

1                   **TITLE VIII—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 8001. GENERAL PROVISIONS.**

4           (a) **TITLE IX REDESIGNATIONS.**—Title IX (20  
5 U.S.C. 7801 et seq.) (as amended by sections 2001 and  
6 4001 of this Act) is redesignated as title VIII and further  
7 amended—

8               (1) by redesignating sections 9101 through  
9               9103 as sections 8101 through 8103, respectively;

10              (2) by redesignating sections 9201 through  
11              9204 as sections 8201 through 8204, respectively;

12              (3) by redesignating sections 9301 through  
13              9306 as sections 8301 through 8306, respectively;

14              (4) by redesignating section 9401 as section  
15              8401;

16              (5) by redesignating sections 9501 through  
17              9506 as sections 8501 through 8506, respectively;

18              (6) by redesignating sections 9521 through  
19              9537 as sections 8521 through 8537, respectively;

20              (7) by redesignating sections 9541 through  
21              9548 as sections 8551 through 8558, respectively;

22              (8) by redesignating section 9551 as 8561;

1           (9) by redesignating sections 9561 through  
2           9564 as sections 8571 through 8574, respectively;  
3           and

4           (10) by redesignating section 9601 as section  
5           8601.

6           (b) STRUCTURAL AND CONFORMING AMEND-  
7           MENTS.—Title VIII (as redesignated by subsection (a) of  
8           this section) is further amended—

9           (1) by redesignating parts E and F as parts F  
10          and G, respectively;

11          (2) by striking “9305” each place it appears  
12          and inserting “8305”;

13          (3) by striking “9302” each place it appears  
14          and inserting “8302”; and

15          (4) by striking “9501” each place it appears  
16          and inserting “8501”.

17       **SEC. 8002. DEFINITIONS.**

18          Section 8101, as redesignated and amended by sec-  
19          tion 8001 of this Act, is further amended—

20          (1) by striking paragraphs (3), (11), (19), (23),  
21          (35), (36), (37), and (42);

22          (2) by redesignating paragraphs (4) through  
23          (10) as paragraphs (3) through (9), respectively;

24          (3) by redesignating paragraphs (12) through  
25          (16) as paragraphs (10) through (14), respectively;

1           (4) by redesignating paragraphs (17) and (18)  
2 as paragraphs (18) and (19), respectively;

3           (5) by redesignating paragraph (20) as para-  
4 graph (24);

5           (6) by redesignating paragraph (25) as para-  
6 graph (20) and transferring such paragraph so as to  
7 follow paragraph (19) (as redesignated by paragraph  
8 (4));

9           (7) by redesignating paragraphs (21) and (22)  
10 as paragraphs (26) and (27), respectively;

11          (8) by redesignating paragraph (24) as para-  
12 graph (29);

13          (9) by redesignating paragraphs (26) and (27)  
14 as paragraphs (30) and (31), respectively;

15          (10) by redesignating paragraphs (28) through  
16 (30) as paragraphs (34) through (36), respectively;

17          (11) by redesignating paragraphs (31) and (32)  
18 as paragraphs (38) and (39), respectively;

19          (12) by redesignating paragraphs (33) and (34)  
20 as paragraphs (41) and (42), respectively;

21          (13) by redesignating paragraphs (38) and (39)  
22 as paragraphs (45) and (46), respectively;

23          (14) by redesignating paragraph (41) as para-  
24 graph (49);

1           (15) by redesignating paragraph (43) as para-  
2 graph (50);

3           (16) by striking paragraphs (11) and (12) (as  
4 redesignated by paragraph (3)) and inserting the  
5 following:

6           “(11) COVERED PROGRAM.—The term ‘covered  
7 program’ means each of the programs authorized  
8 by—

9                   “(A) part A of title I;

10                   “(B) part C of title I;

11                   “(C) part D of title I;

12                   “(D) part A of title II;

13                   “(E) part A of title III;

14                   “(F) part A of title IV;

15                   “(G) part B of title IV; and

16                   “(H) subpart 2 of part B of title V.

17           “(12) CURRENT EXPENDITURES.—The term  
18 ‘current expenditures’ means expenditures for free  
19 public education—

20                   “(A) including expenditures for adminis-  
21 tration, instruction, attendance and health serv-  
22 ices, pupil transportation services, operation  
23 and maintenance of plant, fixed charges, and  
24 net expenditures to cover deficits for food serv-  
25 ices and student body activities; but

1           “(B) not including expenditures for com-  
2           munity services, capital outlay, and debt serv-  
3           ice, or any expenditures made from funds re-  
4           ceived under title I.”;

5           (17) by inserting after paragraph (14) (as re-  
6           designated by paragraph (3)) the following:

7           “(15) DUAL OR CONCURRENT ENROLLMENT  
8           PROGRAM.—The term ‘dual or concurrent enrollment  
9           program’ means a program offered by a partnership  
10          between at least one institution of higher education  
11          and at least one local educational agency through  
12          which a secondary school student who has not grad-  
13          uated from high school with a regular high school di-  
14          ploma is able to enroll in one or more postsecondary  
15          courses and earn postsecondary credit that—

16                 “(A) is transferable to the institutions of  
17                 higher education in the partnership; and

18                 “(B) applies toward completion of a degree  
19                 or recognized educational credential as de-  
20                 scribed in the Higher Education Act of 1965  
21                 (20 U.S.C. 1001 et seq.).

22           “(16) EARLY CHILDHOOD EDUCATION PRO-  
23           GRAM.—The term ‘early childhood education pro-  
24           gram’ has the meaning given the term in section 103

1 of the Higher Education Act of 1965 (20 U.S.C.  
2 1003).

3 “(17) EARLY COLLEGE HIGH SCHOOL.—The  
4 term ‘early college high school’ means a partnership  
5 between at least one local educational agency and at  
6 least one institution of higher education that allows  
7 participants to simultaneously complete require-  
8 ments toward earning a regular high school diploma  
9 and earn not less than 12 credits that are transfer-  
10 able to the institutions of higher education in the  
11 partnership as part of an organized course of study  
12 toward a postsecondary degree or credential at no  
13 cost to the participant or participant’s family.”;

14 (18) in paragraph (20) (as redesignated and  
15 transferred by paragraph (6))—

16 (A) in the paragraph heading, by striking  
17 “LIMITED ENGLISH PROFICIENT” and inserting  
18 “ENGLISH LEARNER”;

19 (B) in the matter preceding subparagraph  
20 (A), by striking “limited English proficient”  
21 and inserting “English learner”; and

22 (C) in subparagraph (D)(i), by striking  
23 “State’s proficient level of achievement on State  
24 assessments described in section 1111(b)(3)”

1           and inserting “challenging State academic  
2           standards”;

3           (19) by inserting after paragraph (20) (as re-  
4           designated and transferred by paragraph (6)), the  
5           following:

6           “(21) EVIDENCE-BASED.—

7                   “(A) IN GENERAL.—Except as provided in  
8                   subparagraph (B), the term ‘evidence-based’,  
9                   when used with respect to a State, local edu-  
10                  cational agency, or school activity, means an ac-  
11                  tivity, strategy, or intervention that—

12                           “(i) demonstrates a statistically sig-  
13                           nificant effect on improving student out-  
14                           comes or other relevant outcomes based  
15                           on—

16                                   “(I) strong evidence from at least  
17                                   1 well-designed and well-implemented  
18                                   experimental study;

19                                   “(II) moderate evidence from at  
20                                   least 1 well-designed and well-imple-  
21                                   mented quasi-experimental study; or

22                                   “(III) promising evidence from at  
23                                   least 1 well-designed and well-imple-  
24                                   mented correlational study with statis-  
25                                   tical controls for selection bias; or

1           “(ii)(I) demonstrates a rationale  
2           based on high-quality research findings or  
3           positive evaluation that such activity, strat-  
4           egy, or intervention is likely to improve  
5           student outcomes or other relevant out-  
6           comes; and

7                       “(II) includes ongoing efforts to  
8                       examine the effects of such activity,  
9                       strategy, or intervention.

10           “(B) DEFINITION FOR SPECIFIC ACTIVI-  
11           TIES FUNDED UNDER THIS ACT.—When used  
12           with respect to interventions or improvement  
13           activities or strategies funded under section  
14           1003, the term ‘evidence-based’ means a State,  
15           local educational agency, or school activity,  
16           strategy, or intervention that meets the require-  
17           ments of subclause (I), (II), or (III) of subpara-  
18           graph (A)(i).

19           “(22) EXPANDED LEARNING TIME.—The term  
20           ‘expanded learning time’ means using a longer  
21           school day, week, or year schedule to significantly  
22           increase the total number of school hours, in order  
23           to include additional time for—

24                       “(A) activities and instruction for enrich-  
25                       ment as part of a well-rounded education; and



1           “(B) instructional and support staff to col-  
2           laborate, plan, and engage in professional devel-  
3           opment (including professional development on  
4           family and community engagement) within and  
5           across grades and subjects.

6           “(23) EXTENDED-YEAR ADJUSTED COHORT  
7           GRADUATION RATE.—

8           “(A) IN GENERAL.—The term ‘extended-  
9           year adjusted cohort graduation rate’ means the  
10          fraction—

11           “(i) the denominator of which consists  
12           of the number of students who form the  
13           original cohort of entering first-time stu-  
14           dents in grade 9 enrolled in the high school  
15           no later than the date by which student  
16           membership data must be collected annu-  
17           ally by State educational agencies for sub-  
18           mission to the National Center for Edu-  
19           cation Statistics under section 153 of the  
20           Education Sciences Reform Act of 2002  
21           (20 U.S.C. 9543), adjusted by—

22           “(I) adding the students who  
23           joined that cohort, after the date of  
24           the determination of the original co-  
25           hort; and

1                   “(II) subtracting only those stu-  
2 dents who left that cohort, after the  
3 date of the determination of the origi-  
4 nal cohort, as described in subpara-  
5 graph (B); and

6                   “(ii) the numerator of which—

7                   “(I) consists of the sum of—

8                   “(aa) the number of stu-  
9 dents in the cohort, as adjusted  
10 under clause (i), who earned a  
11 regular high school diploma be-  
12 fore, during, or at the conclusion  
13 of—

14                   “(AA) one or more ad-  
15 ditional years beyond the  
16 fourth year of high school;  
17 or

18                   “(BB) a summer ses-  
19 sion immediately following  
20 the additional year of high  
21 school; and

22                   “(bb) all students with the  
23 most significant cognitive disabil-  
24 ities in the cohort, as adjusted  
25 under clause (i), assessed using

1 the alternate assessment aligned  
2 to alternate academic achieve-  
3 ment standards under section  
4 1111(b)(2)(D) and awarded a  
5 State-defined alternate diploma  
6 that is—

7 “(AA) standards-based;  
8 “(BB) aligned with the  
9 State requirements for the  
10 regular high school diploma;  
11 and

12 “(CC) obtained within  
13 the time period for which  
14 the State ensures the avail-  
15 ability of a free appropriate  
16 public education under sec-  
17 tion 612(a)(1) of the Indi-  
18 viduals with Disabilities  
19 Education Act (20 U.S.C.  
20 1412(a)(1)); and

21 “(II) shall not include any stu-  
22 dent awarded a recognized equivalent  
23 of a diploma, such as a general  
24 equivalency diploma, certificate of

1 completion, certificate of attendance,  
2 or similar lesser credential.

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

11 “(C) TRANSFERRED OUT.— For purposes  
12 of this paragraph, the term ‘transferred out’  
13 has the meaning given the term in clauses (i),  
14 (ii), and (iii) of paragraph (25)(C).

15 “(D) SPECIAL RULES.—

16 “(i) SCHOOLS STARTING AFTER  
17 GRADE 9.—For those high schools that  
18 start after grade 9, the original cohort  
19 shall be calculated for the earliest high  
20 school grade students attend no later than  
21 the date by which student membership  
22 data is collected annually by State edu-  
23 cational agencies for submission to the Na-  
24 tional Center for Education Statistics pur-  
25 suant to section 153 of the Education

1 Sciences Reform Act of 2002 (20 U.S.C.  
2 9543).

3 “(ii) VERY SMALL SCHOOLS.—A State  
4 educational agency may calculate the ex-  
5 tended year adjusted cohort graduation  
6 rate described under this paragraph for a  
7 high school with an average enrollment  
8 over a 4-year period of less than 100 stu-  
9 dents for the purposes of section  
10 1111(c)(4) by—

11 “(I) averaging the extended-year  
12 adjusted cohort graduation rate of the  
13 school over a period of three years; or

14 “(II) establishing a minimum  
15 number of students that must be in-  
16 cluded in the cohort described in  
17 clause (i) of subparagraph (A) that  
18 will provide a valid graduation rate  
19 calculation as determined by the Sec-  
20 retary, below which the school shall be  
21 exempt from differentiation and iden-  
22 tification under such section.”;

23 (20) by inserting after paragraph (24) (as re-  
24 designated by paragraph (5)) the following:

1           “(25) FOUR-YEAR ADJUSTED COHORT GRADUA-  
2           TION RATE.—

3           “(A) IN GENERAL.—The term ‘four-year  
4           adjusted cohort graduation rate’ means the  
5           fraction—

6                   “(i) the denominator of which consists  
7                   of the number of students who form the  
8                   original cohort of entering first-time stu-  
9                   dents in grade 9 enrolled in the high school  
10                  no later than the date by which student  
11                  membership data is collected annually by  
12                  State educational agencies for submission  
13                  to the National Center for Education Sta-  
14                  tistics pursuant to section 153 of the Edu-  
15                  cation Sciences Reform Act of 2002 (20  
16                  U.S.C. 9543), adjusted by—

17                           “(I) adding the students who  
18                           joined that cohort, after the date of  
19                           the determination of the original co-  
20                           hort; and

21                           “(II) subtracting only those stu-  
22                           dents who left that cohort, after the  
23                           date of the determination of the origi-  
24                           nal cohort, as described in subpara-  
25                           graph (B); and

1 “(ii) the numerator of which—  
2 “(I) consists of the sum of—  
3 “(aa) the number of stu-  
4 dents in the cohort, as adjusted  
5 under clause (i), who earned a  
6 regular high school diploma be-  
7 fore, during, or at the conclusion  
8 of—  
9 “(AA) the fourth year  
10 of high school; or  
11 “(BB) a summer ses-  
12 sion immediately following  
13 the fourth year of high  
14 school; and  
15 “(bb) all students with the  
16 most significant cognitive disabil-  
17 ities in the cohort, as adjusted  
18 under clause (i), assessed using  
19 the alternate assessment aligned  
20 to alternate academic achieve-  
21 ment standards under section  
22 1111(b)(2)(D) and awarded a  
23 State-defined alternate diploma  
24 that is—  
25 “(AA) standards-based;

1 “(BB) aligned with the  
2 State requirements for the  
3 regular high school diploma;  
4 and

5 “(CC) obtained within  
6 the time period for which  
7 the State ensures the avail-  
8 ability of a free appropriate  
9 public education under sec-  
10 tion 612(a)(1) of the Indi-  
11 viduals with Disabilities  
12 Education Act (20 U.S.C.  
13 1412(a)(1); and

14 “(II) shall not include any stu-  
15 dent awarded a recognized equivalent  
16 of a diploma, such as a general  
17 equivalency diploma, certificate of  
18 completion, certificate of attendance,  
19 or similar lesser credential.

20 “(B) COHORT REMOVAL.—To remove a  
21 student from a cohort, a school or local edu-  
22 cational agency shall require documentation, or  
23 obtain documentation from the State edu-  
24 cational agency, to confirm that the student has  
25 transferred out, emigrated to another country,



1 or transferred to a prison or juvenile facility, or  
2 is deceased.

3 “(C) TRANSFERRED OUT.—

4 “(i) IN GENERAL.—For purposes of  
5 this paragraph, the term ‘transferred out’  
6 means that a student, as confirmed by the  
7 high school or local educational agency in  
8 accordance with clause (ii), has transferred  
9 to—

10 “(I) another school from which  
11 the student is expected to receive a  
12 regular high school diploma; or

13 “(II) another educational pro-  
14 gram from which the student is ex-  
15 pected to receive a regular high school  
16 diploma or an alternate diploma that  
17 meets the requirements of subpara-  
18 graph (A)(ii)(I)(bb).

19 “(ii) CONFIRMATION REQUIRE-  
20 MENTS.—

21 “(I) DOCUMENTATION RE-  
22 QUIRED.—The confirmation of a stu-  
23 dent’s transfer to another school or  
24 educational program described in  
25 clause (i) requires documentation of

1           such transfer from the receiving  
2           school or program in which the stu-  
3           dent enrolled.

4                   “(II) LACK OF CONFIRMATION.—  
5           A student who was enrolled in a high  
6           school, but for whom there is no con-  
7           firmation of the student having trans-  
8           ferred out, shall remain in the ad-  
9           justed cohort.

10                   “(iii) PROGRAMS NOT PROVIDING  
11           CREDIT.—Except as provided in subpara-  
12           graph (A)(ii)(I)(bb), a student who is re-  
13           tained in grade or who is enrolled in a pro-  
14           gram leading to a general equivalency di-  
15           ploma, or other alternative educational  
16           program that does not issue or provide  
17           credit toward the issuance of a regular  
18           high school diploma, shall not be consid-  
19           ered transferred out and shall remain in  
20           the adjusted cohort.

21                   “(D) SPECIAL RULES.—

22                   “(i) SCHOOLS STARTING AFTER  
23           GRADE 9.—For those high schools that  
24           start after grade 9, the original cohort  
25           shall be calculated for the earliest high

1 school grade students attend no later than  
2 the date by which student membership  
3 data must be collected annually by State  
4 educational agencies for submission to the  
5 National Center for Education Statistics  
6 pursuant to section 153 of the Education  
7 Sciences Reform Act of 2002 (20 U.S.C.  
8 9543).

9 “(ii) VERY SMALL SCHOOLS.—A State  
10 educational agency may calculate the four-  
11 year adjusted cohort graduation rate de-  
12 scribed under this paragraph for a high  
13 school with an average enrollment over a  
14 4-year period of less than 100 students for  
15 the purposes of section 1111(c)(4) by—

16 “(I) averaging the four-year ad-  
17 justed cohort graduation rate of the  
18 school over a period of three years; or

19 “(II) establishing a minimum  
20 number of students that must be in-  
21 cluded in the cohort described in  
22 clause (i) of subparagraph (A) that  
23 will provide a valid graduation rate  
24 calculation as determined by the Sec-  
25 retary, below which the school shall be

1 exempt from differentiation and iden-  
2 tification under such section.”;

3 (21) by inserting after paragraph (27) (as re-  
4 designated by paragraph (7)) the following:

5 “(28) HIGH SCHOOL.—The term ‘high school’  
6 means a secondary school that—

7 “(A) grants a diploma, as defined by the  
8 State; and

9 “(B) includes, at least, grade 12.”;

10 (22) in paragraph (30) (as redesignated by  
11 paragraph (9)), in subparagraph (C)—

12 (A) by striking the subparagraph designa-  
13 tion and heading and inserting “(C) BUREAU  
14 OF INDIAN EDUCATION SCHOOLS.—”; and

15 (B) by striking “Affairs” both places the  
16 term appears and inserting “Education”;

17 (23) by inserting after paragraph (31) (as re-  
18 designated by paragraph (9)) the following:

19 “(32) MIDDLE GRADES.—The term middle  
20 grades means any of grades 5 through 8.

21 “(33) MULTI-TIER SYSTEM OF SUPPORTS.—The  
22 term ‘multi-tier system of supports’ means a com-  
23 prehensive continuum of evidence-based, systemic  
24 practices to support a rapid response to students’

1 needs, with regular observation to facilitate data-  
2 based instructional decisionmaking.”;

3 (24) in paragraph (35) (as redesignated by  
4 paragraph (10)), by striking “pupil services” and in-  
5 serting “specialized instructional support”;

6 (25) by striking paragraph (36) (as redesign-  
7 ated by paragraph (10)) and inserting the fol-  
8 lowing:

9 “(36) OUTLYING AREA.—The term ‘outlying  
10 area’—

11 “(A) means American Samoa, the Com-  
12 monwealth of the Northern Mariana Islands,  
13 Guam, and the United States Virgin Islands;

14 “(B) means the Republic of Palau, to the  
15 extent permitted under section 105(f)(1)(B)(ix)  
16 of the Compact of Free Association Amend-  
17 ments Act of 2003 (Public Law 108-188; 117  
18 Stat. 2751) and until an agreement for the ex-  
19 tension of United States education assistance  
20 under the Compact of Free Association becomes  
21 effective for the Republic of Palau; and

22 “(C) for the purpose of any discretionary  
23 grant program under this Act, includes the Re-  
24 public of the Marshall Islands and the Fed-  
25 erated States of Micronesia, to the extent per-

1           mitted under section 105(f)(1)(B)(viii) of the  
2           Compact of Free Association Amendments Act  
3           of 2003 (Public Law 108–188; 117 Stat.  
4           2751).”;

5           (26) by inserting after paragraph (36) (as re-  
6           designated by paragraph 10), the following:

7           “(37) PARAPROFESSIONAL.—The term ‘para-  
8           professional’, also known as a ‘paraeducator’, in-  
9           cludes an education assistant and instructional as-  
10          sistant.”;

11          (27) in paragraph (39) (as redesignated by  
12          paragraph (11))—

13               (A) in subparagraph (C), by inserting  
14               “and” after the semicolon; and

15               (B) in subparagraph (D), by striking “sec-  
16               tion 1118” and inserting “section 1116”;

17          (28) by inserting after paragraph (39) (as re-  
18          designated by paragraph (11)) the following:

19          “(40) PAY FOR SUCCESS INITIATIVE.—The  
20          term ‘pay for success initiative’ means a perform-  
21          ance-based grant, contract, or cooperative agreement  
22          awarded by a public entity in which a commitment  
23          is made to pay for improved outcomes that result in  
24          social benefit and direct cost savings or cost avoid-

1           ance to the public sector. Such an initiative shall in-  
2           clude—

3                   “(A) a feasibility study on the initiative de-  
4                   scribing how the proposed intervention is based  
5                   on evidence of effectiveness;

6                   “(B) a rigorous, third-party evaluation  
7                   that uses experimental or quasi-experimental  
8                   design or other research methodologies that  
9                   allow for the strongest possible causal infer-  
10                  ences to determine whether the initiative has  
11                  met its proposed outcomes;

12                  “(C) an annual, publicly available report  
13                  on the progress of the initiative; and

14                  “(D) a requirement that payments are  
15                  made to the recipient of a grant, contract, or  
16                  cooperative agreement only when agreed upon  
17                  outcomes are achieved, except that the entity  
18                  may make payments to the third party con-  
19                  ducting the evaluation described in subpara-  
20                  graph (B).”;

21                  (29) by striking paragraph (42) (as redesign-  
22                  nated by paragraph (12)) and inserting the fol-  
23                  lowing:

1           “(42) PROFESSIONAL DEVELOPMENT.—The  
2 term ‘professional development’ means activities  
3 that—

4           “(A) are an integral part of school and  
5 local educational agency strategies for providing  
6 educators (including teachers, principals, other  
7 school leaders, specialized instructional support  
8 personnel, paraprofessionals, and, as applicable,  
9 early childhood educators) with the knowledge  
10 and skills necessary to enable students to suc-  
11 ceed in a well-rounded education and to meet  
12 the challenging State academic standards; and

13           “(B) are sustained (not stand-alone, 1-day,  
14 or short term workshops), intensive, collabo-  
15 rative, job-embedded, data-driven, and class-  
16 room-focused, and may include activities that—

17           “(i) improve and increase teachers’—

18           “(I) knowledge of the academic  
19 subjects the teachers teach;

20           “(II) understanding of how stu-  
21 dents learn; and

22           “(III) ability to analyze student  
23 work and achievement from multiple  
24 sources, including how to adjust in-



1 instructional strategies, assessments,  
2 and materials based on such analysis;

3 “(ii) are an integral part of broad  
4 schoolwide and districtwide educational im-  
5 provement plans;

6 “(iii) allow personalized plans for each  
7 educator to address the educator’s specific  
8 needs identified in observation or other  
9 feedback;

10 “(iv) improve classroom management  
11 skills;

12 “(v) support the recruitment, hiring,  
13 and training of effective teachers, including  
14 teachers who became certified through  
15 State and local alternative routes to certifi-  
16 cation;

17 “(vi) advance teacher understanding  
18 of—

19 “(I) effective instructional strate-  
20 gies that are evidence-based; and

21 “(II) strategies for improving  
22 student academic achievement or sub-  
23 stantially increasing the knowledge  
24 and teaching skills of teachers;

1           “(vii) are aligned with, and directly  
2           related to, academic goals of the school or  
3           local educational agency;

4           “(viii) are developed with extensive  
5           participation of teachers, principals, other  
6           school leaders, parents, representatives of  
7           Indian tribes (as applicable), and adminis-  
8           trators of schools to be served under this  
9           Act;

10          “(ix) are designed to give teachers of  
11          English learners, and other teachers and  
12          instructional staff, the knowledge and  
13          skills to provide instruction and appro-  
14          priate language and academic support  
15          services to those children, including the ap-  
16          propriate use of curricula and assessments;

17          “(x) to the extent appropriate, provide  
18          training for teachers, principals, and other  
19          school leaders in the use of technology (in-  
20          cluding education about the harms of copy-  
21          right piracy), so that technology and tech-  
22          nology applications are effectively used in  
23          the classroom to improve teaching and  
24          learning in the curricula and academic  
25          subjects in which the teachers teach;

1           “(xi) as a whole, are regularly evalu-  
2           ated for their impact on increased teacher  
3           effectiveness and improved student aca-  
4           demic achievement, with the findings of  
5           the evaluations used to improve the quality  
6           of professional development;

7           “(xii) are designed to give teachers of  
8           children with disabilities or children with  
9           developmental delays, and other teachers  
10          and instructional staff, the knowledge and  
11          skills to provide instruction and academic  
12          support services, to those children, includ-  
13          ing positive behavioral interventions and  
14          supports, multi-tier system of supports,  
15          and use of accommodations;

16          “(xiii) include instruction in the use of  
17          data and assessments to inform and in-  
18          struct classroom practice;

19          “(xiv) include instruction in ways that  
20          teachers, principals, other school leaders,  
21          specialized instructional support personnel,  
22          and school administrators may work more  
23          effectively with parents and families;

24          “(xv) involve the forming of partner-  
25          ships with institutions of higher education,

1 including, as applicable, Tribal Colleges  
2 and Universities as defined in section  
3 316(b) of the Higher Education Act of  
4 1965 (20 U.S.C. 1059c(b)), to establish  
5 school-based teacher, principal, and other  
6 school leader training programs that pro-  
7 vide prospective teachers, novice teachers,  
8 principals, and other school leaders with an  
9 opportunity to work under the guidance of  
10 experienced teachers, principals, other  
11 school leaders, and faculty of such institu-  
12 tions;

13 “(xvi) create programs to enable para-  
14 professionals (assisting teachers employed  
15 by a local educational agency receiving as-  
16 sistance under part A of title I) to obtain  
17 the education necessary for those para-  
18 professionals to become certified and li-  
19 censed teachers;

20 “(xvii) provide follow-up training to  
21 teachers who have participated in activities  
22 described in this paragraph that are de-  
23 signed to ensure that the knowledge and  
24 skills learned by the teachers are imple-  
25 mented in the classroom; and

1           “(xviii) where practicable, provide  
2           jointly for school staff and other early  
3           childhood education program providers, to  
4           address the transition to elementary  
5           school, including issues related to school  
6           readiness.”;

7           (30) by inserting after paragraph (42) (as re-  
8           designated by paragraph (12)) the following:

9           “(43) REGULAR HIGH SCHOOL DIPLOMA.—The  
10          term ‘regular high school diploma’—

11           “(A) means the standard high school di-  
12          ploma awarded to the preponderance of stu-  
13          dents in the State that is fully aligned with  
14          State standards, or a higher diploma, except  
15          that a regular high school diploma shall not be  
16          aligned to the alternate academic achievement  
17          standards described in section 1111(b)(1)(E);  
18          and

19           “(B) does not include a recognized equiva-  
20          lent of a diploma, such as a general equivalency  
21          diploma, certificate of completion, certificate of  
22          attendance, or similar lesser credential.

23           “(44) SCHOOL LEADER.—The term ‘school  
24          leader’ means a principal, assistant principal, or  
25          other individual who is—

1           “(A) an employee or officer of an elemen-  
2           tary school or secondary school, local edu-  
3           cational agency, or other entity operating an el-  
4           ementary school or secondary school; and

5           “(B) responsible for the daily instructional  
6           leadership and managerial operations in the ele-  
7           mentary school or secondary school building.”;

8           (31) by inserting after paragraph (46) (as re-  
9           designated by paragraph (13)) the following:

10           “(47) SPECIALIZED INSTRUCTIONAL SUPPORT  
11           PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
12           SERVICES.—

13           “(A) SPECIALIZED INSTRUCTIONAL SUP-  
14           PORT PERSONNEL.—The term ‘specialized in-  
15           structional support personnel’ means—

16                   “(i) school counselors, school social  
17                   workers, and school psychologists; and

18                   “(ii) other qualified professional per-  
19                   sonnel, such as school nurses, speech lan-  
20                   guage pathologists, and school librarians,  
21                   involved in providing assessment, diag-  
22                   nosis, counseling, educational, therapeutic,  
23                   and other necessary services (including re-  
24                   lated services as that term is defined in  
25                   section 602 of the Individuals with Disabil-

1           ities Education Act (20 U.S.C. 1401)) as  
2           part of a comprehensive program to meet  
3           student needs.

4           “(B) SPECIALIZED INSTRUCTIONAL SUP-  
5           PORT SERVICES.—The term ‘specialized instruc-  
6           tional support services’ means the services pro-  
7           vided by specialized instructional support per-  
8           sonnel.”;

9           (32) by striking the undesignated paragraph be-  
10          tween paragraph (47) (as added by paragraph (31))  
11          and paragraph (49) (as redesignated by paragraph  
12          (14)) and inserting the following:

13          “(48) STATE.—The term ‘State’ means each of  
14          the 50 States, the District of Columbia, the Com-  
15          monwealth of Puerto Rico, and each of the outlying  
16          areas.”;

17          (33) by striking paragraph (50) (as redesign-  
18          ated by paragraph (15)) and inserting the fol-  
19          lowing:

20          “(50) TECHNOLOGY.—The term ‘technology’  
21          means modern information, computer and commu-  
22          nication technology products, services, or tools, in-  
23          cluding, the Internet and other communications net-  
24          works, computer devices and other computer and  
25          communications hardware, software applications,

1 data systems, and other electronic content (including  
2 multimedia content) and data storage.”; and

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

4 “(51) UNIVERSAL DESIGN FOR LEARNING.—  
5 The term ‘universal design for learning’ has the  
6 meaning given the term in section 103 of the Higher  
7 Education Act of 1965 (20 U.S.C. 1003).

8 “(52) WELL-ROUNDED EDUCATION.—The term  
9 ‘well-rounded education’ means courses, activities,  
10 and programming in subjects such as English, read-  
11 ing or language arts, writing, science, technology,  
12 engineering, mathematics, foreign languages, civics  
13 and government, economics, arts, history, geography,  
14 computer science, music, career and technical edu-  
15 cation, health, physical education, and any other  
16 subject, as determined by the State or local edu-  
17 cational agency, with the purpose of providing all  
18 students access to an enriched curriculum and edu-  
19 cational experience.”.

20 **SEC. 8003. APPLICABILITY OF TITLE.**

21 Section 8102, as redesignated by section 8001 of this  
22 Act, is further amended by striking “Parts B, C, D, and  
23 E of this title do not apply to title VIII” and inserting  
24 “Parts B, C, D, E, and F of this title do not apply to  
25 title VII”.



1 **SEC. 8004. APPLICABILITY TO BUREAU OF INDIAN EDU-**  
2 **CATION OPERATED SCHOOLS.**

3 Section 8103, as redesignated by section 8001 of this  
4 Act, is amended—

5 (1) in the section heading, by striking “**BU-**  
6 **REAU OF INDIAN AFFAIRS**” and inserting “**BU-**  
7 **REAU OF INDIAN EDUCATION**”; and

8 (2) by striking “Bureau of Indian Affairs” each  
9 place the term appears and inserting “Bureau of In-  
10 dian Education”.

11 **SEC. 8005. CONSOLIDATION OF STATE ADMINISTRATIVE**  
12 **FUNDS FOR ELEMENTARY AND SECONDARY**  
13 **EDUCATION PROGRAMS.**

14 Section 8201(b)(2), as redesignated by section 8001  
15 of this Act, is amended—

16 (1) in subparagraph (G), by striking “and”  
17 after the semicolon;

18 (2) in subparagraph (H), by striking the period  
19 and inserting “; and”; and

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

21 “(I) implementation of fiscal support  
22 teams that provide technical fiscal support as-  
23 sistance, which shall include evaluating fiscal,  
24 administrative, and staffing functions, and any  
25 other key operational function.”.

1 **SEC. 8006. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**  
2 **ISTRATION.**

3 Section 8203, as redesignated by section 8001 of this  
4 Act, is amended—

5 (1) in subsection (b), by striking “Within 1  
6 year after the date of enactment of the No Child  
7 Left Behind Act of 2001, a State” and inserting “A  
8 State”; and

9 (2) by striking subsection (d) and inserting the  
10 following:

11 “(d) USES OF ADMINISTRATIVE FUNDS.—

12 “(1) IN GENERAL.—A local educational agency  
13 that consolidates administrative funds under this  
14 section may use the consolidated funds for the ad-  
15 ministration of the programs and for uses, at the  
16 school district and school levels, comparable to those  
17 described in section 8201(b)(2).

18 “(2) FISCAL SUPPORT TEAMS.—A local edu-  
19 cational agency that uses funds as described in sec-  
20 tion 8201(b)(2)(I) may contribute State or local  
21 funds to expand the reach of such support without  
22 violating any supplement, not supplant requirement  
23 of any program contributing administrative funds.”.

1 **SEC. 8007. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**  
2 **OF THE INTERIOR FUNDS.**

3 Section 8204, as redesignated and amended by sec-  
4 tion 8001 of this Act, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking “part A  
7 of title VII” and inserting “part A of title VI”;  
8 and

9 (B) in paragraph (2), by striking subpara-  
10 graph (B) and inserting the following:

11 “(B) CONTENTS.—The agreement shall—

12 “(i) set forth the plans of the Sec-  
13 retary of the Interior for the use of the  
14 amount transferred and the achievement  
15 measures to assess program effectiveness,  
16 including program objectives; and

17 “(ii) be developed in consultation with  
18 Indian tribes.”; and

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

20 “(c) ACCOUNTABILITY SYSTEM.—

21 “(1) Subject to the provisions of section  
22 1111(k), for the purposes of part A of title I, the  
23 Secretary of Interior, in consultation with the Sec-  
24 retary, if the Secretary of the Interior requests the  
25 consultation, using a negotiated rulemaking process  
26 to develop regulations for implementation no later

1 than the 2017-2018 academic year, shall define the  
2 standards, assessments, and accountability system  
3 consistent with section 1111, for the schools funded  
4 by the Bureau of Indian Education on a national,  
5 regional, or tribal basis, as appropriate, taking into  
6 account the unique circumstances and needs of such  
7 schools and the students served by such schools.

8 “(2) The tribal governing body or school board  
9 of a school funded by the Bureau of Indian Affairs  
10 may waive, in part or in whole, the requirements es-  
11 tablished pursuant to paragraph (1) where such re-  
12 quirements are determined by such body or school  
13 board to be inappropriate. If such requirements are  
14 waived, the tribal governing body or school board  
15 shall, within 60 days, submit to the Secretary of In-  
16 terior a proposal for alternative standards, assess-  
17 ments, and an accountability system, if applicable,  
18 consistent with section 1111, that takes into account  
19 the unique circumstances and needs of such school  
20 or schools and the students served. The Secretary of  
21 the Interior and the Secretary shall approve such  
22 standards, assessments, and accountability system  
23 unless the Secretary determines that the standards,  
24 assessments, and accountability system do not meet  
25 the requirements of section 1111, taking into ac-

1 count the unique circumstances and needs of such  
2 school or schools and the students served.

3 “(3) TECHNICAL ASSISTANCE.—The Secretary  
4 of Interior and the Secretary shall, either directly or  
5 through a contract, provide technical assistance,  
6 upon request, to a tribal governing body or school  
7 board of a school funded by the Bureau of Indian  
8 Affairs that seeks a waiver under paragraph (2).”.

9 **SEC. 8008. DEPARTMENT STAFF.**

10 Title VIII, as redesignated and amended by section  
11 8001 of this Act, is further amended by adding after sec-  
12 tion 8204 the following:

13 **“SEC. 8205. DEPARTMENT STAFF.**

14 “The Secretary shall—

15 “(1) not later than 60 days after the date of  
16 enactment of the Every Student Succeeds Act, iden-  
17 tify the number of Department full-time equivalent  
18 employees who worked on or administered each edu-  
19 cation program or project authorized under this Act,  
20 as such program or project was in effect on the day  
21 before such date of enactment, and publish such in-  
22 formation on the Department’s website;

23 “(2) not later than 60 days after such date of  
24 enactment, identify the number of full-time equiva-  
25 lent employees who worked on or administered each

1 program or project authorized under this Act, as  
2 such program or project was in effect on the day be-  
3 fore such date of enactment, that has been elimi-  
4 nated or consolidated since such date of enactment;

5 “(3) not later than 1 year after such date of en-  
6 actment, reduce the workforce of the Department by  
7 the number of full-time equivalent employees the De-  
8 partment identified under paragraph (2); and

9 “(4) not later than 1 year after such date of en-  
10 actment, report to Congress on—

11 “(A) the number of full-time equivalent  
12 employees associated with each program or  
13 project authorized under this Act and adminis-  
14 tered by the Department;

15 “(B) the number of full-time equivalent  
16 employees who were determined to be associated  
17 with eliminated or consolidated programs or  
18 projects described in paragraph (2);

19 “(C) how the Secretary has reduced the  
20 number of full-time equivalent employees as de-  
21 scribed in paragraph (3);

22 “(D) the average salary of the full-time  
23 equivalent employees described in subparagraph  
24 (B) whose positions were eliminated; and

1           “(E) the average salary of the full-time  
2           equivalent employees who work on or admin-  
3           ister a program or project authorized by the  
4           Department under this Act, disaggregated by  
5           employee function within each such program or  
6           project.”.

7   **SEC. 8009. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**  
8                           **PLICATIONS.**

9           Section 8302(b)(1), as redesignated by section 8001  
10          of this Act, is amended by striking “nonprofit”.

11   **SEC. 8010. GENERAL APPLICABILITY OF STATE EDU-**  
12                           **CATIONAL AGENCY ASSURANCES.**

13          Section 8304(a)(2), as redesignated by section 8001  
14          of this Act, is amended by striking “nonprofit” and insert-  
15          ing “eligible” each place the term appears.

16   **SEC. 8011. RURAL CONSOLIDATED PLAN.**

17          Section 8305, as redesignated and amended by sec-  
18          tion 8001 of this Act, is amended by adding at the end  
19          the following:

20           “(e) RURAL CONSOLIDATED PLAN.—

21                   “(1) IN GENERAL.—Two or more eligible local  
22           educational agencies, a consortium of eligible local  
23           educational service agencies, or an educational serv-  
24           ice agency on behalf of eligible local educational  
25           agencies may submit plans or applications for 1 or

1 more covered programs to the State educational  
2 agency on a consolidated basis, if each eligible local  
3 educational agency impacted elects to participate in  
4 the joint application or elects to allow the edu-  
5 cational service agency to apply on its behalf.

6 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
7 CY.—For the purposes of this subsection, the term  
8 ‘eligible local educational agency’ means a local edu-  
9 cational agency that is an eligible local educational  
10 agency under part B of title V.”.

11 **SEC. 8012. OTHER GENERAL ASSURANCES.**

12 Section 8306(a), as redesignated and amended by  
13 section 8001 of this Act, is further amended—

14 (1) in the matter preceding paragraph (1), by  
15 striking “whether separately or pursuant to section  
16 8305,”; and

17 (2) in paragraph (2), by striking “nonprofit”  
18 each place it appears and inserting “eligible”.

19 **SEC. 8013. WAIVERS OF STATUTORY AND REGULATORY RE-**  
20 **QUIREMENTS.**

21 Section 8401, as redesignated by section 8001 of this  
22 Act, is amended—

23 (1) by striking subsection (a) and inserting the  
24 following:

25 “(a) IN GENERAL.—



1           “(1) REQUEST FOR WAIVER BY STATE OR IN-  
2           DIAN TRIBE.—A State educational agency or Indian  
3           tribe that receives funds under a program authorized  
4           under this Act may submit a request to the Sec-  
5           retary to waive any statutory or regulatory require-  
6           ment of this Act.

7           “(2) LOCAL EDUCATIONAL AGENCY AND  
8           SCHOOL REQUESTS SUBMITTED THROUGH THE  
9           STATE.—

10           “(A) REQUEST FOR WAIVER BY LOCAL  
11           EDUCATIONAL AGENCY.—A local educational  
12           agency that receives funds under a program au-  
13           thorized under this Act and desires a waiver of  
14           any statutory or regulatory requirement of this  
15           Act shall submit a request containing the infor-  
16           mation described in subsection (b)(1) to the ap-  
17           propriate State educational agency. The State  
18           educational agency may then submit the request  
19           to the Secretary if the State educational agency  
20           determines the waiver appropriate.

21           “(B) REQUEST FOR WAIVER BY SCHOOL.—  
22           An elementary school or secondary school that  
23           desires a waiver of any statutory or regulatory  
24           requirement of this Act shall submit a request  
25           containing the information described in sub-

1 section (b)(1) to the local educational agency  
2 serving the school. The local educational agency  
3 may then submit the request to the State edu-  
4 cational agency in accordance with subpara-  
5 graph (A) if the local educational agency deter-  
6 mines the waiver appropriate.

7 “(3) RECEIPT OF WAIVER.—Except as provided  
8 in subsection (b)(4) or (c), the Secretary may waive  
9 any statutory or regulatory requirement of this Act  
10 for which a waiver request is submitted to the Sec-  
11 retary pursuant to this subsection.”;

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-  
15 graph (A)—

16 (I) by striking “, local edu-  
17 cational agency,” and inserting “, act-  
18 ing on its own behalf or on behalf of  
19 a local educational agency in accord-  
20 ance with subsection (a)(2),”; and

21 (II) by inserting “, which shall  
22 include a plan” after “to the Sec-  
23 retary”;

24 (ii) by redesignating subparagraph  
25 (E) as subparagraph (F);

1 (iii) by striking subparagraphs (B),  
2 (C), and (D) and inserting the following:

3 “(B) describes which Federal statutory or  
4 regulatory requirements are to be waived;

5 “(C) describes how the waiving of such re-  
6 quirements will advance student academic  
7 achievement;

8 “(D) describes the methods the State edu-  
9 cational agency, local educational agency,  
10 school, or Indian tribe will use to monitor and  
11 regularly evaluate the effectiveness of the imple-  
12 mentation of the plan;

13 “(E) includes only information directly re-  
14 lated to the waiver request; and”;

15 (iv) in subparagraph (F), as redesign-  
16 ated by clause (ii), by inserting “and, if  
17 the waiver relates to provisions of sub-  
18 sections (b) or (h) of section 1111, de-  
19 scribes how the State educational agency,  
20 local educational agency, school, or Indian  
21 tribe will maintain or improve trans-  
22 parency in reporting to parents and the  
23 public on student achievement and school  
24 performance, including the achievement of  
25 the subgroups of students identified in sec-

1                   tion 1111(b)(2)(B)(xi)” after “waivers are  
2                   requested”;

3                   (B) in paragraph (2)(B)(i)(II), by striking  
4                   “(on behalf of, and based on the requests of,  
5                   local educational agencies)” and inserting “(on  
6                   behalf of those agencies or on behalf of, and  
7                   based on the requests of, local educational  
8                   agencies in the State)”;

9                   (C) in paragraph (3)—

10                   (i) in subparagraph (A)—

11                   (I) in the matter preceding clause  
12                   (i), by inserting “or on behalf of local  
13                   educational agencies in the State  
14                   under subsection (a)(2),” after “act-  
15                   ing on its own behalf,”; and

16                   (II) by striking clauses (i)  
17                   through (iii) and inserting the fol-  
18                   lowing:

19                   “(i) provide the public and any inter-  
20                   ested local educational agency in the State  
21                   with notice and a reasonable opportunity  
22                   to comment and provide input on the re-  
23                   quest, to the extent that the request im-  
24                   pacts the local educational agency;

1           “(ii) submit the comments and input  
2           to the Secretary, with a description of how  
3           the State addressed the comments and  
4           input; and

5           “(iii) provide notice and a reasonable  
6           time to comment to the public and local  
7           educational agencies in the manner in  
8           which the applying agency customarily pro-  
9           vides similar notice and opportunity to  
10          comment to the public.”; and

11          (ii) in subparagraph (B), by striking  
12          clauses (i) and (ii) and inserting the fol-  
13          lowing:

14          “(i) the request shall be reviewed and  
15          approved by the State educational agency  
16          in accordance with subsection (a)(2) before  
17          being submitted to the Secretary and be  
18          accompanied by the comments, if any, of  
19          the State educational agency and the pub-  
20          lic; and

21          “(ii) notice and a reasonable oppor-  
22          tunity to comment regarding the waiver re-  
23          quest shall be provided to the State edu-  
24          cational agency and the public by the agen-  
25          cy requesting the waiver in the manner in

1           which that agency customarily provides  
2           similar notice and opportunity to comment  
3           to the public.”.

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

5           “(4) WAIVER DETERMINATION, DEMONSTRATION,  
6           AND REVISION.—

7           “(A) IN GENERAL.—The Secretary shall  
8           issue a written determination regarding the ini-  
9           tial approval or disapproval of a waiver request  
10          not more than 120 days after the date on which  
11          such request is submitted. Initial disapproval of  
12          such request shall be based on the determina-  
13          tion of the Secretary that—

14                 “(i) the waiver request does not meet  
15                 the requirements of this section;

16                 “(ii) the waiver is not permitted under  
17                 subsection (c);

18                 “(iii) the description required under  
19                 paragraph (1)(C) in the plan provides in-  
20                 sufficient information to demonstrate that  
21                 the waiving of such requirements will ad-  
22                 vance student academic achievement con-  
23                 sistent with the purposes of this Act; or

24                 “(iv) the waiver request does not pro-  
25                 vide for adequate evaluation to ensure re-

1 view and continuous improvement of the  
2 plan.

3 “(B) WAIVER DETERMINATION AND REVI-  
4 SION.—Upon the initial determination of dis-  
5 approval under subparagraph (A), the Secretary  
6 shall—

7 “(i) immediately—

8 “(I) notify the State educational  
9 agency, local educational agency  
10 (through the State educational agen-  
11 cy), school (through the local edu-  
12 cational agency), or Indian tribe, as  
13 applicable, of such determination; and

14 “(II) provide detailed reasons for  
15 such determination in writing to the  
16 applicable entity under subclause (I)  
17 to the public, such as posting in a  
18 clear and easily accessible format to  
19 the Department’s website;

20 “(ii) offer the State educational agen-  
21 cy, local educational agency (through the  
22 State educational agency), school (through  
23 the local educational agency), or Indian  
24 tribe an opportunity to revise and resubmit  
25 the waiver request by a date that is not

1 more than 60 days after the date of such  
2 determination; and

3 “(iii) if the Secretary determines that  
4 the resubmission under clause (ii) does not  
5 meet the requirements of this section, at  
6 the request of the State educational agen-  
7 cy, local educational agency, school, or In-  
8 dian tribe, conduct a hearing not more  
9 than 30 days after the date of such resub-  
10 mission.

11 “(C) WAIVER DISAPPROVAL.—The Sec-  
12 retary may ultimately disapprove a waiver re-  
13 quest if—

14 “(i) the State educational agency,  
15 local educational agency, school, or Indian  
16 tribe has been notified and offered an op-  
17 portunity to revise and resubmit the waiver  
18 request, as described under clauses (i) and  
19 (ii) of subparagraph (B); and

20 “(ii) the State educational agency,  
21 local educational agency (through the State  
22 educational agency), school (through the  
23 local educational agency), or Indian tribe—

24 “(I) does not revise and resubmit  
25 the waiver request; or



1                   “(II) revises and resubmits the  
2                   waiver request, and the Secretary de-  
3                   termines that such waiver request  
4                   does not meet the requirements of this  
5                   section after a hearing conducted  
6                   under subparagraph (B)(iii), if such a  
7                   hearing is requested.

8                   “(D) EXTERNAL CONDITIONS.—The Sec-  
9                   retary shall not disapprove a waiver request  
10                  under this section based on conditions outside  
11                  the scope of the waiver request.”;

12                  (3) in subsection (c)—

13                   (A) in paragraph (1), by inserting “, In-  
14                   dian tribes” after “local educational agencies”;

15                   (B) in paragraph (8), by striking “subpart  
16                   1 of part B of title V” and inserting “part C  
17                   of title IV”; and

18                   (C) by striking paragraph (9) and insert-  
19                   ing the following:

20                   “(9) the prohibitions—

21                   “(A) in subpart 2 of part F;

22                   “(B) regarding use of funds for religious  
23                   worship or instruction in section 8505; and

24                   “(C) regarding activities in section 8526;  
25                   or”;

1 (4) in subsection (d)—

2 (A) in the subsection heading, by adding “;  
3 LIMITATIONS” after “WAIVER”;

4 (B) in paragraph (2), in the matter pre-  
5 ceding subparagraph (A), by striking “Sec-  
6 retary determines” and inserting “State dem-  
7 onstrates”; and

8 (C) by adding at the end the following:

9 “(3) SPECIFIC LIMITATIONS.—The Secretary  
10 shall not require a State educational agency, local  
11 educational agency, school, or Indian tribe, as a con-  
12 dition of approval of a waiver request, to—

13 “(A) include in, or delete from, such re-  
14 quest, specific academic standards, such as the  
15 Common Core State Standards developed under  
16 the Common Core State Standards Initiative or  
17 any other standards common to a significant  
18 number of States;

19 “(B) use specific academic assessment in-  
20 struments or items, including assessments  
21 aligned to the standards described in subpara-  
22 graph (A); or

23 “(C) include in, or delete from, such waiv-  
24 er request any specific elements of—

25 “(i) State academic standards;

1                   “(ii) academic assessments;  
2                   “(iii) State accountability systems; or  
3                   “(iv) teacher and school leader evalua-  
4                   tion systems.”;

5                   (5) by striking subsection (e) and inserting the  
6                   following:

7                   “(e) REPORTS.—A State educational agency, local  
8                   educational agency, school, or Indian tribe receiving a  
9                   waiver under this section shall describe, as part of, and  
10                  pursuant to, the required annual reporting under section  
11                  1111(h)—

12                  “(1) the progress of schools covered under the  
13                  provisions of such waiver toward improving student  
14                  academic achievement; and

15                  “(2) how the use of the waiver has contributed  
16                  to such progress.”; and

17                  (6) in subsection (f), by striking “if the Sec-  
18                  retary determines” and all that follows through the  
19                  period at the end and inserting the following: “if,  
20                  after notice and an opportunity for a hearing, the  
21                  Secretary—

22                  “(A) presents a rationale and supporting  
23                  information that clearly demonstrates that the  
24                  waiver is not contributing to the progress of  
25                  schools described in subsection (e)(1); or

1           “(B) determines that the waiver is no  
2           longer necessary to achieve its original pur-  
3           poses.”.

4 **SEC. 8014. APPROVAL AND DISAPPROVAL OF STATE PLANS**  
5 **AND LOCAL APPLICATIONS.**

6           Title VIII, as amended and redesignated by section  
7 8001 of this Act, is further amended by inserting after  
8 section 8401 the following:

9           **“PART E—APPROVAL AND DISAPPROVAL OF**  
10 **STATE PLANS AND LOCAL APPLICATIONS**  
11 **“SEC. 8451. APPROVAL AND DISAPPROVAL OF STATE**  
12 **PLANS.**

13           “(a) APPROVAL.—A plan submitted by a State pursu-  
14 ant to section 2101(d), 4103(c), 4203, or 8302 shall be  
15 approved by the Secretary unless the Secretary makes a  
16 written determination (which shall include the supporting  
17 information and rationale supporting such determination),  
18 prior to the expiration of the 120-day period beginning  
19 on the date on which the Secretary received the plan, that  
20 the plan is not in compliance with section 2101(d),  
21 4103(c), or 4203, or part C, respectively.

22           “(b) DISAPPROVAL PROCESS.—

23           “(1) IN GENERAL.—The Secretary shall not fi-  
24 nally disapprove a plan submitted under section  
25 2101(d), 4103(c), 4203, or 8302, except after giving

1 the State educational agency notice and an oppor-  
2 tunity for a hearing.

3 “(2) NOTIFICATIONS.—If the Secretary finds  
4 that the plan is not in compliance, in whole or in  
5 part, with section 2101(d), 4103(c), or 4203, or part  
6 C, as applicable, the Secretary shall—

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

9 “(B) provide a detailed description of the  
10 specific provisions of the plan that the Sec-  
11 retary determines fail to meet the requirements,  
12 in whole or in part, of such section or part, as  
13 applicable;

14 “(C) offer the State an opportunity to re-  
15 vise and resubmit its plan within 45 days of  
16 such determination, including the chance for  
17 the State to present supporting information to  
18 clearly demonstrate that the State plan meets  
19 the requirements of such section or part, as ap-  
20 plicable;

21 “(D) provide technical assistance, upon re-  
22 quest of the State, in order to assist the State  
23 to meet the requirements of such section or  
24 part, as applicable;

1           “(E) conduct a hearing within 30 days of  
2           the plan’s resubmission under subparagraph  
3           (C), unless a State declines the opportunity for  
4           such hearing; and

5           “(F) request additional information, only  
6           as to the noncompliant provisions, needed to  
7           make the plan compliant.

8           “(3) RESPONSE.—If the State educational  
9           agency responds to the Secretary’s notification de-  
10          scribed in paragraph (2)(A) prior to the expiration  
11          of the 45-day period beginning on the date on which  
12          the State educational agency received the notifica-  
13          tion, and resubmits the plan as described in para-  
14          graph (2)(C), the Secretary shall approve such plan  
15          unless the Secretary determines the plan does not  
16          meet the requirements of section 2101(d), 4103(c),  
17          or 4203, or part C, as applicable.

18          “(4) FAILURE TO RESPOND.—If the State edu-  
19          cational agency does not respond to the Secretary’s  
20          notification described in paragraph (2)(A) prior to  
21          the expiration of the 45-day period beginning on the  
22          date on which the State educational agency received  
23          the notification, such plan shall be deemed to be dis-  
24          approved.



1           “(1) IN GENERAL.—The State educational  
2 agency shall not finally disapprove an application  
3 submitted under section 2102(b), 4106, 4204(b) or  
4 8305 except after giving the local educational agency  
5 notice and opportunity for a hearing.

6           “(2) NOTIFICATIONS.—If the State educational  
7 agency finds that the application submitted under  
8 section 2102(b), 4106, 4204(b) or 8305 is not in  
9 compliance, in whole or in part, with section  
10 2102(b), 4106, or 4204(b), or part C, respectively,  
11 the State educational agency shall—

12                   “(A) immediately notify the local edu-  
13 cational agency of such determination;

14                   “(B) provide a detailed description of the  
15 specific provisions of the application that the  
16 State determines fail to meet the requirements,  
17 in whole or in part, of such section or part, as  
18 applicable;

19                   “(C) offer the local educational agency an  
20 opportunity to revise and resubmit its applica-  
21 tion within 45 days of such determination, in-  
22 cluding the chance for the local educational  
23 agency to present supporting information to  
24 clearly demonstrate that the application meets  
25 the requirements of such section or part;



1           “(D) provide technical assistance, upon re-  
2           quest of the local educational agency, in order  
3           to assist the local educational agency to meet  
4           the requirements of such section or part, as ap-  
5           plicable;

6           “(E) conduct a hearing within 30 days of  
7           the application’s resubmission under subpara-  
8           graph (C), unless a local educational agency de-  
9           clines the opportunity for such a hearing; and

10           “(F) request additional information, only  
11           as to the noncompliant provisions, needed to  
12           make the application compliant.

13           “(3) RESPONSE.—If the local educational agen-  
14           cy responds to the State educational agency’s notifi-  
15           cation described in paragraph (2)(A) prior to the ex-  
16           piration of the 45-day period beginning on the date  
17           on which the local educational agency received the  
18           notification, and resubmits the application as de-  
19           scribed in paragraph (2)(C), the State educational  
20           agency shall approve such application unless the  
21           State educational agency determines the application  
22           does not meet the requirements of this part.

23           “(4) FAILURE TO RESPOND.—If the local edu-  
24           cational agency does not respond to the State edu-  
25           cational agency’s notification described in paragraph

1           (2)(A) prior to the expiration of the 45-day period  
2           beginning on the date on which the local educational  
3           agency received the notification, such application  
4           shall be deemed to be disapproved.”.

5   **SEC. 8015. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**  
6                           **AND TEACHERS.**

7           Section 8501, as redesignated by section 8001 of this  
8   Act, is amended—

9                   (1) in subsection (a)—

10                           (A) by striking paragraph (3) and insert-  
11                           ing the following:

12                           “(3) SPECIAL RULE.—

13                                   “(A) IN GENERAL.—Educational services  
14                                   and other benefits provided under this section  
15                                   for private school children, teachers, and other  
16                                   educational personnel shall be equitable in com-  
17                                   parison to services and other benefits for public  
18                                   school children, teachers, and other educational  
19                                   personnel participating in the program and  
20                                   shall be provided in a timely manner.

21                                   “(B) OMBUDSMAN.—To help ensure equi-  
22                                   table services are provided to private school  
23                                   children, teachers, and other educational per-  
24                                   sonnel under this section, the State educational  
25                                   agency involved shall direct the ombudsman

1 designated by the agency under section 1117 to  
2 monitor and enforce the requirements of this  
3 section.”; and

4 (B) by striking paragraph (4) and insert-  
5 ing the following:

6 “(4) EXPENDITURES.—

7 “(A) IN GENERAL.—Expenditures for edu-  
8 cational services and other benefits provided  
9 under this section for eligible private school  
10 children, their teachers, and other educational  
11 personnel serving those children shall be equal,  
12 taking into account the number and educational  
13 needs of the children to be served, to the ex-  
14 penditures for participating public school chil-  
15 dren.

16 “(B) OBLIGATION OF FUNDS.—Funds allo-  
17 cated to a local educational agency for edu-  
18 cational services and other benefits to eligible  
19 private school children shall be obligated in the  
20 fiscal year for which the funds are received by  
21 the agency.

22 “(C) NOTICE OF ALLOCATION.—Each  
23 State educational agency shall provide notice in  
24 a timely manner to the appropriate private  
25 school officials in the State of the allocation of

1 funds for educational services and other bene-  
2 fits under this subpart that the local edu-  
3 cational agencies have determined are available  
4 for eligible private school children.”.

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking subpara-  
7 graphs (A) through (H) and inserting the fol-  
8 lowing:

9 “(A) part C of title I;

10 “(B) part A of title II;

11 “(C) part A of title III;

12 “(D) part A of title IV; and

13 “(E) part B of title IV.”; and

14 (B) by striking paragraph (3); and

15 (3) in subsection (c)—

16 (A) in the matter preceding subparagraph  
17 (A), by striking “To ensure” and all that fol-  
18 lows through “such as” and inserting “To en-  
19 sure timely and meaningful consultation, a  
20 State educational agency, local educational  
21 agency, educational service agency, consortium  
22 of those agencies, or entity shall consult with  
23 appropriate private school officials. Such agency  
24 and private school officials shall both have the  
25 goal of reaching agreement on how to provide

1 equitable and effective programs for eligible pri-  
2 vate school children, on issues such as”;

3 (B) in paragraph (1)—

4 (i) in subparagraph (E)—

5 (I) by striking “and the amount”  
6 and inserting “, the amount”; and

7 (II) by striking “services; and”  
8 and inserting “services, and how that  
9 amount is determined;”;

10 (ii) in subparagraph (F)—

11 (I) by striking “contract” after  
12 “provision of”; and

13 (II) by striking the period at the  
14 end and inserting “; and”; and

15 (iii) by adding at the end the fol-  
16 lowing:

17 “(G) whether the agency, consortium, or  
18 entity shall provide services directly or through  
19 a separate government agency, consortium, or  
20 entity, or through a third-party contractor; and

21 “(H) whether to provide equitable services  
22 to eligible private school children—

23 “(i) by creating a pool or pools of  
24 funds with all of the funds allocated under  
25 subsection (a)(4)(C) based on all the chil-

1           dren from low-income families in a partici-  
2           pating school attendance area who attend  
3           private schools; or

4                   “(ii) in the agency’s participating  
5           school attendance area who attend private  
6           schools with the proportion of funds allo-  
7           cated under subsection (a)(4)(C) based on  
8           the number of children from low-income  
9           families who attend private schools.”; and

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

11                   “(5) DOCUMENTATION.—Each local educational  
12           agency shall maintain in the agency’s records, and  
13           provide to the State educational agency involved, a  
14           written affirmation signed by officials of each par-  
15           ticipating private school that the meaningful con-  
16           sultation required by this section has occurred. The  
17           written affirmation shall provide the option for pri-  
18           vate school officials to indicate such officials’ belief  
19           that timely and meaningful consultation has not oc-  
20           curred or that the program design is not equitable  
21           with respect to eligible private school children. If  
22           such officials do not provide such affirmation within  
23           a reasonable period of time, the local educational  
24           agency shall forward the documentation that such

1       consultation has, or attempts at such consultation  
2       have, taken place to the State educational agency.

3               “(6) COMPLIANCE.—

4                       “(A) IN GENERAL.—If the consultation re-  
5                       quired under this section is with a local edu-  
6                       cational agency or educational service agency, a  
7                       private school official shall have the right to file  
8                       a complaint with the State educational agency  
9                       that the consultation required under this sec-  
10                      tion was not meaningful and timely, did not  
11                      give due consideration to the views of the pri-  
12                      vate school official, or did not make a decision  
13                      that treats the private school or its students eq-  
14                      uitably as required by this section.

15                     “(B) PROCEDURE.—If the private school  
16                     official wishes to file a complaint, the private  
17                     school official shall provide the basis of the non-  
18                     compliance and all parties shall provide the ap-  
19                     propriate documentation to the appropriate offi-  
20                     cials.

21                     “(C) SERVICES.—A State educational  
22                     agency shall provide services under this section  
23                     directly or through contracts with public and  
24                     private agencies, organizations, and institutions,  
25                     if the appropriate private school officials have—

1                   “(i) requested that the State edu-  
2                   cational agency provide such services di-  
3                   rectly; and

4                   “(ii) demonstrated that the local edu-  
5                   cational agency involved has not met the  
6                   requirements of this section in accordance  
7                   with the procedures for making such a re-  
8                   quest, as prescribed by the State edu-  
9                   cational agency.”.

10 **SEC. 8016. STANDARDS FOR BY-PASS.**

11           Section 8502(a)(2), as redesignated and amended by  
12 section 8001 of this Act, is further amended by striking  
13 “9503, and 9504” and inserting “8503, and 8504”.

14 **SEC. 8017. COMPLAINT PROCESS FOR PARTICIPATION OF**  
15 **PRIVATE SCHOOL CHILDREN.**

16           Section 8503, as redesignated and amended by sec-  
17 tion 8001 of this Act, is further amended by striking sub-  
18 sections (a) and (b) and inserting the following:

19           “(a) PROCEDURES FOR COMPLAINTS.—The Sec-  
20 retary shall develop and implement written procedures for  
21 receiving, investigating, and resolving complaints from  
22 parents, teachers, or other individuals and organizations  
23 concerning violations of section 8501 by a State edu-  
24 cational agency, local educational agency, educational  
25 service agency, consortium of those agencies, or entity.



1 The individual or organization shall submit the complaint  
2 to the State educational agency for a written resolution  
3 by the State educational agency within 45 days.

4 “(b) APPEALS TO SECRETARY.—The resolution may  
5 be appealed by an interested party to the Secretary not  
6 later than 30 days after the State educational agency re-  
7 solves the complaint or fails to resolve the complaint with-  
8 in the 45-day time limit. The appeal shall be accompanied  
9 by a copy of the State educational agency’s resolution,  
10 and, if there is one, a complete statement of the reasons  
11 supporting the appeal. The Secretary shall investigate and  
12 resolve the appeal not later than 90 days after receipt of  
13 the appeal.”.

14 **SEC. 8018. BY-PASS DETERMINATION PROCESS.**

15 Section 8504(a)(1)(A), as redesignated by section  
16 8001 of this Act, is amended by striking “9502” and in-  
17 serting “8502”.

18 **SEC. 8019. MAINTENANCE OF EFFORT.**

19 Section 8521, as redesignated by section 8001 of this  
20 Act, is amended—

21 (1) in subsection (a), by inserting “, subject to  
22 the requirements of subsection (b)” after “for the  
23 second preceding fiscal year”;

24 (2) in subsection (b)(1), by inserting before the  
25 period at the end the following: “, if such local edu-

1           cational agency has also failed to meet such require-  
2           ment (as determined using the measure most favor-  
3           able to the local agency) for 1 or more of the 5 im-  
4           mediately preceding fiscal years”; and

5           (3) in subsection (c)(1), by inserting “or a  
6           change in the organizational structure of the local  
7           educational agency” after “, such as a natural dis-  
8           aster”.

9   **SEC. 8020. PROHIBITION REGARDING STATE AID.**

10          Section 8522, as redesignated by section 8001 of this  
11   Act, is amended by striking “title VIII” and inserting  
12   “title VII”.

13   **SEC. 8021. SCHOOL PRAYER.**

14          Section 8524(a), as redesignated by section 8001 of  
15   this Act, is amended by striking “on the Internet” and  
16   inserting “by electronic means, including by posting the  
17   guidance on the Department’s website in a clear and easily  
18   accessible manner”.

19   **SEC. 8022. PROHIBITED USES OF FUNDS.**

20          Section 8526, as redesignated by section 8001 of this  
21   Act, is amended—

22           (1) by striking the section heading and insert-  
23   ing “**PROHIBITED USES OF FUNDS**”;

24           (2) in subsection (a)—

1 (A) by redesignating paragraphs (1)  
2 through (4) as paragraphs (3) through (6), re-  
3 spectively; and

4 (B) by inserting before paragraph (3) (as  
5 redesignated by subparagraph (A)) the fol-  
6 lowing:

7 “(1) for construction, renovation, or repair of  
8 any school facility, except as authorized under this  
9 Act;

10 “(2) for transportation unless otherwise author-  
11 ized under this Act;”;

12 (3) by striking “(a)PROHIBITION.—None of the  
13 funds authorized under this Act shall be used” and  
14 inserting “No funds under this Act may be used”;  
15 and

16 (4) by striking subsection (b).

17 **SEC. 8023. PROHIBITIONS.**

18 Title VIII, as redesignated and amended by section  
19 8001 of this Act, is further amended by inserting after  
20 section 8526 the following:

21 **“SEC. 8526A. PROHIBITION AGAINST FEDERAL MANDATES,  
22 DIRECTION, OR CONTROL.**

23 “(a) IN GENERAL.—No officer or employee of the  
24 Federal Government shall, through grants, contracts, or  
25 other cooperative agreements, mandate, direct, or control

1 a State, local educational agency, or school’s specific in-  
2 structional content, academic standards and assessments,  
3 curricula, or program of instruction developed and imple-  
4 mented to meet the requirements of this Act (including  
5 any requirement, direction, or mandate to adopt the Com-  
6 mon Core State Standards developed under the Common  
7 Core State Standards Initiative, any other academic  
8 standards common to a significant number of States, or  
9 any assessment, instructional content, or curriculum  
10 aligned to such standards), nor shall anything in this Act  
11 be construed to authorize such officer or employee to do  
12 so.

13 “(b) FINANCIAL SUPPORT.—No officer or employee  
14 of the Federal Government shall condition or incentivize  
15 the receipt of any grant, contract, or cooperative agree-  
16 ment, the receipt of any priority or preference under such  
17 grant, contract, or cooperative agreement, or the receipt  
18 of a waiver under section 8401 upon a State, local edu-  
19 cational agency, or school’s adoption or implementation of  
20 specific instructional content, academic standards and as-  
21 sessments, curricula, or program of instruction developed  
22 and implemented to meet the requirements of this Act (in-  
23 cluding any condition, priority, or preference to adopt the  
24 Common Core State Standards developed under the Com-  
25 mon Core State Standards Initiative, any other academic

1 standards common to a significant number of States, or  
2 any assessment, instructional content, or curriculum  
3 aligned to such standards).”.

4 **SEC. 8024. PROHIBITIONS ON FEDERAL GOVERNMENT AND**  
5 **USE OF FEDERAL FUNDS.**

6 Section 8527, as redesignated by section 8001 of this  
7 Act, is amended to read as follows:

8 **“SEC. 8527. PROHIBITIONS ON FEDERAL GOVERNMENT AND**  
9 **USE OF FEDERAL FUNDS.**

10 “(a) GENERAL PROHIBITION.—Nothing in this Act  
11 shall be construed to authorize an officer or employee of  
12 the Federal Government, including through a grant, con-  
13 tract, or cooperative agreement, to mandate, direct, or  
14 control a State, local educational agency, or school’s cur-  
15 riculum, program of instruction, or allocation of State or  
16 local resources, or mandate a State or any subdivision  
17 thereof to spend any funds or incur any costs not paid  
18 for under this Act.

19 “(b) PROHIBITION ON ENDORSEMENT OF CUR-  
20 RICULUM.—Notwithstanding any other provision of Fed-  
21 eral law, no funds provided to the Department under this  
22 Act may be used by the Department, whether through a  
23 grant, contract, or cooperative agreement, to endorse, ap-  
24 prove, develop, require, or sanction any curriculum, in-  
25 cluding any curriculum aligned to the Common Core State

1 Standards developed under the Common Core State  
2 Standards Initiative or any other academic standards com-  
3 mon to a significant number of States, designed to be used  
4 in an elementary school or secondary school.

5 “(c) LOCAL CONTROL.—Nothing in this section shall  
6 be construed to—

7 “(1) authorize an officer or employee of the  
8 Federal Government, whether through a grant, con-  
9 tract, or cooperative agreement to mandate, direct,  
10 review, or control a State, local educational agency,  
11 or school’s instructional content, curriculum, and re-  
12 lated activities;

13 “(2) limit the application of the General Edu-  
14 cation Provisions Act (20 U.S.C. 1221 et seq.);

15 “(3) require the distribution of scientifically or  
16 medically false or inaccurate materials or to prohibit  
17 the distribution of scientifically or medically true or  
18 accurate materials; or

19 “(4) create any legally enforceable right.

20 “(d) PROHIBITION ON REQUIRING FEDERAL AP-  
21 PROVAL OR CERTIFICATION OF STANDARDS.—

22 “(1) IN GENERAL.—Notwithstanding any other  
23 provision of Federal law, no State shall be required  
24 to have academic standards approved or certified by

1 the Federal Government, in order to receive assist-  
2 ance under this Act.

3 “(2) RULE OF CONSTRUCTION.—Nothing in  
4 this Act shall be construed to prohibit a State, local  
5 educational agency, or school from using funds pro-  
6 vided under this Act for the development or imple-  
7 mentation of any instructional content, academic  
8 standards, academic assessments, curriculum, or  
9 program of instruction that a State, local edu-  
10 cational agency, or school chooses, as permitted  
11 under State and local law, as long as the use of such  
12 funds is consistent with the terms of the grant, con-  
13 tract, or cooperative agreement providing such  
14 funds.

15 “(3) BUILDING STANDARDS.—Nothing in this  
16 Act shall be construed to mandate national school  
17 building standards for a State, local educational  
18 agency, or school.”.

19 **SEC. 8025. ARMED FORCES RECRUITER ACCESS TO STU-**  
20 **DENTS AND STUDENT RECRUITING INFORMA-**  
21 **TION.**

22 Section 8528, as redesignated by section 8001 of this  
23 Act, is amended by striking subsections (a) through (d)  
24 and inserting the following:

25 “(a) POLICY.—

1           “(1) ACCESS TO STUDENT RECRUITING INFOR-  
2           MATION.—Notwithstanding section 444(a)(5)(B) of  
3           the General Education Provisions Act (20 U.S.C.  
4           1232g(a)(5)(B)), each local educational agency re-  
5           ceiving assistance under this Act shall provide, upon  
6           a request made by a military recruiter or an institu-  
7           tion of higher education, access to the name, ad-  
8           dress, and telephone listing of each secondary school  
9           student served by the local educational agency, un-  
10          less the parent of such student has submitted the  
11          prior consent request under paragraph (2).

12           “(2) CONSENT.—

13           “(A) OPT-OUT PROCESS.—A parent of a  
14           secondary school student may submit a written  
15           request, to the local educational agency, that  
16           the student’s name, address, and telephone list-  
17           ing not be released for purposes of paragraph  
18           (1) without prior written consent of the parent.  
19           Upon receiving such request, the local edu-  
20           cational agency may not release the student’s  
21           name, address, and telephone listing for such  
22           purposes without the prior written consent of  
23           the parent.

24           “(B) NOTIFICATION OF OPT-OUT PROC-  
25           ESS.—Each local educational agency shall no-



1           tify the parents of the students served by the  
2           agency of the option to make a request de-  
3           scribed in subparagraph (A).

4           “(3) SAME ACCESS TO STUDENTS.—Each local  
5           educational agency receiving assistance under this  
6           Act shall provide military recruiters the same access  
7           to secondary school students as is provided to insti-  
8           tutions of higher education or to prospective employ-  
9           ers of those students.

10          “(4) RULE OF CONSTRUCTION PROHIBITING  
11          OPT-IN PROCESSES.—Nothing in this subsection  
12          shall be construed to allow a local educational agen-  
13          cy to withhold access to a student’s name, address,  
14          and telephone listing from a military recruiter or in-  
15          stitution of higher education by implementing an  
16          opt-in process or any other process other than the  
17          written consent request process under paragraph  
18          (2)(A).

19          “(5) PARENTAL CONSENT.—For purposes of  
20          this subsection, whenever a student has attained 18  
21          years of age, the permission or consent required of  
22          and the rights accorded to the parents of the stu-  
23          dent shall only be required of and accorded to the  
24          student.

1           “(b) NOTIFICATION.—The Secretary, in consultation  
2 with the Secretary of Defense, shall, not later than 120  
3 days after the date of the enactment of the Every Student  
4 Succeeds Act, notify school leaders, school administrators,  
5 and other educators about the requirements of this sec-  
6 tion.

7           “(c) EXCEPTION.—The requirements of this section  
8 do not apply to a private secondary school that maintains  
9 a religious objection to service in the Armed Forces if the  
10 objection is verifiable through the corporate or other orga-  
11 nizational documents or materials of that school.”.

12 **SEC. 8026. PROHIBITION ON FEDERALLY SPONSORED TEST-**  
13 **ING.**

14           Section 8529, as redesignated by section 8001 of this  
15 Act, is amended to read as follows:

16 **“SEC. 8529. PROHIBITION ON FEDERALLY SPONSORED**  
17 **TESTING.**

18           “(a) GENERAL PROHIBITION.—Notwithstanding any  
19 other provision of Federal law and except as provided in  
20 subsection (b), no funds provided under this Act to the  
21 Secretary or to the recipient of any award may be used  
22 to develop, incentivize, pilot test, field test, implement, ad-  
23 minister, or distribute any federally sponsored national  
24 test in reading, mathematics, or any other subject, unless  
25 specifically and explicitly authorized by law, including any

1 assessment or testing materials aligned to the Common  
2 Core State Standards developed under the Common Core  
3 State Standards Initiative or any other academic stand-  
4 ards common to a significant number of States.

5 “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
6 international comparative assessments developed under  
7 the authority of section 153(a)(6) of the Education  
8 Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(6)) and  
9 administered to only a representative sample of pupils in  
10 the United States and in foreign nations.”.

11 **SEC. 8027. LIMITATIONS ON NATIONAL TESTING OR CER-**  
12 **TIFICATION FOR TEACHERS, PRINCIPALS, OR**  
13 **OTHER SCHOOL LEADERS.**

14 Section 8530, as redesignated by section 8001 of this  
15 Act, is amended—

16 (1) in the section heading, by inserting “,  
17 **PRINCIPALS, OR OTHER SCHOOL LEADERS**”  
18 after “**TEACHERS**”;

19 (2) in the subsection heading, by inserting “,  
20 **PRINCIPALS, OR OTHER SCHOOL LEADERS**” after  
21 “**TEACHERS**”; and

22 (3) in subsection (a)—

23 (A) by inserting “, principals, other school  
24 leaders,” after “teachers”; and

1 (B) by inserting “, or incentive regarding,”  
2 after “administration of”.

3 **SEC. 8028. PROHIBITION ON REQUIRING STATE PARTICIPA-**  
4 **TION.**

5 Title VIII, as redesignated and amended by section  
6 8001 of this Act, is further amended by inserting after  
7 section 8530 the following:

8 **“SEC. 8530A. PROHIBITION ON REQUIRING STATE PARTICI-**  
9 **PATION.**

10 “Any State that opts out of receiving funds, or that  
11 has not been awarded funds, under one or more programs  
12 under this Act shall not be required to carry out any of  
13 the requirements of such program or programs, and noth-  
14 ing in this Act shall be construed to require a State to  
15 participate in any program under this Act.”.

16 **SEC. 8029. CIVIL RIGHTS.**

17 Section 8534(b), as redesignated by section 8001 of  
18 this Act, is amended—

19 (1) by striking “as defined in section 1116 of  
20 title I and part B of title V” and inserting “as de-  
21 fined in section 1111(d) of title I and part C of title  
22 IV”; and

23 (2) by striking “grant under section 1116 of  
24 title I or part B of title V” and inserting “grant

1 under section 1111(d) of title I or part C of title  
2 IV”.

3 **SEC. 8030. CONSULTATION WITH INDIAN TRIBES AND TRIB-**  
4 **AL ORGANIZATIONS.**

5 Subpart 2 of part F of title VIII, as amended and  
6 redesignated by section 8001 of this Act, is further  
7 amended by adding at the end the following:

8 **“SEC. 8538. CONSULTATION WITH INDIAN TRIBES AND**  
9 **TRIBAL ORGANIZATIONS.**

10 “(a) IN GENERAL.—To ensure timely and meaning-  
11 ful consultation on issues affecting American Indian and  
12 Alaska Native students, an affected local educational  
13 agency shall consult with appropriate officials from Indian  
14 tribes or tribal organizations approved by the tribes lo-  
15 cated in the area served by the local educational agency  
16 prior to the affected local educational agency’s submission  
17 of a required plan or application for a covered program  
18 under this Act or for a program under title VI of this  
19 Act. Such consultation shall be done in a manner and in  
20 such time that provides the opportunity for such appro-  
21 priate officials from Indian tribes or tribal organizations  
22 to meaningfully and substantively contribute to such plan.

23 “(b) DOCUMENTATION.—Each affected local edu-  
24 cational agency shall maintain in the agency’s records and  
25 provide to the State educational agency a written affirma-

1 tion signed by the appropriate officials of the participating  
2 tribes or tribal organizations approved by the tribes that  
3 the consultation required by this section has occurred. If  
4 such officials do not provide such affirmation within a rea-  
5 sonable period of time, the affected local educational agen-  
6 cy shall forward documentation that such consultation has  
7 taken place to the State educational agency.

8 “(c) DEFINITIONS.—In this section:

9 “(1) AFFECTED LOCAL EDUCATIONAL AGEN-  
10 CY.—The term ‘affected local educational agency’  
11 means a local educational agency—

12 “(A) with an enrollment of American In-  
13 dian or Alaska Native students that is not less  
14 than 50 percent of the total enrollment of the  
15 local educational agency; or

16 “(B) that—

17 “(i) for fiscal year 2017, received a  
18 grant in the previous year under subpart 1  
19 of part A of title VII (as such subpart was  
20 in effect on the day before the date of en-  
21 actment of the Every Student Succeeds  
22 Act) that exceeded \$40,000; or

23 “(ii) for any fiscal year following fis-  
24 cal year 2017, received a grant in the pre-

1           vious fiscal year under subpart 1 of part A  
2           of title VI that exceeded \$40,000.

3           “(2) APPROPRIATE OFFICIALS.—The term ‘ap-  
4           propriate officials’ means—

5                   “(A) tribal officials who are elected; or

6                   “(B) appointed tribal leaders or officials  
7           designated in writing by an Indian tribe for the  
8           specific consultation purpose under this section.

9           “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
10          tion shall be construed—

11                   “(1) to require the local educational agency to  
12          determine who are the appropriate officials; or

13                   “(2) to make the local educational agency liable  
14          for consultation with appropriate officials that the  
15          tribe determines not to be the correct appropriate of-  
16          ficials.

17           “(e) LIMITATION.—Consultation required under this  
18          section shall not interfere with the timely submission of  
19          the plans or applications required under this Act.”.

20      **SEC. 8031. OUTREACH AND TECHNICAL ASSISTANCE FOR**  
21                   **RURAL LOCAL EDUCATIONAL AGENCIES.**

22           Subpart 2 of part F of title VIII, as amended and  
23          redesignated by section 8001 of this Act, is further  
24          amended by adding at the end the following:

1 **“SEC. 8539. OUTREACH AND TECHNICAL ASSISTANCE FOR**  
2 **RURAL LOCAL EDUCATIONAL AGENCIES.**

3 “(a) **OUTREACH.**—The Secretary shall engage in out-  
4 reach to rural local educational agencies regarding oppor-  
5 tunities to apply for competitive grant programs under  
6 this Act.

7 “(b) **TECHNICAL ASSISTANCE.**—If requested to do  
8 so, the Secretary shall provide technical assistance to rural  
9 local educational agencies with locale codes 32, 33, 41, 42,  
10 or 43, or an educational service agency representing rural  
11 local educational agencies with locale codes 32, 33, 41, 42,  
12 or 43 on applications or pre-applications for any competi-  
13 tive grant program under this Act. No rural local edu-  
14 cational agency or educational service agency shall be re-  
15 quired to request technical assistance or include any tech-  
16 nical assistance provided by the Secretary in any applica-  
17 tion.”.

18 **SEC. 8032. CONSULTATION WITH THE GOVERNOR.**

19 Subpart 2 of part F of title VIII, as amended and  
20 redesignated by section 8001 of this Act, is further  
21 amended by adding at the end the following:

22 **“SEC. 8540. CONSULTATION WITH THE GOVERNOR.**

23 “(a) **IN GENERAL.**—A State educational agency shall  
24 consult in a timely and meaningful manner with the Gov-  
25 ernor, or appropriate officials from the Governor’s office,



1 in the development of State plans under titles I and II  
2 and section 8302.

3 “(b) **TIMING.**—The consultation described in sub-  
4 section (a) shall include meetings of officials from the  
5 State educational agency and the Governor’s office and  
6 shall occur—

7 “(1) during the development of such plan; and

8 “(2) prior to submission of the plan to the Sec-  
9 retary.

10 “(c) **JOINT SIGNATURE AUTHORITY.**—A Governor  
11 shall have 30 days prior to the State educational agency  
12 submitting the State plan under title I or II or section  
13 8302 to the Secretary to sign such plan. If the Governor  
14 has not signed the plan within 30 days of delivery by the  
15 State educational agency to the Governor, the State edu-  
16 cational agency shall submit the plan to the Secretary  
17 without such signature.”.

18 **SEC. 8033. LOCAL GOVERNANCE.**

19 Subpart 2 of part F of title VIII, as amended and  
20 redesignated by section 8001 of this Act, is further  
21 amended by adding at the end the following:

22 **“SEC. 8541. LOCAL GOVERNANCE.**

23 “(a) **RULE OF CONSTRUCTION.**—Nothing in this Act  
24 shall be construed to allow the Secretary to—

1           “(1) exercise any governance or authority over  
2 school administration, including the development  
3 and expenditure of school budgets, unless otherwise  
4 authorized under this Act;

5           “(2) issue any regulation without first com-  
6 plying with the rulemaking requirements of section  
7 553 of title 5, United States Code; or

8           “(3) issue any nonregulatory guidance without  
9 first, to the extent feasible, considering input from  
10 stakeholders.

11          “(b) AUTHORITY UNDER OTHER LAW.—Nothing in  
12 subsection (a) shall be construed to affect any authority  
13 the Secretary has under any other Federal law.”.

14 **SEC. 8034. RULE OF CONSTRUCTION REGARDING TRAVEL**  
15 **TO AND FROM SCHOOL.**

16          Subpart 2 of part F of title VIII, as amended and  
17 redesignated by section 8001 of this Act, is further  
18 amended by adding at the end the following:

19 **“SEC. 8542. RULE OF CONSTRUCTION REGARDING TRAVEL**  
20 **TO AND FROM SCHOOL.**

21          “(a) IN GENERAL.—Subject to subsection (b), noth-  
22 ing in this Act shall authorize the Secretary to, or shall  
23 be construed to—

1           “(1) prohibit a child from traveling to and from  
2           school on foot or by car, bus, or bike when the par-  
3           ents of the child have given permission; or

4           “(2) expose parents to civil or criminal charges  
5           for allowing their child to responsibly and safely  
6           travel to and from school by a means the parents be-  
7           lieve is age appropriate.

8           “(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—  
9           Notwithstanding subsection (a), nothing in this section  
10          shall be construed to preempt State or local laws.”.

11 **SEC. 8035. LIMITATIONS ON SCHOOL-BASED HEALTH CEN-**  
12 **TERS.**

13          Subpart 2 of part F of title VIII, as amended and  
14          redesignated by section 8001 of this Act, is further  
15          amended by adding at the end the following:

16 **“SEC. 8543. LIMITATIONS ON SCHOOL-BASED HEALTH CEN-**  
17 **TERS.**

18          “Notwithstanding section 8102, funds used for activi-  
19          ties under this Act shall be carried out in accordance with  
20          the provision of section 399z-1(a)(3)(C) of the Public  
21          Health Service Act (42 U.S.C. 280h-5(a)(3)(C)).”.

22 **SEC. 8036. STATE CONTROL OVER STANDARDS.**

23          Subpart 2 of part F of title VIII, as amended and  
24          redesignated by section 8001 of this Act, is further  
25          amended by adding at the end the following:

1 **“SEC. 8544. STATE CONTROL OVER STANDARDS.**

2 “(a) IN GENERAL.—Nothing in this Act shall be con-  
3 strued to prohibit a State from withdrawing from the  
4 Common Core State Standards or from otherwise revising  
5 their standards.

6 “(b) PROHIBITION.—No officer or employee of the  
7 Federal Government shall, directly or indirectly, through  
8 grants, contracts or other cooperative agreements, through  
9 waiver granted under section 8401 or through any other  
10 authority, take any action against a State that exercises  
11 its rights under subsection (a).”.

12 **SEC. 8037. SENSE OF CONGRESS ON PROTECTING STUDENT**  
13 **PRIVACY.**

14 Subpart 2 of part F of title VIII, as amended and  
15 redesignated by section 8001 of this Act, is further  
16 amended by adding at the end the following:

17 **“SEC. 8545. SENSE OF CONGRESS ON PROTECTING STU-**  
18 **DENT PRIVACY.**

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

20 “(1) Students’ personally identifiable informa-  
21 tion is important to protect.

22 “(2) Students’ information should not be  
23 shared with individuals other than school officials in  
24 charge of educating those students without clear no-  
25 tice to parents.

1           “(3) With the use of more technology, and more  
2       research about student learning, the responsibility to  
3       protect students’ personally identifiable information  
4       is more important than ever.

5           “(4) Regulations allowing more access to stu-  
6       dents’ personal information could allow that infor-  
7       mation to be shared or sold by individuals who do  
8       not have the best interest of the students in mind.

9           “(5) The Secretary has the responsibility to en-  
10       sure every entity that receives funding under this  
11       Act holds any personally identifiable information in  
12       strict confidence.

13       “(b) SENSE OF CONGRESS.—It is the sense of the  
14       Congress that the Secretary should review all regulations  
15       addressing issues of student privacy, including those under  
16       this Act, and ensure that students’ personally identifiable  
17       information is protected.”.

18       **SEC. 8038. PROHIBITION ON AIDING AND ABETTING SEX-**  
19                               **UAL ABUSE .**

20       Subpart 2 of part F of title VIII, as amended and  
21       redesignated by section 8001 of this Act, is further  
22       amended by adding at the end the following:

1 **“SEC. 8546. PROHIBITION ON AIDING AND ABETTING SEX-**  
2 **UAL ABUSE.**

3 “(a) IN GENERAL.—A State, State educational agen-  
4 cy, or local educational agency in the case of a local edu-  
5 cational agency that receives Federal funds under this Act  
6 shall have laws, regulations, or policies that prohibit any  
7 individual who is a school employee, contractor, or agent,  
8 or any State educational agency or local educational agen-  
9 cy, from assisting a school employee, contractor, or agent  
10 in obtaining a new job, apart from the routine trans-  
11 mission of administrative and personnel files, if the indi-  
12 vidual or agency knows, or has probable cause to believe,  
13 that such school employee, contractor, or agent engaged  
14 in sexual misconduct regarding a minor or student in vio-  
15 lation of the law.

16 “(b) EXCEPTION.—The requirements of subsection  
17 (a) shall not apply if the information giving rise to prob-  
18 able cause—

19 “(1)(A) has been properly reported to a law en-  
20 forcement agency with jurisdiction over the alleged  
21 misconduct; and

22 “(B) has been properly reported to any other  
23 authorities as required by Federal, State, or local  
24 law, including title IX of the Education Amend-  
25 ments of 1972 (20 U.S.C. 1681 et seq.) and the reg-  
26 ulations implementing such title under part 106 of

1 title 34, Code of Federal Regulations, or any suc-  
2 ceeding regulations; and

3 “(2)(A) the matter has been officially closed or  
4 the prosecutor or police with jurisdiction over the al-  
5 leged misconduct has investigated the allegations  
6 and notified school officials that there is insufficient  
7 information to establish probable cause that the  
8 school employee, contractor, or agent engaged in  
9 sexual misconduct regarding a minor or student in  
10 violation of the law;

11 “(B) the school employee, contractor, or agent  
12 has been charged with, and acquitted or otherwise  
13 exonerated of the alleged misconduct; or

14 “(C) the case or investigation remains open and  
15 there have been no charges filed against, or indict-  
16 ment of, the school employee, contractor, or agent  
17 within 4 years of the date on which the information  
18 was reported to a law enforcement agency.

19 “(c) PROHIBITION.—The Secretary shall not have the  
20 authority to mandate, direct, or control the specific meas-  
21 ures adopted by a State, State educational agency, or local  
22 educational agency under this section.

23 “(d) CONSTRUCTION.—Nothing in this section shall  
24 be construed to prevent a State from adopting, or to over-  
25 ride a State law, regulation, or policy that provides, great-

1 er or additional protections to prohibit any individual who  
2 is a school employee, contractor, or agent, or any State  
3 educational agency or local educational agency, from as-  
4 sisting a school employee who engaged in sexual mis-  
5 conduct regarding a minor or student in violation of the  
6 law in obtaining a new job.”.

7 **SEC. 8039. SENSE OF CONGRESS ON RESTORATION OF**  
8 **STATE SOVEREIGNTY OVER PUBLIC EDU-**  
9 **CATION.**

10 Subpart 2 of part F of title VIII, as amended and  
11 redesignated by section 8001 of this Act, is further  
12 amended by adding at the end the following:

13 **“SEC. 8547. SENSE OF CONGRESS ON RESTORATION OF**  
14 **STATE SOVEREIGNTY OVER PUBLIC EDU-**  
15 **CATION.**

16 “It is the Sense of Congress that State and local offi-  
17 cials should be consulted and made aware of the require-  
18 ments that accompany participation in activities author-  
19 ized under this Act prior to a State or local educational  
20 agency’s request to participate in such activities.”.

21 **SEC. 8040. PRIVACY.**

22 Subpart 2 of part F of title VIII, as amended and  
23 redesignated by section 8001 of this Act, is further  
24 amended by adding at the end the following:



1 **“SEC. 8548. PRIVACY.**

2 “The Secretary shall require an assurance that each  
3 grantee receiving funds under this Act understands the  
4 importance of privacy protections for students and is  
5 aware of the responsibilities of the grantee under section  
6 444 of the General Education Provisions Act (20 U.S.C.  
7 1232g) (commonly known as the ‘Family Education  
8 Rights and Privacy Act of 1974’).”.

9 **SEC. 8041. ANALYSIS AND PERIODIC REVIEW; SENSE OF**  
10 **CONGRESS; TECHNICAL ASSISTANCE.**

11 Subpart 2 of part F of title VIII, as amended and  
12 redesignated by section 8001 of this Act, is further  
13 amended by adding at the end the following:

14 **“SEC. 8549. ANALYSIS AND PERIODIC REVIEW OF DEPART-**  
15 **MENTAL GUIDANCE.**

16 “The Secretary shall develop procedures for the ap-  
17 proval and periodic review of significant guidance docu-  
18 ments that include—

19 “(1) appropriate approval processes within the  
20 Department;

21 “(2) appropriate identification of the agency or  
22 office issuing the documents, the activities to which  
23 and the persons to whom the documents apply, and  
24 the date of issuance;

1           “(3) a publicly available list to identify those  
2           significant guidance documents that were issued, re-  
3           vised, or withdrawn within the past year; and

4           “(4) an opportunity for the public to request  
5           that an agency modify or rescind an existing signifi-  
6           cant guidance document.

7   **“SEC. 8549A SENSE OF CONGRESS.**

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

9           “(1) This Act prohibits the Federal Govern-  
10          ment from mandating, directing, or controlling a  
11          State, local educational agency, or school’s cur-  
12          riculum, program of instruction, or allocation of  
13          State and local resources, and from mandating a  
14          State or any subdivision thereof to spend any funds  
15          or incur any costs not paid for under this Act.

16          “(2) This Act prohibits the Federal Govern-  
17          ment from funding the development, pilot testing,  
18          field testing, implementation, administration, or dis-  
19          tribution of any federally sponsored national test in  
20          reading, mathematics, or any other subject, unless  
21          specifically and explicitly authorized by law.

22          “(b) SENSE OF CONGRESS.—It is the sense of the  
23          Congress that States and local educational agencies retain  
24          the rights and responsibilities of determining educational

1 curriculum, programs of instruction, and assessments for  
2 elementary and secondary education.

3 **“SEC. 8549B. SENSE OF CONGRESS ON EARLY LEARNING**  
4 **AND CHILD CARE.**

5 “It is the Sense of the Congress that a State retains  
6 the right to make decisions, free from Federal intrusion,  
7 concerning its system of early learning and child care, and  
8 whether or not to use funding under this Act to offer early  
9 childhood education programs. Such systems should con-  
10 tinue to include robust choice for parents through a mixed  
11 delivery system of services so parents can determine the  
12 right early learning and child care option for their chil-  
13 dren. States, while protecting the rights of early learning  
14 and child care providers, retain the right to make decisions  
15 that shall include the age at which to set compulsory at-  
16 tendance in school, the content of a State’s early learning  
17 guidelines, and how to determine quality in programs.

18 **“SEC. 8549C. TECHNICAL ASSISTANCE.**

19 “If requested by a State or local educational agency,  
20 a regional educational laboratory under part D of the  
21 Education Sciences Reform Act of 2002 (20 U.S.C. 9561  
22 et seq.) shall provide technical assistance to such State  
23 or local educational agency in meeting the requirements  
24 of section 8101(21).”.

1 **SEC. 8042. EVALUATIONS.**

2 Section 8601, as redesignated by section 8001 of this  
3 Act, is amended to read as follows:

4 **“SEC. 8601. EVALUATIONS.**

5 “(a) RESERVATION OF FUNDS.—Except as provided  
6 in subsection (b) and (e), the Secretary, in consultation  
7 with the Director of the Institute of Education Sciences,  
8 may reserve not more than 0.5 percent of the amount ap-  
9 propriated for each program authorized under this Act to  
10 carry out activities under this section. If the Secretary  
11 elects to make a reservation under this subsection, the re-  
12 served amounts—

13 “(1) shall first be used by the Secretary, acting  
14 through the Director of the Institute of Education  
15 Sciences, to—

16 “(A) conduct comprehensive, high-quality  
17 evaluations of the programs that—

18 “(i) are consistent with the evaluation  
19 plan under subsection (d); and

20 “(ii) primarily include impact evalua-  
21 tions that use experimental or quasi-experi-  
22 mental designs, where practicable and ap-  
23 propriate, and other rigorous methodolo-  
24 gies that permit the strongest possible  
25 causal inferences;

1           “(B) conduct studies of the effectiveness of  
2           the programs and the administrative impact of  
3           the programs on schools and local educational  
4           agencies; and

5           “(C) widely disseminate evaluation findings  
6           under this section related to programs author-  
7           ized under this Act—

8                   “(i) in a timely fashion;

9                   “(ii) in forms that are understand-  
10                  able, easily accessible, usable, and adapt-  
11                  able for use in the improvement of edu-  
12                  cational practice;

13                  “(iii) through electronic transfer and  
14                  other means, such as posting, as available,  
15                  to the websites of State educational agen-  
16                  cies, local educational agencies, the Insti-  
17                  tute of Education Sciences, or the Depart-  
18                  ment, or in another relevant place; and

19                  “(iv) in a manner that promotes the  
20                  utilization of such findings; and

21           “(2) may be used by the Secretary, acting  
22           through the Director of the Institute of Education  
23           Sciences—

24                   “(A) to evaluate the aggregate short- and  
25                  long-term effects and cost efficiencies across—

1                   “(i) Federal programs assisted or au-  
2                   thorized under this Act; and

3                   “(ii) related Federal early childhood  
4                   education programs, preschool programs,  
5                   elementary school programs, and secondary  
6                   school programs, under any other Federal  
7                   law;

8                   “(B) to increase the usefulness of the eval-  
9                   uations conducted under this section by improv-  
10                  ing the quality, timeliness, efficiency, and use of  
11                  information relating to performance to promote  
12                  continuous improvement of programs assisted  
13                  or authorized under this Act; and

14                  “(C) to assist recipients of grants under  
15                  such programs in collecting and analyzing data  
16                  and other activities related to conducting high-  
17                  quality evaluations under paragraph (1).

18                  “(b) TITLE I.—The Secretary, acting through the Di-  
19                  rector of the Institute of Education Sciences, shall use  
20                  funds authorized under section 1002(e) to carry out eval-  
21                  uation activities under this section related to title I, and  
22                  shall not reserve any other money from such title for eval-  
23                  uation.

24                  “(c) CONSOLIDATION.—Notwithstanding any other  
25                  provision of this section or section 1002(e), the Secretary,

1 in consultation with the Director of the Institute of Edu-  
2 cation Sciences—

3 “(1) may consolidate the funds reserved under  
4 subsections (a) and (b) for purposes of carrying out  
5 the activities under subsection (a)(1); and

6 “(2) shall not be required to evaluate under  
7 subsection (a)(1) each program authorized under  
8 this Act each year.

9 “(d) EVALUATION PLAN.—The Director of the Insti-  
10 tute of Education Sciences, shall, on a biennial basis, de-  
11 velop, submit to Congress, and make publicly available an  
12 evaluation plan, that—

13 “(1) describes the specific activities that will be  
14 carried out under subsection (a) for the 2-year pe-  
15 riod applicable to the plan, and the timelines of such  
16 activities;

17 “(2) contains the results of the activities car-  
18 ried out under subsection (a) for the most recent 2-  
19 year period; and

20 “(3) describes how programs authorized under  
21 this Act will be regularly evaluated.

22 “(e) EVALUATION ACTIVITIES AUTHORIZED ELSE-  
23 WHERE.—If, under any other provision of this Act, funds  
24 are authorized to be reserved or used for evaluation activi-  
25 ties with respect to a program, the Secretary may not re-

- 1 serve additional funds under this section for the evaluation
- 2 of that program.”.