior problems, and

1 early intervening services, coordinated with
2 similar activities and services carried out
3 under the Individuals with Disabilities
4 Education Act (20 U.S.C. 1400 et seq.);

5 “(C) coordinating with and supporting the
6 regular education program, which may include
7 services to assist preschool children in the tran-
8 sition from early childhood education programs
9 such as Head Start, the literacy program under
10 subpart 2 of part B of title II, or State-run pre-
11 school programs to elementary school programs;

12 “(D) providing professional development
13 with resources provided under this part, and, to
14 the extent practicable, from other sources, to
15 teachers, principals, other school leaders, para-
16 professionals, and, if appropriate, specialized in-
17 structional support personnel, and other school
18 personnel who work with eligible children in
19 programs under this section or in the regular
20 education program;

21 “(E) implementing strategies to increase
22 the involvement of parents of eligible children in
23 accordance with section 1116; and

24 “(F) if appropriate and applicable, coordi-
25 nating and integrating Federal, State, and local

1 services and programs, such as programs sup-
2 ported under this Act, violence prevention pro-
3 grams, nutrition programs, housing programs,
4 Head Start programs, adult education pro-
5 grams, career and technical education pro-
6 grams, and comprehensive support and im-
7 provement activities or targeted support and
8 improvement activities under section 1111(d);
9 and

10 “(G) provide to the local educational agen-
11 cy assurances that the school will—

12 “(i) help provide an accelerated, high-
13 quality curriculum;

14 “(ii) minimize the removal of children
15 from the regular classroom during regular
16 school hours for instruction provided under
17 this part; and

18 “(iii) on an ongoing basis, review the
19 progress of eligible children and revise the
20 targeted assistance program under this
21 section, if necessary, to provide additional
22 assistance to enable such children to meet
23 the challenging State academic stand-
24 ards.”;

1 (4) in subsection (c), as redesignated by para-
2 graph (2)—

3 (A) in paragraph (1)(B)—

4 (i) by striking “the State’s challenging
5 student academic achievement standards”
6 and inserting “the challenging State aca-
7 demic standards”; and

8 (ii) by striking “such criteria as
9 teacher judgment, interviews with parents,
10 and developmentally appropriate meas-
11 ures” and inserting “criteria, including ob-
12 jective criteria, established by the local
13 educational agency and supplemented by
14 the school”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking
17 “limited English proficient children” and
18 inserting “English learners”;

19 (ii) in subparagraph (B)—

20 (I) by striking the heading and
21 inserting “HEAD START AND PRE-
22 SCHOOL CHILDREN”; and

23 (II) by striking “Head Start,
24 Even Start, or Early Reading First
25 program,” and inserting “Head Start

- 1 program, the literacy program under
2 subpart 2 of part B of title II,”; and
3 (iii) in subparagraph (C), by striking
4 the heading and inserting “MIGRANT CHIL-
5 DREN”;
- 6 (5) in subsection (e)—
- 7 (A) in paragraph (2)(B)—
- 8 (i) by striking “and” at the end of
9 clause (ii);
- 10 (ii) by redesignating clause (iii) as
11 clause (v); and
- 12 (iii) by inserting after clause (ii) the
13 following new clauses:
- 14 “(iii) family support and engagement
15 services;
- 16 “(iv) integrated student supports;
17 and”;
- 18 (iv) in clause (v), as redesignated by
19 clause (iii), by striking “pupil services”
20 and inserting “specialized instructional
21 support”; and
- 22 (B) by striking paragraph (3); and
- 23 (6) by adding at the end the following:
- 24 “(f) USE OF FUNDS FOR DUAL OR CONCURRENT EN-
25 ROLLMENT PROGRAMS.—A secondary school operating a

1 targeted assistance program under this section may use
2 funds received under this part to provide dual or concur-
3 rent enrollment program services described under section
4 1114(e) to eligible children under subsection (c)(1)(B)
5 who are identified as having the greatest need for special
6 assistance.

7 “(g) PROHIBITION.—Nothing in this section shall be
8 construed to authorize the Secretary or any other officer
9 or employee of the Federal Government to require a local
10 educational agency or school to submit the results of a
11 comprehensive needs assessment or plan under section
12 1114(b), or a program described in subsection (b), for re-
13 view or approval by the Secretary.

14 “(h) DELIVERY OF SERVICES.—The services of a tar-
15 geted assistance program under this section may be deliv-
16 ered by nonprofit or for-profit external providers with ex-
17 pertise in using evidence-based or other effective strategies
18 to improve student achievement.”.

19 **SEC. 1010. PARENT AND FAMILY ENGAGEMENT.**

20 Section 1116, as redesignated by section 1000(2), is
21 amended—

22 (1) in the section heading, by striking “**PAREN-**
23 **TAL INVOLVEMENT**” and inserting “**PARENT AND**
24 **FAMILY ENGAGEMENT**”;

25 (2) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by inserting “conducts outreach to
3 all parents and family members and” after
4 “only if such agency”; and

5 (ii) by inserting “and family mem-
6 bers” after “and procedures for the in-
7 volvement of parents”;

8 (B) in paragraph (2)—

9 (i) in the matter preceding subpara-
10 graph (A)—

11 (I) by inserting “and family
12 members” after “, and distribute to,
13 parents”;

14 (II) by striking “written parent
15 involvement policy” and inserting
16 “written parent and family engage-
17 ment policy”; and

18 (III) by striking “expectations
19 for parent involvement” and inserting
20 “expectations and objectives for mean-
21 ingful parent and family involve-
22 ment”; and

23 (ii) by striking subparagraphs (A)
24 through (F) and inserting the following:

1 “(A) involve parents and family members
2 in jointly developing the local educational agen-
3 cy plan under section 1112, and the develop-
4 ment of support and improvement plans under
5 paragraphs (1) and (2) of section 1111(d).

6 “(B) provide the coordination, technical as-
7 sistance, and other support necessary to assist
8 and build the capacity of all participating
9 schools within the local educational agency in
10 planning and implementing effective parent and
11 family involvement activities to improve student
12 academic achievement and school performance,
13 which may include meaningful consultation with
14 employers, business leaders, and philanthropic
15 organizations, or individuals with expertise in
16 effectively engaging parents and family mem-
17 bers in education;

18 “(C) coordinate and integrate parent and
19 family engagement strategies under this part
20 with parent and family engagement strategies,
21 to the extent feasible and appropriate, with
22 other relevant Federal, State, and local laws
23 and programs;

24 “(D) conduct, with the meaningful involve-
25 ment of parents and family members, an annual

1 evaluation of the content and effectiveness of
2 the parent and family engagement policy in im-
3 proving the academic quality of all schools
4 served under this part, including identifying—

5 “(i) barriers to greater participation
6 by parents in activities authorized by this
7 section (with particular attention to par-
8 ents who are economically disadvantaged,
9 are disabled, have limited English pro-
10 ficiency, have limited literacy, or are of any
11 racial or ethnic minority background);

12 “(ii) the needs of parents and family
13 members to assist with the learning of
14 their children, including engaging with
15 school personnel and teachers; and

16 “(iii) strategies to support successful
17 school and family interactions;

18 “(E) use the findings of such evaluation in
19 subparagraph (D) to design evidence-based
20 strategies for more effective parental involve-
21 ment, and to revise, if necessary, the parent
22 and family engagement policies described in this
23 section; and

24 “(F) involve parents in the activities of the
25 schools served under this part, which may in-

1 clude establishing a parent advisory board com-
2 prised of a sufficient number and representative
3 group of parents or family members served by
4 the local educational agency to adequately rep-
5 resent the needs of the population served by
6 such agency for the purposes of developing, re-
7 vising, and reviewing the parent and family en-
8 gagement policy.”; and

9 (C) in paragraph (3)—

10 (i) by striking subparagraph (A) and
11 inserting the following:

12 “(A) IN GENERAL.—Each local educational
13 agency shall reserve at least 1 percent of its al-
14 location under subpart 2 to assist schools to
15 carry out the activities described in this section,
16 except that this subparagraph shall not apply if
17 1 percent of such agency’s allocation under sub-
18 part 2 for the fiscal year for which the deter-
19 mination is made is \$5,000 or less. Nothing in
20 this subparagraph shall be construed to limit
21 local educational agencies from reserving more
22 than 1 percent of its allocation under subpart
23 2 to assist schools to carry out activities de-
24 scribed in this section.”;

1 (ii) in subparagraph (B), by striking
2 “(B) PARENTAL INPUT.—Parents of chil-
3 dren” and inserting “(B) PARENT AND
4 FAMILY MEMBER INPUT.—Parents and
5 family members of children”;

6 (iii) in subparagraph (C)—

7 (I) by striking “95 percent” and
8 inserting “90 percent”; and

9 (II) by inserting “, with priority
10 given to high-need schools” after
11 “schools served under this part”; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(D) USE OF FUNDS.—Funds reserved
15 under subparagraph (A) by a local educational
16 agency shall be used to carry out activities and
17 strategies consistent with the local educational
18 agency’s parent and family engagement policy,
19 including not less than 1 of the following:

20 “(i) Supporting schools and nonprofit
21 organizations in providing professional de-
22 velopment for local educational agency and
23 school personnel regarding parent and
24 family engagement strategies, which may
25 be provided jointly to teachers, principals,

1 other school leaders, specialized instruc-
2 tional support personnel, paraprofessionals,
3 early childhood educators, and parents and
4 family members.

5 “(ii) Supporting programs that reach
6 parents and family members at home, in
7 the community, and at school.

8 “(iii) Disseminating information on
9 best practices focused on parent and family
10 engagement, especially best practices for
11 increasing the engagement of economically
12 disadvantaged parents and family mem-
13 bers.

14 “(iv) Collaborating, or providing sub-
15 grants to schools to enable such schools to
16 collaborate, with community-based or other
17 organizations or employers with a record of
18 success in improving and increasing parent
19 and family engagement.

20 “(v) Engaging in any other activities
21 and strategies that the local educational
22 agency determines are appropriate and
23 consistent with such agency’s parent and
24 family engagement policy.”;

25 (3) in subsection (b)—

1 (A) in the subsection heading, by striking
2 “PARENTAL INVOLVEMENT POLICY” and in-
3 sserting “PARENT AND FAMILY ENGAGEMENT
4 POLICY”;

5 (B) in paragraph (1)—

6 (i) by inserting “and family members”
7 after “distribute to, parents”; and

8 (ii) by striking “written parental in-
9 volvement policy” and inserting “written
10 parent and family engagement policy”;

11 (C) in paragraph (2)—

12 (i) by striking “parental involvement
13 policy” and inserting “parent and family
14 engagement policy”; and

15 (ii) by inserting “and family mem-
16 bers” after “that applies to all parents”;
17 and

18 (D) in paragraph (3)—

19 (i) by striking “parental involvement
20 policy” and inserting “parent and family
21 engagement policy”; and

22 (ii) by inserting “and family members
23 in all schools served by the local edu-
24 cational agency” after “policy that applies
25 to all parents”;

1 (4) in subsection (c)—

2 (A) in paragraph (3)—

3 (i) by striking “parental involvement
4 policy” and inserting “parent and family
5 engagement policy”; and

6 (ii) by striking “1114(b)(2)” and in-
7 serting “1114(b)”;

8 (B) in paragraph (4)(B), by striking “the
9 proficiency levels students are expected to
10 meet” and inserting “the achievement levels of
11 the challenging State academic standards”; and

12 (C) in paragraph (5), by striking
13 “1114(b)(2)” and inserting “1114(b)”;

14 (5) in subsection (d)—

15 (A) in the matter preceding paragraph (1),
16 by striking “parental involvement policy” and
17 inserting “parent and family engagement pol-
18 icy”;

19 (B) in paragraph (1)—

20 (i) by striking “the State’s student
21 academic achievement standards” and in-
22 serting “the challenging State academic
23 standards”; and

1 (ii) by striking “, such as monitoring
2 attendance, homework completion, and tel-
3 evision watching”; and

4 (C) in paragraph (2)—

5 (i) in subparagraph (B), by striking
6 “and” after the semicolon;

7 (ii) in subparagraph (C), by striking
8 the period and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(D) ensuring regular two-way, meaningful
12 communication between family members and
13 school staff, and, to the extent practicable, in a
14 language that family members can under-
15 stand.”;

16 (6) in subsection (e)—

17 (A) in paragraph (1), by striking “the
18 State’s academic content standards and State
19 student academic achievement standards” and
20 inserting “the challenging State academic
21 standards”;

22 (B) in paragraph (2), by striking “tech-
23 nology” and inserting “technology (including
24 education about the harms of copyright pi-
25 racy)”;

1 (C) in paragraph (3), by striking “pupil
2 services personnel, principals” and inserting
3 “specialized instructional support personnel,
4 principals, and other school leaders”; and

5 (D) in paragraph (4), by striking “Head
6 Start, Reading First, Early Reading First,
7 Even Start, the Home Instruction Programs for
8 Preschool Youngsters, the Parents as Teachers
9 Program, and public preschool and other pro-
10 grams,” and inserting “other Federal, State,
11 and local programs, including public preschool
12 programs,”;

13 (7) by striking subsection (f) and inserting the
14 following:

15 “(f) ACCESSIBILITY.—In carrying out the parent and
16 family engagement requirements of this part, local edu-
17 cational agencies and schools, to the extent practicable,
18 shall provide opportunities for the informed participation
19 of parents and family members (including parents and
20 family members who have limited English proficiency, par-
21 ents and family members with disabilities, and parents
22 and family members of migratory children), including pro-
23 viding information and school reports required under sec-
24 tion 1111 in a format and, to the extent practicable, in
25 a language such parents understand.”;

1 (8) by striking subsection (g) and inserting the
2 following:

3 “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-
4 GRAMS.—In a State operating a program under part E
5 of title IV, each local educational agency or school that
6 receives assistance under this part shall inform parents
7 and organizations of the existence of the program.”; and
8 (9) in subsection (h), by striking “parental in-
9 volvement policies” and inserting “parent and family
10 engagement policies”.

11 **SEC. 1011. PARTICIPATION OF CHILDREN ENROLLED IN**
12 **PRIVATE SCHOOLS.**

13 Section 1117, as redesignated by section 1000(3), is
14 amended—

15 (1) in subsection (a)—

16 (A) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) IN GENERAL.—To the extent consistent
19 with the number of eligible children identified under
20 section 1115(c) in the school district served by a
21 local educational agency who are enrolled in private
22 elementary schools and secondary schools, a local
23 educational agency shall—

24 “(A) after timely and meaningful consulta-
25 tion with appropriate private school officials,

1 provide such children, on an equitable basis and
2 individually or in combination, as requested by
3 the officials to best meet the needs of such chil-
4 dren, special educational services, instructional
5 services (including evaluations to determine the
6 progress being made in meeting such students'
7 academic needs), counseling, mentoring, one-on-
8 one tutoring, or other benefits under this part
9 (such as dual or concurrent enrollment, edu-
10 cational radio and television, computer equip-
11 ment and materials, other technology, and mo-
12 bile educational services and equipment) that
13 address their needs; and

14 “(B) ensure that teachers and families of
15 the children participate, on an equitable basis,
16 in services and activities developed pursuant to
17 section 1116.”;

18 (B) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) EQUITY.—

21 “(A) IN GENERAL.—Educational services
22 and other benefits for such private school chil-
23 dren shall be equitable in comparison to serv-
24 ices and other benefits for public school chil-

1 dren participating under this part, and shall be
2 provided in a timely manner.

3 “(B) OMBUDSMAN.—To help ensure such
4 equity for such private school children, teach-
5 ers, and other educational personnel, the State
6 educational agency involved shall designate an
7 ombudsman to monitor and enforce the require-
8 ments of this part.”;

9 (C) by striking paragraph (4) and insert-
10 ing the following:

11 “(4) EXPENDITURES.—

12 “(A) DETERMINATION.—

13 “(i) IN GENERAL.—Expenditures for
14 educational services and other benefits to
15 eligible private school children shall be
16 equal to the proportion of funds allocated
17 to participating school attendance areas
18 based on the number of children from low-
19 income families who attend private schools.

20 “(ii) PROPORTIONAL SHARE.—The
21 proportional share of funds shall be deter-
22 mined based on the total amount of funds
23 received by the local educational agency
24 under this part prior to any allowable ex-

1 penditures or transfers by the local edu-
2 cational agency.

3 “(B) OBLIGATION OF FUNDS.—Funds allo-
4 cated to a local educational agency for edu-
5 cational services and other benefits to eligible
6 private school children shall be obligated in the
7 fiscal year for which the funds are received by
8 the agency.

9 “(C) NOTICE OF ALLOCATION.—Each
10 State educational agency shall provide notice in
11 a timely manner to the appropriate private
12 school officials in the State of the allocation of
13 funds for educational services and other bene-
14 fits under this part that the local educational
15 agencies have determined are available for eligi-
16 ble private school children.

17 “(D) TERM OF DETERMINATION.—The
18 local educational agency may determine the eq-
19 uitable share under subparagraph (A) each year
20 or every 2 years.”; and

21 (D) in paragraph (5), by striking “agency”
22 and inserting “agency, or, in a case described
23 in subsection (b)(6)(C), the State educational
24 agency involved,”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “part,” and insert-
4 ing “part. Such agency and private school
5 officials shall both have the goal of reach-
6 ing agreement on how to provide equitable
7 and effective programs for eligible private
8 school children, the results of which agree-
9 ment shall be transmitted to the ombuds-
10 man designated under subsection
11 (a)(3)(B). Such process shall include con-
12 sultation”;

13 (ii) in subparagraph (E)—

14 (I) by striking “and” before “the
15 proportion of funds”;

16 (II) by striking “(a)(4)” and in-
17 serting “(a)(4)(A)” ; and

18 (III) by inserting “, and how that
19 proportion of funds is determined”
20 after “such services”;

21 (iii) in subparagraph (G), by striking
22 “and” after the semicolon;

23 (iv) in subparagraph (H), by striking
24 the period at the end and inserting a semi-
25 colon; and

1 (v) by adding at the end the following:

2 “(I) whether the agency shall provide serv-
3 ices directly or provide services through a sepa-
4 rate government agency, consortium, entity, or
5 third-party contractor;

6 “(J) whether to provide equitable services
7 to eligible private school children—

8 “(i) by creating a pool or pools of
9 funds with all of the funds allocated under
10 subsection (a)(4)(A) based on all the chil-
11 dren from low-income families in a partici-
12 pating school attendance area who attend
13 private schools; or

14 “(ii) in the agency’s participating
15 school attendance area who attend private
16 schools with the proportion of funds allo-
17 cated under subsection (a)(4)(A) based on
18 the number of children from low-income
19 families who attend private schools;

20 “(K) when, including the approximate time
21 of day, services will be provided; and

22 “(L) whether to consolidate and use funds
23 provided under subsection (a)(4) in coordina-
24 tion with eligible funds available for services to
25 private school children under applicable pro-

1 grams, as defined in section 8501(b)(1) to pro-
2 vide services to eligible private school children
3 participating in programs.”;

4 (B) by redesignating paragraphs (2)
5 through (5) as paragraphs (3) through (6), re-
6 spectively;

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) DISAGREEMENT.—If a local educational
10 agency disagrees with the views of private school of-
11 ficials with respect to an issue described in para-
12 graph (1), the local educational agency shall provide
13 in writing to such private school officials the reasons
14 why the local educational agency disagrees.”;

15 (D) in paragraph (5) (as redesignated by
16 subparagraph (B))—

17 (i) by inserting “meaningful” before
18 “consultation” in the first sentence;

19 (ii) by inserting “The written affirma-
20 tion shall provide the option for private
21 school officials to indicate such officials’
22 belief that timely and meaningful consulta-
23 tion has not occurred or that the program
24 design is not equitable with respect to eli-

1 gible private school children.” after “oc-
2 curred.”; and

3 (iii) by striking “has taken place” and
4 inserting “has, or attempts at such con-
5 sultation have, taken place”; and

6 (E) in paragraph (6) (as redesignated by
7 subparagraph (B))—

8 (i) in subparagraph (A)—

9 (I) by striking “right to complain
10 to” and inserting “right to file a com-
11 plaint with”;

12 (II) by inserting “asserting”
13 after “State educational agency”;

14 (III) by striking “or” before “did
15 not give due consideration”; and

16 (IV) by inserting “, or did not
17 make a decision that treats the pri-
18 vate school students equitably as re-
19 quired by this section” before the pe-
20 riod at the end;

21 (ii) in subparagraph (B), by striking
22 “to complain,” and inserting “to file a
23 complaint,”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(C) STATE EDUCATIONAL AGENCIES.—A
2 State educational agency shall provide services
3 under this section directly or through contracts
4 with public or private agencies, organizations,
5 or institutions, if the appropriate private school
6 officials have—

7 “(i) requested that the State edu-
8 cational agency provide such services di-
9 rectly; and

10 “(ii) demonstrated that the local edu-
11 cational agency involved has not met the
12 requirements of this section in accordance
13 with the procedures for making such a re-
14 quest, as prescribed by the State edu-
15 cational agency.”;

16 (3) in subsection (c)(2), by striking “section
17 9505” and inserting “section 8503”; and

18 (4) in subsection (e)(2), by striking “sections
19 9503 and 9504” and inserting “sections 8503 and
20 8504”.

21 **SEC. 1012. SUPPLEMENT, NOT SUPPLANT.**

22 Section 1118, as redesignated by section 1000(4), is
23 amended—

24 (1) in subsection (a), by striking “section
25 9521” and inserting “section 8521”; and

1 (2) by striking subsection (b) and inserting the
2 following:

3 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
4 PLANT, NON-FEDERAL FUNDS.—

5 “(1) IN GENERAL.—A State educational agency
6 or local educational agency shall use Federal funds
7 received under this part only to supplement the
8 funds that would, in the absence of such Federal
9 funds, be made available from State and local
10 sources for the education of students participating in
11 programs assisted under this part, and not to sup-
12 plant such funds.

13 “(2) COMPLIANCE.—To demonstrate compli-
14 ance with paragraph (1), a local educational agency
15 shall demonstrate that the methodology used to allo-
16 cate State and local funds to each school receiving
17 assistance under this part ensures that such school
18 receives all of the State and local funds it would oth-
19 erwise receive if it were not receiving assistance
20 under this part.

21 “(3) SPECIAL RULE.—No local educational
22 agency shall be required to—

23 “(A) identify that an individual cost or
24 service supported under this part is supple-
25 mental; or

1 “(B) provide services under this part
2 through a particular instructional method or in
3 a particular instructional setting in order to
4 demonstrate such agency’s compliance with
5 paragraph (1).

6 “(4) PROHIBITION.—Nothing in this section
7 shall be construed to authorize or permit the Sec-
8 retary to prescribe the specific methodology a local
9 educational agency uses to allocate State and local
10 funds to each school receiving assistance under this
11 part.

12 “(5) TIMELINE.—A local educational agency—

13 “(A) shall meet the compliance require-
14 ment under paragraph (2) not later than 2
15 years after the date of enactment of the Every
16 Student Succeeds Act; and

17 “(B) may demonstrate compliance with the
18 requirement under paragraph (1) before the
19 end of such 2-year period using the method
20 such local educational agency used on the day
21 before the date of enactment of the Every Stu-
22 dent Succeeds Act.”.

23 **SEC. 1013. COORDINATION REQUIREMENTS.**

24 Section 1119, as redesignated by section 1000(5), is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “such as the Early Reading
3 First program”; and

4 (B) by adding at the end the following new
5 sentence: “Each local educational agency shall
6 develop agreements with such Head Start agen-
7 cies and other entities to carry out such activi-
8 ties.”; and

9 (2) in subsection (b)—

10 (A) in the matter preceding paragraph (1),
11 by striking “early childhood development pro-
12 grams, such as the Early Reading First pro-
13 gram,” and inserting “early childhood edu-
14 cation programs”;

15 (B) in paragraph (1), by striking “early
16 childhood development program such as the
17 Early Reading First program” and inserting
18 “early childhood education program”;

19 (C) in paragraph (2), by striking “early
20 childhood development programs such as the
21 Early Reading First program” and inserting
22 “early childhood education programs”;

23 (D) in paragraph (3), by striking “early
24 childhood development programs such as the

1 Early Reading First program” and inserting
2 “early childhood education programs”;

3 (E) in paragraph (4)—

4 (i) by striking “Early Reading First
5 program staff,”; and

6 (ii) by striking “early childhood devel-
7 opment program” and inserting “early
8 childhood education program”; and

9 (F) in paragraph (5), by striking “and en-
10 tities carrying out Early Reading First pro-
11 grams”.

12 **SEC. 1014. GRANTS FOR THE OUTLYING AREAS AND THE**
13 **SECRETARY OF THE INTERIOR.**

14 Section 1121 (20 U.S.C. 6331) is amended to read
15 as follows:

16 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
17 **SECRETARY OF THE INTERIOR.**

18 “(a) RESERVATION OF FUNDS.—Subject to sub-
19 section (e), from the amount appropriated for payments
20 to States for any fiscal year under section 1002(a), the
21 Secretary shall—

22 “(1) reserve 0.4 percent to provide assistance to
23 the outlying areas in accordance with subsection (b);
24 and

1 “(2) reserve 0.7 percent to provide assistance to
2 the Secretary of the Interior in accordance with sub-
3 section (d).

4 “(b) ASSISTANCE TO OUTLYING AREAS.—

5 “(1) FUNDS RESERVED.—From the amount
6 made available for any fiscal year under subsection
7 (a)(1), the Secretary shall—

8 “(A) first reserve \$1,000,000 for the Re-
9 public of Palau, until Palau enters into an
10 agreement for extension of United States edu-
11 cational assistance under the Compact of Free
12 Association, and subject to such terms and con-
13 ditions as the Secretary may establish, except
14 that Public Law 95–134, permitting the con-
15 solidation of grants, shall not apply; and

16 “(B) use the remaining funds to award
17 grants to the outlying areas in accordance with
18 paragraphs (2) through (5).

19 “(2) AMOUNT OF GRANTS.—The Secretary shall
20 allocate the amount available under paragraph
21 (1)(B) to the outlying areas in proportion to their
22 relative numbers of children, aged 5 to 17, inclusive,
23 from families below the poverty level, on the basis of
24 the most recent satisfactory data available from the
25 Department of Commerce.

1 “(3) HOLD-HARMLESS AMOUNTS.—For each
2 fiscal year, the amount made available to each out-
3 lying area under this subsection shall be—

4 “(A) not less than 95 percent of the
5 amount made available for the preceding fiscal
6 year if the number of children counted under
7 paragraph (2) is not less than 30 percent of the
8 total number of children aged 5 to 17 years, in-
9 clusive, in the outlying area;

10 “(B) not less than 90 percent of the
11 amount made available for the preceding fiscal
12 year if the percentage described in subpara-
13 graph (A) is between 15 percent and 30 per-
14 cent; and

15 “(C) not less than 85 percent of the
16 amount made available for the preceding fiscal
17 year if the percentage described in subpara-
18 graph (A) is below 15 percent.

19 “(4) RATABLE REDUCTIONS.—If the amount
20 made available under paragraph (1)(B) for any fis-
21 cal year is insufficient to pay the full amounts that
22 the outlying areas are eligible to receive under para-
23 graphs (2) and (3) for that fiscal year, the Secretary
24 shall ratably reduce those amounts.

1 “(5) USES.—Grant funds awarded under para-
2 graph (1)(A) may be used only—

3 “(A) for programs described in this Act,
4 including teacher training, curriculum develop-
5 ment, instructional materials, or general school
6 improvement and reform; and

7 “(B) to provide direct educational services
8 that assist all students with meeting the chal-
9 lenging State academic standards.

10 “(c) DEFINITIONS.—For the purpose of this section,
11 the term ‘outlying area’ means the United States Virgin
12 Islands, Guam, American Samoa, and the Commonwealth
13 of the Northern Mariana Islands.

14 “(d) ALLOTMENT TO THE SECRETARY OF THE INTE-
15 RIOR.—

16 “(1) IN GENERAL.—The amount allotted for
17 payments to the Secretary of the Interior under sub-
18 section (a)(2) for any fiscal year shall be used, in ac-
19 cordance with such criteria as the Secretary may es-
20 tablish, to meet the unique educational needs of—

21 “(A) Indian children on reservations served
22 by elementary schools and secondary schools for
23 Indian children operated or supported by the
24 Department of the Interior; and

1 “(B) out-of-State Indian children in ele-
2 mentary schools and secondary schools in local
3 educational agencies under special contracts
4 with the Department of the Interior.

5 “(2) PAYMENTS.—From the amount allotted
6 for payments to the Secretary of the Interior under
7 subsection (a)(2), the Secretary of the Interior shall
8 make payments to local educational agencies, on
9 such terms as the Secretary determines will best
10 carry out the purposes of this part, with respect to
11 out-of-State Indian children described in paragraph
12 (1). The amount of such payment may not exceed,
13 for each such child, the greater of—

14 “(A) 40 percent of the average per-pupil
15 expenditure in the State in which the agency is
16 located; or

17 “(B) 48 percent of such expenditure in the
18 United States.

19 “(e) LIMITATION ON APPLICABILITY.—If, by reason
20 of the application of subsection (a) for any fiscal year, the
21 total amount available for allocation to all States under
22 this part would be less than the amount allocated to all
23 States for fiscal year 2016 under this part, the Secretary
24 shall provide assistance to the outlying areas and the Sec-
25 retary of the Interior in accordance with this section, as

1 in effect on the day before the date of enactment of the
2 Every Student Succeeds Act.”.

3 **SEC. 1015. ALLOCATIONS TO STATES.**

4 Section 1122(a) (20 U.S.C. 6332(a)) is amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “2002–2007” and inserting “2017–2020”;
7 and

8 (2) by striking paragraph (3) and inserting the
9 following:

10 “(3) an amount equal to 100 percent of the
11 amount, if any, by which the total amount made
12 available under this subsection for the current fiscal
13 year for which the determination is made exceeds
14 the total amount available to carry out sections 1124
15 and 1124A for fiscal year 2001 shall be used to
16 carry out sections 1125 and 1125A and such
17 amount shall be divided equally between sections
18 1125 and 1125A.”.

19 **SEC. 1016. ADEQUACY OF FUNDING RULE.**

20 Section 1125AA (20 U.S.C. 6336) is amended by
21 striking the section heading and all that follows through
22 “Pursuant” and inserting the following: “ADEQUACY OF
23 FUNDING TO LOCAL EDUCATIONAL AGENCIES IN FISCAL
24 YEARS AFTER FISCAL YEAR 2001.—Pursuant”.

1 **SEC. 1017. EDUCATION FINANCE INCENTIVE GRANT PRO-**
2 **GRAM.**

3 Section 1125A (20 U.S.C. 6337) is amended—

4 (1) in subsection (a), by striking “funds appro-
5 priated under subsection (f)” and inserting “funds
6 made available under section 1122(a)”;

7 (2) in subsection (b)(1)—

8 (A) in subparagraph (A), by striking “ap-
9 propriated pursuant to subsection (f)” and in-
10 serting “made available for any fiscal year to
11 carry out this section”; and

12 (B) in subparagraph (B)(i), by striking
13 “total appropriations” and inserting “the total
14 amount reserved under section 1122(a) to carry
15 out this section”;

16 (3) in subsection (c), by redesignating subpara-
17 graphs (A) and (B) as paragraphs (1) and (2), re-
18 spectively;

19 (4) in subsection (d)(1)(A)(ii), by striking
20 “clause “(i)” and inserting “clause (i)”;

21 (5) by striking subsection (e) and inserting the
22 following:

23 “(e) MAINTENANCE OF EFFORT.—

24 “(1) IN GENERAL.—A State is entitled to re-
25 ceive its full allotment of funds under this section
26 for any fiscal year if the Secretary finds that the

1 State's fiscal effort per student or the aggregate ex-
2 penditures of the State with respect to the provision
3 of free public education by the State for the pre-
4 ceding fiscal year was not less than 90 percent of
5 the fiscal effort or aggregate expenditures for the
6 second preceding fiscal year, subject to the require-
7 ments of paragraph (2).

8 “(2) REDUCTION IN CASE OF FAILURE TO
9 MEET.—

10 “(A) IN GENERAL.—The Secretary shall
11 reduce the amount of the allotment of funds
12 under this section for any fiscal year in the
13 exact proportion by which a State fails to meet
14 the requirement of paragraph (1) by falling
15 below 90 percent of both the fiscal effort per
16 student and aggregate expenditures (using the
17 measure most favorable to the State), if such
18 State has also failed to meet such requirement
19 (as determined using the measure most favor-
20 able to the State) for 1 or more of the 5 imme-
21 diately preceding fiscal years.

22 “(B) SPECIAL RULE.—No such lesser
23 amount shall be used for computing the effort
24 required under paragraph (1) for subsequent
25 years.

1 “(3) WAIVER.—The Secretary may waive the
2 requirements of this subsection if the Secretary de-
3 termines that a waiver would be equitable due to—

4 “(A) exceptional or uncontrollable cir-
5 cumstances, such as a natural disaster or a
6 change in the organizational structure of the
7 State; or

8 “(B) a precipitous decline in the financial
9 resources of the State.”;

10 (6) by striking subsection (f);

11 (7) by redesignating subsection (g) as sub-
12 section (f); and

13 (8) in subsection (f), as redesignated by para-
14 graph (7)—

15 (A) in paragraph (1), by striking “under
16 this section” and inserting “to carry out this
17 section”; and

18 (B) in paragraph (3), in the matter pre-
19 ceding subparagraph (A), by striking “shall be”
20 and inserting “shall be—”.