

**[MILLER-MCKEON DISCUSSION DRAFT]**

1 **TITLE III—LANGUAGE INSTRU-**  
2 **CTION FOR LIMITED ENGLISH**  
3 **PROFICIENT AND IMMIGRANT**  
4 **STUDENTS**

5 **SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS; CONDI-**  
6 **TION ON EFFECTIVENESS OF PARTS.**

7 (a) AUTHORIZATIONS OF APPROPRIATIONS.—Section  
8 3001(a) (20 U.S.C. 6801(a)) is amended—

9 **[(1) in paragraph (1), by striking**  
10 **“\$750,000,000 for fiscal year 2002” and inserting**  
11 **“\$\_\_\_\_\_ for fiscal year 2008”; and]**

12 **[(2) in paragraph (2), by striking “2002” and**  
13 **inserting “2008”.]**

14 **[(b) CONDITIONS ON EFFECTIVENESS OF PARTS A**  
15 **AND B.—Section 3001(b) (20 U.S.C. 6801(b)) is amended**  
16 **by striking “\$650,000,000” and inserting**  
17 **“\$750,000,000”.]**

18 **SEC. 302. PURPOSES.**

19 Section 3102 (20 U.S.C. 6812) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “help”; and

1 (B) by inserting “develop high levels of  
2 language skills,” after “proficiency,”;

3 (2) in paragraph (4), by striking “designed to”  
4 and all that follows through the semicolon at the end  
5 and inserting the following: “designed to—

6 “(A) develop high levels of language skills  
7 for limited English proficient children, including  
8 immigrant children;

9 “(B) deliver academic content in a manner  
10 that is comprehensible to such children; and

11 “(C) prepare such children to enter all-  
12 English instructional setting.”;

13 (3) in paragraph (6), by inserting before the  
14 semicolon at the end the following: “so that parents  
15 and community members conducting those and other  
16 programs can support their children’s academic  
17 achievement”;

18 (4) in paragraph (9), by striking “scientifically”  
19 and all that follows through the period at the end  
20 and inserting “scientifically valid research on teach-  
21 ing limited English proficient children that the agen-  
22 cies believe to be the most effective.”;

23 (5) by redesignating paragraphs (2) through  
24 (9) as paragraphs (3) through (10), respectively;  
25 and

1           (6) by inserting before paragraph (3) (as so re-  
2 designated) the following:

3           “(2) to ensure that State educational agencies  
4 and local educational agencies provide limited  
5 English proficient children, including immigrant  
6 children, access to the full curriculum in a manner  
7 that is comprehensible to such children and appro-  
8 priately addresses the linguistic needs of such chil-  
9 dren;”.

10 **SEC. 303. FORMULA GRANTS TO STATES.**

11 Section 3111(c) (20 U.S.C. 6821(c)) is amended—

12           **[(1) in paragraph (1)(C), by striking “6.5” and**  
13 **inserting “9.0”; and]**

14           (2) by amending paragraph (4) to read as fol-  
15 lows:

16           “(4) **USE OF DATA FOR DETERMINATIONS.—**

17           “(A) **IN GENERAL.—**Except as otherwise  
18 provided in subparagraph (F), in making State  
19 allotments under paragraph (3), the Secretary  
20 shall use the methodology developed under sub-  
21 paragraph (B) to determine the number of lim-  
22 ited English proficient children in a State and  
23 in all States, and the number of immigrant chil-  
24 dren and youth in a State and in all States, for  
25 each fiscal year.

1                   “(B) TECHNICAL ASSISTANCE AND DEVEL-  
2                   OPMENT.—The Secretary shall—

3                   “(i) develop, within 2 years after the  
4                   date of the enactment of [insert short  
5                   title], a common methodology [across the  
6                   States] for identifying limited English pro-  
7                   ficient children and immigrant children  
8                   and youth in the States for the purposes of  
9                   making State allotments under paragraph  
10                  (3); and

11                  “(ii) ensure that such methodology is  
12                  valid and reliable for the purpose of deter-  
13                  mining such allotments.

14                  “(C) TECHNICAL ASSISTANCE.—The Sec-  
15                  retary shall provide technical assistance to the  
16                  States to support implementation of the com-  
17                  mon methodology described in subparagraph  
18                  (B).

19                  “(D) DETERMINATION.—Except as pro-  
20                  vided in subparagraph (E), each State shall,  
21                  using the methodology described in subpara-  
22                  graph (B), determine the number of limited  
23                  English proficient children and immigrant chil-  
24                  dren and youth in such State. Each State shall  
25                  report such number to the Secretary.

1           “(E) SPECIAL RULE.—The Secretary shall  
2           determine the allotments to States for the two  
3           fiscal years following the date of the enactment  
4           of [insert short title] using the same measures  
5           and procedures utilized for such purpose prior  
6           to such date.

7           “(F) AVERAGING.—In making allocations  
8           to States under paragraph (3), the Secretary  
9           may average the data for the previous two  
10          years.”.

11 **SEC. 304. STATE AND SPECIALLY QUALIFIED AGENCY**  
12           **PLANS.**

13          Section 3113(b) (20 U.S.C. 6823(b)) is amended—

14           (1) by redesignating paragraphs (3) through  
15          (6) as paragraphs (4) through (7), respectively;

16           (2) by inserting after paragraph (2) the fol-  
17          lowing:

18           “(3) describe how the agency will ensure that  
19          eligible entities provide limited English proficient  
20          children, including immigrant children access to the  
21          full curriculum in a manner that is understandable  
22          to and appropriately addresses the linguistic needs  
23          of such children;”;

24           (3) in paragraph (4), as so redesignated, by  
25          striking “the four recognized domains of speaking,

1 listening, reading, writing,” and insert “the five rec-  
2 ognized domains of speaking, listening, reading,  
3 writing, and comprehension,”; and

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

5 “(8) describe how the agency will ensure that  
6 eligible entities implement the requirement under  
7 section 3116(c) that all teachers are fluent in  
8 English and any other language used for instruction,  
9 including having written and oral communication  
10 skills; and

11 “(9) describe how the agency will ensure that a  
12 consistent definition of limited English proficiency is  
13 used in making within-State allocations to eligible  
14 entities under section 3114.”.

15 **SEC. 305. SUBGRANTS TO ELIGIBLE ENTITIES.**

16 (a) **REQUIRED SUBGRANTEE ACTIVITIES.**—Section  
17 3115(c) (20 U.S.C. 6825(c)) is amended—

18 (1) by striking “and” at the end of paragraph  
19 (1);

20 (2) by striking the period at the end of para-  
21 graph (2) and inserting “; and” ; and

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

23 “(3) to provide limited English proficient chil-  
24 dren, including immigrant children, access to the full  
25 curriculum in a manner that is understandable and

1 appropriately addresses the linguistic needs of such  
2 children.”.

3 (b) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sec-  
4 tion 3115(d) (20 U.S.C. 6825(d)) is amended—

5 (1) by redesignating paragraph (8) as para-  
6 graph (9); and

7 (2) by inserting after paragraph (7) the fol-  
8 lowing:

9 [“(8) Developing instructional programs that  
10 promote academic proficiency in more than one lan-  
11 guage.”.]

12 **SEC. 306. LOCAL PLANS.**

13 Section 3116 (20 U.S.C. 6826) is amended—

14 (1) in subsection (a), by inserting before the pe-  
15 riod at the end “, consistent with this title”;

16 (2) in subsection (b)(6), by striking the period  
17 at the end and inserting “and meet challenging  
18 State academic content standards and State student  
19 academic achievement standards.”;

20 (3) in subsection (d)(3), strike “research” and  
21 insert “research, including research on Native lan-  
22 guages spoken by children under this title.”;

23 (4) in subsection (d)(4) add “listen to,” after  
24 “speak,”; and

1 (5) by inserting after paragraph (5) the fol-  
2 lowing:

3 “(6) paraprofessionals who are—

4 “(A) hired after the enactment of the **[IN-**  
5 **SERT SHORT TITLE]** to work in a program  
6 funded under this title, will meet the require-  
7 ments of subsections **[(c), (f), and (g) of sec-**  
8 **tion 1119]**; and

9 “(B) hired before the enactment of the  
10 **[INSERT SHORT TITLE]**, will meet the re-  
11 quirements set forth under subsections **[(c), (f),**  
12 **and (g) of section 1119]** not later than four  
13 years after the date of the enactment of that  
14 Act.”.

15 **SEC. 307. EVALUATIONS.**

16 Section 3121(c)(2) (20 U.S.C. 6841(c)(2)) is amend-  
17 ed by striking the period at the end and inserting “con-  
18 sistent with this title.”.

19 **SEC. 308. REPORTING REQUIREMENTS.**

20 Section 3123(b) (20 U.S.C. 6843(b)) is amended by  
21 striking “the Workforce” and inserting “Labor”.

22 **SEC. 309. NATIONAL PROFESSIONAL DEVELOPMENT**  
23 **PROJECT.**

24 Section 3131 (20 U.S.C. 6861) is amended—



1           (1) by striking “institutions of higher education  
2           (in consortia with State educational agencies or local  
3           educational agencies)” and inserting “institutions of  
4           higher education, State educational agencies, local  
5           educational agencies, and consortia of local edu-  
6           cational agencies”;

7           (2) by striking “and” at the end of paragraph  
8           (2);

9           (3) by striking the period at the end of para-  
10          graph (3) and inserting a semicolon; and

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

12           “(4) for the development and dissemination of  
13           strategies for teaching individuals with limited  
14           English proficiency based on scientifically valid re-  
15           search so that such students can meet the same  
16           challenging State content and student academic  
17           achievement standards as other students;

18           “(5) for the conduct of research and evaluation  
19           on professional development provided to individuals  
20           with limited English proficiency under this part; and

21           “(6) for technical assistance to assist State edu-  
22           cational agencies and local educational agencies in  
23           meeting the requirements of this title.”.

24   **SEC. 310. ELIGIBLE ENTITY DEFINITION.**

25          Section 3141 (20 U.S.C. 6871) is amended—

1 (1) in paragraph (1), by striking “or” at the  
2 end;

3 (2) in paragraph (2), by striking “agencies,”  
4 and inserting “agencies or county offices of edu-  
5 cation,”;

6 (3) by redesignating paragraph (2) as para-  
7 graph (3); and

8 (4) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) one or more county offices of education  
11 that are engaged in activities that offer support and  
12 assistance to local educational agencies; or”.

13 **SEC. 311. COORDINATION OF REPORTING REQUIREMENTS.**

14 Section 3253 (20 U.S.C. 6983) is amended—

15 (1) in subsection (b), by striking “shall, to the  
16 extent feasible,” and inserting “shall”; and

17 (2) in subsection (d), by striking “the Work-  
18 force” and inserting “Labor”.

19 **SEC. 312. NATIONAL CLEARINGHOUSE.**

20 Section 3303 (20 U.S.C. 7013) is amended, in the  
21 matter preceding paragraph (1), by striking “establish  
22 and”.

23 **SEC. 313. STUDY.**

24 Title III (20 U.S.C. 6801 et seq.) is amended by add-  
25 ing at the end the following:

1 **“SEC. 3305. STUDY.**

2 “The Comptroller General of the United States shall  
3 update GAO Report 06-815 and GAO Report 07-140, and  
4 shall include in such update an analysis of the effect of  
5 the amendments made to this title by the [insert short  
6 title]. The Comptroller General of the United States shall  
7 submit such updated reports to the Health, Education,  
8 Labor and Pensions Committee of the Senate and the  
9 Committee on Education and Labor of the United States  
10 House of Representatives not later than 3 years of the  
11 date of the enactment of such Act.”.

12 **TITLE IV—AMENDMENTS TO**  
13 **TITLE IV**

14 **SEC. 401. 21ST CENTURY SCHOOLS.**

15 (a) PURPOSE.—Section 4002 (20 U.S.C. 7102) is  
16 amended—

17 (1) in the matter preceding paragraph (1) by  
18 striking “violence” and all that follows through “fos-  
19 ter” and inserting “violence, including bullying, har-  
20 assment, and gang activity, in and around schools;  
21 that prevent the illegal use of alcohol, tobacco, and  
22 drugs; that prevent school disciplinary problems;  
23 that involve parents and communities in the school  
24 programs and activities; and that are coordinated  
25 with related Federal, State, school, and community

1 efforts and resources to improve the whole-school cli-  
2 mate by fostering”; and

3 (2) in paragraph (1) by inserting before the  
4 semicolon at the end the following: “, including for  
5 programs to improve the school-wide climate through  
6 implementation of positive behavioral supports”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
8 4003 (20 U.S.C. 7103) is amended—

9 (1) in paragraph (1), by striking  
10 “\$650,000,000 for fiscal year 2002” and inserting  
11 “\_\_\_\_\_ for fiscal year 2008”; and

12 (2) in paragraph (2), by striking “such sums  
13 for fiscal year 2002” and inserting  
14 “\_\_\_\_\_ for fiscal year 2008”.

15 (c) RESERVATION OF STATE FUNDS FOR SAFE AND  
16 DRUG-FREE SCHOOLS.—Section 4112 (20 U.S.C. 7112)  
17 is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1) by striking “Such  
20 grants and contracts” and all that follows  
21 through the period at the end;

22 (B) by redesignating paragraphs (2)  
23 through (6) as (4) through (8), respectively;

24 (C) by inserting after paragraph (1) the  
25 following:

1           “(2) SET-ASIDE.—The chief executive officer of  
2 a State shall set aside **[20]** percent of such reserva-  
3 tion to make grants to Challenge Schools as des-  
4 ignated in section 4118(b) to assist such schools to  
5 achieve a safe climate for learning, and to local edu-  
6 cational agencies or community-based organizations  
7 to carry out programs and activities at such schools  
8 that—

9           “(A) are consistent with the local interven-  
10 tion plans described in section 4118(b)(3); and

11           “(B) meet the principles of effectiveness  
12 described in section 4115(a).

13           “(3) REMAINDER.—The remainder of the res-  
14 ervation described in paragraph (1) shall be used to  
15 carry out the comprehensive State plan described in  
16 section 4113(a) through grants and contracts for  
17 programs or activities that complement and support  
18 activities of local educational agencies described in  
19 section 4115(b). The chief executive officer of a  
20 State shall award such grants based on—

21           “(A) the quality of the program or activity  
22 proposed; and

23           “(B) how the program or activity meets  
24 the principles of effectiveness described in sec-  
25 tion 4115(a).”;

1 (D) in paragraph (4) (as so redesignated),  
2 in the matter preceding subparagraph (A), by  
3 striking “violence” and inserting “violence, in-  
4 cluding bullying, harassment, and gang activ-  
5 ity,”;

6 (E) in paragraph (6) (as so redesignated)  
7 by striking “under this section” and inserting  
8 “under paragraph (3)”; and

9 (F) in paragraph (7) (as so redesignated)  
10 by striking “under this section” and inserting  
11 “under paragraph (3)”; and

12 (2) in subsection (c)(3)—

13 (A) in subparagraph (B)—

14 (i) in the matter preceding clause (i),  
15 by inserting “annual” before “collection of  
16 information”;

17 (ii) by redesignating clauses (iii) and  
18 (iv) as (iv) and (v), respectively;

19 (iii) by striking clause (ii) and insert-  
20 ing the following:

21 “(ii) the frequency, seriousness, and  
22 incidence of violence and drug-related of-  
23 fenses that occur at a school, on a school  
24 bus, or at a school function or school re-  
25 lated activity;

1 “(iii) suspensions of one day or more,  
2 including in-school suspensions, and expul-  
3 sions in elementary schools and secondary  
4 schools in the State, disaggregated by the  
5 categories specified in section  
6 1111(b)(3)(C)(viii);” and

7 (iv) in clause (v) (as so redesignated)  
8 by inserting after “violence” the following:  
9 “, including bullying, harassment, and  
10 gang activity;”;

11 (B) by redesignating subparagraph (E) as  
12 (F);

13 (C) by striking subparagraphs (C) and (D)  
14 and inserting the following:

15 “(C) COLLECTION AND COMPILATION OF  
16 DATA.—The data collected for the uniform  
17 management information and reporting system  
18 shall include, but not be limited to, incident re-  
19 ports from school officials, anonymous student  
20 surveys, and anonymous teacher surveys. In  
21 compiling the data required for the uniform  
22 management information and reporting system,  
23 the State shall—

24 “(i) define the offenses described in  
25 subparagraph (B)(ii) pursuant to the

1 State's criminal code and consistent with,  
2 to the extent practicable, the school-related  
3 crime data reported in the Uniform Crime  
4 Reporting System or National Incident  
5 Based Reporting System; and

6 “(ii) not identify victims of crimes or  
7 persons accused of crimes.

8 “(D) REPORTING.—

9 “(i) TO THE PUBLIC.—The informa-  
10 tion specified in subparagraph (B) shall be  
11 reported to the public.

12 “(ii) TO THE STATE.—The informa-  
13 tion specified in clauses (i) and (ii) of sub-  
14 paragraph (B) shall be reported to the  
15 State by the local educational agency on a  
16 school-by-school basis and, for each school,  
17 the local educational agency shall certify to  
18 the State that the information reported  
19 under this clause is accurate, verifiable,  
20 and complete.

21 “(iii) TO THE SECRETARY.—The  
22 State annually shall report to the Sec-  
23 retary the information reported to the  
24 State under clause (ii), disaggregated by  
25 local educational agency.



1           “(E) CONSISTENCY OF DATA REPORTED.—  
2           Information shall be reported under subpara-  
3           graph (D) in a manner consistent with the  
4           guidelines described in section 4118(g) and  
5           allow for the evaluations described in section  
6           4118(h).”; and

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

8           “(G) INCIDENT WITH MULTIPLE PER-  
9           PETRATORS.—For purposes of this paragraph,  
10          an incident that involves more than one pepe-  
11          trator shall be treated as a single incident with  
12          multiple perpetrators.”.

13          (d) STATE APPLICATION.—Section 4113(a) (20  
14          U.S.C. 7113(a)) is amended—

15               (1) in paragraph (4) by striking “other pro-  
16               grams,” and inserting “other programs, including  
17               programs to prevent bullying, harassment, and gang  
18               activity,”; and

19               (2) in paragraph (9)(B) by striking “child  
20               abuse or domestic violence” and inserting “child  
21               abuse, domestic violence, bullying or harassment, or  
22               gang activity”.

23          (e) LOCAL EDUCATIONAL AGENCY PROGRAM.—Sec-  
24          tion 4114 (20 U.S.C. 7114) is amended—

1           (1) in subsection (c)(1)(A) by inserting before  
2 the period at the end the following: “, including ac-  
3 tivities to prevent bullying, harassment, and gang  
4 activity”; and

5           (2) in subsection (d)(7)—

6           (A) in subparagraph (A)—

7           (i) by inserting after “policies” the  
8 following: “, developed through public com-  
9 ment,”; and

10           (ii) by inserting after “conduct,” the  
11 following: “including bullying and harass-  
12 ment,”;

13           (B) by redesignating subparagraphs (B)  
14 through (E) as (C) through (F), respectively;  
15 and

16           (C) by inserting after subparagraph (A)  
17 the following:

18           “(B) annual notice to parents and students  
19 of the policies described in subparagraph (A),  
20 including how to register complaints in response  
21 to prohibited conduct and the process and  
22 timeline the school district or school will utilize  
23 to resolve such complaints;”.

24           (f) AUTHORIZED ACTIVITIES.—Section 4115 (20  
25 U.S.C. 7115) is amended in subsection (b)(2)—

1 (1) in subparagraph (A)(i) by inserting after  
2 “violence” the following: “, including bullying, har-  
3 assment, and gang activity,”;

4 (2) in subparagraph (B) by inserting after  
5 “providers” the following: “, including school re-  
6 source officers,”;

7 (3) in subparagraph (D) by striking “pupil  
8 services personnel” and inserting “specialized in-  
9 structional support personnel”;

10 (4) in subparagraph (E) by adding at the end  
11 the following:

12 “(xxiii) Programs that address the  
13 causes of bullying and harassment and  
14 that train teachers, administrators, and  
15 counselors strategies to prevent incidents  
16 of bullying and harassment and how to in-  
17 tervene effectively when such incidents  
18 occur.”; and

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

20 “(G) Establishing and implementing a  
21 comprehensive school safety plan that incor-  
22 porates input from the community, including  
23 parents, students, teachers, principals, special-  
24 ized instructional support personnel, local law  
25 enforcement (including representatives of the

1 juvenile justice system), representatives of local  
2 public health and mental health agencies, and  
3 experts in school safety, and is reviewed at least  
4 annually.”.

5 (g) REPORTING.—Section 4116(a)(2)(B) (20 U.S.C.  
6 7116(a)(2)(B)) is amended by inserting after “violence”  
7 the following: “, including bullying, harassment, and gang  
8 activity,”.

9 (h) SAFE SCHOOL CLIMATE.—

10 (1) IN GENERAL.—Subpart 1 of part A of title  
11 IV is amended by inserting after section 4117 (20  
12 U.S.C. 7117) the following:

13 **“SEC. 4118. SAFE SCHOOL CLIMATE.**

14 “(a) IN GENERAL.—Each State receiving funds  
15 under this part shall establish and implement a statewide  
16 policy requiring that a student who is attending a public  
17 elementary or secondary school that does not have a safe  
18 climate for academic achievement, as determined by the  
19 State pursuant to subsection (b) in consultation with a  
20 representative sample of local educational agencies, parent  
21 groups, local law enforcement agencies, and other experts  
22 in the area of school safety, or who becomes a victim of  
23 a violent criminal offense, as determined by State law,  
24 while in or on the grounds of a public elementary or sec-  
25 ondary school that the student attends or on a school bus

1 of or at a school function of a public elementary school  
2 or secondary school that the student attends, be allowed  
3 to attend a public elementary school or secondary school  
4 with a safe climate for academic achievement within the  
5 local educational agency, including a public charter school.

6 “(b) DESIGNATIONS OF CHALLENGE SCHOOLS.—

7 “(1) IN GENERAL.—A determination as to  
8 whether a school has a safe climate for academic  
9 achievement for purposes of subsection (a) shall at  
10 a minimum include information on school-related  
11 crime data without the use of disciplinary action  
12 qualifiers, reported pursuant to sections 4112 and  
13 4141, and to the extent practicable is consistent  
14 with school-related crime data collected by the Na-  
15 tional Incident-Based Reporting System that is  
16 verifiable and reported in a consistent and uniform  
17 manner, and may include other data as appropriate.

18 “(2) CHALLENGE SCHOOL.—A school that is  
19 determined not to have a safe climate for academic  
20 achievement shall be designated a Challenge School.

21 “(3) INTERVENTION PLAN.—A school that is  
22 determined not to have a safe climate for academic  
23 achievement shall develop and implement an inter-  
24 vention plan in consultation with parents, students,  
25 teachers, principals, specialized instructional support

1 personnel, local law enforcement (including rep-  
2 resentatives of the juvenile justice system), rep-  
3 resentatives of local public health and mental health  
4 agencies, and experts in school safety, that is based  
5 on an analysis of the data that led to the school's  
6 designation as a Challenge School and issues of local  
7 concern, to create a safe climate for academic  
8 achievement.

9 “(4) REPORTING BY STATES.—Each State shall  
10 report to the Secretary, on an annual basis, the  
11 number of Challenge Schools, the number of stu-  
12 dents who have transferred from such schools.

13 “(5) REQUEST THAT FBI PROVIDE INFORMA-  
14 TION.—The Secretary shall request the Director of  
15 the Federal Bureau of Investigation to make avail-  
16 able for inclusion in the report on Indicators of  
17 School Crime and Safety any data or other informa-  
18 tion the Bureau has available, through the Uniform  
19 Crime Reporting System or the National Incident-  
20 Based Reporting System, on the occurrence and in-  
21 cidence of school-related crime in elementary and  
22 secondary schools. The Secretary shall make avail-  
23 able any data or other information received from the  
24 Bureau to the States for use in the uniform manage-

1 ment information and report described in section  
2 4112(e)(3).

3 “(6) INCLUSION IN POLICIES.—Each State’s  
4 policies on how it determines whether a school has  
5 a safe climate for academic achievement shall—

6 “(A) include a process by which a school  
7 can appeal its designation as a Challenge  
8 School;

9 “(B) include a process by which a school’s  
10 designation as a Challenge School will be re-  
11 viewed not less often than annually; and

12 “(C) be made publicly available.

13 “(c) PARENTAL NOTIFICATION.—

14 “(1) IN GENERAL.—Each State shall complete  
15 its determinations under subsection (a) as to which  
16 schools do not have a safe climate for academic  
17 achievement in time to permit local educational  
18 agencies to notify, at least 45 days before the start  
19 of the school year, the custodial parent or guardian  
20 of each student who will attend such a school that  
21 the student may attend another school, as provided  
22 in subsection (a).

23 “(2) NOTICE.—After making a determination  
24 under subsection (a), the State shall notify each  
25 local educational agency that includes a school des-

1       ignated as a Challenge School of the determination.  
2       Within a reasonable time after being so notified, the  
3       local educational agency shall provide to the custo-  
4       dial parent or guardian of each student in the school  
5       a notice of the determination. The notice shall de-  
6       scribe the determination and explain that by reason  
7       of the determination the student is allowed to attend  
8       another school, pursuant to subsection (a).

9               “(3) FORM OF NOTICE.—A notice to a parent  
10       under paragraph (2) shall be in an understandable  
11       and uniform format and, to the extent practicable,  
12       in a language that the parent can understand.

13               “(d) EVALUATIONS BY STATES.—Each State shall,  
14       on an ongoing basis, using verifiable documentation, mon-  
15       itor the extent to which local educational agencies are in  
16       compliance with this section.

17               “(e) CERTIFICATION.—As a condition of receiving  
18       funds under this Act, a State shall certify in writing to  
19       the Secretary that the data used to develop and implement  
20       the policy in subsection (a) and used to make the deter-  
21       minations in subsection (b) are verifiable and that the  
22       State is in compliance with this section.

23               “(f) BEST PRACTICES.—The Secretary shall provide  
24       to States guidance on best practices for implementing and  
25       monitoring the policies required by this section.



1           “(g) HANDBOOK FOR SCHOOL CRIME, OFFENSE,  
2 AND INCIDENT REPORTING.—The Secretary shall publish  
3 a handbook for school crime, offense, and incident report-  
4 ing, modeled after the Handbook for Campus Crime Re-  
5 porting, to provide clear guidance on the crimes, offenses,  
6 and incidents that must be reported to meet the reporting  
7 requirements of this section. The handbook shall provide  
8 assistance and explanation in a step by step and readable  
9 manner, and provide contact information if further assist-  
10 ance is necessary. The handbook shall also include the rec-  
11 ommendations of the Secretary on using consistent na-  
12 tional definitions for the crimes, offenses, and incidents  
13 that are required to be reported by this section. The first  
14 such handbook shall be published not later than 6 months  
15 after the date of the enactment of this section.

16           “(h) PERIODIC EVALUATION.—The Inspector Gen-  
17 eral of the Department of Education shall biennially audit  
18 the compliance of States with this section and section  
19 4113(c)(3), based on a sample of States, on a rotating  
20 basis.

21           “(i) RULE OF CONSTRUCTION.—Nothing in this sub-  
22 part shall be construed to prevent a State from allowing  
23 a local educational agency that has expelled a student  
24 from such student’s regular school setting from providing

1 educational services to such student in an alternative set-  
2 ting.”.

3 (2) CONFORMING REPEAL.—Section 9532 (20  
4 U.S.C. 7912) is repealed.

5 (i) FEDERAL ACTIVITIES.—Section 4121(a) (20  
6 U.S.C. 7131(a)) is amended—

7 (1) in the matter preceding paragraph (1)—

8 (A) by striking “and the Attorney Gen-  
9 eral,” and inserting “the Attorney General,  
10 and, as appropriate, the Secretary of Homeland  
11 Security,”; and

12 (B) by striking “violence” and inserting  
13 “violence, including bullying, harassment, and  
14 gang activity,”;

15 (2) in paragraph (2) by striking subparagraph  
16 (B) and inserting the following:

17 “(B) programs carried out in conjunction  
18 with the Administrator of the Substance Abuse  
19 and Mental Health Services Administration and  
20 the Attorney General, which support commu-  
21 nity-based collaborative efforts to decrease vio-  
22 lence and substance abuse among children and  
23 promote positive childhood development by pro-  
24 moting safe school policies, comprehensive fam-  
25 ily-centered supports and services, and early

1 interventions for children at risk of developing  
2 mental illness;”;

3 (3) in paragraph (6) by striking “school sys-  
4 tems that have particularly severe drug and violence  
5 problems” and inserting “Challenge Schools des-  
6 ignated under section 4118”;

7 (4) in paragraph (8) by striking “and” at the  
8 end;

9 (5) by redesignating paragraph (9) as (10); and

10 (6) by inserting after paragraph (8) the fol-  
11 lowing:

12 “(9) strengthening and improving emergency  
13 response and crisis plans by addressing all four  
14 phases of crisis planning: prevention and mitigation,  
15 preparedness, response, and recovery; training school  
16 safety teams and students; conducting building and  
17 facilities audits; communicating emergency response  
18 policies to parents and guardians; implementing an  
19 Incident Command System (ICS), purchasing school  
20 safety equipment, conducting drills, and preparing  
21 and distributing crisis plans; and”.

22 (j) **IMPACT EVALUATION.**—Section 4122 (20 U.S.C.  
23 7132) is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),  
2 by inserting after “violence” the following: “,  
3 including bullying, harassment, and gang activ-  
4 ity,”; and

5 (B) in paragraph (2), by inserting after  
6 “violence” the following: “, including bullying,  
7 harassment, and gang activity,”; and

8 (2) in subsection (b), by inserting after “vio-  
9 lence” the following: “, including bullying, harass-  
10 ment, and gang activity,”.

11 (k) SAFE AND DRUG-FREE SCHOOLS AND COMMU-  
12 NITIES ADVISORY COMMITTEE.—Section 4124(a)(1)(B)  
13 (20 U.S.C. 7134(a)(1)(B)) is amended by striking “pro-  
14 grams” and inserting “programs, including programs to  
15 prevent bullying, harassment, and gang activity,”.

16 (l) NATIONAL RESOURCE CENTER FOR POSITIVE  
17 YOUTH DEVELOPMENT AND SCHOOL SUCCESS.—Subpart  
18 2 of part A of title IV is further amended by adding at  
19 the end the following:

20 **“SEC. 4131. NATIONAL RESOURCE CENTER FOR POSITIVE**  
21 **YOUTH DEVELOPMENT AND SCHOOL SUC-**  
22 **CESS.**

23 “(a) CENTER.—From funds made available to carry  
24 out this subpart under section 4003(2), the Secretary may  
25 establish a National Resource Center for Positive Youth

1 Development and School Success (in this section referred  
2 to as the ‘Center’). The Secretary may establish the Cen-  
3 ter at an existing facility if such facility has a history of  
4 carrying out the functions described in subsection (b).

5 “(b) FUNCTIONS.—The Center established under  
6 subsection (a) shall—

7 “(1) provide resources, publications, and train-  
8 ing to State and local educational agencies on the  
9 positive relationships, opportunities, and skills that  
10 students need to succeed in school and avoid risky  
11 behavior;

12 “(2) provide a free information service, using  
13 print, electronic media, and the Internet, for schools,  
14 principals, school officers, parent-teacher associa-  
15 tions, and community groups, relating to infusing  
16 developmental assets, supports and strengths into  
17 existing school curriculum, programs, and services;  
18 and

19 “(3) conduct and publish research on the rela-  
20 tionship between a strength-based approach to youth  
21 development and school success, including academic  
22 achievement and retention of the teaching force.”.

23 (m) DEFINITIONS.—Section 4151 (20 U.S.C. 7161)  
24 is amended—

1 (1) in paragraph (3)(B), by inserting after  
2 “sexual harassment and abuse,” the following: “bul-  
3 lying, other harassment, and gang activity,”;

4 (2) in paragraph (6), by inserting after “violent  
5 behavior,” the following: “including bullying, harass-  
6 ment, and gang activity,”;

7 (3) in paragraph (7), by inserting after “violent  
8 behavior,” the following: “including bullying, harass-  
9 ment, and gang activity,”; and

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

11 **【“(12) VIOLENCE.—The term ‘violence’ in-  
12 cludes bullying and harassment.”.】**

13 (n) MESSAGE AND MATERIALS.—Section 4152(a)  
14 (20 U.S.C. 7163(a)) is amended by striking “acts of vio-  
15 lence” and inserting “acts of violence, including bullying,  
16 harassment, and gang activity,”.

17 (o) PROHIBITED USES OF FUNDS.—Section 4154(2)  
18 (20 U.S.C. 7164(2)) is amended by striking “pupil serv-  
19 ices” and inserting “specialized instructional support serv-  
20 ices”.

21 **SEC. 402. 21ST CENTURY COMMUNITY LEARNING CENTERS.**

22 (a) PURPOSE; DEFINITIONS.—Section 4201 (20  
23 U.S.C. 7171) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (2)—

1 (i) by inserting after “youth develop-  
2 ment activities,” the following: “service  
3 learning, nutritious food and nutrition edu-  
4 cation,”;

5 (ii) by striking “recreation programs”  
6 and inserting “physical fitness and  
7 wellness programs”; and

8 (iii) by striking “and” at the end;

9 (B) in paragraph (3) by striking the period  
10 and inserting “; and”; and

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

12 “(4) support a variety of approaches to out-of-  
13 school learning that meet the specific needs of the  
14 communities that the centers serve.”; and

15 (2) in subsection (b)—

16 (A) in paragraph (1)(A)—

17 (i) by inserting after “assists students  
18 in” the following: “staying in school, en-  
19 gaging in learning, and”;

20 (ii) by striking “recreation,” and in-  
21 serting “nutrition education, physical fit-  
22 ness and wellness,”;

23 (B) by striking paragraph (2); and

24 (C) by redesignating paragraphs (3) and  
25 (4) as (2) and (3), respectively.

1 (b) ALLOTMENTS TO STATES.—Section 4202(e)(3)  
2 (20 U.S.C. 7172(e)(3)) is amended by adding at the end  
3 the following:

4 “(E) Supporting State-level efforts, such  
5 as developing quality standards, to ensure the  
6 quality and availability of after-school pro-  
7 grams.”.

8 (c) STATE APPLICATION.—Section 4203(a) (20  
9 U.S.C. 7173(a)) is amended—

10 (1) in paragraph (2) by inserting before the  
11 semicolon at the end the following: “, including tech-  
12 nical assistance with the application process to eligi-  
13 ble entities interested in applying for a grant under  
14 section 4204, particularly entities with less adminis-  
15 trative capacity”; and

16 (2) in paragraph (6) by inserting after “train-  
17 ing,” the following: “professional development,”.

18 (d) LOCAL COMPETITIVE GRANT PROGRAM.—Section  
19 4204 (20 U.S.C. 7174) is amended—

20 (1) in subsection (b)(2)—

21 (A) in subparagraph (M) by striking  
22 “and” at the end;

23 (B) by redesignating subparagraph (N) as  
24 (O); and



1 (C) by inserting after subparagraph (M)  
2 the following:

3 “(N) a description of the ongoing profes-  
4 sional development that the program staff will  
5 receive to ensure that the program meets the  
6 purposes of this part; and”;

7 (2) in subsection (g), by striking the period at  
8 the end and inserting “, and may be renewed for [a  
9 period] of not less than 3 years and not more than  
10 5 years contingent on the grantee’s performance  
11 during the previous grant having been satisfactory in  
12 terms of program design, quality, and the number of  
13 children served.”; and

14 (3) in subsection (i)(1)(A), by inserting after  
15 “section 1116” the following: [“as the result of not  
16 meeting an annual measurable objective for more  
17 than one of the groups of students described in sec-  
18 tion 1111(b)(2)(C)(v)(II)”].

19 (e) LOCAL ACTIVITIES.—Section 4205(a) (20 U.S.C.  
20 7175(a)) is amended—

21 (1) in the matter preceding paragraph (1), by  
22 striking “that advance” and inserting “that enrich,  
23 enhance, and advance”; and

1 (2) in paragraph (7) by striking “recreational  
2 activities” and inserting “physical fitness and  
3 wellness activities, such as nutrition education”.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 4206 (20 U.S.C. 7176) is amended by striking paragraphs  
6 (1) through (6) and inserting the following:

7 “(1) [ \$ \_\_\_\_\_ ] for fiscal year 2008;

8 “(2) [ \$ \_\_\_\_\_ ] for fiscal year 2009;

9 “(3) [ \$ \_\_\_\_\_ ] for fiscal year 2010;

10 “(4) [ \$ \_\_\_\_\_ ] for fiscal year 2011;

11 “(5) [ \$ \_\_\_\_\_ ] for fiscal year 2012;

12 and

13 “(6) [ \$ \_\_\_\_\_ ] for fiscal year 2013.”.

14 (g) NEW DAY FOR LEARNING STUDY.—Part B of  
15 title IV is further amended by adding at the end the fol-  
16 lowing:

17 **[“SEC. 4207. NEW DAY FOR LEARNING STUDY.]**

18 **[“(a) NATIONAL ACADEMY OF SCIENCES STUDY.—**  
19 Not later than 60 days after the date of the enactment  
20 of **[insert short title of 2007 reauth]**, the Secretary may  
21 enter into a contract with the National Academy of  
22 Sciences to conduct a study focused on expanding the defi-  
23 nition of what constitutes student success and identifying  
24 strategies for helping students acquire such skills. The  
25 study shall do each of the following:**]**

1           【“(1) Review and synthesize the research that  
2 identifies work-ready skills (such as critical and cre-  
3 ative thinking, team work, information usage, and  
4 communication) and skills needed for civic participa-  
5 tion and engagement that can be acquired by school-  
6 aged children and have been shown to be related to  
7 success in adult life.】

8           【“(2) Review what is known about the teaching  
9 and learning of the work-ready skills and civic skills  
10 identified under paragraph (1) for school-aged chil-  
11 dren, both inside and outside of traditional school  
12 settings.】

13           【“(3) Identify strategies to strengthen the ac-  
14 quisition of these work-ready and civic skills both in-  
15 side and outside of traditional school settings, in-  
16 cluding the development of standards, curricula,  
17 measures, and assessments of these skills.】

18           【“(b) MEMBERS OF THE PANEL.—The members of  
19 the panel responsible for conducting the study required by  
20 subsection (a) shall consist of an appropriate number of  
21 experts from the in-school and out-of-school fields, such  
22 as—】

23           【“(1) experts in child and adolescent develop-  
24 ment;】

1           【“(2) experts in education, including experts in  
2 out-of-school and in-school learning and in pre-kin-  
3 dergarten through 12th grade education;】

4           【“(3) experts in academic and non-academic  
5 assessments, including experts in innovative assess-  
6 ments;】

7           【“(4) representatives from the business commu-  
8 nity; and】

9           【“(5) experts knowledgeable about skills nec-  
10 essary for civic participation.】

11          【“(c) REPORT.—Not later than 24 months after the  
12 contract described in subsection (a) has been finalized, the  
13 panel described in subsection (b) shall issue a report that  
14 includes conclusions and recommendations for policy and  
15 practice regarding paragraphs (1) through (3) of sub-  
16 section (a).”】

17 **SEC. 403. FULL-SERVICE COMMUNITY SCHOOLS.**

18          Title IV of the Elementary and Secondary Education  
19 Act of 1965 is amended by adding at the end the fol-  
20 lowing:

21 **“PART D—FULL-SERVICE COMMUNITY SCHOOLS**

22 **“SEC. 4401. PURPOSES.**

23          “The purposes of this part are the following:

1           “(1) Providing support for the planning, imple-  
2           mentation, and operation of full-service community  
3           schools.

4           “(2) Improving the coordination, availability,  
5           and effectiveness of services for children and fami-  
6           lies.

7           “(3) Enabling principals and teachers to com-  
8           plement and enrich efforts to help all children reach  
9           proficiency in reading and math by 2014.

10          “(4) Ensuring that children come to school  
11          ready to learn every day.

12          “(5) Enabling families to participate in the edu-  
13          cation of their children.

14          “(6) Enabling more efficient use of Federal,  
15          State, local, and private sector resources that serve  
16          children and families.

17          “(7) Facilitating the coordination of programs  
18          operated by community-based organizations, non-  
19          profit organizations, and State, local, and tribal gov-  
20          ernments.

21          “(8) Engaging students as resources to their  
22          communities.

23          “(9) Engaging the business community and  
24          other community organizations as partners in the  
25          development of full-service community schools.

1 **“SEC. 4402. FULL-SERVICE COMMUNITY SCHOOL.**

2 “For purposes of this part, the term ‘full-service com-  
3 munity school’ means a public elementary or secondary  
4 school that—

5 “(1) participates in a community-based effort to  
6 coordinate educational, developmental, family,  
7 health, and other comprehensive services through  
8 community-based organizations and public and pri-  
9 vate partnerships; and

10 “(2) provides access to such services to stu-  
11 dents, families, and the community.

12 **“SEC. 4403. LOCAL PROGRAMS.**

13 “(a) GRANTS.—The Secretary may award grants to  
14 eligible entities to assist public elementary or secondary  
15 schools to function as full-service community schools.

16 “(b) USE OF FUNDS.—Grants awarded under this  
17 section shall be used to coordinate or provide not less than  
18 3 qualified services at 1 or more public elementary or sec-  
19 ondary schools.

20 “(c) APPLICATION.—To seek a grant under this sec-  
21 tion, an eligible entity shall submit an application to the  
22 Secretary at such time and in such manner as the Sec-  
23 retary may require. The Secretary shall require that each  
24 such application include the following:

25 “(1) A description of the eligible entity.

1           “(2) A list of partner entities that will assist  
2 the eligible entity to coordinate or provide qualified  
3 services.

4           “(3) A memorandum of understanding between  
5 the eligible entity and all partner entities describing  
6 the role the partner entities will assume.

7           “(4) A description of the capacity of the eligible  
8 entity to provide and coordinate qualified services at  
9 a full-service community school.

10           “(5) A comprehensive plan that includes de-  
11 scriptions of the following:

12                   “(A) The student, family, and school com-  
13 munity to be served, including information  
14 about the demographic characteristics and  
15 needs of students, families, and community resi-  
16 dents, the number of individuals to be served,  
17 and the frequency of services.

18                   “(B) Qualified services to be provided or  
19 coordinated by the eligible entity and its part-  
20 ner entities and how these services will meet the  
21 needs of students and their families.

22                   “(C) Planning, coordination, management,  
23 and oversight of qualified services at each  
24 school to be served, including the role of the  
25 school principal, the full-service community

1 school coordinator, partner entities, parents,  
2 and members of the community.

3 “(D) Funding sources for qualified services  
4 at each school to be served, whether such fund-  
5 ing is derived from grants under this section or  
6 from other Federal, State, local, or private  
7 sources.

8 “(E) Plans for professional development  
9 for personnel managing, or coordinating or de-  
10 livering qualified services at, the schools to be  
11 served.

12 “(F) Plans for joint utilization and mainte-  
13 nance of school facilities by the eligible entity  
14 and its partner entities.

15 “(G) How the eligible entity and its part-  
16 ners will focus services on schools eligible for a  
17 schoolwide program under section 1114.

18 “(6) Identification of principles of effectiveness  
19 that are based on—

20 “(A) an assessment of objective data re-  
21 garding the need for the establishment of a full-  
22 service community school and qualified services  
23 at each school to be served and in the commu-  
24 nity involved;



1           “(B) an established set of performance  
2           measures aimed at ensuring the availability and  
3           effectiveness of high-quality services; and

4           “(C) if appropriate, scientifically-based re-  
5           search that provides evidence that the qualified  
6           services involved will help students meet State  
7           and local student academic achievement stand-  
8           ards.

9           “(7) A strategy for developing a plan for sus-  
10          tainability.

11          “(d) PRIORITY.—In awarding grants under this sec-  
12          tion, the Secretary shall give priority to eligible entities  
13          that—

14               “(1) will serve 2 or more full-service community  
15               schools eligible for a schoolwide program under sec-  
16               tion 1114;

17               “(2) demonstrate a record of effectiveness in  
18               coordinating multiple qualified services; and

19               “(3) will serve more than 1 full-service commu-  
20               nity school as part of a community- or district-wide  
21               strategy.

22          “(e) GRANT PERIOD.—Each grant awarded under  
23          this section shall be for a period of 5 years.

24          “(f) MINIMUM AMOUNT.—The Secretary may not  
25          award a grant to an eligible entity under this section in

1 an amount that is less than \$75,000 for each year of the  
2 5-year grant period.

3 “(g) DEFINITIONS.—In this section:

4 “(1) The term ‘eligible entity’ means a consor-  
5 tium of a local educational agency and 1 or more  
6 community-based organizations, nonprofit organiza-  
7 tions, or other public or private entities.

8 “(2) The term ‘qualified services’ means any of  
9 the following:

10 “(A) Early childhood education.

11 “(B) Remedial education activities and  
12 academic enrichment activities.

13 “(C) Programs under the Head Start Act,  
14 including Early Head Start programs.

15 “(D) Programs that promote parental in-  
16 volvement and family literacy, including the  
17 Reading First, Early Reading First, and Wil-  
18 liam F. Goodling Even Start Family Literacy  
19 programs authorized in part B of title I.

20 “(E) Mentoring and other youth develop-  
21 ment programs.

22 “(F) Parent leadership development activi-  
23 ties.

24 “(G) Parenting education activities.

25 “(H) Child care services.

1           “(I) Community service and service learn-  
2           ing opportunities.

3           “(J) Programs that provide assistance to  
4           students who have been truant, suspended, or  
5           expelled.

6           “(K) Job training, career counseling, and  
7           internship opportunities.

8           “(L) Nutrition services.

9           “(M) Primary health and dental care.

10          “(N) Mental health counseling services.

11          “(O) Adult education, including instruction  
12          in English as a second language.

13          “(P) Other services consistent with this  
14          part.

15   **“SEC. 4404. STATE PROGRAMS.**

16          “(a) GRANTS.—The Secretary may award grants to  
17          State collaboratives to support the development of full-  
18          service community school programs in accordance with  
19          this section.

20          “(b) USE OF FUNDS.—Grants awarded under this  
21          section shall be used only for the following:

22                  “(1) Planning, coordinating, and expanding the  
23                  development of full-service community schools in the  
24                  State, particularly schools in high-poverty local edu-  
25                  cational agencies.

1           “(2) Providing technical assistance and training  
2           for full-service community schools, including profes-  
3           sional development for personnel and creation of  
4           data collection and evaluation systems.

5           “(3) Collecting, evaluating, and reporting data  
6           about the progress of full-service community schools.

7           “(4) Evaluating the impact of State policies  
8           and guidelines in the integration of Federal and  
9           State programs at full-service community schools.

10          “(c) APPLICATION.—To seek a grant under this sec-  
11          tion, a State collaborative shall submit an application to  
12          the Secretary at such time and in such manner as the  
13          Secretary may require. The Secretary shall require that  
14          each such application include the following:

15                 “(1) A list of all governmental agencies and  
16                 nonprofit organizations that will participate as mem-  
17                 bers of the State collaborative.

18                 “(2) A description of the expertise of each  
19                 member of the State collaborative—

20                         “(A) in coordinating Federal and State  
21                         programs across multiple agencies;

22                         “(B) in working with and developing the  
23                         capacity of full-service community schools; and

24                         “(C) in working with high poverty schools  
25                         and local educational agencies.

1           “(3) A comprehensive plan describing how the  
2 grant will be used to plan, coordinate, and expand  
3 the delivery of services at full-service community  
4 schools.

5           “(4) An explanation of how the State collabora-  
6 tive will provide technical assistance and training,  
7 including professional development, for full-service  
8 community schools.

9           “(5) An explanation of how the State will col-  
10 lect and evaluate information on full-service commu-  
11 nity schools.

12          “(d) GRANT PERIOD.—Each grant awarded under  
13 this section shall be for a period of 5 years.

14          “(e) MINIMUM AMOUNT.—The Secretary may not  
15 award a grant to a State collaborative under this section  
16 in an amount that is less than \$500,000 for each year  
17 of the 5-year grant period.

18          “(f) DEFINITIONS.—For purposes of this section:

19           “(1) The term ‘State’ includes the several  
20 States, the District of Columbia, the Commonwealth  
21 of Puerto Rico, the Commonwealth of the Northern  
22 Mariana Islands, American Samoa, Guam, the Vir-  
23 gin Islands, and any other territory or possession of  
24 the United States.

1           “(2) The term ‘State collaborative’ means a col-  
2           laborative of a State educational agency and not less  
3           than 2 other governmental agencies or nonprofit or-  
4           ganizations that provide services to children and  
5           families.

6   **“SEC. 4405. ADVISORY COMMITTEE.**

7           “(a) ESTABLISHMENT.—There is hereby established  
8           an advisory committee to be known as the ‘Full-Service  
9           Community Schools Advisory Committee’ (in this section  
10          referred to as the ‘Advisory Committee’).

11          “(b) DUTIES.—Subject to subsection (c), the Advi-  
12          sory Committee shall—

13                 “(1) consult with the Secretary on the develop-  
14                 ment and implementation of programs under this  
15                 part;

16                 “(2) identify strategies to improve the coordina-  
17                 tion of Federal programs in support of full-service  
18                 community schools; and

19                 “(3) issue an annual report to the Congress on  
20                 efforts under this part, including a description of—

21                         “(A) the results of local and national eval-  
22                         uation of such efforts; and

23                         “(B) the scope of services being coordi-  
24                         nated under this part.

1       “(c) CONSULTATION.—In carrying out its duties  
2 under this section, the Advisory Committee shall consult  
3 annually with eligible entities awarded grants under sec-  
4 tion 4403, State collaboratives awarded grants under sec-  
5 tion 4404, and other entities with expertise in operating  
6 full-service community schools.

7       “(d) MEMBERS.—The Advisory Committee shall con-  
8 sist of 4 members as follows:

9               “(1) The Attorney General of the United States  
10              (or the Attorney General’s delegate).

11              “(2) The Secretary of Agriculture (or the Sec-  
12              retary’s delegate).

13              “(3) The Secretary of Health and Human Serv-  
14              ices (or the Secretary’s delegate).

15              “(4) The Secretary of Labor (or the Secretary’s  
16              delegate).

17       **“SEC. 4406. GENERAL PROVISIONS.**

18       “(a) TECHNICAL ASSISTANCE.—The Secretary, di-  
19 rectly or through grants, shall provide such technical as-  
20 sistance as may be appropriate to accomplish the purposes  
21 of this part.

22       “(b) EVALUATIONS BY SECRETARY.—The Secretary  
23 shall conduct evaluations on the effectiveness of grants  
24 under sections 4403 and 4404 in achieving the purposes  
25 of this part.

1           “(c) EVALUATIONS BY GRANTEES.—The Secretary  
2 shall require each recipient of a grant under this section—

3           “(1) to conduct periodic evaluations of the  
4 progress achieved with the grant toward achieving  
5 the purposes of this part;

6           “(2) to use such evaluations to refine and im-  
7 prove activities conducted with the grant and the  
8 performance measures for such activities; and

9           “(3) to make the results of such evaluations  
10 publicly available, including by providing public no-  
11 tice of such availability.

12          “(d) SUPPLEMENT, NOT SUPPLANT.—Funds made  
13 available to a grantee under this part may be used only  
14 to supplement, and not supplant, any other Federal, State,  
15 or local funds that would otherwise be available to carry  
16 out the activities assisted under this part.

17          “(e) MATCHING FUNDS.—

18           “(1) IN GENERAL.—The Secretary shall require  
19 each recipient of a grant under this part to provide  
20 matching funds from non-Federal sources in an  
21 amount determined under paragraph (2).

22           “(2) DETERMINATION OF AMOUNT OF  
23 MATCH.—

24           “(A) SLIDING SCALE.—Subject to subpara-  
25 graph (B), the Secretary shall determine the



1 amount of matching funds to be required of a  
2 grantee under this subsection based on a sliding  
3 fee scale that takes into account—

4 “(i) the relative poverty of the popu-  
5 lation to be targeted by the grantee; and

6 “(ii) the ability of the grantee to ob-  
7 tain such matching funds.

8 “(B) MAXIMUM AMOUNT.—The Secretary  
9 may not require any grantee under this section  
10 to provide matching funds in an amount that  
11 exceeds the amount of the grant award.

12 “(3) IN-KIND CONTRIBUTIONS.—The Secretary  
13 shall permit grantees under this section to match  
14 funds in whole or in part with in-kind contributions.

15 “(4) CONSIDERATION.—Notwithstanding this  
16 subsection, the Secretary shall not consider an appli-  
17 cant’s ability to match funds when determining  
18 which applicants will receive grants under this part.

19 **“SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—There are authorized to be ap-  
21 propriated to carry out this part [ \$ \_\_\_\_\_ ] for fiscal  
22 year 2009 and such sums as may be necessary for each  
23 of fiscal years 2010 through 2013.

24 “(b) ALLOCATION.—Of the amounts appropriated to  
25 carry out this part for each fiscal year—

1           “(1) 75 percent shall be for section 4403;  
2           “(2) 20 percent shall be for section 4404; and  
3           “(3) of the remaining 5 percent, not less than  
4           \$500,000 shall be for technical assistance under sec-  
5           tion 4406(a).”.

6   **TITLE     V—AMENDMENTS     TO**  
7   **TITLE     V   (PROMOTING   IN-**  
8   **FORMED   PARENTAL   CHOICE**  
9   **AND   INNOVATIVE   PROGRAMS)**

Sec. 501. Amendments to part A (Innovative Programs).

Sec. 502. Amendments to part B (Public Charter Schools).

Sec. 503. Repeal of subpart 2 of part B (Credit Enhancement Initiatives to Assist Charter Schools).

Sec. 504. Amendments to part C (Magnet Schools Assistance).

Sec. 505. Amendments to part D (Fund for the Improvement of Education).

Sec. 506. New part E (Civic Education; transferred from title II).

Sec. 507. New part F (Teaching of Traditional American History; transferred from title II).

10 **SEC. 501. AMENDMENTS TO PART A (INNOVATIVE PRO-**  
11 **GRAMS).**

12       (a) LOCAL APPLICATIONS.—Section 5133(b)(7) (20  
13 U.S.C. 7215b(b)(7)) is amended by striking “pupil serv-  
14 ices personnel” and inserting “specialized instructional  
15 services personnel”.

16       (b) PARTICIPATION OF CHILDREN ENROLLED IN  
17 PRIVATE SCHOOLS.—Section 5142(a)(1) (20 U.S.C.  
18 7217a(a)(1)) is amended in the matter preceding subpara-  
19 graph (A) by inserting after “consultation with appro-  
20 priate private school officials” the following: “in accord-  
21 ance with section 9501(c)”.

1 (c) [PLACEHOLDER].—

2 **SEC. 502. AMENDMENTS TO PART B (PUBLIC CHARTER**  
3 **SCHOOLS).**

4 Subpart 1 (20 U.S.C. 7221 et seq.) of part B of title  
5 V is amended to read as follows:

6 **“Subpart 1—Charter School Programs**

7 **“SEC. 5201. PURPOSE.**

8 “It is the purpose of this subpart to support the Na-  
9 tion’s charter schools in increasing student achievement  
10 by—

11 “(1) providing financial assistance for the plan-  
12 ning, program design, and initial implementation of  
13 charter schools;

14 “(2) evaluating the effects of such schools, in-  
15 cluding the effects on students, student academic  
16 achievement, staff, and parents;

17 “(3) expanding the number of high-quality  
18 charter schools available to students across the Na-  
19 tion;

20 “(4) encouraging the replication of successful  
21 charter school models;

22 “(5) disseminating charter school innovations  
23 throughout public education; and

24 “(6) encouraging the States to provide support  
25 to charter schools for facilities financing in an

1 amount more nearly commensurate to the amount  
2 the States have typically provided for traditional  
3 public schools.

4 **“SEC. 5202. PROGRAM AUTHORIZED.**

5 “(a) IN GENERAL.—The Secretary may award grants  
6 to State educational agencies and authorized public char-  
7 tering agencies having applications approved pursuant to  
8 section 5203 to enable such agencies to conduct a charter  
9 school grant program in accordance with this subpart.

10 “(b) SPECIAL RULE.—If a State educational agency  
11 elects not to participate in the program authorized by this  
12 subpart or does not have an application approved under  
13 section 5203, the Secretary may award a grant to an eligi-  
14 ble applicant that serves such State and has an application  
15 approved pursuant to section 5203(d).

16 “(c) PROGRAM PERIODS.—

17 “(1) GRANTS TO AGENCIES.—Grants awarded  
18 to State educational agencies or authorized public  
19 chartering agencies under this subpart shall be for  
20 a period of 5 years.

21 “(2) GRANTS TO ELIGIBLE APPLICANTS.—  
22 Grants awarded by the Secretary to eligible appli-  
23 cants or subgrants awarded by State educational  
24 agencies or authorized public chartering agencies to  
25 eligible applicants under this subpart shall be for a

1 period of not more than 3 years. An eligible appli-  
2 cant may use a portion of that time for planning  
3 and program design and a portion for the initial im-  
4 plementation of a charter school.

5 “(d) PRIORITY TREATMENT.—

6 “(1) IN GENERAL.—In awarding grants under  
7 this subpart for fiscal year 2008 or any succeeding  
8 fiscal year from any funds appropriated under sec-  
9 tion 5212 (other than funds reserved to carry out  
10 section 5205(b)), the Secretary shall give priority to  
11 States to the extent that the States meet the criteria  
12 described in paragraph (2) and one or more of the  
13 criteria described in paragraph (3).

14 “(2) REVIEW AND EVALUATION PRIORITY CRI-  
15 TERIA.—The criteria referred to in paragraph (1)  
16 are that the State provides for annual review and  
17 evaluation by the authorized public chartering agen-  
18 cy of each charter school to determine whether the  
19 charter school is meeting the terms of the school’s  
20 charter, and is meeting or exceeding the student  
21 academic achievement requirements and goals for  
22 charter schools as set forth under State law or the  
23 school’s charter.

24 “(3) PRIORITY CRITERIA.—The criteria referred  
25 to in paragraph (1) are the following:

1           “(A) The State has demonstrated progress,  
2           in increasing the number of high-quality charter  
3           schools that are held accountable in the terms  
4           of the schools’ charters for meeting clear and  
5           measurable objectives for the educational  
6           progress of the students attending the schools,  
7           in the period prior to the period for which a  
8           State educational agency, authorized public  
9           chartering agency, or eligible applicant applies  
10          for a grant under this subpart.

11          “(B) The State provides for one authorized  
12          public chartering agency that is not a local edu-  
13          cational agency, such as a State chartering  
14          board, for each individual or entity seeking to  
15          operate a charter school pursuant to such State  
16          law.

17          “(C) The State allows for an appeals proc-  
18          ess for the denial of an application for a charter  
19          school.

20          “(D) The State ensures that each charter  
21          school has a high degree of autonomy over the  
22          charter school’s budgets and expenditures and  
23          an independent governing board that enters  
24          into a written performance contract with an au-  
25          thorized public chartering agency.

1           “(E) The State provides public charter  
2 schools with funding commensurate with that  
3 provided to other public schools, including pro-  
4 vision for school facilities, and ensures that  
5 local educational agencies send to public charter  
6 schools the Federal, State, and local dollars to  
7 which they are entitled in a timely manner.

8           “(F) The State demonstrates that a high  
9 percentage of its charter school students are ei-  
10 ther achieving at or above the proficient level or  
11 making sufficient progress toward proficient  
12 levels on the State reading or language arts,  
13 and mathematics, assessments administered  
14 under section 1111(b)(3).

15       “(e) AMOUNT CRITERIA.—In determining the  
16 amount of a grant to be awarded under this subpart to  
17 a State educational agency or authorized public chartering  
18 agency, the Secretary shall take into consideration the  
19 number of charter schools that are operating, or are ap-  
20 proved to open, in the State and the number of subgrants  
21 the Secretary believes the State educational agency or au-  
22 thorized public chartering agency would be able to make.

23 **“SEC. 5203. APPLICATIONS.**

24       “(a) APPLICATIONS FROM STATE EDUCATIONAL  
25 AGENCY.—

1           “(1) IN GENERAL.—A State educational agency  
2 desiring a grant from the Secretary under this sub-  
3 part shall submit to the Secretary an application at  
4 such time, in such manner, and containing or ac-  
5 companied by such information as the Secretary may  
6 require.

7           “(2) CONTENTS OF APPLICATION.—Each appli-  
8 cation submitted pursuant to paragraph (1) shall—

9                   “(A) describe the objectives of the State  
10 educational agency’s charter school grant pro-  
11 gram and how such objectives will be fulfilled,  
12 including steps taken by the State educational  
13 agency to inform teachers, parents, and com-  
14 munities of the State educational agency’s char-  
15 ter school grant program; and

16                   “(B) describe how the State educational  
17 agency—

18                           “(i) will inform each charter school in  
19 the State regarding—

20                                   “(I) Federal funds that the char-  
21 ter school is eligible to receive; and

22                                   “(II) Federal programs in which  
23 the charter school may participate;

24                           “(ii) will ensure that each charter  
25 school in the State receives the charter



1 school's commensurate share of Federal  
2 education funds that are allocated by for-  
3 mula each year, including during the first  
4 year of operation of the charter school;

5 “(iii) will disseminate best or prom-  
6 ising practices of charter schools to each  
7 local educational agency in the State, in-  
8 cluding best practices for charter school  
9 sustainment; and

10 “(iv) will ensure the proper handling  
11 and management of Federal funds;

12 “(C) describe the criteria that the State  
13 educational agency will use to award subgrants  
14 to eligible applicants to ensure high-quality  
15 charter schools; and

16 “(D) contain assurances that the State  
17 educational agency will require each eligible ap-  
18 plicant desiring to receive a subgrant to submit  
19 an application to the State educational agency  
20 containing—

21 “(i) a description of the educational  
22 program to be implemented by the pro-  
23 posed charter school, including—

24 “(I) how the program will enable  
25 all students to meet challenging State

1 student academic achievement stand-  
2 ards;

3 “(II) the grade levels or ages of  
4 children to be served; and

5 “(III) the curriculum and in-  
6 structional practices to be used;

7 “(ii) a description of how the charter  
8 school will be managed;

9 “(iii) a description of—

10 “(I) the objectives of the charter  
11 school; and

12 “(II) the methods by which the  
13 charter school will determine its  
14 progress toward achieving those objec-  
15 tives;

16 “(iv) a description of the administra-  
17 tive relationship between the charter school  
18 and the authorized public chartering agen-  
19 cy;

20 “(v) a description of how parents and  
21 other members of the community will be  
22 involved in the planning, program design,  
23 and implementation of the charter school;

24 “(vi) an assurance that the authorized  
25 public chartering agency will provide for

1 continued operation of the school once the  
2 Federal grant has expired, if such agency  
3 determines that the school has met the ob-  
4 jectives described in paragraph (2)(A);

5 “(vii) a request and justification for  
6 waivers of any Federal statutory or regu-  
7 latory provisions that the eligible applicant  
8 believes are necessary for the successful  
9 operation of the charter school, and a de-  
10 scription of any State or local rules, gen-  
11 erally applicable to public schools, that will  
12 be waived for, or otherwise not apply to,  
13 the school;

14 “(viii) a description of how the  
15 subgrant funds or grant funds, as appro-  
16 priate, will be used, including a description  
17 of how such funds will be used in conjunc-  
18 tion with other Federal programs adminis-  
19 tered by the Secretary and how such funds  
20 will be used for planning and program de-  
21 sign and for the initial implementation of  
22 a charter school;

23 “(ix) a description of how students in  
24 the community will be—

1                   “(I) informed about the charter  
2 school; and

3                   “(II) given an equal opportunity  
4 to attend the charter school, including  
5 how the eligible applicant will hold a  
6 lottery if the number of applicants ex-  
7 ceeds the number of seats available;

8                   “(x) an assurance that the eligible ap-  
9 plicant will annually provide the Secretary  
10 and the State educational agency such in-  
11 formation as may be required to determine  
12 if the charter school is making satisfactory  
13 progress toward achieving the objectives  
14 described in paragraph (2)(A);

15                   “(xi) an assurance that the eligible  
16 applicant will cooperate with the Secretary  
17 and the State educational agency in evalu-  
18 ating the program assisted under this sub-  
19 part;

20                   “(xii) a description of how a charter  
21 school that is considered a local edu-  
22 cational agency under State law, or a local  
23 educational agency in which a charter  
24 school is located, will comply with sections

1                   613(a)(5) and 613(e)(1)(B) of the Individ-  
2                   uals with Disabilities Education Act;

3                   “(xiii) if the eligible applicant desires  
4                   to use subgrant funds for dissemination  
5                   activities under section 5205(b), a descrip-  
6                   tion of those activities and how those ac-  
7                   tivities will involve charter schools and  
8                   other public schools, local educational  
9                   agencies, developers, and potential devel-  
10                  opers;

11                  “(xiv) materials that demonstrate sup-  
12                  port from the State’s charter school com-  
13                  munity;

14                  “(xv) a description of how the State  
15                  encourages the inclusion, on independent  
16                  governing boards, including those over-  
17                  seeing multi-campus charters, individuals  
18                  with a diversity of skills, including business  
19                  management, financial management, real  
20                  estate finance, and curriculum and instruc-  
21                  tion; and

22                  “(xvi) such other information and as-  
23                  surances as the Secretary and the State  
24                  educational agency may require.

1       “(b) AUTHORIZED PUBLIC CHARTERING AGENCY  
2 APPLICATION.—

3               “(1) IN GENERAL.—Each authorized public  
4 chartering agency desiring a grant pursuant to sec-  
5 tion 5202(a) shall submit an application to the Sec-  
6 retary at such time, in such manner, and accom-  
7 panied by such information as the Secretary may  
8 reasonably require.

9               “(2) CONTENTS OF APPLICATION.—Each appli-  
10 cation submitted pursuant to paragraph (1) shall  
11 contain the information and assurances described in  
12 subsection (a)(2), as appropriately applied to author-  
13 ized public chartering agencies.

14       “(c) ELIGIBLE APPLICANT APPLICATION.—

15               “(1) IN GENERAL.—Each eligible applicant de-  
16 siring a grant pursuant to section 5202(b) shall sub-  
17 mit an application to the Secretary at such time, in  
18 such manner, and accompanied by such information  
19 as the Secretary may reasonably require.

20               “(2) CONTENTS OF APPLICATION.—Each appli-  
21 cation submitted pursuant to paragraph (1) shall  
22 contain—

23                       “(A) the information and assurances de-  
24 scribed in clauses (i) through (xvi) of subsection  
25 (a)(2)(D), except that for purposes of this sub-

1 section clauses (x), (xi), and (xvi) shall be ap-  
2 plied by striking ‘and the State educational  
3 agency’ each place it appears;

4 “(B) assurances that the State educational  
5 agency—

6 “(i) will grant, or will obtain, waivers  
7 of State statutory or regulatory require-  
8 ments; and

9 “(ii) will assist each subgrantee in the  
10 State in receiving a waiver under section  
11 5204(f); and

12 “(C) assurances that the eligible applicant  
13 has provided its authorized public chartering  
14 agency timely notice, and a copy, of the applica-  
15 tion, except that the State educational agency  
16 (or the Secretary, in the case of an application  
17 submitted to the Secretary) may waive the re-  
18 quirement of this paragraph in the case of an  
19 application for a precharter planning grant or  
20 subgrant if the authorized public chartering  
21 agency to which a charter school proposal will  
22 be submitted has not been determined at the  
23 time the grant or subgrant application is sub-  
24 mitted.

1 **“SEC. 5204. ADMINISTRATION.**

2 “(a) SELECTION CRITERIA FOR STATE EDU-  
3 CATIONAL AGENCIES.—The Secretary shall award grants  
4 to State educational agencies under this subpart on the  
5 basis of the quality of the applications submitted under  
6 section 5203(a), after taking into consideration such fac-  
7 tors as—

8 “(1) the contribution that the charter schools  
9 grant program will make to assisting educationally  
10 disadvantaged and other students in meeting State  
11 academic content standards and State student aca-  
12 demic achievement standards;

13 “(2) the degree of flexibility afforded by the  
14 State educational agency to charter schools under  
15 the State’s charter schools law;

16 “(3) the ambitiousness of the objectives for the  
17 State charter school grant program;

18 “(4) the quality of the strategy for assessing  
19 achievement of those objectives;

20 “(5) the likelihood that the charter school grant  
21 program will meet those objectives and improve edu-  
22 cational results for students; and

23 “(6) the number of high-quality charter schools  
24 created under this subpart in the State.

25 “(b) SELECTION CRITERIA FOR AUTHORIZED PUB-  
26 LIC CHARTERING AGENCIES.—



1           “(1) IN GENERAL.—The Secretary shall award  
2 grants to authorized public chartering agencies  
3 under this subpart on the basis of the quality of the  
4 applications submitted under section 5203(b), after  
5 considering such factors as—

6           “(A) the contribution that a proposed  
7 grant will make to assisting educationally dis-  
8 advantaged and other students in meeting State  
9 academic content standards and State student  
10 academic achievement standards;

11           “(B) the degree of flexibility afforded by  
12 the State educational agency to charter schools  
13 under the State’s charter school law;

14           “(C) the ambitiousness of the objectives  
15 for the proposed project;

16           “(D) the quality of the strategy for assess-  
17 ing achievement of those objectives;

18           “(E) the likelihood that the proposed grant  
19 will meet those objectives and improve edu-  
20 cational results for students;

21           “(F) the number of high-quality charter  
22 schools created under this subpart by the agen-  
23 cy; and

24           “(G) in the case of an authorized public  
25 chartering agency that proposes to use grant

1 funds to support dissemination activities under  
2 section 5205(b), the quality of those activities  
3 and the likelihood that those activities will im-  
4 prove student academic achievement.

5 “(2) REQUIREMENTS.—The Secretary may  
6 award a grant to an authorized public chartering  
7 agency only if the Secretary determines that—

8 “(A) the agency has the capacity to make  
9 subgrants effectively; and

10 “(B) making the grant would benefit char-  
11 ter schools in the State.

12 “(c) SELECTION CRITERIA FOR ELIGIBLE APPLI-  
13 CANTS.—The secretary shall award grants to eligible ap-  
14 plicants under this subpart on the basis of the quality of  
15 the applications submitted under section 5203(c), after  
16 taking into consideration such factors as—

17 “(1) the quality of the proposed curriculum and  
18 instructional practices;

19 “(2) the degree of flexibility afforded by the  
20 State educational agency and, if applicable, the local  
21 educational agency to the charter school;

22 “(3) the extent of community support for the  
23 application;

24 “(4) the ambitiousness of the objectives for the  
25 charter school and how such objectives will be ful-

1 filled, including steps taken by the charter school to  
2 include teachers, parents, and communities in ful-  
3 filling the objectives;

4 “(5) the quality of the strategy for assessing  
5 achievement of those objectives;

6 “(6) the likelihood that the charter school will  
7 meet those objectives and improve educational re-  
8 sults for students; and

9 “(7) in the case of an eligible applicant that  
10 proposes to use grant funds to support dissemina-  
11 tion activities under section 5205(b), the quality of  
12 those activities and the likelihood that those activi-  
13 ties will improve student achievement.

14 “(d) PEER REVIEW.—The Secretary, and each State  
15 educational agency or authorized public chartering agency  
16 receiving a grant under this subpart, shall use a peer re-  
17 view process to review applications for assistance under  
18 this subpart.

19 “(e) DIVERSITY OF PROJECTS.—The Secretary and  
20 each State educational agency or authorized public char-  
21 tering agency receiving a grant under this subpart, shall  
22 award grants and subgrants under this subpart in a man-  
23 ner that, to the extent possible, ensures that such grants  
24 and subgrants—

1           “(1) are distributed throughout different areas  
2 of the Nation and each State, including urban and  
3 rural areas; and

4           “(2) will assist charter schools representing a  
5 variety of educational approaches, such as ap-  
6 proaches designed to reduce school size.

7           “(f) WAIVERS.—The Secretary may waive any statu-  
8 tory or regulatory requirement over which the Secretary  
9 exercises administrative authority except any such require-  
10 ment relating to the elements of a charter school described  
11 in section 5211(1), if—

12           “(1) the waiver is requested in an approved ap-  
13 plication under this subpart; and

14           “(2) the Secretary determines that granting  
15 such a waiver will promote the purpose of this sub-  
16 part.

17           “(g) USE OF FUNDS.—

18           “(1) STATE EDUCATIONAL AGENCIES AND AU-  
19 THORIZED PUBLIC CHARTERING AGENCIES.—Each  
20 State educational agency or authorized public char-  
21 tering agency receiving a grant under this subpart  
22 shall use such grant funds to award subgrants to  
23 one or more eligible applicants in the State to enable  
24 such applicant to plan and implement a charter  
25 school in accordance with this subpart, provided that

1 most of the funds shall be awarded to charter school  
2 developers, equitably distributed among public and  
3 private nonprofit organizations and groups of teach-  
4 ers, administrators, parents, and others. A State  
5 educational agency or authorized public chartering  
6 agency may vary the dollar amount per grant that  
7 it awards to eligible applicants based upon a variety  
8 of factors, including whether the eligible applicant is  
9 a start-up charter school or a conversion charter  
10 school and whether the eligible applicant is creating  
11 a charter school under a new charter or an existing  
12 charter.

13 “(2) ELIGIBLE APPLICANTS.—Each eligible ap-  
14 plicant receiving funds from the Secretary or a State  
15 educational agency or authorized public chartering  
16 agency shall use such funds to plan and implement  
17 a charter school in accordance with this subpart.

18 “(3) ALLOWABLE ACTIVITIES.—An eligible ap-  
19 plicant receiving a grant or subgrant under this sub-  
20 part may use the grant or subgrant funds only for—

21 “(A) post-award planning and design of  
22 the educational program, which may include—

23 “(i) refinement of the desired edu-  
24 cational results and of the methods for

1 measuring progress toward achieving those  
2 results; and

3 “(ii) professional development of  
4 teachers and other staff who will work in  
5 the charter school;

6 “(B) initial implementation of the charter  
7 school, which may include—

8 “(i) informing the community about  
9 the school;

10 “(ii) acquiring necessary equipment  
11 and educational materials and supplies;

12 “(iii) acquiring or developing cur-  
13 riculum materials; and

14 “(iv) other initial operational costs  
15 that cannot be met from State or local  
16 sources; and

17 “(C) dissemination activities as described  
18 in section 5205(b).

19 “(4) ADMINISTRATIVE EXPENSES.—

20 “(A) STATE EDUCATIONAL AGENCY OR AU-  
21 THORIZED PUBLIC CHARTERING AGENCY AD-  
22 MINISTRATIVE EXPENSES.—Each State edu-  
23 cational agency or authorized public chartering  
24 agency receiving a grant pursuant to this sub-  
25 part may reserve not more than 5 percent of

1           such grant funds for administrative expenses  
2           associated with the charter school grant pro-  
3           gram assisted under this subpart, and may use  
4           a portion of the amount so reserved to improve  
5           its State’s authorizing practices.

6           “(B) LOCAL ADMINISTRATIVE EX-  
7           PENSES.—A local educational agency may not  
8           deduct funds for administrative fees or expenses  
9           from a subgrant awarded to an eligible appli-  
10          cant, unless the eligible applicant enters volun-  
11          tarily into a mutually agreed upon arrangement  
12          for administrative services with the relevant  
13          local educational agency. Absent such approval,  
14          the local educational agency shall distribute all  
15          such subgrant funds to the eligible applicant  
16          without delay.

17          “(5) REVOLVING LOAN FUNDS.—Each State  
18          educational agency receiving a grant pursuant to  
19          this subpart may reserve not more than 10 percent  
20          of the grant funds for the establishment of a revol-  
21          ving loan fund. Such fund may be used to make loans  
22          to eligible applicants that have received a subgrant  
23          under this subpart, under such terms as may be de-  
24          termined by the State educational agency, for the  
25          initial operation of the charter school grant program

1 of the eligible applicant until such time as the recipi-  
2 ent begins receiving ongoing operational support  
3 from State or local financing sources.

4 “(h) TRIBALLY CONTROLLED SCHOOLS.—Each  
5 State that receives a grant under this subpart and des-  
6 ignates a tribally controlled school as a charter school shall  
7 not consider payments to a school under the Tribally Con-  
8 trolled Schools Act of 1988 (25 U.S.C. 2507) in deter-  
9 mining—

10 “(1) the eligibility of the school to receive any  
11 other Federal, State, or local aid; and

12 “(2) the amount of such aid.

13 **“SEC. 5205. NATIONAL ACTIVITIES.**

14 “(a) IN GENERAL.—The Secretary shall reserve for  
15 each fiscal year the greater of [5 percent or \$5,000,000]  
16 of the amount appropriated to carry out this subpart, ex-  
17 cept that in no fiscal year shall the total amount so re-  
18 served exceed [\$8,000,000,] to carry out the following ac-  
19 tivities:

20 “(1) To provide charter schools, either directly  
21 or through State educational agencies or authorized  
22 public chartering agencies, with—

23 “(A) information regarding—

24 “(i) Federal funds that charter  
25 schools are eligible to receive; and



1                   “(ii) other Federal programs in which  
2                   charter schools may participate; and

3                   “(B) assistance in applying for Federal  
4                   education funds that are allocated by formula,  
5                   including assistance with filing deadlines and  
6                   submission of applications.

7                   “(2) To provide for other evaluations or studies  
8                   that include the evaluation of the impact of charter  
9                   schools on student academic achievement, including  
10                  information regarding—

11                  “(A) students attending charter schools re-  
12                  ported on the basis of race, age, disability, gen-  
13                  der, limited English proficiency, and previous  
14                  enrollment in public school, as compared to  
15                  similar students enrolled in non-charter public  
16                  schools; and

17                  “(B) the professional qualifications of  
18                  teachers within a charter school and the turn-  
19                  over of the teaching force.

20                  “(3) To provide—

21                  “(A) information to applicants for assist-  
22                  ance under this subpart;

23                  “(B) assistance to applicants for assistance  
24                  under this subpart with the preparation of ap-  
25                  plications under section 5203;

1           “(C) assistance in the planning and start-  
2           up of charter schools;

3           “(D) training and technical assistance to  
4           existing charter schools; and

5           “(E) for the dissemination to other public  
6           schools of best or promising practices in charter  
7           schools, authorized public chartering agencies,  
8           and charter support organizations.

9           “(4) To provide (including through the use of  
10          one or more contracts that use a competitive bidding  
11          process) for the collection of information regarding  
12          the financial resources available to charter schools,  
13          including access to private capital, and to widely dis-  
14          seminate to charter schools any such relevant infor-  
15          mation and model descriptions of successful pro-  
16          grams.

17          “(5) To carry out evaluations of, technical as-  
18          sistance for, and information dissemination regard-  
19          ing, the per-pupil facilities aid programs. in carrying  
20          out the evaluations, the Secretary shall carry out  
21          one or more evaluations of State programs assisted  
22          under this subsection, which shall, at a minimum,  
23          address—

1           “(A) how, and the extent to which, the  
2           programs promote educational equity and excel-  
3           lence; and

4           “(B) the extent to which charter schools  
5           supported through the programs are—

6                   “(i) held accountable to the public;

7                   “(ii) effective in improving public edu-  
8           cation; and

9                   “(iii) open and accessible to all stu-  
10          dents.

11          “(6) To provide technical assistance on how to  
12          meet the requirements of part B of the Individuals  
13          with Disabilities Education Act and subtitle B of  
14          title VII of the McKinney-Vento Homeless Assist-  
15          ance Act.

16          “(b) NATIONAL DISSEMINATION.—

17               “(1) IN GENERAL.—To carry out this sub-  
18          section, the Secretary shall reserve for each fiscal  
19          year not more than **[\$7,500,000]** of the amount ap-  
20          propriated to carry out this subpart.

21               “(2) APPLICATIONS.—The following entities  
22          may apply to the Secretary for funds under this sub-  
23          section to carry out the activities described in para-  
24          graph (4):

25               “(A) A charter school.

1                   “(B) An eligible applicant.

2                   “(C) A State educational agency or author-  
3 ized public chartering agency.

4                   “(D) A consortium of entities described in  
5 subparagraphs (A), (B), and (C).

6                   “(3) CRITERIA.—The Secretary shall award  
7 grants under this subpart on the basis of the quality  
8 of the application, the capacity of the applicant to  
9 execute the application, and the scale of impact of  
10 the application.

11                   “(4) ACTIVITIES.—A charter school, an eligible  
12 applicant, or a State educational agency or author-  
13 ized public chartering agency may use funds re-  
14 served under paragraph (1) to assist other public  
15 schools in their State and in other States in adopt-  
16 ing charter school innovations, or to disseminate in-  
17 formation about charter school innovations, through  
18 such activities as—

19                   “(A) assisting such other schools with the  
20 planning and start-up of new public schools, in-  
21 cluding charter schools, that are independent of  
22 the assisting charter school and the assisting  
23 charter school’s developers;

24                   “(B) developing partnerships with other  
25 public schools, including charter schools, de-

1 signed to improve student academic achieve-  
2 ment;

3 “(C) developing curriculum materials, as-  
4 sessments, and other materials that promote in-  
5 creased student achievement and are based on  
6 successful practices within charter schools; and

7 “(D) conducting evaluations and devel-  
8 oping materials that document successful prac-  
9 tices at charter schools and that are designed to  
10 improve student performance in other schools.

11 “(c) PER PUPIL FACILITIES AID PROGRAMS.—

12 “(1) DEFINITION OF PER-PUPIL FACILITIES AID  
13 PROGRAM.—In this subsection, the term ‘per-pupil  
14 facilities aid program’ means a program in which a  
15 State makes payments, on a per-pupil basis, to char-  
16 ter schools to provide the schools with financing—

17 “(A) that is dedicated solely for funding  
18 charter school facilities; or

19 “(B) a portion of which is dedicated for  
20 funding charter school facilities.

21 “(2) GRANTS.—

22 “(A) IN GENERAL.—From the amount  
23 made available to carry out this subsection  
24 under subsection (b) of section 5212 for any  
25 fiscal year, the Secretary may make grants, on

1 a competitive basis, to States to pay for the  
2 Federal share of the cost of establishing or en-  
3 hancing, and administering per-pupil facilities  
4 aid programs.

5 “(B) PERIOD.—The Secretary shall award  
6 grants under this subsection for periods of not  
7 more than 5 years.

8 “(C) FEDERAL SHARE.—The Federal  
9 share of the cost described in subparagraph (A)  
10 for a per-pupil facilities aid program shall be  
11 not more than—

12 “(i) 90 percent of the cost, for the  
13 first fiscal year for which the program re-  
14 ceives assistance under this subsection;

15 “(ii) 80 percent in the second such  
16 year;

17 “(iii) 60 percent in the third such  
18 year;

19 “(iv) 40 percent in the fourth such  
20 year; and

21 “(v) 20 percent in the fifth such year.

22 “(3) USE OF FUNDS.—

23 “(A) IN GENERAL.—A State that receives  
24 a grant under this subsection shall use the  
25 funds made available through the grant to es-

1           tablish or enhance, and administer, a per-pupil  
2           facilities aid program for charter schools in the  
3           State.

4           “(B) EVALUATIONS; TECHNICAL ASSIST-  
5           ANCE; DISSEMINATION.—From the amount  
6           made available to a State through a grant  
7           under this subsection for a fiscal year, the State  
8           may reserve not more than 5 percent to carry  
9           out evaluations, to provide technical assistance,  
10          and to disseminate information.

11          “(C) SUPPLEMENT, NOT SUPPLANT.—  
12          Funds made available under this subsection  
13          shall be used to supplement, and not supplant,  
14          State and local public funds expended to pro-  
15          vide per pupil facilities aid programs, oper-  
16          ations financing programs, or other programs,  
17          for charter schools.

18          “(4) REQUIREMENTS.—

19                 “(A) VOLUNTARY PARTICIPATION.—No  
20                 State may be required to participate in a pro-  
21                 gram carried out under this subsection.

22                 “(B) STATE LAW.—To be eligible to re-  
23                 ceive a grant under this subsection, a State  
24                 shall establish or enhance, and administer, a

1 per-pupil facilities aid program for charter  
2 schools in the State, that—

3 “(i) is specified in State law; and

4 “(ii) provides annual financing, on a  
5 per-pupil basis, for charter school facilities.

6 “(5) APPLICATIONS.—To be eligible to receive a  
7 grant under this subsection, a State shall submit an  
8 application to the Secretary at such time, in such  
9 manner, and containing such information as the Sec-  
10 retary may require.

11 “(6) PRIORITIES.—In making grants under this  
12 subsection, the Secretary shall give priority to States  
13 that meet the criteria described in paragraph (2),  
14 and subparagraphs (A) through (F) of section  
15 5202(d)(3).

16 “(7) EVALUATIONS.—The Secretary shall carry  
17 out evaluations of, technical assistance for, and in-  
18 formation dissemination regarding, the per-pupil fa-  
19 cilities aid programs. In carrying out the evalua-  
20 tions, the Secretary may carry out one or more eval-  
21 uations of State programs assisted under this sub-  
22 section, which shall, at a minimum, address—

23 “(A) how, and the extent to which, the  
24 programs promote educational equity and excel-  
25 lence; and



1                   “(B) the extent to which charter schools  
2 supported through the programs are—

3                   “(i) held accountable to the public;

4                   “(ii) effective in improving public edu-  
5 cation; and

6                   “(iii) open and accessible to all stu-  
7 dents.

8           “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
9 tion shall be construed to require charter schools to collect  
10 any data described in subsection (a).

11   **“SEC. 5206. CREDIT ENHANCEMENT FOR CHARTER SCHOOL**  
12                   **FACILITIES PROGRAMS.**

13           “(a) **PURPOSE.**—The purpose of this section is to  
14 provide grants to eligible entities to permit the eligible en-  
15 tities to demonstrate innovative credit enhancement initia-  
16 tives that assist charter schools to address the cost of ac-  
17 quiring, constructing, and renovating facilities.

18           “(b) **GRANTS TO ELIGIBLE ENTITIES.**—After reserv-  
19 ing any funds as necessary for grant evaluation or admin-  
20 istration consistent with applicable provisions, the Sec-  
21 retary shall use the amounts available to carry out this  
22 section to award not less than three grants to eligible enti-  
23 ties that have applications approved under this section to  
24 demonstrate innovative methods of assisting charter  
25 schools to address the cost of acquiring, constructing, and

1 renovating facilities by enhancing the availability of loans  
2 or bond financing.

3 “(c) GRANTEE SELECTION.—

4 “(1) EVALUATION OF APPLICATION.—The Sec-  
5 retary shall evaluate each application submitted  
6 under subsection (f), and shall determine whether  
7 the application is sufficient to merit approval.

8 “(2) DISTRIBUTION OF GRANTS.—The Sec-  
9 retary shall award at least one grant to an eligible  
10 entity described in subsection (m)(1), at least one  
11 grant to an eligible entity described in subsection  
12 (m)(2), and at least one grant to an eligible entity  
13 described in subsection (m)(3), if applications are  
14 submitted that permit the Secretary to do so without  
15 approving an application that is not of sufficient  
16 quality to merit approval.

17 “(d) GRANT CHARACTERISTICS.—Grants under this  
18 section shall be of a sufficient size, scope, and quality so  
19 as to ensure an effective demonstration of an innovative  
20 means of enhancing credit for the financing of charter  
21 school acquisition, construction, or renovation.

22 “(e) SPECIAL RULE.—In the event the Secretary de-  
23 termines that the funds made available under this sub-  
24 section are insufficient to permit the Secretary to award  
25 not less than three grants in accordance with subsections

1 (b) through (d), such three-grant minimum and paragraph  
2 (2) of subsection (c) shall not apply, and the Secretary  
3 may determine the appropriate number of grants to be  
4 awarded in accordance with subsection (d).

5 “(f) APPLICATIONS.—

6 “(1) IN GENERAL.—To receive a grant under  
7 this section, an eligible entity shall submit to the  
8 Secretary an application in such form as the Sec-  
9 retary may reasonably require.

10 “(2) CONTENTS.—An application submitted  
11 under paragraph (1) shall contain—

12 “(A) a statement identifying the activities  
13 proposed to be undertaken with funds received  
14 under this section, including how the eligible  
15 entity will determine which charter schools will  
16 receive assistance, and how much and what  
17 types of assistance charter schools will receive;

18 “(B) a description of the involvement of  
19 charter schools in the application’s development  
20 and the design of the proposed activities;

21 “(C) a description of the eligible entity’s  
22 expertise in capital market financing;

23 “(D) a description of how the proposed ac-  
24 tivities will leverage the maximum amount of  
25 private-sector financing capital relative to the

1 amount of government funding used and other-  
2 wise enhance credit available to charter schools,  
3 including how the applicant will offer a com-  
4 bination of rates and terms more favorable than  
5 those that a charter school could receive with-  
6 out assistance under this subsection;

7 “(E) a description of how the eligible enti-  
8 ty possesses sufficient expertise in education to  
9 evaluate the likelihood of success of a charter  
10 school program for which facilities financing is  
11 sought;

12 “(F) in the case of an application sub-  
13 mitted by a State governmental entity, a de-  
14 scription of the actions that the entity has  
15 taken, or will take, to ensure that charter  
16 schools within the State receive the funding the  
17 charter schools need to have adequate facilities;  
18 and

19 “(G) such other information as the Sec-  
20 retary may reasonably require.

21 “(g) CHARTER SCHOOL OBJECTIVES.—An eligible  
22 entity receiving a grant under this section shall use the  
23 funds deposited in the reserve account established under  
24 paragraph (1) of subsection (h) to assist one or more char-

1 ter schools to access private sector capital to accomplish  
2 one or both of the following objectives:

3           “(1) The acquisition (by purchase, lease, dona-  
4 tion, or otherwise) of an interest (including an inter-  
5 est held by a third party for the benefit of a charter  
6 school) in improved or unimproved real property  
7 that is necessary to commence or continue the oper-  
8 ation of a charter school.

9           “(2) The construction (including  
10 predevelopment costs of no more than 5 percent of  
11 the total assistance provided to a charter school,  
12 even in rare instances where construction or renova-  
13 tion cannot proceed as a result of pre-development  
14 findings) of new facilities, or the renovation, repair,  
15 or alteration of existing facilities, necessary to com-  
16 mence or continue the operation of a charter school.

17           “(h) RESERVE ACCOUNT.—

18           “(1) USE OF FUNDS.—To assist charter schools  
19 to accomplish the objectives described in subsection  
20 (g), an eligible entity receiving a grant under this  
21 section shall, in accordance with State and local law,  
22 directly or indirectly, alone or in collaboration with  
23 others, deposit the funds received under this section  
24 (other than funds used for administrative costs in  
25 accordance with subsection (i)) in a reserve account

1 established and maintained by the eligible entity for  
2 this purpose. Amounts deposited in such account  
3 shall be used by the eligible entity for one or more  
4 of the following purposes: —

5 “(A) Guaranteeing, insuring, and rein-  
6 suring bonds, notes, evidences of debt, loans,  
7 and interests therein, the proceeds of which are  
8 used for an objective described in subsection  
9 (g).

10 “(B) Guaranteeing and insuring leases of  
11 personal and real property for an objective de-  
12 scribed in subsection (g).

13 “(C) Facilitating financing by identifying  
14 potential lending sources, encouraging private  
15 lending, and other similar activities that di-  
16 rectly promote lending to, or for the benefit of,  
17 charter schools.

18 “(D) Facilitating the issuance of bonds by  
19 charter schools, or by other public entities for  
20 the benefit of charter schools, by providing  
21 technical, administrative, and other appropriate  
22 assistance (including the recruitment of bond  
23 counsel, underwriters, and potential investors  
24 and the consolidation of multiple charter school  
25 projects within a single bond issue).

1           “(E) Making limited loans to charter  
2           schools, under such terms and conditions as the  
3           Secretary may prescribe.

4           “(2) INVESTMENT.—Funds received under this  
5           section and deposited in the reserve account estab-  
6           lished under paragraph (1) shall be invested in obli-  
7           gations issued or guaranteed by the United States or  
8           a State, or in other similarly low-risk securities.

9           “(3) REINVESTMENT OF EARNINGS.—Any earn-  
10          ings on funds received under this section shall be de-  
11          posited in the reserve account established under  
12          paragraph (1) and used in accordance with such  
13          paragraph.

14          “(i) LIMITATION ON ADMINISTRATIVE COSTS.—An  
15          eligible entity may use not more than two percent of the  
16          funds received for any fiscal year under this section for  
17          the administrative costs of carrying out its responsibilities  
18          under this section.

19          “(j) AUDITS AND REPORTS.—

20                 “(1) FINANCIAL RECORD MAINTENANCE AND  
21          AUDIT.—The financial records of each eligible entity  
22          receiving a grant under this section shall be main-  
23          tained in accordance with generally accepted ac-  
24          counting principles and shall be subject to an annual  
25          audit by an independent public accountant.

1           “(2) REPORTS.—

2                   “(A) GRANTEE ANNUAL REPORTS.—Each  
3 eligible entity receiving a grant under this sec-  
4 tion annually shall submit to the Secretary a re-  
5 port of its operations and activities under this  
6 section.

7                   “(B) CONTENTS.—Each annual report  
8 submitted under subparagraph (A) shall in-  
9 clude—

10                   “(i) a copy of the most recent finan-  
11 cial statements, and any accompanying  
12 opinion on such statements, prepared by  
13 the independent public accountant review-  
14 ing the financial records of the eligible en-  
15 tity;

16                   “(ii) a copy of any report made on an  
17 audit of the financial records of the eligible  
18 entity that was conducted under paragraph  
19 (1) during the reporting period;

20                   “(iii) an evaluation by the eligible en-  
21 tity of the effectiveness of its use of the  
22 Federal funds provided under this section  
23 in leveraging private funds;



1                   “(iv) a listing and description of the  
2 charter schools served during the reporting  
3 period;

4                   “(v) a description of the activities car-  
5 ried out by the eligible entity to assist  
6 charter schools in meeting the objectives  
7 set forth in subsection (g); and

8                   “(vi) a description of the characteris-  
9 tics of lenders and other financial institu-  
10 tions participating in the activities under-  
11 taken by the eligible entity under this sec-  
12 tion during the reporting period.

13                   “(C) SECRETARIAL REPORT.—The Sec-  
14 retary shall review the reports submitted under  
15 subparagraph (B) and shall provide a com-  
16 prehensive annual report to the Committee on  
17 Education and Labor of the House of Rep-  
18 resentatives and the Committee on Health,  
19 Education, Labor, and Pensions of the Senate  
20 on the activities conducted under this section.

21                   “(k) NO FULL FAITH AND CREDIT FOR GRANTEE  
22 OBLIGATIONS.—No financial obligation of an eligible enti-  
23 ty entered into pursuant to this section (such as an obliga-  
24 tion under a guarantee, bond, note, evidence of debt, or  
25 loan) shall be an obligation of, or guaranteed in any re-

1 spect by, the United States. The full faith and credit of  
2 the United States is not pledged to the payment of funds  
3 which may be required to be paid under any obligation  
4 made by an eligible entity pursuant to any provision of  
5 this section.

6 “(l) RECOVERY OF FUNDS.—

7 “(1) IN GENERAL.—The Secretary, in accord-  
8 ance with chapter 37 of title 31, United States  
9 Code, shall collect—

10 “(A) all of the funds in a reserve account  
11 established by an eligible entity under para-  
12 graph (1) of subsection (h) if the Secretary de-  
13 termines, not earlier than 2 years after the date  
14 on which the eligible entity first received funds  
15 under this section, that the eligible entity has  
16 failed to make substantial progress in carrying  
17 out the purposes described in paragraph (1) of  
18 subsection (h); or

19 “(B) all or a portion of the funds in a re-  
20 serve account established by an eligible entity  
21 under paragraph (1) of subsection (h) if the  
22 Secretary determines that the eligible entity has  
23 permanently ceased to use all or a portion of  
24 the funds in such account to accomplish any

1           purpose described in paragraph (1) of sub-  
2           section (h).

3           “(2) EXERCISE OF AUTHORITY.—The Secretary  
4           shall not exercise the authority provided in para-  
5           graph (1) to collect from any eligible entity any  
6           funds that are being properly used to achieve one or  
7           more of the purposes described in paragraph (1) of  
8           subsection (h).

9           “(3) PROCEDURES.—The provisions of sections  
10          451, 452, and 458 of the General Education Provi-  
11          sions Act shall apply to the recovery of funds under  
12          paragraph (1).

13          “(4) CONSTRUCTION.—This section shall not be  
14          construed to impair or affect the authority of the  
15          Secretary to recover funds under part D of the Gen-  
16          eral Education Provisions Act.

17          “(m) ELIGIBLE ENTITY.—In this section, the term  
18          ‘eligible entity’ means—

19                 “(1) a public entity, such as a State or local  
20                 governmental entity;

21                 “(2) a private nonprofit entity; or

22                 “(3) a consortium of entities described in para-  
23                 graphs (1) and (2).

1       “(n) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to require charter schools to collect  
3 any data described in subsection (a).

4       “(o) FUNDING.—To carry out this section, the Sec-  
5 retary shall reserve for each fiscal year no less than 15  
6 percent of the amount appropriated under section 5212  
7 to carry out this subpart.

8       **“SEC. 5207. FEDERAL FORMULA ALLOCATION DURING**  
9                               **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**  
10                              **MENT EXPANSIONS.**

11       “(a) IN GENERAL.—For purposes of the allocation  
12 to schools by the States or their agencies of funds under  
13 part A of title I, and any other Federal funds which the  
14 Secretary allocates to States on a formula basis, the Sec-  
15 retary and each State educational agency shall take such  
16 measures as are necessary to ensure that every charter  
17 school receives the Federal funding for which the charter  
18 school is eligible not later than 5 months after the charter  
19 school first opens, notwithstanding the fact that the iden-  
20 tity and characteristics of the students enrolling in that  
21 charter school are not fully and completely determined  
22 until that charter school actually opens. The measures  
23 similarly shall ensure that every charter school expanding  
24 its enrollment in any subsequent year of operation receives

1 the Federal funding for which the charter school is eligible  
2 not later than 5 months after such expansion.

3 “(b) ADJUSTMENT AND LATE OPENINGS.—

4 “(1) IN GENERAL.—The measures described in  
5 subsection (a) shall include provision for appropriate  
6 adjustments, through recovery of funds or reduction  
7 of payments for the succeeding year, in cases where  
8 payments made to a charter school on the basis of  
9 estimated or projected enrollment data exceed the  
10 amounts that the school is eligible to receive on the  
11 basis of actual or final enrollment data.

12 “(2) RULE.—For charter schools that first  
13 open after November 1 of any academic year, the  
14 State, in accordance with guidance provided by the  
15 Secretary and applicable Federal statutes and regu-  
16 lations, shall ensure that such charter schools that  
17 are eligible for the funds described in subsection (a)  
18 for such academic year have a full and fair oppor-  
19 tunity to receive those funds during the charter  
20 schools’ first year of operation.

21 **“SEC. 5208. SOLICITATION OF INPUT FROM CHARTER**  
22 **SCHOOL OPERATORS.**

23 “To the extent practicable, the Secretary shall ensure  
24 that administrators, teachers, and other individuals di-  
25 rectly involved in the operation of charter schools are con-

1 sulted in the development of any rules or regulations re-  
2 quired to implement this subpart, as well as in the devel-  
3 opment of any rules or regulations relevant to charter  
4 schools that are required to implement part A of title I,  
5 the Individuals with Disabilities Education Act, or any  
6 other program administered by the Secretary that provides  
7 education funds to charter schools or regulates the activi-  
8 ties of charter schools.

9 **“SEC. 5209. RECORDS TRANSFER.**

10 “State educational agencies and local educational  
11 agencies, to the extent practicable, shall ensure that a stu-  
12 dent’s records and, if applicable, a student’s individualized  
13 education program as defined in section 602(11) of the  
14 Individuals with Disabilities Education Act, are trans-  
15 ferred to a charter school upon the transfer of the student  
16 to the charter school, and to another public school upon  
17 the transfer of the student from a charter school to an-  
18 other public school, in accordance with applicable State  
19 law.

20 **“SEC. 5210. PAPERWORK REDUCTION.**

21 “To the extent practicable, the Secretary and each  
22 authorized public chartering agency shall ensure that im-  
23 plementation of this subpart results in a minimum of pa-  
24 perwork for any eligible applicant or charter school.

1 **“SEC. 5211. DEFINITIONS.**

2 “In this subpart:

3 “(1) CHARTER SCHOOL.—The term ‘charter  
4 school’ means a public school that—

5 “(A) in accordance with a specific State  
6 statute authorizing the granting of charters to  
7 schools, is exempt from significant State or  
8 local rules that inhibit the flexible operation  
9 and management of public schools, but not  
10 from any rules relating to the other require-  
11 ments of this paragraph;

12 “(B) is created by a developer as a public  
13 school, or is adapted by a developer from an ex-  
14 isting public school, and is operated under pub-  
15 lic supervision and direction;

16 “(C) has an independent governing board  
17 that enters into a performance-based agreement  
18 that encompasses one or more campuses, with  
19 an authorized public chartering agency in the  
20 State, that includes—

21 “(i) a description of how student per-  
22 formance will be measured in charter  
23 schools pursuant to the State standards  
24 and assessments described in section 1111  
25 that are required of other public schools in  
26 the State and pursuant to any other as-

1            assessments or evaluations mutually agree-  
2            able to the authorized public chartering  
3            agency and the charter school; and

4            “(ii) criteria for renewal or revocation;

5            “(D) operates in pursuit of a specific set  
6            of educational objectives determined by the  
7            school’s developer and agreed to by the author-  
8            ized public chartering agency;

9            “(E) provides a program of prekinderg-  
10            arten, elementary, secondary, or adult edu-  
11            cation if permitted by State charter school law,  
12            or any combination of them;

13            “(F) is nonsectarian in its programs, ad-  
14            missions policies, employment practices, and all  
15            other operations, and is not affiliated with a  
16            sectarian school or religious institution;

17            “(G) does not charge tuition;

18            “(H) complies with the Age Discrimination  
19            Act of 1975, title VI of the Civil Rights Act of  
20            1964, title IX of the Education Amendments of  
21            1972, section 504 of the Rehabilitation Act of  
22            1973, part B of the Individuals with Disabil-  
23            ities Education Act, and subtitle B of title VII  
24            of the McKinney-Vento Homeless Assistance  
25            Act;



1           “(I) is a school to which parents choose to  
2           send their children, and that admits all stu-  
3           dents (and, if more students apply for admis-  
4           sion than can be accommodated, on the basis of  
5           a lottery) and does not give admissions pref-  
6           erence to any student on the basis of prior aca-  
7           demic achievement;

8           “(J) agrees to comply with the same Fed-  
9           eral and State audit requirements as do other  
10          elementary schools and secondary schools in the  
11          State, unless such requirements are specifically  
12          waived for the purpose of this program;

13          “(K) meets all applicable Federal, State,  
14          and local health and safety requirements; and

15          “(L) operates in accordance with State  
16          law.

17          “(2) DEVELOPER.—The term ‘developer’ means  
18          an individual or group of individuals (including a  
19          public or private nonprofit organization), which may  
20          include teachers, administrators and other school  
21          staff, parents, or other members of the local commu-  
22          nity in which a charter school project will be carried  
23          out.

24          “(3) CHARTER SUPPORT ORGANIZATION.—The  
25          term ‘charter support organization’ means a public

1 or private nonprofit organization that provides as-  
2 sistance to developers during the planning, program  
3 design, and initial implementation of a charter  
4 school.

5 “(4) ELIGIBLE APPLICANT.—The term ‘eligible  
6 applicant’ means—

7 “(A) a developer that has applied to an au-  
8 thorized public chartering agency to operate a  
9 charter school and provided adequate and time-  
10 ly notice to that authority under section  
11 5203(d)(3); or

12 “(B) a charter support organization.

13 “(5) AUTHORIZED PUBLIC CHARTERING AGEN-  
14 CY.—The term ‘authorized public chartering agency’  
15 means a State educational agency, local educational  
16 agency, or other public entity that has the authority  
17 pursuant to State law and approved by the Sec-  
18 retary to authorize or approve a charter school.

19 **“SEC. 5212. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—There are authorized to be ap-  
21 propriated to carry out this subpart [ \$ \_\_\_\_\_ ] for  
22 fiscal year 2008 and such sums as may be necessary for  
23 each of the 5 succeeding fiscal years.

24 “(b) ALLOCATION.—From the amount appropriated  
25 under subsection (a) for each fiscal year, the Secretary

1 shall reserve funds to carry out this subpart other than  
2 section 5205(c), and to carry out section 5205(e), in  
3 amounts the Secretary deems appropriate.”.

4 **SEC. 503. REPEAL OF SUBPART 2 OF PART B (CREDIT EN-**  
5 **HANCEMENT INITIATIVES TO ASSIST CHAR-**  
6 **TER SCHOOLS).**

7 Subpart 2 of part B of title V (20 U.S.C. 7223 et  
8 seq.) is repealed.

9 **SEC. 504. AMENDMENTS TO PART C (MAGNET SCHOOLS AS-**  
10 **SISTANCE).**

11 (a) FINDINGS AND PURPOSE.—Section 5301 (20  
12 U.S.C. 7231) is amended—

13 (1) in subsection (a)(4)—

14 (A) in subparagraph (B), by inserting after  
15 “backgrounds” the following: “, including  
16 greater participation of minority students and  
17 young women in mathematics and sciences and  
18 greater participation of all students in the crit-  
19 ical foreign languages”; and

20 (B) in subparagraph (C), by inserting after  
21 “supporting” the following: “integration  
22 amongst diverse racial and ethnic groups in”;  
23 and

24 (2) in subsection (b)—

1 (A) in paragraph (2), by inserting before  
2 the semicolon at the end the following: “, while  
3 ensuring that all students enrolled in the mag-  
4 net school programs have equitable access to  
5 high quality education”;

6 (B) in paragraph (4)—

7 (i) by striking “vocational” and in-  
8 serting “career”; and

9 (ii) by striking the semicolon and in-  
10 serting “and that will enable the students  
11 to succeed academically and continue with  
12 postsecondary education or productive em-  
13 ployment in a global economy; and”;

14 (C) in paragraph (5), by striking “; and”  
15 and inserting a period; and

16 (D) by striking paragraph (6).

17 (b) DEFINITION.—Section 5302 (20 U.S.C. 7231a)  
18 is amended by inserting “and ethnic” before “back-  
19 grounds”.

20 (c) USE OF FUNDS.—Section 5307(b) (20 U.S.C.  
21 7231f(b)) is amended by striking “vocational” and insert-  
22 ing “career”.

23 (d) LIMITATIONS.—Section 5309(c) (20 U.S.C.  
24 7231h(c)) is amended by adding at the end the following:  
25 “Applications up to \$4,000,000, per fiscal year of the

1 three-year grant, shall meet this requirement and shall be  
2 given full consideration by the Secretary.”.

3 (e) EVALUATIONS.—Section 5310(a) (20 U.S.C.  
4 7231i(a)) is amended by striking “2 percent” and insert-  
5 ing “1.5 percent”.

6 (f) AUTHORIZATION OF APPROPRIATIONS; RESERVA-  
7 TION.—Section 5311 (20 U.S.C. 7231j) is amended—

8 [(1) in subsection (a), by striking  
9 “\$125,000,000 for fiscal year 2002” and inserting  
10 “[\$\_\_\_\_\_] for fiscal year 2008”; and]

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

12 “(c) ADDITIONAL MATHEMATICS AND SCIENCE MAG-  
13 NET SCHOOL PROGRAMS.—In any fiscal year for which  
14 the amount appropriated pursuant to subsection (a) ex-  
15 ceeds \$106,685,000, the Secretary shall award 50 percent  
16 of grants in excess of such amount only to local edu-  
17 cational agencies or consortia of such agencies proposing  
18 new or expanded magnet school programs in mathematics  
19 and sciences, including such programs as computer  
20 sciences, medical sciences, and pre-engineering.”.

21 **SEC. 505. AMENDMENTS TO PART D (FUND FOR THE IM-**  
22 **PROVEMENT OF EDUCATION).**

23 (a) SUBPART 1—FUND FOR THE IMPROVEMENT OF  
24 EDUCATION.—Subpart 1 of part D of title V is amended  
25 by adding at the end the following:

1 **“SEC. 5415. ADDITIONAL STUDY OF NATIONAL SIGNIFI-**  
2 **CANCE.**

3 “(a) **TRAUMA, NEGLECT, AND MALTREATMENT AND**  
4 **SCHOOL PERFORMANCE.**—In addition to the studies of  
5 national significance conducted under section 5414, the  
6 Secretary shall conduct a study of factors that affect stu-  
7 dents’ ability to obtain grade level proficiency, as meas-  
8 ured by achieving proficiency on the assessments required  
9 under this Act. The study shall—

10 “(1) employ a scientific peer reviewed research  
11 design;

12 “(2) help determine the impact of past trauma,  
13 neglect, maltreatment, and other risk factors on fail-  
14 ure to achieve proficiency under this Act;

15 “(3) provide a starting point for a potential lon-  
16 gitudinal study on such risk factors.

17 “(b) **PRIVACY REQUIREMENT.**—The study under  
18 subsection (a) shall be conducted consistent with the Fam-  
19 ily Educational Rights and Privacy Act of 1974 (section  
20 444 of the General Education Provisions Act; 20 U.S.C.  
21 1232g).

22 “(c) **COMPLETION DATE.**—The study under sub-  
23 section (a) shall be completed not later than 18 months  
24 after the date of the enactment of the **[short title of 2007**  
25 **reauth]**.”.

1 (b) SUBPART 2—ELEMENTARY AND SECONDARY  
2 SCHOOL COUNSELING PROGRAMS.—Section 5421 (20  
3 U.S.C. 7245) is amended—

4 (1) in subsection (b)(2)(B) by striking “serv-  
5 ices,” and inserting “services (including early inter-  
6 vening services such as schoolwide positive behavior  
7 and intervention supports),”; and

8 (2) in subsection (c)—

9 (A) in paragraph (2)(K)—

10 (i) by striking “recommended by the  
11 American School Health Association”; and

12 (ii) by striking “800” and inserting  
13 “400”; and

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

15 “(3) PERMISSIVE USE OF FUNDS.—A program  
16 funded under this section may—

17 “(A) provide training for school counselors,  
18 teachers, principals, and specialized instruc-  
19 tional support personnel that address issues  
20 concerning elementary school and secondary  
21 school students who experience domestic vio-  
22 lence in dating relationships or who witness do-  
23 mestic violence, and the impact of such violence  
24 on those students; and

1           “(B) use innovative approaches to build  
2           systemic school counseling programs that pro-  
3           mote collaboration between teachers, principals,  
4           and school counselors on issues of teaching and  
5           learning.”.

6           (c) SUBPART 5—READING IS FUNDAMENTAL.—Sec-  
7           tion 5451(c)(3) (20 U.S.C. 7251(c)(3)) is amended by  
8           adding at the end the following:

9                   “(J) Children with access to libraries.

10                   “(K) Children with parents with limited  
11           English proficiency or low levels of literacy.”.

12           (d) SUBPART 6—GIFTED AND TALENTED STU-  
13           DENTS.—Section 5464(b)(3) (20 U.S.C. 7253c(b)(3)) is  
14           amended by inserting after “innovative methods” the fol-  
15           lowing: “, particularly in secondary school,”.

16           (e) SUBPART 8—READY TO TEACH.—

17                   (1) GRANTS.—Section 5481(a) (20 U.S.C.  
18           7257(a)) is amended by striking “telecommuni-  
19           cations-based”.

20                   (2) APPLICATION REQUIRED.—Section  
21           5482(a)(1)(A) (20 U.S.C. 7257a(a)(1)(A)) is  
22           amended by striking “and school digital networks,  
23           where available, to deliver video and data in an inte-  
24           grated service to train teachers” and inserting  
25           “school digital networks, where available, and other



1 high-tech delivery platforms to deliver educational  
2 content and services in an integrated service to pro-  
3 vide professional development for teachers”.

4 (3) REPORTS AND EVALUATION.—Section 5483  
5 (20 U.S.C. 7257b) is amended—

6 (A) in paragraph (1) by striking “and” at  
7 the end;

8 (B) in paragraph (2) by striking the period  
9 at the end and inserting a semicolon; and

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

11 “(3) the impact of the program on the academic  
12 achievement of all children served, particularly chil-  
13 dren in schools identified for [school improvement  
14 under section 1116]; and

15 “(4) the extent to which teachers had access to  
16 and utilized the program funded under this part.”.

17 (f) SUBPART 9—FOREIGN LANGUAGE ASSISTANCE  
18 PROGRAM.—Subpart 9 (20 U.S.C. 7259 et seq.) of part  
19 D of title V is amended by striking section 5494 and in-  
20 serting the following:

21 **“SEC. 5494. FOREIGN LANGUAGE EDUCATION PARTNER-**  
22 **SHIP PROGRAM.**

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

24 “(1) to provide incentives for developing and  
25 maintaining model programs of articulated foreign

1 language learning from kindergarten through grade  
2 12 that increase the number of American students  
3 graduating from secondary school with an advanced  
4 level of proficiency in at least one foreign language;  
5 and

6 “(2) widely disseminate information on the  
7 model programs that demonstrate success.

8 “(b) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE RECIPIENT.—The term ‘eligible  
10 recipient’ means an entity mutually agreed upon by  
11 a partnership that shall receive grant funds under  
12 this section on behalf of the partnership for use in  
13 carrying out the activities assisted under this sec-  
14 tion.

15 “(2) PARTNERSHIP.—The term ‘partnership’  
16 means a partnership that—

17 “(A) shall include—

18 “(i) one or more institutions of higher  
19 education, which shall include—

20 “(I) a school, department, or pro-  
21 gram within the institution or institu-  
22 tions of higher education that provides  
23 a teacher preparation program;

24 “(II) a school, department, pro-  
25 gram, or center within the institution

1 or institutions of higher education  
2 that provides a program of study or  
3 research in foreign languages; or

4 “(III) a school, department, pro-  
5 gram, or center within the institution  
6 or institutions of higher education  
7 that provides programs of study about  
8 the historic, geographic, cultural, eco-  
9 nomic, and other contextual factors of  
10 the world area or country with popu-  
11 lations who speak the foreign lan-  
12 guage to which the grant program re-  
13 lates; and

14 “(ii) 1 or more local education agen-  
15 cies; and

16 “(B) may include 1 or more State edu-  
17 cational agencies or for profit or nonprofit orga-  
18 nizations that support the purposes of this sec-  
19 tion.

20 “(3) **ADVANCED LEVEL OF PROFICIENCY.**—The  
21 term ‘advanced level of proficiency’ means the ad-  
22 vanced level as measured by the American Council  
23 for Teachers of Foreign Languages, or level 2 as  
24 measured by the Federal Interagency Language

1 Roundtable (ILR) or by other nationally recognized  
2 measures of advanced standards of proficiency.

3 “(4) ARTICULATED.—The term ‘articulated’  
4 means that each grade level of the foreign language  
5 program is designed to sequentially expand on the  
6 student achievement of the previous level with a goal  
7 toward achieving an established level of language  
8 proficiency.

9 “(5) CRITICAL FOREIGN LANGUAGE.—The term  
10 ‘critical foreign language’ means a less commonly  
11 taught foreign language, the teaching of which is  
12 critical to the Nation’s security and global economic  
13 leadership, as determined by the Secretary.

14 “(c) PROGRAM AUTHORIZED.—

15 “(1) IN GENERAL.—The Secretary is authorized  
16 to award grants to eligible recipients to enable part-  
17 nerships served by the eligible recipients to establish  
18 and maintain, or improve and expand, programs  
19 that support articulated programs of study in for-  
20 eign languages that will enable students to advance  
21 successfully from elementary school through sec-  
22 ondary school and achieve an advanced level of pro-  
23 ficiency in a foreign language.

24 “(2) DURATION.—

1           “(A) Subject to subparagraph (B), a grant  
2           awarded under paragraph (1) shall be for a pe-  
3           riod of not more than 5 years.

4           “(B) A partnership completing a 5-year in-  
5           centive grant award may be eligible for not  
6           more than 1 additional 5-year award, but only  
7           if the partnership demonstrates, based on na-  
8           tionally recognized standardized foreign lan-  
9           guage assessments, that the model program is  
10          effective.

11          “(3) PLANNING AND DEVELOPMENT.—A part-  
12          nership awarded a grant under this section may,  
13          based on demonstrated need and if approved by the  
14          Secretary, use funds for planning and development  
15          activities in the first two years of such grant. Such  
16          activities may include—

17                 “(A) development of an articulated instruc-  
18                 tional curriculum for the critical foreign lan-  
19                 guage to which the model program relates;

20                 “(B) in-service and pre-service develop-  
21                 ment of teachers, and development of cur-  
22                 riculum and language assessments in the crit-  
23                 ical foreign language to which the model pro-  
24                 gram relates; and

1           “(C) development of contextual programs  
2           and curriculum materials related to the critical  
3           foreign language to which the model program  
4           relates, as described in subsection (e).

5           “(d) APPLICATIONS.—

6           “(1) IN GENERAL.—Each eligible recipient de-  
7           siring a grant under this section shall submit an ap-  
8           plication to the Secretary at such time, in such man-  
9           ner, and containing such information as the Sec-  
10          retary may require.

11          “(2) CONTENTS.—Each application shall—

12           “(A) identify each member of the partner-  
13           ship, including contact information and letters  
14           of commitment for each such member, and de-  
15           scribe the responsibilities of each member of the  
16           partnership, including—

17           “(i) identifying the member that will  
18           receive and manage the grant;

19           “(ii) specifying how each member will  
20           be involved in the planning, development,  
21           and implementation of the activities pro-  
22           posed under the grant;

23           “(iii) describing the resources to be  
24           provided by each member; and

1                   “(iv) describing how each member will  
2                   contribute to ensuring the continuity of  
3                   student progress [toward target pro-  
4                   ficiency levels] from kindergarten through  
5                   grade 12;

6                   “(B) describe how an articulated cur-  
7                   riculum for students to achieve an advanced  
8                   level of proficiency by grade 12 will be devel-  
9                   oped and implemented;

10                  “(C) identify target proficiency levels for  
11                  students at critical benchmarks, and describe  
12                  how progress toward those proficiency levels will  
13                  be assessed at the benchmark;

14                  “(D) describe how the partnership will  
15                  support and continue the program after the  
16                  grant has expired, including how the partner-  
17                  ship will seek support from other sources, such  
18                  as State and local governments, foundations,  
19                  and the private sector to meet the requirements  
20                  of subsection (h); and

21                  “(E) describe what assessments will be  
22                  used or, if assessments are not available, how  
23                  assessments will be developed.

24                  “(e) USES OF FUNDS.—Grant funds awarded under  
25                  this section—

1 “(1) shall be used—

2 “(A) to design programs and teaching  
3 strategies informed by proven practices recog-  
4 nized by the field and by available research;

5 “(B) to develop curriculum materials based  
6 on an articulated framework or approach de-  
7 signed to bring students to an advanced level of  
8 proficiency by grade 12;

9 “(C) to recruit students and teachers, such  
10 as from heritage populations; and

11 “(D) to carry out teacher in-service and  
12 pre-service professional development programs,  
13 including summer institutes, that support the  
14 model programs; and

15 “(2) may be used—

16 “(A) to develop nationally recognized as-  
17 sessments for kindergarten through grade 12  
18 for the foreign language to which the model  
19 program relates, if such assessments do not  
20 exist for that language;

21 “(B) to enhance nationally recognized as-  
22 sessments for kindergarten through grade 12  
23 for the foreign language to which the model  
24 program relates, if such assessments already  
25 exist for that language;



1           “(C) to provide scholarships and incentives  
2           to recruit new teachers and encourage prac-  
3           ticing teachers to take advantage of the profes-  
4           sional development opportunities;

5           “(D) to provide opportunities for max-  
6           imum foreign language exposure for students  
7           domestically, such as the creation of immersion  
8           environments in the classroom and school and  
9           on weekend or summer experiences, and tutor-  
10          ing and academic support;

11          “(E) to provide the possibility for multiple  
12          entry points for studying the foreign language;

13          “(F) to provide scholarships for study-  
14          abroad opportunities related to the foreign lan-  
15          guage to which the program relates, for stu-  
16          dents in grades 9 through 12 and teachers and  
17          prospective teachers of such students, except  
18          that no more than 10 percent of a grant may  
19          be used for this purpose;

20          “(G) to carry out activities to integrate  
21          foreign languages into the school curriculum  
22          and generate whole-school collaboration, includ-  
23          ing activities and support for teachers of other  
24          subjects and administrators;

1           “(H) to carry out activities to encourage  
2           community involvement, especially with respect  
3           to heritage communities;

4           “(I) to incorporate effective and innovative  
5           uses of technology to enhance student learning  
6           and teaching;

7           “(J) to develop teacher certification and al-  
8           ternative certification programs at the State  
9           level, especially for the less commonly taught  
10          foreign languages;

11          “(K) to obtain technical assistance in the  
12          development and implementation of the pro-  
13          gram funded under this section; and

14          “(L) to recruit or appoint a language su-  
15          pervisor to oversee and coordinate the progress  
16          of the articulated foreign language program  
17          across grade levels in the local education agency  
18          funded under this section.

19          “(f) CONTEXTUAL DIMENSION.—A program may not  
20          receive a grant under this section unless it includes a di-  
21          mension, carried out in conjunction with foreign language  
22          instruction, under which each foreign language learner  
23          also participates in programs to expand the understanding  
24          and knowledge of historic, geographic, cultural, economic,  
25          and other contextual factors of countries with populations

1 who speak the foreign language to which the model pro-  
2 gram relates.

3 “(g) RESEARCH AND EVALUATION.—

4 “(1) IN GENERAL.—A program may not receive  
5 a grant under this section unless it includes a re-  
6 search and evaluation component, under which—

7 “(A) information is collected and analyzed  
8 regarding the effectiveness of activities carried  
9 out under the program, including but not lim-  
10 ited to—

11 “(i) program design;

12 “(ii) student and teacher recruitment  
13 strategies;

14 “(iii) curricular approaches;

15 “(iv) teacher development; and

16 “(v) foreign language assessment in-  
17 struments; and

18 “(B) information is collected and analyzed  
19 regarding the impact of each activity in sub-  
20 paragraph (A) on the foreign language pro-  
21 ficiency of the students;

22 “(C) information is collected and analyzed  
23 regarding program participation, including data  
24 on student enrollments and numbers of foreign  
25 language teachers; and

1           “(D) the information collected, and the  
2           analyses of that information, are made widely  
3           available to the public.

4           “(2) STANDARDIZATION.—The Secretary shall  
5           provide guidelines to standardize the categories of  
6           information collected and analyzed under paragraph  
7           (1) and the manner in which that information is col-  
8           lected, analyzed, and made available to the public.

9           “(h) MATCHING REQUIREMENT.—

10           “(1) IN GENERAL.—An eligible recipient that  
11           receives a grant under this section shall provide, to-  
12           ward the cost of carrying out the activities sup-  
13           ported by the grant, from non-Federal sources, an  
14           amount equal to—

15           “(A) 20 percent of the amount of the  
16           grant payment for the first fiscal year for which  
17           a grant payment is made;

18           “(B) 30 percent of the amount of the  
19           grant payment for the second such fiscal year;

20           “(C) 40 percent of the amount of the  
21           grant payment for the third such fiscal year;  
22           and

23           “(D) 50 percent of the amount of the  
24           grant payment for the fourth and fifth such fis-

1 cal years and any subsequent fiscal years, if ap-  
2 propriate.

3 “(2) NON-FEDERAL SHARE.—The non-Federal  
4 share required under paragraph (1) may be provided  
5 in cash or in-kind.

6 “(3) WAIVER.—The Secretary may waive all or  
7 part of the matching requirement of paragraph (1),  
8 for any fiscal year, if the Secretary determines  
9 that—

10 “(A) the eligible partnership demonstrates  
11 hardship and the waiver will best serve the pur-  
12 poses of this section; or

13 “(B) the foreign language to which the  
14 model program relates is a critical foreign lan-  
15 guage as determined by the Secretary.

16 “(i) SUPPLEMENT NOT SUPPLANT.—Grant funds  
17 provided under this section shall be used to supplement,  
18 not supplant, other Federal and non-Federal funds avail-  
19 able to carry out the activities described in subsection (e).

20 “(j) PROGRAM EVALUATION, DATA COLLECTION,  
21 ANALYSIS, AND DISSEMINATION.—

22 “(1) IN GENERAL.—The Secretary may reserve  
23 not more than 5 percent of the total amount appro-  
24 priated for this section for any fiscal year to annu-

1 ally evaluate the programs under this section, in-  
2 cluding to—

3 “(A) annually collect and analyze data on  
4 the programs under this section; and

5 “(B) disseminate nationally, including  
6 through a Web-based clearinghouse—

7 “(i) aggregated data collected under  
8 subparagraph (A); and

9 “(ii) promising K-12 foreign language  
10 learning and teaching practices and suc-  
11 cessful program models developed under  
12 this section.

13 “(2) METHOD OF EXECUTION.—The activities  
14 described in paragraph (1) may be carried out by  
15 the Secretary directly or through grants and con-  
16 tracts to institutions of higher education and public  
17 and private nonprofit agencies and organizations.

18 “(3) REPORT.—The Secretary shall prepare  
19 and submit biennially, to the Committee on Health,  
20 Education, Labor, and Pensions of the Senate, the  
21 Committee on Education and Labor of the House of  
22 Representatives, and the Committees on Appropria-  
23 tions of the Senate and House of Representatives, a  
24 report on the results of any program evaluation con-  
25 ducted under this subsection.”.

1 (g) SUBPART 10—PHYSICAL EDUCATION.—Section  
2 5503 (20 U.S.C. 7261b) is amended—

3 (1) in subsection (a), in the matter preceding  
4 paragraph (1), by striking “(such as” and all that  
5 follows through “YWCA))”; and

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

7 “(d) USE OF FUNDS.—Awards under this section—

8 “(1) shall be used to support the implementa-  
9 tion of scientifically valid curriculum tools to encour-  
10 age physical fitness and healthy eating; and

11 “(2) shall promote the use of innovative equip-  
12 ment targeting at risk children not typically moti-  
13 vated by traditional physical education classes.”.

14 (h) SUBPART 16—PARENTAL ASSISTANCE AND  
15 LOCAL FAMILY INFORMATION CENTERS.—Subpart 16  
16 (20 U.S.C. 7273 et seq.) of part D of title V is amended—

17 (1) in section 5561(1) (20 U.S.C. 7273(1)) by  
18 inserting “and safety” before the period at the end;

19 (2) in section 5562(a)(1) (20 U.S.C.  
20 7273a(a)(1)) by inserting before the semicolon the  
21 following: “, including parents of children who are  
22 English Language Learners”;

23 (3) in section 5563(b) (20 U.S.C. 7273b(b))—

24 (A) in paragraph (13) by striking “and” at  
25 the end;

1 (B) in paragraph (14) by striking the pe-  
2 riod at the end and inserting “; and”; and

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

4 “(15) provide for translation of materials to as-  
5 sist parents of children who are English Language  
6 Learners.”; and

7 (4) in section 5564(a)(1) (20 U.S.C.  
8 7273c(a)(1))—

9 (A) in subparagraph (F) by striking “and”  
10 at the end;

11 (B) in subparagraph (G) by striking the  
12 period at the end and inserting “; and”; and

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

14 “(H) to engage in activities that will im-  
15 prove student safety, including understanding  
16 the accountability systems, reporting, and noti-  
17 fication process in place within their state and  
18 pursuant to title IV and title IX.”.

19 (i) SUBPART 18—HEALTHY, HIGH-PERFORMANCE  
20 SCHOOLS.—Subpart 18 of part D of title V (20 U.S.C.  
21 7277 et seq.) is repealed.

22 (j) SUBPART 19—GRANTS FOR CAPITAL EXPENSES  
23 OF PROVIDING EQUITABLE SERVICES FOR PRIVATE  
24 SCHOOL STUDENTS.—Subpart 19 of part D of title V (20  
25 U.S.C. 7279 et seq.) is repealed.



1 (k) SUBPART 20—ADDITIONAL ASSISTANCE FOR  
2 CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY  
3 FEDERAL PROPERTY ACQUISITION.—Subpart 20 of part  
4 D of title V (20 U.S.C. 7281 et seq.) is repealed.

5 (l) ENVIRONMENTAL EDUCATION.—Part D of title V  
6 is amended by adding at the end the following:

7 **“Subpart 22—Environmental Education**

8 **“SEC. 5621. GRANTS FOR ENHANCING EDUCATION**  
9 **THROUGH ENVIRONMENTAL EDUCATION.**

10 “(a) ELIGIBLE PARTNERSHIP DEFINED.—In this  
11 section, the term ‘eligible partnership’ means a partner-  
12 ship that—

13 “(1) shall include a local educational agency;

14 and

15 “(2) may include—

16 “(A) a teacher preparation department of  
17 an institution of higher education;

18 “(B) an environmental department of an  
19 institution of higher education;

20 “(C) another local educational agency, a  
21 public charter school, a public or private ele-  
22 mentary school or secondary school, or a con-  
23 sortium of such schools;

24 “(D) a business;

1           “(E) a nonprofit or for-profit organization  
2           with demonstrated effectiveness in improving  
3           the quality of environmental education teachers,  
4           such as through outdoor environmental edu-  
5           cation experiences; or

6           “(F) another Federal agency.

7           “(b) GRANTS AUTHORIZED.—

8           “(1) GRANTS TO ELIGIBLE PARTNERSHIPS.—

9           The Secretary is authorized to award grants, on a  
10          competitive basis, to eligible partnerships to enable  
11          the eligible partnerships to carry out the authorized  
12          activities described in subsection (d).

13          “(2) DURATION.—The Secretary shall award  
14          each grant under this section for a period of 3 years.

15          “(3) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
16          ceived under this section shall be used to supple-  
17          ment, and not supplant, funds that would otherwise  
18          be used for activities authorized under this section.

19          “(c) APPLICATION REQUIREMENTS.—

20          “(1) IN GENERAL.—Each eligible partnership  
21          desiring a grant under this section shall submit an  
22          application, at such time, in such manner, and ac-  
23          companied by such information as the State edu-  
24          cational agency may require.

1           “(2) CONTENTS.—Each application submitted  
2 pursuant to paragraph (1) shall include—

3           “(A) the results of a comprehensive assess-  
4 ment of the teacher quality and professional de-  
5 velopment needs, with respect to the teaching  
6 and learning of environmental content;

7           “(B) a description of how the activities to  
8 be carried out by the eligible partnership—

9           “(i) will be aligned with challenging  
10 State academic content and student aca-  
11 demic achievement standards in environ-  
12 mental education, to the extent such stand-  
13 ards exist; and

14           “(ii) will advance the teaching of  
15 interdisciplinary courses that integrate the  
16 study of natural, social, and economic sys-  
17 tems and that include strong field compo-  
18 nents in which students have the oppor-  
19 tunity to directly experience nature;

20           “(C) an explanation of how the activities to  
21 be carried out by the eligible partnership are  
22 expected to improve student academic achieve-  
23 ment and strengthen the quality of environ-  
24 mental instruction;

1           “(D) a description of how the activities to  
2           be carried out by the eligible partnership will  
3           ensure that teachers are trained in the use of  
4           field-based, place-based, and service learning to  
5           enable the teachers to use the local environment  
6           and community as a resource, to enhance stu-  
7           dent understanding, the relevance of instruc-  
8           tion, and academic achievement;

9           “(E) a description of—

10           “(i) how the eligible partnership will  
11           carry out the authorized activities de-  
12           scribed in subsection (d); and

13           “(ii) the eligible partnership’s evalua-  
14           tion and accountability plan described in  
15           subsection (f); and

16           “(F) a description of how the eligible part-  
17           nership will continue the activities funded under  
18           this section after the grant period has expired.

19           “(d) **AUTHORIZED ACTIVITIES.**—An eligible partner-  
20           ship shall use the grant funds provided under this section  
21           for 1 or more of the following activities related to elemen-  
22           tary schools or secondary schools:

23           “(1) Creating opportunities for enhanced and  
24           ongoing environmental education professional devel-

1 opment of teachers that improves the environmental  
2 knowledge of such teachers.

3 “(2) Promoting skills for teaching about the en-  
4 vironment and environmental issues, including inte-  
5 grating scientifically valid research teaching methods  
6 and technology-based teaching methods into the cur-  
7 rriculum.

8 “(3) Establishing and operating environmental  
9 education summer workshops or institutes, including  
10 follow-up training, for elementary school and sec-  
11 ondary school environmental education teachers.

12 “(4) Developing or redesigning rigorous envi-  
13 ronmental education curricula that—

14 “(A) are aligned with challenging State  
15 and local academic content standards, to the ex-  
16 tent such standards exist; and

17 “(B) advance the teaching of interdiscipli-  
18 nary courses that integrate the study of nat-  
19 ural, social, and economic systems and that in-  
20 clude strong field components.

21 “(5) Establishing environmental education dis-  
22 tance learning programs for teachers using curricula  
23 that are innovative, content-based, and based on sci-  
24 entifically valid research that is current as of the  
25 date of the program involved.

1           “(6) Designing programs to prepare teachers at  
2 a school to provide environmental education profes-  
3 sional development to other teachers at the school  
4 and to assist other teachers at the school, including  
5 (if applicable) a mechanism to integrate the teach-  
6 er’s experiences from a summer workshop or insti-  
7 tute into the provision of professional development  
8 and assistance.

9           “(7) Establishing and operating programs to  
10 bring teachers into contact with working profes-  
11 sionals in environmental fields to expand such teach-  
12 ers’ subject matter knowledge of and research in en-  
13 vironmental issues.

14           “(8) Designing programs to identify and de-  
15 velop exemplary environmental education teachers in  
16 the kindergarten through grade 12 classrooms.

17           “(9) Developing programs to encourage under-  
18 represented individuals in environmental careers to  
19 pursue postsecondary degrees in majors leading to  
20 such careers.

21           “(10) Initiatives that seek to incorporate envi-  
22 ronmental education within teacher training pro-  
23 gram accreditation standards.

24           “(11) Promoting outdoor environmental edu-  
25 cation activities as part of the regular school cur-

1 rriculum and schedule in order to further the knowl-  
2 edge and development of teachers and students.

3 “(e) EVALUATION AND ACCOUNTABILITY PLAN.—

4 “(1) IN GENERAL.—Each eligible partnership  
5 receiving a grant under this section shall develop an  
6 evaluation and accountability plan for activities as-  
7 sisted under this section that includes rigorous ob-  
8 jectives that measure the impact of activities funded  
9 under this section.

10 “(2) CONTENTS.—The plan developed pursuant  
11 to paragraph (1) shall include measurable objectives  
12 to increase the number of teachers who participate  
13 in environmental education content-based profes-  
14 sional development activities.

15 “(f) REPORT.—Each eligible partnership receiving a  
16 grant under this section shall report annually to the Sec-  
17 retary regarding the eligible partnership’s progress in  
18 meeting the objectives described in the accountability plan  
19 of the eligible partnership under subsection (f).

20 **“SEC. 5622. NATIONAL CAPACITY ENVIRONMENTAL EDU-  
21 CATION GRANT PROGRAM.**

22 “(a) GRANTS AUTHORIZED.—

23 “(1) IN GENERAL.—The Secretary is authorized  
24 to award grants, on a competitive basis, to nonprofit  
25 organizations, State educational agencies, local edu-

1        cational agencies, or institutions of higher education  
2        that have demonstrated expertise and experience in  
3        the development of the institutional, financial, intel-  
4        lectual, or policy resources needed to help the field  
5        of environmental education become more effective  
6        and widely practiced.

7            “(2) DURATION.—The Secretary shall award  
8        each grant under this section for a period of not less  
9        than 1 year and not more than 3 years.

10          “(b) USE OF FUNDS.—Grant funds made available  
11        under this section shall be used for 1 or more of the fol-  
12        lowing:

13            “(1) Developing and implementing challenging  
14        State academic content standards, student academic  
15        achievement standards, and State curriculum frame-  
16        works in environmental education.

17            “(2) Replicating or disseminating information  
18        about proven and tested model environmental edu-  
19        cation programs that—

20            “(A) use the environment as an integrating  
21        theme or content throughout the curriculum; or

22            “(B) provide integrated, interdisciplinary  
23        instruction about natural, social, and economic  
24        systems along with field experience that pro-  
25        vides students with opportunities to directly ex-



1           perience nature in ways designed to improve  
2           overall academic performance, self-esteem, per-  
3           sonal responsibility, community involvement,  
4           personal health (including addressing child obe-  
5           sity issues), or their understanding of nature.

6           “(3) Developing and implementing new policy  
7           approaches to advancing environmental education at  
8           the State and national level.

9           “(4) Conducting studies of national significance  
10          that—

11                 “(A) provide a baseline national assess-  
12                 ment of the environmental literacy of America’s  
13                 students;

14                 “(B) provide a comprehensive, systematic,  
15                 and formal assessment of the State of environ-  
16                 mental education practice in the United States;

17                 “(C) evaluate the effectiveness of teaching  
18                 environmental education as a separate subject,  
19                 and as an integrating concept or theme; or

20                 “(D) evaluate the effectiveness of using en-  
21                 vironmental education in helping students im-  
22                 prove their assessment scores in mathematics,  
23                 reading or language arts, and the other core  
24                 academic subjects.

1           “(5) Executing projects that advance wide-  
2           spread State and local educational agency adoption  
3           and use of environmental education content stand-  
4           ards, including adoption and use of such standards  
5           in textbook selection criteria.

6           “(6) Developing a State Environmental Lit-  
7           eracy Plan.

8           “(c) APPLICATIONS.—Each nonprofit organization,  
9           State educational agency, local educational agency, or in-  
10          stitution of higher education desiring a grant under this  
11          section shall submit to the Secretary an application that  
12          contains a plan to initiate, expand, or improve environ-  
13          mental education programs in order to make progress to-  
14          ward meeting State standards for environmental learning  
15          (to the extent such standards exist) and contains an eval-  
16          uation and accountability plan for activities assisted under  
17          this section that includes rigorous objectives that measure  
18          the impact of activities funded under this section.

19          “(d) REQUIREMENTS.—

20                 “(1) ANNUAL REPORT TO THE SECRETARY.—In  
21                 order to continue receiving grant funds under this  
22                 section after the first year of a multiyear grant  
23                 under this section, the grantee shall submit to the  
24                 Secretary an annual report that—

1           “(A) describes the activities assisted under  
2 this section that were conducted during the pre-  
3 ceding year;

4           “(B) describes the results of the grantee’s  
5 evaluation and accountability plan; and

6           “(C) demonstrates that progress has been  
7 made in helping schools accomplish one or more  
8 of the following:

9                   “(i) Responsibly preparing children to  
10 understand and address major challenges  
11 facing the United States, such as clean en-  
12 ergy, climate change, environmental health  
13 risks, and natural disaster resilience.

14                   “(ii) Supporting systemic education  
15 reform by strengthening environmental  
16 education as an integral part of the ele-  
17 mentary school and secondary school cur-  
18 riculum.

19                   “(iii) Helping ensure that all students  
20 meet challenging State academic content  
21 and student academic achievement stand-  
22 ards in environmental learning.

23                   “(iv) Supporting the national effort to  
24 enable all students to demonstrate com-  
25 petence in environmental learning.

1                   “(v) Leveraging and expanding pri-  
2                   vate and public support for environmental  
3                   education partnerships at national, State,  
4                   and local levels.

5                   “(vi) Awarding grants to initiate, ex-  
6                   pand, or improve environmental education  
7                   programs for all kindergarten through  
8                   12th grade students.

9                   “(vii) Reducing the risk of nature-def-  
10                  icit disorder in students by restoring and  
11                  increasing field experiences as part of the  
12                  regular school curriculum and schedule in  
13                  order to improve students’ overall academic  
14                  performance, self-esteem, personal respon-  
15                  sibility, community involvement, personal  
16                  health (including addressing child obesity  
17                  issues), and understanding of nature.

18                  “(2) ADMINISTRATIVE EXPENSES.—Not more  
19                  than 5 percent of the grant funds made available to  
20                  a nonprofit organization, State educational agency,  
21                  local educational agency, or institution of higher  
22                  education under this section for any fiscal year may  
23                  be used for administrative expenses.

24                  “(e) ADMINISTRATIVE PROVISIONS.—

1           “(1) FEDERAL SHARE.—The Federal share  
2 under this section shall not exceed—

3           “(A) 90 percent of the total cost of a pro-  
4 gram assisted under this section for the first  
5 year for which the program receives assistance  
6 under this section; and

7           “(B) 75 percent of such cost for the sec-  
8 ond such year; and

9           “(C) 50 percent of such cost for each sub-  
10 sequent such year.

11           “(2) PROPORTIONALITY.—To the extent prac-  
12 ticable, the Secretary shall ensure that grants  
13 awarded under this section are equitably distributed  
14 among nonprofit organizations, State educational  
15 agencies, local educational agencies, and institutions  
16 of higher education, serving urban and rural areas.

17           “(3) REPORT TO CONGRESSIONAL COMMIT-  
18 TEES.—Not later than June 1, 2008, the Secretary  
19 shall submit to the Committee on Education and  
20 Labor of the House of Representatives and the Com-  
21 mittee on Health, Education, Labor, and Pensions  
22 of the Senate a report that—

23           “(A) describes the programs assisted under  
24 this section;

1           “(B) documents the success of such pro-  
2           grams in improving national and State environ-  
3           mental education capacity; and

4           “(C) makes such recommendations as the  
5           Secretary determines appropriate for the con-  
6           tinuation and improvement of the programs as-  
7           sisted under this section.

8           “(4) AVAILABILITY OF FUNDS.—Amounts made  
9           available to the Secretary to carry out this section  
10          shall remain available until expended.

11          “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made  
12          available under this section shall be used to supplement,  
13          and not supplant, any other Federal, State, or local funds  
14          available for environmental education activities.

15          “(g) RULES OF CONSTRUCTION.—

16                 “(1) Nothing in this subpart mandates aca-  
17                 demic content standards, curricula, or assessments  
18                 in environmental education.

19                 “(2) Nothing in this subpart shall be construed  
20                 to authorize an officer or employee of the Federal  
21                 Government to mandate, direct, or control a State,  
22                 local educational agency, or school’s specific instruc-  
23                 tional content, academic achievement standards and  
24                 assessments, curriculum, or program of instruc-  
25                 tion.”.

1 (m) SUBSTITUTE TEACHING.—Part D of title V is  
2 further amended by adding at the end the following:

3 **“Subpart 23—Increasing the Effectiveness of**  
4 **Substitute Teaching**

5 **“SEC. 5631. ESTABLISHING A PROGRAM TO INCREASE THE**  
6 **EFFECTIVENESS OF SUBSTITUTE TEACHING.**

7 “(a) IN GENERAL.—The Secretary is authorized to  
8 make competitive demonstration grants to eligible local  
9 educational agencies for the purposes of—

10 “(1) increasing the effectiveness of substitute  
11 teaching through a comprehensive training program  
12 for substitute teachers, principals, permanent class-  
13 room teachers, and district managers of substitute  
14 teachers; and

15 “(2) evaluating the effectiveness of the pro-  
16 gram.

17 “(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In  
18 this section, the term ‘eligible local educational agency’  
19 means—

20 “(1) a high-need local educational agency; or

21 “(2) a partnership of a high-need local edu-  
22 cational agency and an institution of higher edu-  
23 cation, or non-profit education organization.

24 “(c) APPLICATION.—To receive a grant under this  
25 subpart, an eligible local educational agency shall submit

1 to the Secretary an application at such time, in such man-  
2 ner, and containing such information as the Secretary may  
3 require. Such application shall include, at a minimum

4 “(1) A description of the substitute teacher  
5 training that will be supported with the grant;

6 “(2) A description of the substitute teacher  
7 management strategies to be supported with the  
8 grant;

9 “(3) A description of the substitute teacher re-  
10 source kit, including a demonstration of how such  
11 kit is aligned with the State’s challenging academic  
12 content standards and student academic achieve-  
13 ment standards in the State in which the eligible  
14 local educational agency is located;

15 “(4) A demonstration of the funding sources  
16 that the eligible local educational agency will use to  
17 meet the requirements of subsection (f); and

18 “(5) A demonstration that the eligible local  
19 educational agency will support the activities funded  
20 with the grant when the grant expires.

21 “(d) DURATION.—A grant awarded under this sub-  
22 part shall be for 3 years.

23 “(e) USE OF FUNDS.—A local educational agency  
24 that receives a grant under subsection (a) shall use the  
25 funds made available through the grant—



- 1 “(1) to train substitute teachers in—
- 2 “(A) classroom management;
- 3 “(B) effective teaching strategies that ad-
- 4 dress a variety of student learning needs and
- 5 styles;
- 6 “(C) teacher professionalism; and
- 7 “(D) educational laws and issues;
- 8 “(2) to train principals and permanent teachers
- 9 in effectively integrating substitute teachers in
- 10 school operations, such as—
- 11 “(A) proven practices in recruiting and re-
- 12 taining substitutes;
- 13 “(B) proven practices in preparing stu-
- 14 dents for substitutes;
- 15 “(C) planning for the effective integration
- 16 of substitutes in school operation; and
- 17 “(D) use of permanent substitutes;
- 18 “(3) to develop a resource kit for substitute
- 19 teachers that contains—
- 20 “(A) short whole-class critical thinking ac-
- 21 tivities;
- 22 “(B) independent student activities; and
- 23 “(C) teacher-directed activities and lessons
- 24 organized by subject matter; and

1           “(4) to collect data on substitute teachers and  
2 proven practices for managing substitute teachers in  
3 the local educational agency, including information  
4 on the—

5           “(A) demand for substitute teachers;

6           “(B) qualifications of substitute teachers;

7           “(C) number and percentage of substitute  
8 teachers that receive training prior to entering  
9 the classroom; and

10           “(D) number of complaints registered  
11 against substitute teachers.

12           “(f) REPORT TO CONGRESS.—Not later than 1 year  
13 after the date on which the last demonstration grant made  
14 under this section expires, the Secretary shall submit a  
15 report to the Congress describing the results of the grants  
16 made under this section.

17           “(g) EVALUATION.—The Secretary shall commission  
18 an independent evaluation of comprehensive training pro-  
19 grams for substitute teachers, principals, permanent class-  
20 room teachers, and district managers of substitute teach-  
21 ers in order to compare the design and outcome of various  
22 program models.

23           “(f) MATCHING FUNDS.—The Secretary may not  
24 award a grant under this subpart to an eligible local edu-  
25 cational agency unless the eligible local educational agency

1 agrees to provide, from funds derived from non-Federal  
2 sources, matching funds in an amount that is not less  
3 than—

4 “(1) 50 percent of the amount of the grant in  
5 the first year of the grant;

6 “(2) 70 percent in the second year; and

7 “(3) 90 percent in the third year.”.

8 (n) INNOVATIVE, INTEGRATED CURRICULA.—Part D  
9 of title V is further amended by adding at the end the  
10 following:

11 **“Subpart 24—Innovative, Integrated Curricula Grant**  
12 **Program**

13 **“SEC. 5641. SHORT TITLE.**

14 “This subpart may be cited as the ‘Innovative, Inte-  
15 grated Curricula Grant Program Act’.

16 **“SEC. 5642. PROGRAM AUTHORIZED.**

17 “(a) PROGRAM AUTHORITY.—The Secretary is au-  
18 thorized to make competitive grants to local educational  
19 agencies to support the development of innovative, inte-  
20 grated and interdisciplinary curricula in core academic  
21 subjects.

22 “(b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

23 “(1) DURATION.—Each grant under this para-  
24 graph shall be awarded for a period of 3 years.

25 “(2) MATCHING FUNDS.—

1           “(A) IN GENERAL.—To be eligible to re-  
2           ceive a grant under this subpart, local edu-  
3           cational agencies shall provide matching funds  
4           equal to 30 percent of the grant award.

5           “(B) WAIVER.—The Secretary may waive  
6           the matching requirement for a low income  
7           local educational agency with a high quality ap-  
8           plication.

9           “(c) RESERVATION.—The Secretary may reserve not  
10          more than 2 percent of funds made available under this  
11          subpart to carry out this subpart for each fiscal year to  
12          evaluate the efficacy of programs assisted under this sub-  
13          part.

14       **“SEC. 5643. APPLICATIONS.**

15          “(a) IN GENERAL.—Any local educational agency de-  
16          siring a grant under this subpart shall submit an applica-  
17          tion to the Secretary at such time, in such manner, and  
18          containing such information and assurances as the Sec-  
19          retary may require.

20          “(b) PRIORITY.—The Secretary shall give priority to  
21          local educational agencies—

22               “(1) where the number of children counted  
23               under section 1124(e), expressed as a percentage of  
24               the total population aged 5-17, is greater than the  
25               State average percentage of such children;

1           “(2) with large numbers of schools that failed  
2 to make adequate yearly progress under section  
3 1111(b)(2);

4           “(3) that have the promise of maintaining the  
5 curricula supported beyond the grant period; or

6           “(4) that most effectively meet the require-  
7 ments in subsection (c).

8           “(c) REQUIREMENTS.—As part of their application,  
9 local educational agencies shall demonstrate how they  
10 will—

11           “(1) foster student engagement and achieve-  
12 ment through the use of integrated curricula;

13           “(2) utilize data-driven decision making includ-  
14 ing data from formative and summative assess-  
15 ments, attendance and course passing rates, and  
16 other relevant sources;

17           “(3) provide professional development to ensure  
18 effective implementation of the curricula supported  
19 under this subpart; and

20           “(4) make effective use of technology.

21 **“SEC. 5644. REPORTING.**

22           “Local educational agencies receiving funds under  
23 this subpart shall report progress annually to the Sec-  
24 retary including any information the Secretary should re-  
25 quire.”.

1 **SEC. 506. NEW PART E (CIVIC EDUCATION; TRANSFERRED**  
2 **FROM TITLE II).**

3 (a) NEW PART.—Title V is amended by adding at  
4 the end the following:

5 **“PART E—CIVIC EDUCATION”.**

6 (b) TRANSFER FROM TITLE II.—Sections 2341  
7 through 2346 (20 U.S.C. 6711 through 6716), as in effect  
8 immediately before the enactment of this Act, are—

9 (1) transferred to part E of title V;

10 (2) added after the part heading; and

11 (3) redesignated as 5701 through 5706, respec-  
12 tively.

13 (c) CONFORMING CHANGES.—Part E of title V is fur-  
14 ther amended—

15 (1) in each of sections 5701, 5702, and 5706  
16 (as so redesignated) by striking “subpart” and in-  
17 sserting “part”; and

18 (2) by striking “2343”, “2344”, “2345”, and  
19 “2346” each place such term appears (including  
20 where it appears as part of a longer citation, such  
21 as in “2343(a)(1)”) and inserting “5703”, “5704”,  
22 “5705”, and “5706”, respectively.

23 (d) GENERAL AUTHORITY.—Section 5703 (formerly  
24 2343; 20 U.S.C. 6713) is further amended in subsection  
25 (a)(3)—

1 (1) by striking “government education and eco-  
2 nomic education” and inserting “government edu-  
3 cation or economic education”; and

4 (2) by inserting after “civic education” the fol-  
5 lowing: “or economic education”.

6 (e) WE THE PEOPLE PROGRAM.—Section 5704 (for-  
7 merly 2344; 20 U.S.C. 6714) is further amended—

8 (1) in subsection (a)(1)(B)—

9 (A) in clause (ii) by striking “and” at the  
10 end;

11 (B) in clause (iii) by striking the period at  
12 the end and inserting a semicolon; and

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

14 “(iv) to provide civic education mate-  
15 rials and services to address the needs of  
16 Native Americans; and

17 “(v) to implement a comprehensive  
18 program to improve public knowledge, un-  
19 derstanding, and support of American  
20 democratic institutions.”; and

21 (2) in subsection (b)(1)—

22 (A) in subparagraph (A)(iii) by striking  
23 “middle school level” and inserting “middle and  
24 secondary school levels”; and

25 (B) in subparagraph (B)—

1 (i) in clause (iii) by striking “and” at  
2 the end;

3 (ii) in clause (iv) by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(v) to provide civic education mate-  
8 rials and services to address the needs of  
9 Native Americans, immigrants, new citi-  
10 zens, and other postsecondary and adult  
11 populations.”.

12 (f) COOPERATIVE CIVIC EDUCATION AND ECONOMIC  
13 EDUCATION EXCHANGE PROGRAMS.—Section 5705 (for-  
14 merly 2345; 20 U.S.C. 6715) is further amended in sub-  
15 section (g) by striking “and any developing country” and  
16 all that follows through the period at the end and inserting  
17 “and any other developing country if the Secretary of  
18 State concurs with the Secretary that conducting such ac-  
19 tivities in such developing country is consistent with the  
20 goals of achieving a political culture supportive of demo-  
21 cratic values, principles, and institutions.”.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 5706 (formerly 2346; 20 U.S.C. 6716) is further amended  
24 by striking “\$30,000,000 for fiscal year 2002” and insert-  
25 ing “**【**\$\_\_\_\_\_**】** for fiscal year 2008”.



1 **SEC. 507. NEW PART F (TEACHING OF TRADITIONAL AMER-**  
2 **ICAN HISTORY; TRANSFERRED FROM TITLE**  
3 **II.**

4 (a) NEW PART.—Title V is amended by adding at  
5 the end the following:

6 **“PART F—TEACHING OF TRADITIONAL**  
7 **AMERICAN HISTORY”.**

8 (b) TRANSFER FROM TITLE II.—Sections 2351 and  
9 2352 (20 U.S.C. 6721 and 6722), as in effect immediately  
10 before the enactment of this Act, are—

11 (1) transferred to part F of title V;

12 (2) added after the part heading; and

13 (3) redesignated as 5721 and 5722, respec-  
14 tively.

15 (c) CONFORMING CHANGE.—Part F of title V is fur-  
16 ther amended in section 5722 (as so redesignated) by  
17 striking “subpart” and inserting “part”; and

18 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
19 5722 (formerly 2352; 20 U.S.C. 6722) is further amended  
20 by striking “2002” and inserting “2008”.

21 (e) NATIONAL HISTORY DAY PROGRAM.—Part F of  
22 title V is amended by adding at the end the following:

23 **“SEC. 5723. NATIONAL HISTORY DAY PROGRAM.**

24 **“(a) PURPOSES.—The purposes of this section are—**

25 **“(1) to support and promote the expansion of**  
26 **the year-long National History Day network so that**

1 teachers and students in every region of the United  
2 States will have access to the National History Day  
3 program;

4 “(2) to improve the history teaching skills of  
5 educators and to provide students with expanded op-  
6 portunities to learn history by developing enhanced  
7 research, analytical, and skills;

8 “(3) to support and promote the establishment  
9 of programs to disseminate effective practices and  
10 research findings about the teaching of history; and

11 “(4) to coordinate activities assisted under this  
12 section with activities assisted under this Act.

13 “(b) NATIONAL HISTORY DAY PROGRAM.—

14 “(1) AUTHORIZATION.—The Secretary is au-  
15 thorized to award a grant to National History Day,  
16 Inc., (in this section referred to as ‘NHD’), to pro-  
17 vide quality professional development of teachers of  
18 history at the elementary and secondary level and  
19 improve the familiarity of students with historical  
20 research methodology and knowledge.

21 “(2) REQUIREMENTS OF GRANT.—The grant  
22 shall provide that NHD will enter into a partnership  
23 to provide services to States or local educational  
24 agencies, or to State archives, museums, or accred-  
25 ited institutions of higher education including—

1           “(A) conducting workshops and institutes  
2           during the school year, and train history teach-  
3           ers of students in grades 6 through 12, as de-  
4           scribed in subsection (a), and develop and dis-  
5           seminate publications and technology to assist  
6           teachers and students in expanding the study  
7           and appreciation of history; and

8           “(B) facilitating year-long historical re-  
9           search projects by such students that will be  
10          publicly displayed upon completion.

11          “(3) PROGRAM CONTENT.—The training pro-  
12          vided to teachers under paragraph (2)(A) shall build  
13          on training under section 5721(2)(B) and assist  
14          them in providing their students with an opportunity  
15          to learn and appreciate historical scholarship, and to  
16          develop research, analytical, and communications  
17          skills, by conducting historical research in libraries,  
18          museums, archives, historical societies, and other  
19          settings outside of school.

20          “(4) SELECTION OF TEACHERS AND STU-  
21          DENTS.—NHD shall give priority to training ele-  
22          mentary and secondary school teachers of students  
23          from high need schools.

24          “(5) NATIONAL ADVISORY BOARD.—

1           “(A) ESTABLISHMENT.—NHD shall estab-  
2           lish and operate a National Advisory Board.

3           “(B) COMPOSITION.—The National Advi-  
4           sory Board established pursuant to subpara-  
5           graph (A) shall consist of—

6                   “(i) national educational leaders;

7                   “(ii) leaders in the field of history;

8                   and

9                   “(iii) such other individuals as NHD  
10                  determines necessary.

11           “(C) DUTIES.—The National Advisory  
12           Board established pursuant to subparagraph  
13           (A) shall—

14                   “(i) advise NHD on national issues  
15                   related to student historical literacy and  
16                   the teaching of history;

17                   “(ii) review the activities and pro-  
18                   grams of NHD; and

19                   “(iii) support the continued develop-  
20                   ment of NHD.”.

## 21           **TITLE VI—FLEXIBILITY AND** 22           **ACCOUNTABILITY**

### 23           **SEC. 601. ACCOUNTABILITY.**

24           Subpart 1 of part A of title VI (20 U.S.C. 7301 et  
25           seq.) is amended to read as follows:

1                   “SUBPART 1—ACCOUNTABILITY  
2   **“SEC. 6111. GRANTS FOR STATE ASSESSMENTS AND RE-**  
3                   **LATED ACTIVITIES.**

4           “The Secretary shall make grants to States or con-  
5 sortia of States to enable the States—

6                   “(1) to collaborate with educators, business  
7 leaders, and universities to develop college- and  
8 work-ready standards and assessments described in  
9 section **【1111A】**, including—

10                   “(A) to conduct the rigorous alignment  
11 procedure that will ensure that State assess-  
12 ments are fully aligned to State standards, as  
13 described in such section;

14                   “(B) to research, develop, and implement  
15 measures described in section **【1111A(b)(3)】**;  
16 and

17                   “(C) to adopt or improve high quality  
18 science, technology, engineering, and mathe-  
19 matics standards and assessments;

20                   “(2) to develop, field test, and use formative as-  
21 sssments and technology-based assessments aligned  
22 to State standards to provide teachers and adminis-  
23 trators with timely and accurate student- and class-  
24 room-level information that may be used to inform

1 and improve classroom instruction and to target aca-  
2 demic assistance to students in need of help;

3 “(3) to develop, field test, and use multiple  
4 measures of student achievement to increase the reli-  
5 ability and validity of State assessment systems, in-  
6 cluding performance-based measures, taken over  
7 time;

8 “(4) to provide professional development for  
9 teachers and principals on the effective use of form-  
10 ative, technology-based, and performance-based as-  
11 sessments and on how to use data from such assess-  
12 ments to improve instruction;

13 “(5) to improve the rates of inclusion of stu-  
14 dents with disabilities and English language learners  
15 by developing universally designed assessments and  
16 expanding the range of valid accommodations avail-  
17 able to students with disabilities and English lan-  
18 guage learners to allow for the maximum number of  
19 accommodations that do not impact the validity and  
20 reliability of the assessment instruments;

21 “(6) to collaborate with institutions of higher  
22 education, other research institutions, or other orga-  
23 nizations to develop valid, reliable, high-quality alter-  
24 nate assessments for students with disabilities de-  
25 scribed in section **【1111(b)(3)(E)(i)】** and valid, reli-

1 able, high-quality modified assessments for students  
2 with disabilities described in section  
3 **【1111(b)(3)(E)(ii)】**;

4 “(7) to collaborate with institutions of higher  
5 education, other research institutions, technical as-  
6 sistance providers such as the Limited English Pro-  
7 ficiency Partnership, or other organizations to de-  
8 velop and improve the quality, validity, and reli-  
9 ability of State academic assessments for English  
10 language learners, in accordance with the require-  
11 ments for such assessments described in sections  
12 **【1111(b)(3)(D)(vi), 1111(b)(6), and 1111(b)(7)】**,  
13 which may include developing or improving native  
14 language assessments, modified English assess-  
15 ments, and portfolio assessments;

16 “(8) to improve assessment of English language  
17 proficiency necessary to comply with section  
18 **【1111(b)(9)】** and to ensure that such assessments  
19 measure academic English aligned with the language  
20 demands of grade level State standards;

21 “(9) to provide professional development to  
22 principals, teachers of English language learners,  
23 special education teachers, general education teach-  
24 ers, and IEP teams effectively to implement the ac-  
25 commodations described in subparagraph (6) and

1 the assessments described in paragraphs (7) and  
2 (8); and

3 “(10) to enter into consortia with other States  
4 to achieve the objectives of this section.

5 **“SEC. 6112. GRANTS FOR ENHANCED ASSESSMENT SYS-**  
6 **TEMS.**

7 “(a) **ADVANCED AND INNOVATIVE ASSESSMENT SYS-**  
8 **TEMS.—**

9 “(1) **PURPOSES.—**The purposes of this section  
10 are to—

11 “(A) better prepare students for success in  
12 post-secondary education and the workforce;

13 “(B) pilot new forms of assessment and  
14 support advanced and innovative assessment  
15 systems that measure the skills necessary to  
16 prepare students in grades 3 through 12 for  
17 success in post-secondary education and the  
18 workforce, such as critical thinking, problem-  
19 solving, and application of knowledge to real  
20 world contexts;

21 “(C) promote improved instruction in such  
22 advanced skills; and

23 “(D) better hold schools accountable for  
24 measuring students’ higher order thinking skills  
25 and understanding.



1           “(2) PILOT PROGRAM ESTABLISHED.—Not later  
2 than six months after the date of the enactment of  
3 **【Insert short title】**, the Secretary shall, in collabora-  
4 tion with foundations and other entities such as  
5 businesses, institutions of higher education, and  
6 nonprofit and for-profit assessment providers, estab-  
7 lish a pilot project for up to **【10】** States or con-  
8 sortia of States to develop advanced and innovative  
9 assessment systems through the incorporation of  
10 performance-based measures into State assessment  
11 systems under section 1111(b)(3) and to allow such  
12 advanced and innovative assessment systems to be  
13 used to determine adequate yearly progress under  
14 section 1111(b)(2).

15           “(3) ELIGIBILITY.—To be eligible to receive a  
16 grant under this section, States shall demonstrate  
17 that their current assessment system has been ap-  
18 proved by the Secretary.

19           “(4) PRIORITY.—In awarding grants, the Sec-  
20 retary shall give priority to—

21                   “(A) States that have adopted or are on a  
22 path to adopting the college and work ready  
23 standards described in section **【1111A】**; and

24                   “(B) consortia of States.

1           “(5) APPLICATION.—States shall submit appli-  
2           cations at such time, in such manner, and con-  
3           taining such information as the Secretary may re-  
4           quire. Applications shall demonstrate how the state  
5           will ensure that assessment systems—

6                   “(A) meet the requirements of section  
7                   **【1111(b)(3)(D)】**;

8                   “(B) reflect up-to-date, relevant research  
9                   on how best to implement effective perform-  
10                  ance-based assessment;

11                  “(C) use the same measures for all stu-  
12                  dents across the State;

13                  “(D) measure the performance of students  
14                  with disabilities and English language learners  
15                  in the most valid and reliable way, consistent  
16                  with section **【1111(b)】**;

17                  “(E) include scoring rubrics and proce-  
18                  dures that will yield valid, reliable, and com-  
19                  parable results across schools and local edu-  
20                  cational agencies;

21                  “(F) include effective professional develop-  
22                  ment for teachers and principals on how to ad-  
23                  minister such assessments and how to draw in-  
24                  ferences from results to benefit instruction and  
25                  student learning;

1           “(G) measure higher order thinking skills  
2           and understanding, application and transfer-  
3           ability knowledge, problem solving, analysis and  
4           synthesis; and

5           “(H) allow for more timely feedback to  
6           teachers to help improve instruction.

7           “(6) PEER REVIEW.—

8           “(A) IN GENERAL.—Applications shall be  
9           peer reviewed consistent with section **【1111(e)】**  
10          to ensure the validity and reliability of the as-  
11          sessment system and to ensure that the assess-  
12          ment system is aligned to State standards  
13          through a rigorous alignment process.

14          “(B) EXPERTS.—The peer review panel  
15          shall include experts in educational assess-  
16          ments.

17          “(7) USES OF FUNDS.—States and consortia of  
18          States shall use funds to create more robust assess-  
19          ment systems for the purposes of section  
20          **【1111(b)(3)】** that employ performance-based meas-  
21          ures of student achievement that better measure  
22          skills that prepare students at all grade levels for  
23          success in college and the work place, such as crit-  
24          ical thinking, problem-solving, and application of

1 knowledge to real world contexts. Funds may be  
2 used to—

3 “(A) research, develop, field test, and ad-  
4 minister such assessments;

5 “(B) develop high-quality performance  
6 tasks or prompts;

7 “(C) develop scoring rubrics and scoring  
8 procedures that will yield valid and reliable re-  
9 sults;

10 “(D) incorporate technology-based assess-  
11 ment measures;

12 “(E) provide professional development for  
13 teachers and principals on how to administer  
14 such assessments and how to draw inferences  
15 from the results to benefit instruction and stu-  
16 dent learning;

17 “(F) collaborate with universities and  
18 other research institutions; and

19 “(G) otherwise meet the requirements of  
20 this section.

21 “(8) ADMINISTRATION OVER TIME.—States  
22 may administer different measures over time  
23 throughout the school year for which the adequate  
24 yearly progress determination is made.

1           “(9) EVALUATION.—The Secretary shall evalu-  
2           ate assessment systems funded under this subsection  
3           to determine the degree to which assessments meet  
4           the requirements under paragraph (5) and to deter-  
5           mine effective assessment models.

6           “(10) INFORMATION DISSEMINATION.—The  
7           Secretary shall disseminate information to States on  
8           effective models and how best to implement perform-  
9           ance based assessments based on the evaluation  
10          under paragraph (9) and the reviews of the inde-  
11          pendent technical assistance panel described in sub-  
12          section (b).

13          “(11) RULE OF CONSTRUCTION.—Nothing in  
14          this subsection shall be construed to prevent a State  
15          that does not receive funds under this subsection  
16          from using State developed performance based meas-  
17          ures or other measures consistent with section  
18          **【1111(b)(3)(D)(ii)】** as part of their State assess-  
19          ment system to determine adequate yearly progress.

20          “(b) TECHNICAL ASSISTANCE **【PANEL】**.—The Sec-  
21          retary shall establish an independent technical assistance  
22          **【panel】** to support activities under section **【1125】** and  
23          subsection (a), including providing an ongoing review of  
24          State assessment systems funded under subsection (a) and  
25          authorized under section **【1125】** to help ensure—

1           “(1) the validity and reliability of such assess-  
2           ment systems;

3           “(2) that all measures within the assessment  
4           systems are aligned to State standards; and

5           “(3) the comparability and rigor of assessment  
6           measures.

7           “(c) RESERVATION OF FUNDS.—To carry out sub-  
8           section (b), the Secretary may reserve 1 percent of funds  
9           appropriated under section [6113(a)(2)] and 1 percent  
10          of funds appropriated under section [6113(a)(3)].

11   **“SEC. 6113. FUNDING.**

12          “(a) AUTHORIZATIONS.—

13               “(1) NATIONAL ASSESSMENT OF EDUCATIONAL  
14               PROGRESS.—For the purpose of administering the  
15               State assessments under the National Assessment of  
16               Educational Progress, there are authorized to be ap-  
17               propriated such sums as may be necessary for fiscal  
18               year 2008 and each of the 5 succeeding fiscal years.

19               “(2) ENHANCED ASSESSMENT INSTRUMENTS.—  
20               For the purpose of carrying out section [6112],  
21               there are authorized to be appropriated  
22               [ $\$$ \_\_\_\_\_] for fiscal year 2008 and such sums as  
23               may be necessary for each of the 5 succeeding fiscal  
24               years.

1           “(3) LOCAL EDUCATIONAL AGENCIES.—For the  
2           purpose of carrying out section **[1125]**, there are  
3           authorized to be appropriated **[\$\_\_\_\_\_]** for fis-  
4           cal year 2008 and such sums as may be necessary  
5           for subsequent fiscal years.

6           “(4) STATE ASSESSMENTS AND RELATED AC-  
7           TIVITIES.—Except as provided in paragraphs (1)  
8           through (3), there are authorized to be appropriated  
9           to carry out this subpart **[\$\_\_\_\_\_]** for fiscal year  
10          2008, and such sums as may be necessary for each  
11          of the 5 succeeding fiscal years.

12          “(b) ALLOTMENT OF APPROPRIATED FUNDS.—From  
13          amounts made available for each fiscal year under sub-  
14          section (a)(4) that are equal to or less than the amount  
15          described in section **[1111(b)(3)(D)]**, the Secretary—

16                 “(1) shall reserve one-half of 1 percent for the  
17                 Bureau of Indian Affairs;

18                 “(2) shall reserve one-half of 1 percent for the  
19                 outlying areas; and

20                 “(3) from the remainder, shall allocate to each  
21                 State an amount equal to—

22                         “(A) \$3,000,000; and

23                         “(B) with respect to any amounts remain-  
24                         ing after the allocation is made under subpara-  
25                         graph (A), an amount that bears the same rela-

1           tionship to such total remaining amounts as the  
2           number of students ages 5 through 17 in the  
3           State (as determined by the Secretary on the  
4           basis of the most recent satisfactory data) bears  
5           to the total number of such students in all  
6           States.

7           “(c) SPECIAL RULE.—In the case of a State that has  
8           not had assessments approved for English language learn-  
9           ers or students with disabilities under section  
10          **【1111(b)(3)】**, the State shall use—

11           “(1) at least 16.5 percent of the allocation re-  
12           ceived under subsection (b)(3) to carry out activities  
13           described in paragraphs (5) and (6) of section  
14           **【6111】** with respect to students with disabilities;  
15           and

16           “(2) at least 16.5 percent of such allocation to  
17           carry out activities described in paragraphs (5), (7),  
18           and (8) of section **【6111】** with respect to English  
19           language learners.

20           “(d) STATE DEFINED.—In this section, the term  
21           ‘State’ means each of the 50 States, the District of Colum-  
22           bia, and the Commonwealth of Puerto Rico.”.

23          **SEC. 602. TRANSFERABILITY OF FUNDS.**

24           (a) TRANSFERS BY STATES.—Section 6123(a) (20  
25           U.S.C. 7305b(a)) is amended—



1 (1) in paragraph (1), by striking “50 percent”  
2 and inserting “the applicable percentage limitation  
3 described in paragraph (3)”;

4 (2) in paragraph (2), by striking “50 percent  
5 limitation described in paragraph (1),” and inserting  
6 “percentage limitations described in paragraph  
7 (3),”; and

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

9 “(3) PERCENTAGE LIMITATIONS.—The fol-  
10 lowing percentage limitations shall be applied to the  
11 authority to transfer funds described in paragraph  
12 (1):

13 “(A) 50 percent for the provision described  
14 in paragraph (1)(A).

15 “(B) 90 percent for the provision described  
16 in paragraph (1)(B).

17 “(C) 75 percent for the provision described  
18 in paragraph (1)(C).

19 “(D) 100 percent for the provision de-  
20 scribed in paragraph (1)(D).”.

21 (b) TRANSFERS BY LOCAL EDUCATIONAL AGEN-  
22 CIES.—Section 6123(b) (20 U.S.C. 7305b(b)) is amend-  
23 ed—

24 (1) in paragraph (1)(A)—

1 (A) by striking “(except” and all that fol-  
2 lows through “1116(e)(9))”; and

3 (B) by striking “50 percent” and inserting  
4 “the percentage limitation described in para-  
5 graph (3)”;

6 (2) in paragraph (1)(B), by striking “not more  
7 than 30 percent of”;

8 (3) by amending paragraph (1)(C) to read as  
9 follows:

10 “(C) ADDITIONAL FUNDS FOR TITLE I.—

11 In accordance with this subpart and the per-  
12 centage liminations described in paragraph  
13 (3), a local educational agency may transfer  
14 funds allocated to such agency under any of the  
15 provisions listed in paragraph (2) for a fiscal  
16 year to its allocation for part A of title I for  
17 that fiscal year. In transferring such funds, the  
18 reservations under part A of title I shall not  
19 apply.”; and

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

21 “(3) PERCENTAGE LIMITATION.—The following  
22 percentage limitations shall be applied to the author-  
23 ity to transfer funds described in paragraph (1):

24 “(A) 50 percent for the provision described  
25 in paragraph (1)(A).

1           “(B) 90 percent for the provision described  
2           in paragraph (1)(B).

3           “(C) 75 percent for the provision described  
4           in paragraph (1)(C).

5           “(D) 100 percent for the provision de-  
6           scribed in paragraph (1)(D).”.

7           (c) CONSULTATION.—Section 6123(e)(2) (20 U.S.C.  
8           7305b(e)(2)) is amended to read as follows:

9           “(2) CONSULTATION.—

10           “(A) IN GENERAL.—Each State edu-  
11           cational agency or local educational agency that  
12           transfers funds under this section shall conduct  
13           consultations in accordance with section 9501,  
14           if such transfer transfers funds from a program  
15           that provides for the participation of students,  
16           teachers, or other educational personnel, from  
17           private schools.

18           “(B) EFFECT ON PRIVATE SCHOOL PAR-  
19           TICIPATION.—Subject to subparagraph (A), the  
20           State educational agency or local educational  
21           agency—

22           “(i) may exempt funds generated by  
23           the count of ‘eligible children’, as defined  
24           in section 9501(a)(1), who are enrolled in

1 private schools from any funds transferred  
2 under this section; or

3 “(ii) may transfer funds generated by  
4 the count of ‘eligible children’, as defined  
5 in section 9501(a)(1), who are enrolled in  
6 private schools in proportions the same as,  
7 or different from, the proportions used to  
8 transfer funds generated by the count of  
9 public school children.”.

10 **SEC. 603. RURAL EDUCATION INITIATIVE.**

11 (a) ELIGIBILITY UNDER SMALL RURAL SCHOOL  
12 ACHIEVEMENT PROGRAM.—Section 6211(b)(1)(A)(ii) (20  
13 U.S.C. 7345(b)(1)(A)(ii)) is amended by striking “7 or  
14 8,” and inserting “‘Rural: Fringe’, ‘Rural: Distant’, or  
15 ‘Rural: Remote’,”.

16 (b) DETERMINATION OF INITIAL AMOUNT UNDER  
17 SMALL RURAL SCHOOL ACHIEVEMENT PROGRAM.—Sec-  
18 tion 6212(b)(2) (20 U.S.C. 7345a(b)(2)) is amended to  
19 read as follows:

20 “(2) DETERMINATION OF INITIAL AMOUNT.—

21 “(A) IN GENERAL.—The initial amount re-  
22 ferred to in paragraph (1) is equal to \$100  
23 multiplied by the total number of students in  
24 excess of 50 students, in average daily attend-  
25 ance at the schools served by the local edu-

1           cational agency, plus \$20,000, except that the  
2           initial amount may not exceed \$60,000.

3           “(B) INCREASE.—For any fiscal year after  
4           the first fiscal year for which the amount ap-  
5           propriated to carry out this subpart equals or  
6           exceeds \$100,000,000 and the amount appro-  
7           priated to carry out subpart 2 equals or exceeds  
8           \$100,000,000, subparagraph (A) shall be  
9           deemed amended—

10                   “(i) by striking ‘\$20,000,’ and insert-  
11                   ing ‘\$25,000,’; and

12                   “(ii) by striking ‘\$60,000.’ and insert-  
13                   ing ‘\$80,000.’”.

14           (c) SPECIAL ELIGIBILITY RULE.—Section 6212(d)  
15           (20 U.S.C. 7345a(d)) is amended to read as follows:

16           “(d) SPECIAL ELIGIBILITY RULE.—A local edu-  
17           cational agency that receives a grant under this subpart  
18           for a fiscal year is not eligible to receive funds for such  
19           fiscal year under subpart 2.”.

20           (d) ELIGIBILITY FOR LOCAL AWARDS UNDER RURAL  
21           AND LOW-INCOME SCHOOL PROGRAM.—Section  
22           6221(b)(1) (20 U.S.C. 7351(b)(1)) is amended to read as  
23           follows:

1           “(1) ELIGIBILITY.—A local educational agency  
2 shall be eligible to receive a grant under this subpart  
3 if—

4                   “(A) 40 percent or more of the elementary  
5 school and secondary school students served by  
6 the local educational agency are eligible for free  
7 and reduced priced lunches under the Richard  
8 B. Russell National School Lunch Act; and

9                   “(B) all of the schools served by the agen-  
10 cy are designated with a school locale code of  
11 ‘Town: Distant’, ‘Town: Remote’, ‘Rural:  
12 Fringe’, ‘Rural: Distant’, or ‘Rural: Remote’, as  
13 determined by the Secretary.”.

14           (e) REPORT TO CONGRESS.—Section 6224(c) (20  
15 U.S.C. 7351c(c)) is amended by striking “the Workforce”  
16 and inserting “Labor”.

## 17           **TITLE VII—AMENDMENTS TO** 18                                   **TITLE VII**

### 19           **SEC. 701. INDIAN EDUCATION.**

20           (a) PURPOSE OF PART.—Section 7102 (20 U.S.C.  
21 7402) is amended to read as follows:

#### 22           **“SEC. 7102. PURPOSE.**

23           “‘It is the purpose of this part to support the efforts  
24 of local educational agencies, Indian tribes and organiza-  
25 tions, postsecondary institutions, and other entities—

1           “(1) to improve the academic achievement of  
2 American Indian and Alaska Native students by  
3 meeting their unique cultural, language, and edu-  
4 cational needs, which will enable them to meet chal-  
5 lenging State student academic achievement stand-  
6 ards; and

7           “(2) to improve the knowledge and under-  
8 standing of American Indian and Alaska Native stu-  
9 dents of Native American communities, languages,  
10 tribal histories, traditions, and cultures.”.

11       (b) PURPOSE OF SUBPART 1.—Section 7111 (20  
12 U.S.C. 7421) is amended by striking “that serve Indian  
13 students” and all that follows through the period at the  
14 end and inserting “that serve Indian students by ensuring  
15 that such programs meet the unique cultural, language,  
16 and educational needs of Indian students, which will en-  
17 able them to meet challenging State student academic  
18 achievement standards.”.

19       (c) GRANTS TO LEAS AND TRIBES.—Section 7112  
20 (20 U.S.C. 7422) is amended—

21           (1) by redesignating subsections (b) and (c) as  
22 (c) and (d), respectively;

23           (2) by inserting after subsection (a) the fol-  
24 lowing:

1           “(b) TECHNICAL ASSISTANCE.—The Secretary (in  
2 addition to any other technical assistance the Secretary  
3 is authorized to provide) shall provide technical assistance  
4 to support the services and activities provided under this  
5 subpart, including for—

6           “(1) development of applications under section  
7 7114;

8           “(2) improvement in the quality of implementa-  
9 tion, content of activities, and evaluation of activities  
10 supported under this subpart; and

11           “(3) integration of activities under this title  
12 with other educational activities carried out by the  
13 local educational agency.”; and

14           (3) in subsection (d)(1) (as so redesignated) by  
15 striking “an Indian tribe that represents not less  
16 than  $\frac{1}{2}$  of” and inserting “an Indian tribe or con-  
17 sortium of Indian tribes that represent not less than  
18  $\frac{1}{3}$  of”.

19           (d) APPLICATIONS.—Section 7114 (20 U.S.C. 7424)  
20 is amended—

21           (1) in subsection (b)—

22                   (A) in paragraph (2)(A) by inserting “, in-  
23 cluding under sections 1111 and 1112” before  
24 the semicolon;



1 (B) in paragraph (2)(B), by striking “such  
2 goals,” and all that follows through the semi-  
3 colon at the end and inserting “such goals;”;  
4 and

5 (C) in paragraph (3), by striking “, espe-  
6 cially programs carried out under title I,”;  
7 (2) in subsection (c)—

8 (A) in paragraph (1), by striking “for the  
9 education of Indian children,” and inserting  
10 “for services and activities consistent with those  
11 described in this subpart,”;

12 (B) by redesignating paragraphs (2)  
13 through (4) as paragraphs (3) through (5), re-  
14 spectively; and

15 (C) by inserting after paragraph (1) the  
16 following:

17 “(2) the local educational agency will use funds  
18 received under this subpart only for activities de-  
19 scribed in and authorized by this subpart;”.

20 (e) AUTHORIZED SERVICES AND ACTIVITIES.—Sec-  
21 tion 7115 (20 U.S.C. 7425) is amended—

22 (1) in subsection (b)—

23 (A) by redesignating paragraphs (1)  
24 through (11) as paragraphs (2) through (12),  
25 respectively;

1 (B) by inserting before paragraph (2) (as  
2 so redesignated) the following:

3 “(1) activities that support Native American  
4 language immersion programs and Native American  
5 language restoration programs, which may be taught  
6 by traditional leaders;”;

7 (C) in paragraph (4) (as so redesignated),  
8 by striking “development” and all that follows  
9 through the semicolon at the end and inserting  
10 “development;”;

11 (D) in paragraph (5) (as so redesignated),  
12 by striking “other programs that meet the  
13 needs of” and inserting “other programs, in-  
14 cluding programs that promote parental in-  
15 volvement in school activities and promote pa-  
16 rental involvement to increase student achieve-  
17 ment, to meet the unique needs of”;

18 (E) in paragraph (12) (as so redesign-  
19 ated), by striking “appropriately qualified trib-  
20 al elders and seniors” and inserting “traditional  
21 leaders”; and

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

23 “(e) CERTAIN SCHOOLS.—Each local educational  
24 agency that serves schools that provide Native American  
25 language immersion programs or Native American lan-

1 guage restoration programs and that receives a grant  
2 under this subpart shall use not less than **[x]** percent nor  
3 more than **[x]** percent of such grant to support activities  
4 described in subsection (b)(1).”.

5 (f) IMPROVEMENT OF ACADEMIC SUCCESS OF IN-  
6 DIAN STUDENTS THROUGH NATIVE AMERICAN LAN-  
7 GUAGES PROGRAMS.—Subpart 2 of title VII is amended  
8 by adding at the end the following:

9 **“SEC. 7123. IMPROVEMENT OF ACADEMIC SUCCESS OF IN-**  
10 **DIAN STUDENTS THROUGH NATIVE AMER-**  
11 **ICAN LANGUAGES PROGRAMS.**

12 “(a) PURPOSE.—It is the purpose of this section to  
13 improve the academic success of American Indian and  
14 Alaska Native students through Native American lan-  
15 guages programs and to foster the acquisition of Native  
16 American languages among such students.

17 “(b) ELIGIBLE ENTITY.—In this section, the term  
18 ‘eligible entity’ means a local educational agency, Indian  
19 tribe, Indian organization, federally supported elementary  
20 or secondary school with a high population of Indian stu-  
21 dents, Indian institution (including an Indian institution  
22 of higher education), or a consortium of such entities.

23 “(c) GRANTS AUTHORIZED.—The Secretary may  
24 award grants on a competitive basis to eligible entities to  
25 enable such entities to carry out the following activities:

1           “(1) Native American language programs,  
2           which are site-based educational programs that—

3                   “(A) provide instruction through the use of  
4                   a Native American language for at least 10  
5                   children for an average of at least 500 hours  
6                   per year per student;

7                   “(B) provide for the involvement of par-  
8                   ents (or legal guardians) of students enrolled in  
9                   the program;

10                   “(C) develop instructional courses and ma-  
11                   terials for learning Native American languages  
12                   and for instruction through the use of Native  
13                   American languages;

14                   “(D) provide for teacher professional devel-  
15                   opment; and

16                   “(E) assist all students in achieving—

17                           “(i) fluency in a Native American lan-  
18                           guage; and

19                           “(ii) academic proficiency in mathe-  
20                           matics, English, reading or language arts,  
21                           and science.

22           “(2) Native American language restoration pro-  
23           grams, which are educational programs that—

24                   “(A) provide instruction in one or more  
25                   Native American languages;

1           “(B) provide professional development for  
2 teachers of Native American languages;

3           “(C) develop instructional materials for the  
4 programs; and

5           “(D) increase students’ proficiency and  
6 fluency in one or more Native American lan-  
7 guages.

8           “(d) APPLICATION.—

9           “(1) IN GENERAL.—Each eligible entity that  
10 desires to receive a grant under this section shall  
11 submit an application to the Secretary at such time,  
12 in such manner, and containing such information as  
13 the Secretary may reasonably require.

14           “(2) CERTIFICATION.—In the case of an eligible  
15 entity applying for a grant under subsection (c)(1),  
16 such application shall include a certification that the  
17 applicant has not less than 3 years of experience in  
18 operating a Native American language program or  
19 another educational program in which instruction is  
20 provided in a Native American language.

21           “(e) GRANT DURATION.—Grants made under this  
22 section shall be for periods of not less than two and not  
23 more than five years.”.

24           “(g) DEFINITIONS.—Section 7151 (20 U.S.C. 7491)  
25 is amended by adding at the end the following:

1           “(4) TRADITIONAL LEADER.—The term ‘tradi-  
2           tional leader’ includes Indians who have special ex-  
3           pertise in Indian culture and Native languages.”.

4           (h) AUTHORIZATIONS OF APPROPRIATIONS.—Section  
5           7152 (20 U.S.C. 7492) is amended—

6           (1) in subsection (a), by striking “\$96,400,000  
7           for fiscal year 2002” and inserting  
8           “\$\_\_\_\_\_ for fiscal year 2008”; and

9           (2) in subsection (b), by striking “\$24,000,000  
10          for fiscal year 2002” and inserting  
11          “\$\_\_\_\_\_ for fiscal year 2008”.

12       **SEC. 702. AMENDMENTS TO OTHER LAWS.**

13          Section 1135(a) of the Education Amendments of  
14          1978 (25 U.S.C. 2015(a)) is amended—

15          (1) in paragraph (1) by striking “and” at the  
16          end;

17          (2) by redesignating paragraph (2) as (3); and

18          (3) by inserting after paragraph (1) the fol-  
19          lowing:

20               “(2) an assessment of the amount necessary to  
21               sustain the academic and residential programs of  
22               Bureau-funded schools, pursuant to the formula de-  
23               scribed by subpart H of part 39 of title 25, Code of  
24               Federal Regulations, as in effect on April 1, 2007

1 (and incorporating any subsequent changes to such  
2 formula); and”.

3 **SEC. 703. PURPOSES.**

4 Section 7203 of the Native Hawaiian Education Act  
5 (20 U.S.C. 7513) is amended to read as follows:

6 **“SEC. 7203. PURPOSES.**

7 “The purposes of this part are—

8 “(1) to authorize, develop, implement, assess,  
9 and evaluate innovative educational programs, Na-  
10 tive Hawaiian language medium programs, Native  
11 Hawaiian culture-based educational programs, and  
12 other educational programs to assist Native Hawai-  
13 ians;

14 “(2) to provide guidance to appropriate Fed-  
15 eral, State, and local agencies to more effectively  
16 and efficiently focus resources, including resources  
17 made available under this part, on the creation and  
18 implementation of—

19 “(A) innovative educational programs for  
20 Native Hawaiians;

21 “(B) Native Hawaiian language medium  
22 programs; and

23 “(C) Native Hawaiian culture-based edu-  
24 cational programs; and

1           “(3) to create a system by which information  
2           from programs funded under this part will be col-  
3           lected, analyzed, evaluated, reported, and used in de-  
4           cisionmaking activities with respect to the types of  
5           grants to be provided pursuant to this part.”.

6   **SEC. 704. NATIVE HAWAIIAN EDUCATION COUNCIL.**

7           Section 7204 of the Native Hawaiian Education Act  
8           (20 U.S.C. 7514) is amended to read as follows:

9   **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

10          “(a) ESTABLISHMENT.—To advance the purposes of  
11          this part, there is established a council, to be known as  
12          the ‘Native Hawaiian Education Council’.

13          “(b) MEMBERSHIP.—

14                 “(1) COMPOSITION.—The Council shall be com-  
15                 posed of 11 members, of whom—

16                         “(A) 1 shall be the President of the Uni-  
17                         versity of Hawaii (or a designee);

18                         “(B) 1 shall be the Governor of the State  
19                         of Hawaii (or a designee);

20                         “(C) 1 shall be the Superintendent of the  
21                         State of Hawaii Department of Education (or a  
22                         designee);

23                         “(D) 1 shall be the chairperson of the Of-  
24                         fice of Hawaiian Affairs (or a designee);



1           “(E) 1 shall be the chief executive officer  
2 of the Council for Native Hawaiian Advance-  
3 ment (or a designee);

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

6           “(G) 1 shall be the individual who served  
7 as secretary of the entity known as the Native  
8 Hawaiian Education Council on the day before  
9 the date of enactment of the [short title of  
10 2007 Act];

11           “(H) 1 shall be the individual who served  
12 as chairperson of the entity known as the Na-  
13 tive Hawaiian Education Council on the day be-  
14 fore the date of enactment of the [short title of  
15 2007 Act];

16           “(I) 1 shall be the individual who served as  
17 chairperson of the entity known as the Native  
18 Hawaiian Education Council during the term  
19 immediately preceding the term of the indi-  
20 vidual described in subparagraph (H); and

21           “(J) 2 shall be individuals selected by the  
22 members of the Council appointed under sub-  
23 paragraphs (B), (D), (E), (F), (G), (H), and  
24 (I), by a majority vote and in accordance with  
25 the requirements of subsection (c)(2), who—

1 “(i) shall serve for a term of 4 years;

2 and

3 “(ii) shall not be recipients of any  
4 Federal funds provided for Native Hawai-  
5 ian education.

6 “(2) NONVOTING MEMBERS.—A member of the  
7 Council appointed under subparagraph (A) or (C) of  
8 paragraph (1) shall be a nonvoting member.

9 “(c) VACANCIES.—A vacancy on the Council—

10 “(1) shall not affect the powers of the Council;

11 and

12 “(2) [in the case of vacancy caused by the de-  
13 parture of a person described in subsection  
14 (b)(1)(\_\_\_),] shall be filled by an individual selected  
15 by a majority of the members of the Council, who—

16 “(A) shall have experience relating to—

17 “(i) the provision of grants to non-  
18 profit educational and other programs pro-  
19 viding services to Native Hawaiians; or

20 “(ii) designing, managing, and super-  
21 vising the assessment, evaluation, and ef-  
22 fectiveness of such a program; and

23 “(B)(i) shall serve for a term of 4 years;

24 and

1           “(ii) may, by majority vote of the members  
2           of the Council, serve for a second consecutive  
3           term of 4 years.

4           “(d) MEETINGS.—The Council shall meet not less  
5 frequently than once every 120 days.

6           “(e) CHAIRPERSON, VICE CHAIRPERSON, SEC-  
7 RETARY, AND TREASURER.—

8           “(1) SELECTION.—The Council shall select a  
9           Chairperson, Vice Chairperson, Secretary, and  
10          Treasurer from among the members of the Council.

11          “(2) SERVICE AS EXECUTIVE BOARD.—The  
12          Chairperson, Vice Chairperson, Secretary, and  
13          Treasurer selected under paragraph (1) shall serve  
14          as the executive board of the Council.

15          “(f) DUTIES AND POWERS OF COUNCIL.—

16                 “(1) DUTIES.—

17                         “(A) IN GENERAL.—The Council shall—

18                                 “(i) obtain from the Secretary the in-  
19                                 dicators and performance measures that  
20                                 the Secretary requires for each grant  
21                                 awarded under this part;

22                                 “(ii) provide technical assistance to  
23                                 Native Hawaiian organizations that are  
24                                 grantees or potential grantees under this  
25                                 part;

1                   “(iii) assess the educational needs of  
2 Native Hawaiians;

3                   “(iv) assess the programs and services  
4 currently available to address the edu-  
5 cational needs of Native Hawaiians;

6                   “(v) assess and evaluate the individual  
7 and aggregate impact achieved by grantees  
8 in improving Native Hawaiian educational  
9 performance and meeting the goals of this  
10 part;

11                   “(vi) coordinate the educational and  
12 related services and programs available to  
13 Native Hawaiians, including the programs  
14 assisted under this part;

15                   “(vii) make recommendations to the  
16 Secretary to establish priorities for funding  
17 under this part, based on an assessment  
18 of—

19                   “(I) the educational needs of Na-  
20 tive Hawaiians;

21                   “(II) programs and services cur-  
22 rently available to address those  
23 needs; and

24                   “(III) the effectiveness of exist-  
25 ing programs to improve the edu-

1                   cational performance of Native Ha-  
2                   waiians; and

3                   “(viii) prepare and submit to the Sec-  
4                   retary annual reports that contain—

5                   “(I) a description of the activities  
6                   of the Council during the preceding  
7                   calendar year; and

8                   “(II) recommendations of the  
9                   Council, if any, regarding priorities  
10                  established under section 7205(a)(2).

11                  “(B) PRIORITIES.—The Council may make  
12                  recommendations under subparagraph (A)(vii)  
13                  for priorities for funding in specific geographic  
14                  communities.

15                  “(2) ESTABLISHMENT OF COMMUNITY COUN-  
16                  CILS.—The Council may—

17                  “(A) establish such community councils,  
18                  including Kupuna councils, and other working  
19                  groups as the Council determines to be nec-  
20                  essary to advise and assist the Council in car-  
21                  rying out the duties under paragraph (1); and

22                  “(B) of the funds made available to the  
23                  Council under section 7205(d)(2)(A), provide  
24                  such administrative and financial support to

1           those community councils as the Council deter-  
2           mines to be appropriate.

3           “(g) FUNDING.—

4           “(1) IN GENERAL.—For each fiscal year, the  
5           Secretary shall provide to the Council (including  
6           through grants and contracts) the amount described  
7           in section 7205(d)(2)(A), to remain available until  
8           expended.

9           “(2) NO COMPENSATION.—Each member of the  
10          Council, and each member of a community council,  
11          Kupuna council, or other working group established  
12          by the Council, shall serve without compensation.”.

13   **SEC. 705. PROGRAM AUTHORIZED.**

14          Section 7205 of the Native Hawaiian Education Act  
15   (20 U.S.C. 7515) is amended—

16           (1) in subsection (a), by striking paragraphs  
17           (2) through (4) and inserting the following:

18           “(2) PRIORITY.—In providing grants and enter-  
19           ing into contracts under this part, the Secretary  
20           shall give priority to—

21           “(A) programs designed to increase the  
22           educational success of Native Hawaiians, using  
23           a Native Hawaiian language and cultural per-  
24           spective, including activities relating to—

1 “(i) achieving **proficiency** in read-  
2 ing, literacy, math, and science for stu-  
3 dents in preschool through grade 3;

4 “(ii) the unique needs of at-risk  
5 youth;

6 “(iii) teacher training and professional  
7 development;

8 “(iv) the use of Native Hawaiian lan-  
9 guage and Native Hawaiian culture-based  
10 educational practices; and

11 “(v) preparation for employment in  
12 fields in which Native Hawaiians are un-  
13 deremployed or underrepresented; and

14 “(B) programs that meet the educational  
15 priorities established by the Council under sec-  
16 tion 7204(f)(1)(A)(vii).”;

17 (2) by redesignating subsection (c) as sub-  
18 section (d);

19 (3) by inserting after subsection (b) the fol-  
20 lowing:

21 “(c) TREATMENT OF FUNDS.—

22 “(1) IN GENERAL.—Except as provided in para-  
23 graph (2), funds made available under this part  
24 shall be used to supplement, and not supplant, any

1 State or local funds used to achieve the purposes of  
2 this part.

3 “(2) EXCEPTION.—Paragraph (1) does not  
4 apply to any nonprofit entity or Native Hawaiian  
5 community-based organization that receives a grant  
6 or other funds under this part.”; and

7 (4) in subsection (d) (as redesignated by para-  
8 graph (2)), by striking paragraphs (1) and (2) and  
9 inserting the following:

10 “(1) IN GENERAL.—There are authorized to be  
11 appropriated [ \_\_\_\_\_ ] to carry out this section  
12 and section 7204 for each of fiscal years 2008  
13 through 2013.

14 “(2) RESERVATIONS.—Of the funds made avail-  
15 able under this subsection, the Secretary shall re-  
16 serve, for each of fiscal years 2008 through 2013  
17 not less than [ \$750,000 ] for the Council.”.

18 **SEC. 706. DEFINITIONS.**

19 Section 7207 of the Native Hawaiian Education Act  
20 (20 U.S.C. 7517) is amended—

21 (1) by redesignating paragraphs (1) through  
22 (6) as paragraphs (6) through (11), respectively;  
23 and

24 (2) by inserting before paragraph (6) (as red-  
25 igned by paragraph (1)) the following:



1           “(1) COMMUNITY COUNCIL.—The term ‘com-  
2           munity council’ means a group that—

3                   “(A) is comprised by a majority of Native  
4           Hawaiians who live in a particular geographic  
5           area; and

6                   “(B) is created for the express purpose of  
7           receiving and providing information to the  
8           Council.

9           “(2) COUNCIL.—The term ‘Council’ means the  
10          Native Hawaiian Education Council established by  
11          section 7204(a).

12           “(3) KUPUNA COUNCIL.—The term ‘Kupuna  
13          council’ means a council composed of elders who are  
14          knowledgeable and skilled in Native Hawaiian lan-  
15          guage and cultural practices.”.

## 16           **TITLE VIII—AMENDMENTS TO** 17           **TITLE VIII**

### 18           **SEC. 801. IMPACT AID REAUTHORIZATION.**

19          Section 8014 (20 U.S.C. 7714) is amended—

20                   (1) in each of subsections (a), (b), (c), and (f),  
21          by striking “2000” each place it appears and insert-  
22          ing “2008”; and

23                   (2) in subsection (e), by striking “\$10,052,000”  
24          and all that follows through the period at the end  
25          and inserting “such sums as may be necessary for

1 fiscal year 2008 and for each of the [5] succeeding  
2 fiscal years.”.

3 **TITLE IX—GENERAL**  
4 **PROVISIONS**

5 **SEC. 901. DEFINITIONS.**

6 (a) DROPOUT RATE.—Section 9101 (20 U.S.C.  
7 7801) is amended by inserting after paragraph (16) the  
8 following:

9 “(16A) DROPOUT RATE.—The term ‘dropout  
10 rate’ means the percentage of public secondary  
11 school students who left secondary school between  
12 the beginning of one school year and the beginning  
13 of the next school year without earning a regular  
14 high school diploma, excluding confirmed transfers,  
15 departures and deaths described in section 1124.”.

16 (b) ENGLISH LANGUAGE LEARNER.—Section 9101  
17 (20 U.S.C. 7801) is amended by inserting after paragraph  
18 (18) the following:

19 “(18A) ENGLISH LANGUAGE LEARNER.—The  
20 term ‘English language learner’ means an individual  
21 with limited English proficiency.”.

22 (c) FORMATIVE ASSESSMENT.—Section 9101 (20  
23 U.S.C. 7801) is amended by inserting after paragraph  
24 (20) the following:

1           “(20A) FORMATIVE ASSESSMENT.—The term  
2           ‘formative assessment’ means an assessment process  
3           that—

4                   “(A) is used for purposes for which it is  
5                   valuable and reliable;

6                   “(B) is consistent with relevant profes-  
7                   sional standards;

8                   “(C) is aligned to current State and con-  
9                   tent standards;

10                   “(D) is included in an ongoing and contin-  
11                   uous assessment process;

12                   “(E) is integrated with instructional prac-  
13                   tice;

14                   “(F) provides information to guide teach-  
15                   ing and learning and to identify appropriate  
16                   interventions;

17                   “(G) provides teachers, students, and par-  
18                   ents with ongoing, targeted information regard-  
19                   ing strengths and weaknesses in order to im-  
20                   prove student learning; and

21                   “(H) guides professional developoment and  
22                   curriculum needs.”.

23           **[(d) HIGHLY QUALIFIED.—Section 9101(23) (20**  
24           **U.S.C. 7801(23)) is amended—]**

25                   **[(1) in subparagraph (B)—]**

1           **[(A) in clause (i), by striking “who is new**  
2           **to the profession”; and]**

3           **[(B) in clause (ii)—]**

4           **[(i) by striking “middle or secondary**  
5           **school teacher who is new to the profes-**  
6           **sion” and inserting “secondary school**  
7           **teacher”; and]**

8           **[(ii) by striking “and” at the end;]**

9           **[(2) by amending subparagraph (C) to read as**  
10          **follows:]**

11           **[(“C) when used with respect to an ele-**  
12           **mentary or secondary school teacher who is em-**  
13           **ployed by a local educational agency in which—**  
14           **]**

15           **[(“i) the total number of students in**  
16           **average daily attendance at all schools**  
17           **served by the agency is fewer than 600 or**  
18           **all schools served by the agency are located**  
19           **in counties with a population density of**  
20           **fewer than 10 persons per square mile;**  
21           **and]**

22           **[(“ii) all schools served by the local**  
23           **educational agency have a school locale**  
24           **code of 42 or 43, as determined by the**  
25           **Secretary, or the local educational agency**

1 is located in an area of the State that was  
2 defined as rural by the State educational  
3 agency or another governmental agency of  
4 the State,】

5 means that the teacher holds at least a bach-  
6 elor’s degree and has met the applicable stand-  
7 ard in clause (i) or (ii) of subparagraph (B) for  
8 at least one core academic subject the teacher  
9 teaches, and will meet such applicable standard  
10 for all core academic subjects the teacher teach-  
11 es not later than the date that is the third anni-  
12 versary of the date of hire by such local edu-  
13 cational agency, if such local educational agency  
14 demonstrates that it is providing each such  
15 teacher high-quality professional development  
16 that increases such teacher’s content knowledge  
17 in the additional subjects the teacher teaches,  
18 and a program of intensive supervision that  
19 consists of structured guidance and regular on-  
20 going support to ensure that such teacher  
21 meets such applicable standard; and”]; and】

22 【(3) by adding at the end the following:】

23 【“(D) when used with respect to a sec-  
24 ondary school teacher who teaches science,  
25 means that the teacher holds at least a bach-

1           elior’s degree and has met the standard in  
2           clause (ii) of subparagraph (B) in a manner  
3           that is consistent with State requirements for  
4           certification in science and any of such subject’s  
5           subdivisions.”.]

6           (e) OTHER STAFF.—Section 9101(29) (20 U.S.C.  
7 7801(29) is amended by striking “pupil services per-  
8 sonnel,” and inserting “specialized instructional support  
9 personnel,”.

10          (f) PERFORMANCE-BASED MEASURE.—Section 9101  
11 (20 U.S.C. 7801) is amended by inserting after paragraph  
12 (32) the following:

13           “(32A) PERFORMANCE-BASED MEASURE.—The  
14           term ‘performance-based measure’ means an assess-  
15           ment method designed to emulate real life contexts  
16           or conditions in which specific knowledge or skills  
17           are actually applied.”.

18          (g) POSITIVE BEHAVIORAL INTERVENTIONS AND  
19 SUPPORTS.—Section 9101(20 U.S.C. 7801), as amended  
20 by subsection (f), is further amended by inserting after  
21 paragraph (32A) the following:

22           “(32B) POSITIVE BEHAVIORAL INTERVENTIONS  
23           AND SUPPORTS.—The term ‘positive behavioral  
24           interventions and supports’ means the systematic  
25           application of evidence-based behavioral strategies to

1 improve outcomes of children and youth by restruc-  
2 turing teaching and learning environments to in-  
3 crease appropriate behaviors, prevent the develop-  
4 ment of problem behaviors, and reduce the occur-  
5 rence of existing problem behaviors.”.

6 (h) PRINCIPLES OF SCIENTIFIC RESEARCH.—Section  
7 9101 (20 U.S.C. 7801) is amended by inserting after  
8 paragraph (33) the following:

9 “(33A) PRINCIPLES OF SCIENTIFIC RE-  
10 SEARCH.—The term ‘principles of scientific research’  
11 means research that—

12 “(A) applies rigorous, systematic, and ob-  
13 jective methodology to obtain reliable and valid  
14 knowledge relevant to education activities and  
15 programs;

16 “(B) presents findings and makes claims  
17 that are appropriate to and supported by meth-  
18 ods that have been employed; and

19 “(C) includes, appropriate to the research  
20 being conducted—

21 “(i) use of systematic,empirical meth-  
22 ods that draw on observation or experi-  
23 ment;

24 “(ii) use of data analyses that are  
25 adequate to support the general findings;

1 “(iii) reliance on measurements or ob-  
2 servational methods that provide reliable  
3 and generalizable findings;

4 “(iv) strong claims of causal relation-  
5 ships only in research designs that elimi-  
6 nate plausible competing explanation for  
7 observed results, which may include but  
8 shall not be limited to random assignment  
9 experiments;

10 “(v) presentation of studies and meth-  
11 ods in sufficient detail and clarity to allow  
12 for replication or at a minimum, to offer  
13 the opportunity to build systematically on  
14 the findings of the research;

15 “(vi) acceptance by a peer-reviewed  
16 journal or critique by a panel of inde-  
17 pendent experts through a comparably rig-  
18 orous, objective, and scientific review; and

19 “(vii) consistency of findings across  
20 multiple studies or sites to support the  
21 generality of results and conclusions.”.

22 (i) PROFESSIONAL DEVELOPMENT.—Section  
23 9101(34) (20 U.S.C. 7801(34)) is amended—

**【TO BE SUPPLIED】**



1 (j) SCHOOL IMPROVEMENT SPECIALISTS.—Section  
2 9101 (20 U.S.C. 7801) is amended

**【To Be Supplied】**

3 (k) SCIENTIFICALLY VALID RESEARCH.—Section  
4 9101 (20 U.S.C. 7801) is amended by inserting after  
5 paragraph (37) the following:

6 “(37A) SCIENTIFICALLY VALID RESEARCH.—  
7 The term ‘scientifically valid research’ includes ap-  
8 plied research, basic research, and field-initiated re-  
9 search in whcih the rationale, design, and interpreta-  
10 tion are soundly developed in accordance with ac-  
11 cepted principles of scientific research.”.

12 (l) SPECIALIZED INSTRUCTIONAL SUPPORT PER-  
13 SONNEL.—Section 9101 (20 U.S.C. 7801) is amended—

14 (1) by inserting after paragraph (39) the fol-  
15 lowing:

16 “(39A) SPECIALIZED INSTRUCTIONAL SUPPORT  
17 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
18 SERVICES.—

19 “(A) SPECIALIZED INSTRUCTIONAL SUP-  
20 PORT PERSONNEL.—The term ‘specialized in-  
21 structional support personnel’ means school  
22 counselors, school social workers, school psy-  
23 chologists, and other qualified professional per-  
24 sonnel involved in providing assessment, diag-

1           nosis, counseling, educational, therapeutic, and  
2           other services (including related services as that  
3           term is defined in section 602 of the Individuals  
4           with Disabilities Education Act) as part of a  
5           comprehensive program to meet student needs.

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

11          (2) by striking paragraph (36);

12          (3) in the matter preceding paragraph (41), by  
13          striking “STATE.—” and inserting the following:

14           “(40) STATE.—”; and

15          (4) by redesignating paragraphs (37), (37A),  
16          (38), (39), (39A), and (40) as paragraphs (36),  
17          (37), (38), (39), (40), and (40A), respectively.

18          (m) UNIVERSAL DESIGN.—Section 9101 (20 U.S.C.  
19          7801) is amended by adding at the end the following:

20           “(44) UNIVERSAL DESIGN.—The term ‘uni-  
21          versal design’, [as defined in section 3 of the Assist-  
22          ive Technology Act of 1998 (29 U.S.C. 3002)],  
23          means a concept or philosophy for designing and de-  
24          livering products and services that are usable by  
25          people with the widest range of possible functional

1 capabilities, which include products and services that  
2 are directly usable (without requiring assistive tech-  
3 nologies) and products and services that are made  
4 usable with assistive technologies.”.

5 **SEC. 902. GENERAL APPLICABILITY OF STATE EDU-**  
6 **CATIONAL AGENCY ASSURANCES.**

7 Section 9304(a)(1) (20 U.S.C. 7844(a)(1) is amend-  
8 ed by striking “statutes,” and all that follows through the  
9 semicolon at the end and inserting “statutes and regula-  
10 tions (including, as appropriate, those relating to partici-  
11 pation of private school students and personnel), program  
12 plans, and applications;”.

13 **SEC. 903. OTHER GENERAL ASSURANCES.**

14 Section 9306(a)(1) (20 U.S.C. 7846(a)(1) is amend-  
15 ed by striking “statutes,” and all that follows through the  
16 semicolon at the end and inserting “statutes and regula-  
17 tions (including, as appropriate, those relating to partici-  
18 pation of private school students and personnel), program  
19 plans, and applications;”.

20 **SEC. 904. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**  
21 **AND TEACHERS.**

22 (a) SPECIAL RULE.—Section 9501(a)(3) (20 U.S.C.  
23 7881(a)(3)) is amended to read as follows:

24 “(3) SPECIAL RULE.—

1           “(A) IN GENERAL.—Educational services  
2           and other benefits provided under this section  
3           for private school children, teachers, and other  
4           educational personnel shall be equitable in com-  
5           parison to services and other benefits for public  
6           school children, teachers, and other educational  
7           personnel participating in the program and  
8           shall be provided in a timely manner.

9           “(B) IDENTIFICATION OF RESPONSIBLE  
10          OFFICIALS.—To help ensure equitable services  
11          to private school children, teachers, and other  
12          educational personnel, the State educational  
13          agency annually shall notify private school offi-  
14          cials of the identity of the State official or offi-  
15          cials responsible for implementation of the re-  
16          quirements of this section.”.

17          **[(b) APPLICABILITY.—Section 9501(b)(1) (20**  
18          **U.S.C. 7881(b)(1)) is amended to read as follows:]**

19               “(1) IN GENERAL.—This section applies to pro-  
20          grams under—

21                       “(A) subparts 1, 3, and 5 of part B of title  
22          I (Reading First, Even Start, and Striving  
23          Readers);

24                       “(B) part C of title I (Migratory Children);

1           “(C) section 1703(g)(1)(B) as it relates to  
2 examination fees and section 1703(g)(2)(A)  
3 (Advanced Placement and International Bacca-  
4 laurate);

5           “(D) part B of title II (Teacher and Prin-  
6 cipal Quality State Grants), to the extent pro-  
7 vided in paragraph (3);

8           “(E) part C of title II (Math and Science  
9 Partnerships);

10          “(F) subpart 2 of part D of title II (Na-  
11 tional Writing Project);

12          “(G) part E of title V (Civic Education);

13          “(H) part F of title V (not including cur-  
14 riculum development) (Teaching of Traditional  
15 American History);

16          “(I) part E of title II (Education Tech-  
17 nology);

18          “(J) part A of title III (English Language  
19 Acquisition);

20          “(K) part A of title IV (Safe and Drug  
21 Free Schools);

22          “(L) part B of title IV (21st Century  
23 Community Learning Centers);

24          “(M) subpart 6 of part D of title V (Gifted  
25 and Talented Students);

1           **【“(N) subpart 9 of part D of title V (For-**  
2           **foreign Language Assistance);】**

3           “(O) subpart 10 of part D of title V  
4           (Physical Education); and

5           **【“(P) subpart 15 of part D of title V (not**  
6           **including paragraphs (4) and (9) of section**  
7           **5551(d)) (Arts in Education).”.]**

8           (c) CONSULTATION.—Section 9501(c) (20 U.S.C.  
9           7881(c)) is amended—

10           (1) by amending paragraph (1)(E) to read as  
11           follows:

12                   “(E) the size and scope of the equitable  
13                   services to be provided to the eligible private  
14                   school children, teachers, and other educational  
15                   personnel, the amount of funds available for  
16                   those services, and how that amount is deter-  
17                   mined (which determination may include con-  
18                   sideration of any formula by which such funds  
19                   are made available to the local educational  
20                   agency);”;

21           (2) by amending paragraph (2) to read as fol-  
22           lows:

23                   “(2) DISAGREEMENT.—If the agency, Consor-  
24                   tium, or entity disagrees with the views of the pri-  
25                   vate school officials on the provision of services

1 through a contract, or the on-site delivery of serv-  
2 ices, to private school students, the agency, consor-  
3 tium, or entity shall provide to the private school of-  
4 ficials a written explanation of the reasons why the  
5 local educational agency, consortium, or entity has  
6 chosen not to use a contractor, or not to deliver  
7 services on-site at the private school.”;

8 (3) by amending paragraph (3) to read as fol-  
9 lows:

10 “(3) TIMING.—

11 “(A) IN GENERAL.—The consultation re-  
12 quired by paragraph (1) shall include meetings  
13 of agency and private school officials and shall  
14 occur before the agency, consortium, or entity  
15 makes any decision that affects the opportuni-  
16 ties of eligible private school children, teachers,  
17 and other educational personnel to participate  
18 in programs under this chapter, and such meet-  
19 ings shall continue throughout the implementa-  
20 tion and assessment of activities under this sec-  
21 tion.

22 “(B) CONSULTATION.—The consultation  
23 required by paragraph (1) may combine con-  
24 sultation for any or all of the programs under  
25 this Act, so long as the consultation for any

1           such program remains timely and meaningful.”;

2           and

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

4           “(5) RULE OF CONSTRUCTION.—The require-  
5           ment in paragraph (3) concerning meetings shall not  
6           be interpreted to require agency officials to meet  
7           separately with officials from each private school nor  
8           shall the requirement be interpreted to require any  
9           specific number of such meetings nor any specific  
10          format for such meetings, so long as the consulta-  
11          tion remains timely and meaningful.

12          “(6) DOCUMENTATION.—Each local educational  
13          agency shall maintain in the agency’s records, and  
14          provide to the State educational agency, a written  
15          affirmation signed by officials of each participating  
16          private school that the consultation required by  
17          paragraph (1) has occurred. If such officials do not  
18          provide such affirmation within a reasonable period  
19          of time, the local educational agency shall forward  
20          the documentation that such consultation, or at-  
21          tempts at consultation, have taken place to the State  
22          educational agency.”.



1 **SEC. 905. COMPLAINT PROCESS FOR PARTICIPATION OF**  
2 **PRIVATE SCHOOL CHILDREN.**

3 (a) PROCEDURES FOR COMPLAINTS.—Section  
4 9503(a) (20 U.S.C. 7883(a)) is amended—

5 (1) in the first sentence, by striking “parents,  
6 teachers, or other individuals or organizations” and  
7 inserting “private school officials or parents of pri-  
8 vate school children”; and

9 (2) by amending the second sentence to read as  
10 follows: “The individual or organization shall submit  
11 the complaint in writing, along with supporting doc-  
12 umentation, to the State educational agency for a  
13 written resolution by the State educational agency  
14 within the 45-day period beginning on the date of  
15 submission.”.

16 (b) APPEALS TO SECRETARY.—Section 9503(b) (20  
17 U.S.C. 7883(b)) is amended to read as follows:

18 “(b) APPEALS TO SECRETARY.—The written resolu-  
19 tion of the State educational agency with respect to a com-  
20 plaint may be appealed by an interested party to the Sec-  
21 retary not later than 30 days after the date on which such  
22 written resolution is provided. The appeal shall be accom-  
23 panied by a copy of the State educational agency’s written  
24 resolution, and a complete statement of the reasons sup-  
25 porting the appeal. The Secretary shall investigate and

1 provide a written resolution not later than 90 days after  
2 receipt of the appeal.”.

3 **SEC. 906. BY-PASS DETERMINATION PROCESS.**

4 Section 9504(a)(1)(A) (20 U.S.C. 7884(a)(1)(A)) is  
5 amended by striking “45 days,” and inserting “45, but  
6 not more than 60, days”.

7 **SEC. 907. STUDY AND REPORT ON FOOD MARKETING.**

8 Part F of title IX (20 U.S.C. 7941 et seq.) is amend-  
9 ed by adding at the end the following:

10 **“SEC. 9602. STUDY AND REPORT ON FOOD MARKETING.**

11 “(a) STUDY REQUIRED.—The Secretary of Edu-  
12 cation shall conduct a study on the extent and types of  
13 marketing of foods and beverages in middle and high  
14 schools and nutritional quality of such foods and bev-  
15 erages. In carrying out the study, the Secretary shall col-  
16 laborate with the Director of the Centers for Disease Con-  
17 trol and Prevention and the Secretary of Agriculture, and  
18 the Division of Adolescent and School Health of the Cen-  
19 ters for Disease Control and Prevention using both exist-  
20 ing and original research and data collection methods.

21 “(b) ASSESSMENT OF NUTRITION.—The study re-  
22 quired by subsection (a) shall—

23 “(1) using the findings of the assessment in  
24 paragraph (2), assess the nutritional quality of the  
25 types of food and beverages marketed in schools

1 using one or more widely recognized standards for  
2 nutrition quality;

3 “(2) assess all media through which foods and  
4 beverages are marketed to children in middle and  
5 high schools, including—

6 “(A) brand and product logos, names, or  
7 information on educational materials, book cov-  
8 ers, school supplies, posters, vending machine  
9 exteriors, scoreboards, displays, signs, equip-  
10 ment, buses, buildings, and other school prop-  
11 erty;

12 “(B) educational incentive programs;

13 “(C) label redemption programs;

14 “(D) in-school television, radio, and print  
15 publications;

16 “(E) free samples and coupons;

17 “(F) branded fundraising activities;

18 “(G) taste-testing and other market re-  
19 search activities; and

20 “(H) incidental exposure to food and bev-  
21 erage marketing through computer use, includ-  
22 ing computer banner and wallpaper ads, or  
23 podcasts in schools; and

24 “(3) examine mechanisms regulating marketing  
25 in middle and high schools, including—

1           “(A) Federal, State, and local policies that  
2           guide the types and amount of marketing of  
3           foods and beverages in schools;

4           “(B) contracts with food and beverage  
5           companies, including contract period and terms  
6           and goods and services exchanged and provided;  
7           and

8           “(C) sales incentives from food and bev-  
9           erage companies, including the nature of the in-  
10          centive and required sales amounts.

11          “(c) REPORT.—Not later than July 1, 2009, the Sec-  
12          retary shall submit to the Committee on Education and  
13          Labor of the House of Representatives and the Committee  
14          on Health, Education, Labor, and Pensions of the Senate  
15          a report on the results of the study required by subsection  
16          (a)”.

17          **SEC. 908. TEACHER LIABILITY PROTECTION.**

18          (a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.)  
19          is amended—

20                 (1) by transferring subpart 5 of part C of title  
21                 II (20 U.S.C. 6731 et seq.) (relating to teacher li-  
22                 ability protection), as such subpart was in effect im-  
23                 mediately before the effective date of this Act, and  
24                 inserting it at the end title IX;

1 (2) by redesignating sections 2361 through  
2 2368 as sections 9701 through 9708, respectively;  
3 and

4 (3) by amending the heading for such subpart  
5 to read as follows:

6 **“PART G—TEACHER LIABILITY PROTECTION”.**

7 (b) CONFORMING AMENDMENT.—Part G of title IX,  
8 as inserted by subsection (a), is further amended by strik-  
9 ing “subpart” each place such term appears and inserting  
10 “part”.

11 **TITLE X—AMENDMENTS TO**  
12 **PART B (STUDENT READING**  
13 **SKILLS IMPROVEMENT**  
14 **GRANTS) OF TITLE I**

Sec. 1001. Amendments to subpart 1 of part B (Reading First).

Sec. 1002. Amendments to subpart 2 of part B (Early Reading First).

Sec. 1003. Amendments to subpart 3 of part B (William F. Goodling Even  
Start Family Literacy Programs).

Sec. 1004. New subpart 5 of part B (Striving Readers).

15 **SEC. 1001. AMENDMENTS TO SUBPART 1 OF PART B (READ-**  
16 **ING FIRST).**

17 (a) PURPOSES.—Section 1201 (20 U.S.C. 6361) is  
18 amended—

19 (1) in paragraph (2), by inserting after “special  
20 education teachers” the following: “and teachers of  
21 English language learners”;

1           (2) in paragraph (3), by inserting after “admin-  
2           istering” the following: **【“linguistically appro-  
3           priate”】**;

4           (3) in paragraph (4), by inserting after “in-  
5           structional materials” the following: **【“that are lin-  
6           guistically appropriate”】** and

7           (4) in paragraph (5), by striking “early literacy  
8           programs, and family literacy programs” and insert-  
9           ing “early literacy programs, family literacy pro-  
10          grams, and programs for English language learn-  
11          ers”.

12          (b) **FORMULA GRANTS TO STATE EDUCATIONAL**  
13 **AGENCIES.**—Section 1202 (20 U.S.C. 6362) is amend-  
14 ed—

15           (1) in subsection (c)(7)—

16           (A) in subparagraph (A)—

17           (i) in clause (i), by inserting after  
18           “assessments” the following: **【“that are  
19           linguistically appropriate”】** and

20           (ii) in clause (ii)—

21           (I) by redesignating subclauses  
22           (I) and (II) as (II) and (III), respec-  
23           tively;

24           (II) by inserting before subclause  
25           (II) (as so redesignated) the following:

1                   “(I) is **linguistically appro-**  
2                   **priate;】**”;

3                   (iii) in clause (iv)(II)—

4                   (I) in item (aa), by striking  
5                   “and” at the end;

6                   (II) in item (bb), by adding  
7                   “and” at the end; and

8                   (III) by adding at the end the  
9                   following:

10                   **【“(cc) information and in-**  
11                   **struction on the implementation**  
12                   **of linguistically appropriate in-**  
13                   **struction and assessment for**  
14                   **English language learners;”;**  
15                   **and】**

16                   (2) in subsection (d)—

17                   (A) in paragraph (3)(A)—

18                   (i) in the matter preceding clause (i),  
19                   by inserting after “special education teach-  
20                   ers” the following: “and teachers of  
21                   English language learners”;

22                   **【(ii) in clause (ii)(I), by inserting**  
23                   **after “reading research” the following:**  
24                   **“that are linguistically appropriate;】**

1                   **[(iii) in clause (ii)(II), by inserting**  
2                   after “procedures” the following: “that are  
3                   linguistically appropriate and”;**]**

4                   (B) in paragraph (3)(B)(i), by inserting  
5                   after “reading instruction” the following: “and  
6                   effective reading instruction for English lan-  
7                   guage learners”; and

8                   (C) in paragraph (4)(A)—

9                   **[(i) in clause (i), by striking “a pro-**  
10                   gram or programs” and inserting “one or  
11                   more linguistically appropriate programs”;  
12                   and**]**

13                   **[(ii) in clause (ii), by inserting after**  
14                   “selecting” the following: “linguistically  
15                   appropriate”; and**]**

16                   (3) in subsection (e)(2), by striking “peer re-  
17                   view panel” and inserting “Committee”.

18                   (c) STATE FORMULA GRANT APPLICATIONS.—Sec-  
19                   tion 1203 (20 U.S.C. 6363) is amended—

20                   (1) in subsection (b)(4)—

21                   **[(A) in subparagraph (A), by inserting**  
22                   after “identifying” the following: “linguistically  
23                   appropriate”;**]**



1           **[(B) in subparagraph (B), by inserting**  
2           after “identifying” the following: “linguistically

3           appropriate”];

4           (C) in subparagraph (D) by inserting after

5           “teachers” the following: “, including special

6           education teachers and teachers of English lan-

7           guage learners,”; and

8           (D) in subparagraph (G), by inserting

9           after “Individuals with Disabilities Education

10          Act,” the following: “title III of this Act,”;

11          (2) in subsection (c)(2)—

12           (A) in subparagraph (A)—

13           (i) in the first sentence, by striking “a

14           panel” and inserting “a Reading First Ad-

15           visory Committee”; and

16           (ii) in the second sentence, by striking

17           “panel” and inserting “Committee”;

18           (B) by redesignating subparagraphs (B)

19           and (C) as subparagraphs (C) and (D), respec-

20           tively;

21           (C) by inserting after subparagraph (A)

22           the following:

23           “(B) **LIMITATION.**—The Committee shall

24           not be comprised of a majority of members se-

1 lected by one individual or entity described in  
2 subparagraph (A).”;

3 (D) in subparagraph (C) (as so redesign-  
4 nated)—

5 (i) in the matter preceding clause (i),  
6 by striking “panel” and inserting “Com-  
7 mittee”;

8 (ii) in clause (iii), by striking “and”  
9 at the end;

10 (iii) in clause (iv), by striking the pe-  
11 riod at the end and inserting a semicolon;  
12 and

13 (iv) by adding at the end the fol-  
14 lowing:

15 “(v) an individual who has expertise  
16 in reading instruction for English language  
17 learners that is based on scientifically  
18 based reading research; and

19 “(vi) an individual who has expertise  
20 in improving the academic achievement of  
21 children who are below grade level in read-  
22 ing through reading instruction that is  
23 based on scientifically based reading re-  
24 search.”;

1 (E) in subparagraph (D) (as so redesignated) by striking “panel” and inserting “Committee”; and

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

5 “(E) SUBCOMMITTEES.—

6 “(i) IN GENERAL.—At its sole discretion, the Committee may form one or more subcommittees to assist the Committee with the functions described in this paragraph.

7  
8  
9  
10  
11 “(ii) REPRESENTATION.—If the Committee chooses to form such subcommittees, each subcommittee shall include at least one member selected by each individual or entity described in subparagraph (A), and in no case shall be comprised of a majority of members selected by one such entity. Members of the Committee may serve on one or more subcommittees.

12  
13  
14  
15  
16  
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19  
20 “(iii) COMMITTEE REVIEW.—The Committee shall review the recommendations of each subcommittee, and, following such review, make a final recommendation to the Secretary in accordance with subparagraph (D).

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

4           “(G) GUIDANCE.—

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

19          “(ii) REQUIREMENTS.—Such guidance  
20          shall, at a minimum—

21                  “(I) create a transparent process  
22                  through which the Committee and  
23                  subcommittees provide clear, con-  
24                  sistent, and publicly available docu-

1                   mentation in support of all rec-  
2                   ommendations;

3                   “(II) ensure that the Committee  
4                   reviews any subcommittee feedback  
5                   prior to that feedback being submitted  
6                   to a State educational agency;

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

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

22                  “(V) create a transparent process  
23                  through which the Secretary clearly,  
24                  consistently, and publicly documents  
25                  decisions to approve or disapprove an

1 application submitted under this sec-  
2 tion and the reasons for such deci-  
3 sions.”; and

4 (3) in subsection (d) by amending paragraph  
5 (2)(H) to read as follows:

6 “(H) A teacher, who may be a special edu-  
7 cation teacher, who successfully teaches read-  
8 ing, selected jointly by the Governor and the  
9 chief State school officer.”.

10 (d) TARGETED ASSISTANCE GRANTS.—Section  
11 1204(c)(2) (20 U.S.C. 6364(c)(2)) is amended—

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

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

16 (e) EXTERNAL EVALUATION.—Section 1205 (20  
17 U.S.C. 6365) is amended—

18 (1) in subsection (a) by adding at the end the  
19 following: “Such evaluation shall build on the eval-  
20 uation conducted under this section as it was in ef-  
21 fect on the day before the enactment of the [short  
22 title of 2007 reauthorization].”;

23 (2) in subsection (c)—

24 (A) by redesignating paragraph (10) as  
25 paragraph (11); and

1 (B) by inserting after paragraph (9) the  
2 following:

3 “(10) An analysis of the impact of the assist-  
4 ance provided under this subpart on the overall  
5 reading proficiency of English language learners.”;  
6 and

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

8 “(e) LIMITATION.—

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

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

20 (f) NATIONAL ACTIVITIES.—Section 1206 (20 U.S.C.  
21 6366) is amended—

22 (1) by inserting before “From funds” the fol-  
23 lowing:

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

25 and

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

2 “(b) CONTRACTS FOR TECHNICAL ASSISTANCE.—

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

6 “(2) INFORMATION DISSEMINATION.—If the  
7 Secretary enters into such contracts, and if a con-  
8 tracted entity enters into such subcontracts, those  
9 contracts and subcontracts shall require the tech-  
10 nical assistance providers to clearly separate tech-  
11 nical assistance provided under such contract or sub-  
12 contract from information provided, or activities en-  
13 gaged in, as part of the normal operations of the  
14 contractor or subcontractor. Efforts to comply with  
15 this paragraph may include, but are not limited to,  
16 the creation of separate web pages for the purpose  
17 of fulfilling a contract or subcontract entered into  
18 under this subsection.”.

19 (g) PROHIBITION ON FEDERAL GOVERNMENT.—Sub-  
20 part 1 of part B of title I is amended by adding after  
21 section 1208 (20 U.S.C. 6368) the following:

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

23 “(a) IN GENERAL.—Nothing in this subpart shall be  
24 construed to alter or lessen the prohibition contained in  
25 section 9527(b) of this Act or section 103(b) of the De-



1 partment of Education Organization Act (20 U.S.C.  
2 3403(b)).

3 “(b) GUIDANCE.—

4 “(1) IN GENERAL.—The Secretary shall develop  
5 guidance for Department employees responsible for  
6 the implementation of this subpart that will assist  
7 those employees in complying with the prohibitions  
8 included in subsection (a).

9 “(2) CONSULTATION.—Such guidance shall em-  
10 phasize the importance of consultation with the Of-  
11 fice of General Counsel of the Department on issues  
12 related to such prohibitions.

13 “(3) TECHNICAL ASSISTANCE.—Such guidance  
14 shall stress that any information disseminated, or  
15 technical assistance provided, related to this subpart,  
16 shall be balanced in presenting eligible products or  
17 services and shall not in any way endorse or appear  
18 to endorse any particular product or service that  
19 might be purchased by a State educational agency or  
20 local educational agency in the course of such agen-  
21 cy’s implementation of the program under this sub-  
22 part.”.

1 **SEC. 1002. AMENDMENTS TO SUBPART 2 OF PART B (EARLY**  
2 **READING FIRST).**

3 (a) PURPOSES; DEFINITIONS.—Section 1221 (20  
4 U.S.C. 6371) is amended—

5 (1) by amending subsection (a) to read as fol-  
6 lows:

7 “(a) PURPOSES.—The purposes of this subpart are  
8 as follows:

9 “(1) To support local efforts to enhance the  
10 early language and early literacy (including early  
11 reading and writing) development of preschool age  
12 children, particularly those from low-income families,  
13 including families with English language learners,  
14 through professional development and strategies that  
15 enhance teaching and that are based on scientifically  
16 based reading research and research on child devel-  
17 opment and learning.

18 “(2) To provide preschool age children with  
19 cognitive learning opportunities in high-quality lan-  
20 guage and literature-rich environments, within pro-  
21 grams that support children’s social, emotional and  
22 physical development and approaches to learning, so  
23 that the children can attain the fundamental knowl-  
24 edge and skills necessary for optimal language and  
25 literacy development in kindergarten and beyond.

1           “(3) To demonstrate language and literacy ac-  
2           tivities based on scientifically based reading research  
3           **【or scientifically valid research, as appropriate】** that  
4           supports the **【age-appropriate】** development of—

5                   “(A) recognition of letter names, leading to  
6                   automatic recognition of letters of the alphabet;

7                   “(B) knowledge of letter sounds, the blend-  
8                   ing of sounds, rhyme awareness and the use of  
9                   increasingly complex vocabulary;

10                   “(C) an understanding of phonological  
11                   awareness, including phonemic awareness, and  
12                   an understanding that written language is com-  
13                   posed of phonemes and letters each rep-  
14                   resenting one or more speech sounds that in  
15                   combination make up syllables, words, and sen-  
16                   tences;

17                   “(D) receptive and expressive language, in-  
18                   cluding vocabulary and oral comprehension  
19                   abilities; and

20                   “(E) knowledge of the purposes and con-  
21                   ventions of print.

22           “(4) To use screening assessments to effectively  
23           identify preschool age children who may be at risk  
24           for developmental delays that could lead to language  
25           and literacy **【challenges】** or other school difficulties

1 and who in need of further diagnosis of their need  
2 for language, literacy, or additional services.

3 “(5) To provide [culturally and linguistically  
4 appropriate] teaching strategies, curricula, screen-  
5 ing, and classroom-based assessments for English  
6 language learners, including the selection and use of  
7 assessments and curricula that build on native lan-  
8 guage and support children’s English language and  
9 literacy skills.

10 “(6) To integrate professional development, in-  
11 structional materials, and other literacy activities  
12 based on scientifically based reading research and  
13 research on child development and learning in order  
14 to enhance teaching strategies and support optimal  
15 language and literacy development with existing pro-  
16 grams of preschools, child care agencies and pro-  
17 grams, Head Start centers, and family literacy serv-  
18 ices.”; and

19 (2) in subsection (b) by striking paragraph (3)  
20 and inserting the following:

21 “(3) SCREENING ASSESSMENT.—The term  
22 ‘screening assessment’ means an assessment that  
23 is—

24 “(A) valid and reliable for young children  
25 and based on—

1                   “(i) scientifically based reading re-  
2                   search; or

3                   “(ii) scientifically valid research; and

4                   “(B) is a brief procedure designed as a  
5                   first step in identifying children who may be at  
6                   high risk for developmental delays that could  
7                   lead to language and literacy **【challenges】** or  
8                   other school difficulties, and who are in need of  
9                   further diagnosis of their need for additional  
10                  language, literacy, or other services.

11                  “(4) DIAGNOSTIC ASSESSMENT.—The term ‘di-  
12                  agnostic assessment’ means an assessment that is—

13                  “(A) valid and reliable for young children  
14                  and based on—

15                  “(i) scientifically based reading re-  
16                  search; or

17                  “(ii) scientifically valid research;

18                  “(B) individually administered;

19                  “(C) conducted after a screening assess-  
20                  ment identifies potential risks of school difficul-  
21                  ties or delayed development;

22                  “(D) used for the purpose of identifying a  
23                  child’s specific areas of strengths and weakness  
24                  in order to identify specific language, literacy,  
25                  and other instructional needs; and

1                   “(E) used for planning language, literacy,  
2                   and other instruction.

3                   “(5) CLASSROOM-BASED ASSESSMENT.—The  
4                   term ‘classroom-based assessment’ means an assess-  
5                   ment that—

6                   “(A) is valid and reliable for young chil-  
7                   dren based on—

8                   “(i) scientifically based reading re-  
9                   search; or

10                  “(ii) scientifically valid research; and

11                  “(B) includes observational assessments  
12                  that are closely linked to the literacy curriculum  
13                  used in the early childhood education program  
14                  and which teachers use as a part of a contin-  
15                  uous process to improve or guide language, lit-  
16                  eracy, or other instruction and other supports  
17                  for children’s learning.

18                  “(6) EARLY CHILDHOOD LITERACY MENTOR.—  
19                  The term ‘early childhood literacy mentor’ means an  
20                  individual—

21                  “(A) with expertise in early childhood de-  
22                  velopment and early childhood language and lit-  
23                  eracy;

1           “(B) with experience in providing high  
2           quality early childhood literacy activities in an  
3           early childhood education setting;

4           “(C) who has received at least a Bachelor’s  
5           degree;

6           “(D) who has had professional develop-  
7           ment in understanding adult learning styles, to  
8           create effective professional development and  
9           support for teachers; and

10           “(E) who provides support for and coordi-  
11           nates the language and literacy program with a  
12           special emphasis on planning and implementa-  
13           tion of ongoing professional development in  
14           child development and early childhood language  
15           and literacy and that is based on scientifically  
16           based reading research or scientifically valid re-  
17           search, as appropriate.”.

18           (b) LOCAL EARLY READING FIRST GRANTS.—Sec-  
19           tion 1222 (20 U.S.C. 6372) is amended—

20           (1) in subsection (a) by adding at the end the  
21           following: “The Secretary shall give priority in  
22           awarding grants to eligible applicants under Section  
23           1221(b)(1)(C).”;

24           (2) in subsection (b)—

1 (A) in paragraph (3) by striking “sup-  
2 port,” and all that follows through the semi-  
3 colon and inserting “support, including onsite  
4 intensive mentoring by early childhood literacy  
5 mentors, to provide high-quality language, lit-  
6 eracy, and early reading activities using sci-  
7 entifically based reading research and scientif-  
8 ically valid research on child development and  
9 learning, for preschool age children;”;

10 (B) in paragraph (4) by striking “provide  
11 services” and all that follows through the semi-  
12 colon and inserting “select and use instructional  
13 materials and provide other language and lit-  
14 eracy services that are based on scientifically  
15 based reading research [or scientifically valid  
16 research, as appropriate] on early language ac-  
17 quisition, early reading activities, and the devel-  
18 opment of spoken vocabulary skills and expres-  
19 sive language, that are appropriate to the popu-  
20 lation of the children served in the programs,  
21 [[including children with diverse cultural, lin-  
22 guistic, and ability levels;”];]

23 (C) in paragraph (5)—

24 (i) by striking “will help staff in the  
25 programs to meet more effectively” and in-



1           serting “will prepare and provide ongoing  
2           assistance to staff in programs through  
3           professional development and other sup-  
4           port to serve children effectively and  
5           meet”; and

6                   (ii) by striking “such”;

7           (D) in paragraph (6) by striking “such in-  
8           structional materials and literacy activities”  
9           and inserting “professional development, in-  
10          structional materials, and other literacy activi-  
11          ties”;

12          (E) in paragraph (7) by striking  
13          “prereading,”; and

14          (F) in paragraph (9) by striking  
15          “prereading” and inserting “reading”;

16          (3) in subsection (c)—

17                   **[(A) by striking “peer review panel” and**  
18                   **inserting “Committee”; and]**

19          (B) by adding at the end the following:  
20          “Such individuals shall be subject to the proc-  
21          ess and requirements addressing conflicts of in-  
22          terest as described in **[section**  
23          **1203(c)(2)(G)]**.”;

24          (4) in subsection (d)—

25                   (A) in paragraph (1)—

1 (i) by striking “literature-rich” and  
2 inserting “literacy-rich”; and

3 (ii) by striking “prereading” and in-  
4 sserting “early literacy (including reading  
5 and writing)”;

6 (B) in paragraph (2)—

7 (i) in the matter preceding subpara-  
8 graph (A) by striking “reading develop-  
9 ment” and inserting “literacy development,  
10 and for English language learners, English  
11 language acquisition, including the rela-  
12 tionship of early language and literacy de-  
13 velopment with other domains of child de-  
14 velopment and English language acquisi-  
15 tion,”;

16 (ii) by redesignating subparagraph  
17 (D) as (E);

18 (iii) by striking subparagraphs (A)  
19 through (C) and inserting the following:

20 “(A) recognition of letter names, leading to  
21 automatic recognition of letters of the alphabet;

22 “(B) knowledge of letter sounds, the blend-  
23 ing of sounds, rhyme awareness, and the use of  
24 increasingly complex vocabulary;

1           “(C) an understanding of phonological  
2 awareness, including phonemic awareness, and  
3 an understanding that written language is com-  
4 posed of phonemes and letters each rep-  
5 resenting one or more speech sounds that in  
6 combination make up syllables, words, and sen-  
7 tences;

8           “(D) receptive and expressive language, in-  
9 cluding vocabulary and oral comprehension  
10 abilities; and”;

11           (C) by striking paragraphs (3) and (5);

12           (D) by redesignating paragraph (4) as (5);

13           and

14           (E) by inserting after paragraph (2) the  
15 following:

16           “(3) Identifying and integrating appropriate  
17 and effective teaching strategies and activities, in-  
18 structional materials, tools, and measures, that are  
19 based on scientifically based reading research **【**or  
20 scientifically valid research, as appropriate**】** for use  
21 in developing the skills and abilities described in  
22 paragraph (2), including research based strategies  
23 that are effective for children with disabilities and  
24 for English language learners.

1           “(4) Providing intensive professional develop-  
2           ment in early childhood language and literacy, with-  
3           in the context of understanding children’s cognitive,  
4           social, emotional and physical development and ap-  
5           proaches to learning to expand the number of indi-  
6           viduals who can serve as high quality early childhood  
7           literacy mentors.”; and

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

9           **[(“(f) MAXIMUM USABLE FOR PURCHASES.—A**  
10          grantee may not use more than 10 percent of the grant  
11          award to purchase curricula and assessment materials.)]

12          **[(“(g) SPECIAL RULE ON ASSESSMENT.—The use of**  
13          assessment items and data on any assessment authorized  
14          under this subpart to provide rewards or sanctions for in-  
15          dividual children, teachers, or programs is prohibited. The  
16          Secretary shall not use the results of a single assessment  
17          as the sole or primary method for assessing program effec-  
18          tiveness.”.)]

19          (c) REPORTING REQUIREMENTS.—Section 1225 (20  
20          U.S.C. 6375) is amended—

21                 (1) by striking paragraphs (1) through (3);

22                 (2) by redesignating paragraph (4) as (5); and

23                 (3) by inserting before paragraph (5) (as so re-  
24          designated) the following:

1           “(1) the types of entities providing professional  
2           development to both mentors and classroom teach-  
3           ers, aides, and other program staff;

4           “(2) the types of **[research-based instruction,]**  
5           curricula and assessments (including screening, di-  
6           agnostic, and classroom based assessments) used  
7           under this subpart;

8           “(3) the types of programs funded under the  
9           grant and the ages and additional demographic in-  
10          formation of children served by such programs;

11          “(4) the experience and qualifications of the  
12          program staff who provide early literacy instruction  
13          under such programs, including expertise working  
14          with children with disabilities and other special  
15          needs and children who are English language learn-  
16          ers, and the language abilities of program staff and  
17          the type of ongoing professional development pro-  
18          vided to such staff; and”.

19          (d) EVALUATION.—Section 1226 (20 U.S.C. 6376) is  
20          amended—

21                 (1) in subsection (a) by striking “2002” and  
22                 “2006” and inserting “2008” and “2013”, respec-  
23                 tively;

24                 (2) in subsection (b)—

1 (A) in paragraph (1) by striking “2004”  
2 and inserting “2010”; and

3 (B) in paragraph (2) by striking “2006”  
4 and inserting “2013”; and  
5 (3) in subsection (c)—

6 (A) in paragraph (1) by striking  
7 “prereading” and inserting “language, literacy,  
8 and early reading”;

9 (B) in paragraph (3) by striking “early  
10 reading development” and inserting “early lan-  
11 guage and literacy development and early child-  
12 hood development and learning”; and

13 (C) in paragraph (5) by striking  
14 “prereading” and inserting “early language and  
15 literacy”.

16 **SEC. 1003. AMENDMENTS TO SUBPART 3 OF PART B (WIL-**  
17 **LIAM F. GOODLING EVEN START FAMILY LIT-**  
18 **ERACY PROGRAMS).**

19 (a) PROGRAM AUTHORIZED.—Section 1232 (20  
20 U.S.C. 6381a) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking  
23 “\$200,000,000” and inserting “\$150,000,000”;  
24 and

1 (B) by striking paragraph (2) and insert-  
2 ing the following:

3 “(2) SPECIAL RULE.—After the date of the en-  
4 actment of the [\_\_\_\_\_,] the Secretary shall  
5 award a grant, on a competitive basis, of sufficient  
6 size and for a period of sufficient duration to dem-  
7 onstrate innovative, high-quality family literacy pro-  
8 grams for incarcerated parents and their Even Start  
9 eligible children. The Secretary shall ensure that the  
10 results are widely disseminated and submitted to the  
11 National Institute for Literacy and are capable of  
12 replication.”; and

13 (C) in paragraph (3)—

14 (i) by striking “Bureau of Indian Af-  
15 fairs” and inserting “Bureau of Indian Af-  
16 fairs”;

17 (ii) by striking “and to encourage the  
18 dissemination of information” and insert-  
19 ing “and shall ensure that information”;  
20 and

21 (iii) by striking the period at the end  
22 and inserting “is widely disseminated  
23 through the National Institute for Literacy  
24 or other appropriate means. The Secretary  
25 and the Bureau of Indian Education shall

1 jointly report to the Committee on Health,  
2 Education, Labor, and Pensions of the  
3 Senate and the Committee on Education  
4 and Labor of the House of Representatives  
5 on how the coordination required by this  
6 paragraph is being carried out.”;

7 (2) in subsection (b)—

8 (A) in paragraph (1), by striking subpara-  
9 graphs (A) and (B) and inserting the following:

10 “(A) carrying out the evaluation required  
11 by sections 1239 and 1242;

12 “(B) establishing the comprehensive per-  
13 formance accountability system required by sec-  
14 tion 1240 to assess the effectiveness of the pro-  
15 gram in achieving continuous improvement of  
16 Even Start family literacy activities carried out  
17 under this subpart; and

18 “(C) providing, through grants or con-  
19 tracts with eligible organizations, technical as-  
20 sistance and training that supports continuous  
21 program improvement to ensure positive out-  
22 comes for participants.”; and

23 **[(B) in paragraph (2), by striking “for**  
24 **such year” and all that follows through the pe-**  
25 **riod at the end and inserting “for such year ex-**



1 ceeds \$175,000,000, the Secretary shall reserve  
2 \$2,000,000 to carry out research under section  
3 1241.”;】

4 (3) by striking subsection (c) and redesignating  
5 subsections (d) and (e) as subsections (c) and (d),  
6 respectively;

7 (4) in subsection (c) (as so redesignated)—

8 (A) in paragraph (1), by striking “(a), (b),  
9 or (c),” and inserting “(a) or (b),” and

10 (B) in paragraph (3)—

11 (i) by striking “\$250,000” and insert-  
12 ing “\$300,000”; and

13 (ii) by striking “(a), (b), or (c)” and  
14 inserting “(a) or (b);” and

15 【(5) in subsection (d) (as so redesignated), in  
16 paragraph (4), by inserting after “section 1208” the  
17 following: “for children and the most rigorous re-  
18 search available for adults”.】

19 (b) STATE EDUCATIONAL AGENCY PROGRAMS.—Sec-  
20 tion 1233 (20 U.S.C. 6381b) is amended—

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph (1),  
23 by inserting after “6 percent” the following:

24 “(or, for a fiscal year in which the amount ap-

1           appropriated under section 1002(b)(3) is  
2           \$175,000,000 or more, 7 percent)”; and

3           (B) in paragraph (2), by striking “replica-  
4           tion” and inserting “professional development”;  
5           and

6           (2) in subsection (b)(2)—

7           (A) in subparagraph (A)—

8           (i) by striking “subparagraphs (B)  
9           and (C)” and inserting “subparagraph  
10          (B)”; and

11          【(ii) by striking “\$75,000” and in-  
12          serting “\$100,000”;】

13          (B) by striking subparagraph (B) and re-  
14          designating subparagraph (C) as subparagraph  
15          (B); and

16          (C) in subparagraph (B) (as so redesign-  
17          ated)—

18          【(i) by striking “\$75,000” both places  
19          such term appears and inserting  
20          “\$100,000”; and】

21          (ii) by striking “subparagraphs (A)  
22          and (B)” and inserting “subparagraph  
23          (A)”.

24          (c) USES OF FUNDS.—Section 1234 (20 U.S.C.  
25          6381c) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)(A)—

3 (i) in clause (iv), by adding “and” at  
4 the end; and

5 (ii) by striking clauses (v) and (vi)  
6 and inserting the following:

7 **【“(v) 50 percent in the fifth and sub-**  
8 **sequent years.”; and】**

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

10 (2) in subsection (c), by amending paragraph  
11 (3) to read as follows:

12 “(3) TECHNICAL ASSISTANCE.—In carrying out  
13 paragraph (1), a State educational agency may use  
14 the funds referred to in that paragraph to provide  
15 technical assistance on program improvement and on  
16 high quality local program collaborations.”.

17 (d) PROGRAM ELEMENTS.—Section 1235 (20 U.S.C.  
18 6381d) is amended—

19 (1) in paragraph (1), by inserting after “in  
20 need of” the following: “family literacy”;

21 (2) by striking paragraphs (2) through (4) and  
22 inserting the following:

23 “(2) include screening of families (including  
24 parents and children) to determine their readiness to  
25 participate fully in the instruction provided under

1 this subpart, to remain in the program a sufficient  
2 time to meet their program goals and to attend the  
3 program regularly. Such screening shall include as-  
4 sessment, referral to development support services  
5 and related services, including counseling, if appro-  
6 priate;

7 “(3) be designed to accommodate the partici-  
8 pants’ work schedule and other responsibilities, such  
9 as through—

10 “(A) the provision of support services, such  
11 as child care and transportation. Such services  
12 shall be available only when those services are  
13 unavailable from other sources, necessary for  
14 participation in the family literacy activities as-  
15 sisted under this subpart; and

16 “(B) scheduling and locating of services to  
17 allow joint participation by parents and chil-  
18 dren;

19 “(4) include high-quality, intensive, and inte-  
20 grated instructional programs that operate on a  
21 year-round basis to promote adult literacy, to assist  
22 parents in supporting the educational growth of  
23 their children, to provide **developmentally and lin-**  
24 **guistically appropriate** early childhood educational  
25 services that prepare children for success in school

1 and include the use of scientifically based reading  
2 research for children and the most rigorous research  
3 available for adults;”;

4 (3) in paragraph (5)—

5 (A) by redesignating subparagraph (B) as  
6 subparagraph (C);

7 (B) by striking subparagraph (A) and in-  
8 serting the following:

9 “(A) the individual responsible for admin-  
10 istration of family literacy services under this  
11 subpart has received training in the operation  
12 of a family literacy program and meets min-  
13 imum qualifications for instructional staff out-  
14 lined in subparagraph (C);

15 “(B) paraprofessionals who provide sup-  
16 port for academic instruction have a high school  
17 diploma or its recognized equivalent; and”;

18 (C) in subparagraph (C) (as so redesign-  
19 ated), in the matter preceding clause (i), by  
20 striking “all new” and inserting “all”;

21 (4) by amending paragraph (7) to read as fol-  
22 lows:

23 “(7) provide and monitor integrated instruction  
24 to participating parents and children in the home;”;

1           (5) by striking paragraphs (8), (10), (11), (12),  
2           and (13);

3           (6) by redesignating paragraph (9) as para-  
4           graph (8) and, in subparagraph (A) of that para-  
5           graph, by striking “other programs” and inserting  
6           “other relevant programs”;

7           (7) by redesignating paragraph (14) as para-  
8           graph (9) and, in that paragraph, by striking “and”  
9           at the end;

10          (8) by redesignating paragraph (15) as para-  
11          graph (10) and, in that paragraph, by striking the  
12          period at the end and inserting “; and”; and

13          (9) by adding at the end the following:

14                **【“(11) ensure that programs will provide inter-**  
15                **active literacy activities for parents and their chil-**  
16                 **dren at such times when parents are unable to at-**  
17                 **tend classes at the same time as their children.”.】**

18          (e) **ELIGIBLE PARTICIPANTS.**—Section 1236(a)(2)  
19          (20 U.S.C. 6381e(a)(2)) is amended by striking “age 7,  
20          on any individual” and inserting “age 7 (with an emphasis  
21          of serving ages birth through age 5), on an individual”.

22          (f) **APPLICATIONS.**—Section 1237 (20 U.S.C. 6381f)  
23          is amended—

24                (1) in subsection (b)—

1 (A) in paragraph (1) by striking “and” at  
2 the end;

3 (B) by amending paragraph (2) to read as  
4 follows:

5 “(2) to provide access to the professional devel-  
6 opment and technical assistance needed to prepare  
7 program administrators and staff to implement and  
8 manage the program effectively and provide high  
9 quality services, which may be offered by eligible or-  
10 ganizations; and”;

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

12 “(3) to provide [linguistically and culturally ap-  
13 propriate] services to the eligible population to be  
14 served by an eligible organization.”;

15 (2) in subsection (c)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by striking  
18 “and how those strategies” and all that  
19 follows through the semicolon at the end  
20 and inserting “and how those objectives  
21 are consistent with and support the  
22 achievement of the quality indicators set  
23 forth in section 1240;”

24 (ii) in subparagraph (E)—

25 (I) in clause (ii)—

1 (aa) by striking “to provide  
2 services” and inserting “to pro-  
3 vide English literacy and lan-  
4 guage acquisition program serv-  
5 ices”; and

6 (bb) by striking “and” at  
7 the end;

8 (II) in clause (iii) by adding  
9 “and” at the end; and

10 (III) by adding at the end the  
11 following:

12 “(iv) to ensure that the programs will  
13 provide **【developmentally, linguistically,**  
14 **and culturally appropriate】** activities and  
15 services for the eligible families most in  
16 need of services under this subpart;”;

17 (iii) in subparagraph (F)—

18 (I) by striking “other programs”  
19 and inserting “other relevant pro-  
20 grams”; and

21 (II) by striking “and” at the end;

22 (iv) in subparagraph (G)—

23 (I) by inserting after “program  
24 objectives” the following: “and quality  
25 indicators”; and



1 (II) by striking the period at the  
2 end and inserting “; and”; and

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

4 “(H) a description of how the plan pro-  
5 vides for access to professional development and  
6 how information gained through such profes-  
7 sional development is implemented to improve  
8 the program’s ability to provide high quality  
9 services and enhance participants’ learning.”;  
10 and

11 (B) in paragraph (2)(B), by inserting be-  
12 fore the period at the end the following: “and  
13 submitted to the State for approval”.

14 (g) AWARD OF SUBGRANTS.—Section 1238 (20  
15 U.S.C. 6381g) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A)(ii), by insert-  
19 ing before the semicolon at the end the fol-  
20 lowing: “and meeting the Indicators of  
21 Program Quality under section 1240”; and

22 (ii) in subparagraph (D), by striking  
23 “the greatest possible cooperation and co-  
24 ordination between a variety of relevant  
25 service providers” and inserting “coopera-

1                   tion and coordination among a variety of  
2                   relevant high quality service providers”;  
3                   and

4                   (B) in paragraph (3)—

5                   (i) in the matter preceding subpara-  
6                   graph (A), by inserting after “A review  
7                   panel” the following: **【\_\_\_\_\_?】**; and

8                   (ii) by adding at the end the fol-  
9                   lowing:

10                  “(F) An individual with expertise in **【bilin-**  
11                  **gual education or】** teaching English as a sec-  
12                  ond language.”; and

13                  (2) in subsection (b)(1), by striking “4 years”  
14                  and inserting “5 years”.

15                  (h) EVALUATION.—Section 1239 (20 U.S.C. 6381h)  
16                  is amended to read as follows:

17                  **“SEC. 1239. PROGRAM MONITORING AND REPORTS.**

18                  “(a) IN GENERAL.—From funds reserved under sec-  
19                  tion 1232(b)(1), the Secretary shall provide for an **【an-**  
20                  **nual】** report to Congress on programs assisted under this  
21                  subpart based upon reports from grantees.

22                  “(b) REPORTS BY GRANTEES.—Each State edu-  
23                  cational agency that receives a grant under this subpart,  
24                  and each migrant or tribal grantee that receives a grant  
25                  under this subpart, shall **【annually】** prepare and submit

1 to the Secretary a report on the progress of the State edu-  
2 cational agency or migrant or tribal grantee in achieving  
3 program quality, including information on the levels of  
4 performance achieved with respect to the core indicators  
5 of performance.

6 “(c) INFORMATION DISSEMINATION.—The Sec-  
7 retary—

8 “(1) shall make the information contained in  
9 the reports available to the general public through  
10 publication on the Department’s website, and other  
11 appropriate methods;

12 “(2) shall provide the authorizing and appro-  
13 priating committees that have jurisdiction over early  
14 childhood, elementary and secondary education, and  
15 adult education copies of such reports to determine  
16 the performance and effectiveness of programs under  
17 this subpart; and

18 “(3) shall provide State educational agencies  
19 and eligible entities receiving a subgrant under this  
20 subpart, directly or through a grant or contract with  
21 an organization with experience in the development  
22 and operation of successful family literacy services,  
23 technical assistance to ensure that local evaluations  
24 undertaken under section 1235(10) provide accurate

1 information on the effectiveness of programs as-  
2 sisted under this subpart.”.

3 (i) INDICATORS OF PROGRAM QUALITY.—Section  
4 1240 (20 U.S.C. 6381i) is amended to read as follows:

5 **“SEC. 1240. INDICATORS OF PROGRAM QUALITY.**

6 “(a) .—Each State educational agency receiving  
7 funds under this subpart shall use the indicators of pro-  
8 gram quality to monitor, evaluate and improve those pro-  
9 grams within the State. Programs indicators shall consist  
10 of—

11 “(1) core indicators of performance,

12 “(2) additional indicators of performance that  
13 the State develops based on the best available re-  
14 search and evaluation data.

15 “(b) .—Core indicators of performance shall in-  
16 clude—

17 “(1) with respect to eligible participants in a  
18 program who are adults—

19 “(A) significant measurable improvements  
20 in literacy skills in reading, writing and speak-  
21 ing the English language, numeracy, English  
22 language acquisition, and other literacy skills;

23 “(B) receipt of a secondary school diploma,  
24 passage of the general equivalency diploma ex-  
25 amination, or other State recognized equivalent;

1           “(C) placement in postsecondary education  
2           programs or job training programs or the mili-  
3           tary;

4           “(D) in the case of a parent, ability of par-  
5           ent to support his or her child’s development  
6           and education; and

7           “(E) in the case of a parent, ability of the  
8           parent to work with the schools as full partners  
9           in his or her child’s education; and

10          “(2) with respect to eligible participants in a  
11          program who are children—

12                 “(A) significant improvement in receptive  
13                 and expressive language; and

14                 “(B) significant improvement in literacy  
15                 skills, including reading readiness and the abil-  
16                 ity to read on grade level.

17          “(c) LEVELS OF PERFORMANCE.—Each State shall  
18          develop in collaboration with Even Start grantees in the  
19          State and submit to the Secretary levels of performance  
20          for each of the core indicators described in subsection (b).  
21          At a minimum, levels of performance shall—

22                 “(1) be expressed in an objective, quantifiable,  
23                 and measurable form; and

1           “(2) show the progress of the state toward con-  
2           tinuously improving the performance of local pro-  
3           grams.

4           “(d) REVISIONS TO LEVELS OF PERFORMANCE.—  
5           The Secretary, in collaboration with Even Start grantees  
6           in the State, shall annually update the established levels  
7           of performance and submit the revisions to the Sec-  
8           retary.”.

9           (j) CONSTRUCTION; LONGITUDINAL EVALUATION.—

10           (1) CONSTRUCTION.—Section 1242 (20 U.S.C.  
11           6381k) is redesignated as section 1244.

12           (2) LONGITUDINAL EVALUATION.—Subpart 3  
13           of part B of title I is amended by inserting after sec-  
14           tion 1241 the following:

15           **“SEC. 1242. LONGITUDINAL EVALUATION.**

16           “(a) NATIONAL WILLIAM F. GOODLING EVEN START  
17           EVALUATION.—From funds reserved under section  
18           1232(b)(1), the Secretary shall provide for a longitudinal  
19           evaluation of the Even Start program.

20           “(b) EXPERT PANEL.—

21           “(1) APPOINTMENT.—The Secretary through  
22           the director of the Institute for Education Sciences  
23           shall appoint an independent panel consisting of ex-  
24           perts in research on delivering services in multiple  
25           types of program settings; family literacy; parent in-

1 involvement in children’s education; and adult and  
2 early childhood education, including experts in sec-  
3 ond language acquisition for young children and  
4 adults, adults’ and young children’s language and  
5 literacy development, and its relationship to chil-  
6 dren’s development in cognitive, social, and emo-  
7 tional and other domains; and experts in profes-  
8 sional development for individuals working with  
9 young children and adults.

10 “(2) DUTIES.—The duties of the independent  
11 panel shall be—

12 “(A) to review, and make recommendations  
13 to the Secretary on, the design and plan for the  
14 research within 6 months after the date of the  
15 enactment of this section;

16 “(B) to update and advise the Secretary  
17 regarding the progress of the research; and

18 “(C) to comment, if the panel so desires,  
19 on the interim and final research reports sub-  
20 mitted under paragraphs (8) and (9) of sub-  
21 section (c).

22 “(c) GENERAL AUTHORITY.—

23 “(1) INDEPENDENT RESEARCH.—After review-  
24 ing the recommendations of the expert panel, the  
25 Secretary shall make a grant to, or enter into a con-

1 tract or cooperative agreement with, an organization  
2 to conduct independent research that provides an  
3 analysis of the impact of Even Start programs to—

4 “(A) provide family literacy services to  
5 adults and children not otherwise available or  
6 accessible to such children;

7 “(B) strengthen parents’ knowledge and  
8 skills that support family literacy activities in  
9 the home and parental involvement in schools;

10 “(C) improve children’s basic skill levels in  
11 reading, writing, speaking the English lan-  
12 guage, and math; and

13 “(D) improve adults’ basic skill levels in  
14 reading, writing, speaking the English lan-  
15 guage, and math.

16 The Secretary shall ensure that the organization  
17 shall have expertise in family literacy program oper-  
18 ation and research, adult literacy education, family  
19 literacy, second language acquisition for young chil-  
20 dren and adults, and early childhood education.

21 “(2) **DESIGNS AND TECHNIQUES.**—The Sec-  
22 retary—

23 “(A) shall ensure that the independent re-  
24 search under paragraph (1) uses rigorous meth-  
25 odological designs and techniques (based on the



1 recommendations of the expert panel) that are  
2 based on scientifically based reading research  
3 and appropriate for longitudinal studies;

4 “(B) may provide that the research shall  
5 be conducted as a single comprehensive assess-  
6 ment or as a group of coordinated assessments  
7 designed to provide, when taken together, a na-  
8 tional analysis of the impact of Even Start pro-  
9 grams;

10 “(C) shall ensure that the design must in-  
11 clude evaluation of how the Even Start pro-  
12 grams are being implemented in the range of el-  
13 igible settings, including the quantity of services  
14 for children and families, different program ap-  
15 proaches and community contexts for delivery  
16 and impact of the services, how different imple-  
17 mentation settings impact services, the charac-  
18 teristics of children and families, and the im-  
19 pact on parenting, parent-child relationships,  
20 parental involvement in schools, and family lit-  
21 eracy activities in the home.

22 “(3) PROGRAMS.—The Secretary shall ensure  
23 that the evaluation includes a geographically rep-  
24 resentative sample of programs funded under this

1 subpart and is representative of all populations  
2 served by programs funded under this subpart.

3 “(4) CONSIDERATION OF SOURCES OF VARI-  
4 ATION.—In designing the research, the Secretary  
5 shall, to the extent practicable, consider addressing  
6 possible sources of variation in impact of Even Start  
7 programs, including variations in impact related to  
8 such factors such as—

9 “(A) Even Start program operations, in-  
10 cluding geographic location and population  
11 served disaggregated by race and ethnicity;

12 “(B) Even Start program quality, includ-  
13 ing state assessment of Indicators of Program  
14 Quality,

15 “(C) the quantity of services, including  
16 length of time, a family attends an Even Start  
17 program;

18 “(D) the age of the child on entering and  
19 leaving the Even Start program;

20 “(E) the primary language of the child and  
21 adults participating in the Even Start program;

22 “(F) parents and children of migratory  
23 families, Indian tribes, or tribal organizations;

24 “(G) the type of organization providing  
25 services for the Even Start program, including

1 programs pertaining to Indian tribes and tribal  
2 organizations; and

3 “(H) the type of organization providing  
4 services for the Even Start program, including  
5 programs pertaining to Indian tribes and tribal  
6 organizations.

7 “(5) DEFINITION.—In this subsection, the term  
8 ‘impact’, when used with respect to an Even Start  
9 program, means a difference in an outcome for a  
10 participant in the program that would not have oc-  
11 curred without the participation in the program.

12 “(6) SPECIAL RULE.—The use of assessment  
13 data on any assessment authorized under this sub-  
14 part by an agent or agents of the Federal Govern-  
15 ment to provide rewards or sanctions for individual  
16 parents, children, or teachers is prohibited.

17 “(7) SUBMISSION OF INTERIM EVALUATION RE-  
18 PORTS.—The organization shall prepare and submit  
19 to the Secretary two interim reports on the research.  
20 The first interim report shall describe the design of  
21 the research, and the rationale for the design, in-  
22 cluding a description of how potential sources of var-  
23 iation in impact of Even Start programs have been  
24 considered in designing the research. The second in-  
25 terim report shall describe the status of the research

1 and preliminary findings of the research, as appro-  
2 priate.

3 “(8) SUBMISSION OF FINAL EVALUATION RE-  
4 PORT.—The organization shall prepare and submit  
5 to the Secretary a final report containing the find-  
6 ings of the research.

7 “(9) TRANSMITTAL OF EVALUATION REPORTS  
8 TO CONGRESS.—

9 “(A) IN GENERAL.—The Secretary shall  
10 transmit, to the Committees described in sub-  
11 paragraph (B)—

12 “(i) the first interim report 18  
13 months after the date of the enactment of  
14 this section;

15 “(ii) the second interim report three  
16 years after the date of the enactment of  
17 this section; and

18 “(iii) the final report five years after  
19 the date of the enactment of this section.

20 “(B) COMMITTEES.—The Committees re-  
21 ferred to in subparagraph (A) are the Com-  
22 mittee on Education and Labor of the House of  
23 Representatives and the Committee on Health,  
24 Education, Labor, and Pensions of the Senate.

1 **“SEC. 1243. FAMILIES LEARNING AND UNDERSTANDING**  
2 **ENGLISH TOGETHER.**

3 “(a) **COMPETITIVE GRANT PROGRAM.—**

4 “(1) **PROGRAM AUTHORIZED.—**From funds  
5 made available pursuant to subsection (e), and after  
6 reserving funds under subsection (b), the Secretary  
7 may establish a grant program to improve the edu-  
8 cational, social, and economic advancement of fami-  
9 lies with English language learners in need of  
10 English literacy skills by expanding and enhancing  
11 family literacy services for such families. The Sec-  
12 retary may award grants to family literacy providers  
13 to provide, directly or through a contract with an-  
14 other provider, family literacy services designed for  
15 families with English language learners. Each grant  
16 under this section shall be for a period of 1 year and  
17 may be renewed for a total of 5 additional years.

18 “(2) **APPLICATION.—**Family literacy providers  
19 who desire to receive a grant under this section shall  
20 submit an application at such time, containing such  
21 information, and in such manner as the Secretary  
22 may require. Such application shall include the fol-  
23 lowing:

24 “(A) An assurance that services provided  
25 with funds under this section shall be provided  
26 to the hardest-to-reach populations, including

1 populations with the greatest economic and so-  
2 cial need.

3 “(B) A description of the services that will  
4 be provided with funds under this section, in-  
5 cluding how the services will be based on sci-  
6 entifically based reading research.

7 “(C) A description of the outcome meas-  
8 ures, consistent with subsection (b), that are  
9 based on scientifically valid research and will be  
10 employed by the family literacy provider to  
11 measure the effectiveness of services provided  
12 with funds under this section.

13 “(D) An assurance that, in providing fam-  
14 ily literacy services through the grant, the fam-  
15 ily literacy provider will collaborate with one or  
16 more of the following:

17 “(i) A local educational agency.

18 “(ii) An elementary school.

19 “(iii) A secondary school.

20 “(iv) A nonprofit entity.

21 “(3) GRANT AMOUNT.—The amount of a grant  
22 under this section for a fiscal year shall not be less  
23 than \$150,000 or more than \$1,000,000.

24 “(4)(A) MATCHING FUNDS.—The Secretary  
25 may not award a grant under this section to an ap-

1       plicant unless the applicant agrees to provide, from  
2       funds derived from non-Federal sources, matching  
3       funds in an amount that is not less than—

4               “(i) 20 percent of the amount of the grant  
5               in the first year that the program receives as-  
6               sistance under this section;

7               “(ii) 30 percent of the amount of the grant  
8               in the second year that the program receives as-  
9               sistance under this section;

10              “(iii) 40 percent in the fourth year that  
11              the program receives assistance under this sec-  
12              tion; and

13              “(iv) 50 percent in the fifth and subse-  
14              quent years.

15              “(B) CONTRIBUTIONS.—Such matching funds  
16              may be provided in the form of in-kind contribu-  
17              tions.

18              “(5) SERVICES REQUIREMENTS.—Family lit-  
19              eracy services under this section shall be provided in  
20              sufficient intensity in terms of hours, and shall be  
21              of sufficient duration, to make sustainable changes  
22              in family literacy and shall integrate all of the fol-  
23              lowing activities:

24                      “(A) Interactive literacy activities between  
25                      parents and their children.

1           “(B) Training for parents regarding how  
2           to be the primary teacher for their children and  
3           full partners in the education of their children.

4           “(C) Parent literacy training that leads to  
5           economic self-sufficiency.

6           “(D) An **[age-appropriate]** English lit-  
7           eracy service to prepare children for success in  
8           school and life experiences.

9           “(6) SPECIAL RULE.—Family literacy services  
10          under this section may be provided to a family only  
11          if—

12                 “(A) each parent in the family has at-  
13                 tained 16 years of age; and

14                 “(B) the family has at least one child who  
15                 has not yet attained 8 years of age.

16          “(b) RESERVATIONS.—

17                 “(1) TECHNICAL ASSISTANCE AND TRAINING.—  
18          From funds made available pursuant to subsection  
19          (e) for a fiscal year, the Secretary shall reserve  
20          \$10,000,000 to promote training and technical as-  
21          sistance described in subsection (a), of which  
22          \$5,000,000 shall be used to provide grants to at  
23          least two national organizations with expertise in  
24          providing family literacy services to English lan-  
25          guage learners.



1           “(2) ACTIVITIES.—Funds reserved under sub-  
2           section (b)(1) shall be used to carry out the fol-  
3           lowing activities:

4                   “(A) Assisting grantees that provide family  
5           literacy services to improve the quality of such  
6           services.

7                   “(B) Enabling grantees that demonstrate  
8           the effective provision of family literacy serv-  
9           ices, based on improved outcomes for children  
10          and their parents, to provide technical assist-  
11          ance and training to other agencies and to serv-  
12          ice providers that work in collaboration with  
13          such agencies to provide family literacy services.

14                   “(C) Assisting grantees in the implementa-  
15          tion of English literacy curriculum and training  
16          activities, including curriculum and training ac-  
17          tivities that support building on a child’s native  
18          language.

19          “(c) EVALUATION.—From funds made available pur-  
20          suant to subsection (e) for a fiscal year, the Secretary  
21          shall reserve not more than 2 percent of such funds for  
22          the purpose of conducting an annual evaluation of the  
23          grant program conducted under this section. Such evalua-  
24          tion shall be used by the Secretary—

25                   “(1) for program improvement;

1           “(2) to further define the program’s goals and  
2 objectives; and

3           “(3) to determine program effectiveness.

4           “(d) OUTCOME MEASURES.—The Secretary shall re-  
5 quire each family literacy provider receiving a grant under  
6 this section to meet culturally appropriate and competent  
7 outcome measures described in the provider’s application  
8 under subsection (a), including outcome measures with re-  
9 spect to—

10           “(1) acquisition of the English language, in-  
11 cluding improved academic achievement;

12           “(2) improved parenting and life skills;

13           “(3) the improved ability of parents who are  
14 English language learner to effectively interact with  
15 their child’s teacher, principal, and other staff at the  
16 school their child attends;

17           “(4) reduced dependency on welfare;

18           “(5) improved employment opportunities or  
19 hours;

20           “(6) improved developmental skills and inde-  
21 pendent learning of the children; and

22           “(7) increased parental participation in their  
23 children’s education and home environments that are  
24 supportive of educational endeavors.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section  
3 **【\$\_\_\_\_\_】** for each of fiscal years 2006 through  
4 2011.”.

5 **SEC. 1004. NEW SUBPART 5 OF PART B (STRIVING READ-**  
6 **ERS).**

7 Part B of title I is amended by adding at the end  
8 the following:

9 **“Subpart 5—Striving Readers**

10 **“SEC. 1261. SHORT TITLE.**

11 “This subpart may be cited as the ‘Striving Readers  
12 Act of 2007’.

13 **“SEC. 1262. DEFINITIONS.**

14 “In this subpart:

15 “(1) ADOLESCENT LITERACY.—The term ‘ado-  
16 lescent literacy’ means the possession of the grade  
17 level appropriate reading and writing skills required  
18 for students in grades 4 through 12 to construct and  
19 communicate meaning from text and to become ac-  
20 tively engaged in the learning process.

21 “(2) ADOLESCENT LITERACY INITIATIVE.—The  
22 term ‘adolescent literacy initiative’ means a com-  
23 prehensive approach to improving adolescent literacy  
24 achievement in grades 4 through 12 that includes  
25 the following elements:

1                   “(A) explicit and systematic instruction in  
2                   adolescent literacy strategies, including—

3                   “(i) direct and explicit comprehension  
4                   instruction;

5                   “(ii) motivation and self-directed  
6                   learning;

7                   “(iii) text-based collaborative learning;

8                   “(iv) strategic tutoring;

9                   “(v) use of diverse texts;

10                  “(vi) intensive writing;

11                  “(vii) use of technology; and

12                  “(viii) use of formative assessments;

13                  and

14                  “(B) school-level structural efforts to im-  
15                  prove adolescent literacy instruction, includ-  
16                  ing—

17                  “(i) extended time for adolescent lit-  
18                  eracy instruction;

19                  “(ii) high-quality professional develop-  
20                  ment for teachers;

21                  “(iii) the use of summative assess-  
22                  ments;

23                  “(iv) creating teacher teams to ana-  
24                  lyze student work and to plan instruction;

25                  “(v) involving school leaders; and

1                   “(vi) creating interdisciplinary and  
2                   interdepartmental literacy teams to coordi-  
3                   nate literacy instruction in a school.

4                   “(3) DIAGNOSTIC ASSESSMENT.—The term ‘di-  
5                   agnostic assessment’ means an assessment that is—

6                   “(A) valid, reliable, and based on literacy  
7                   research; and

8                   “(B) used for the purposes of—

9                   “(i) identifying a student’s specific  
10                  areas of strengths and weaknesses in lit-  
11                  eracy;

12                  “(ii) determining any difficulties that  
13                  the student may have in literacy and the  
14                  potential cause of such difficulties; and

15                  “(iii) helping to determine possible lit-  
16                  eracy intervention strategies for, and the  
17                  related special needs of, the student.

18                  “(4) ELIGIBLE ENTITY.—The term ‘eligible en-  
19                  tity’ means—

20                  “(A) a local educational agency that—

21                  “(i) is eligible to receive funds under  
22                  part A, pursuant to section 1113; and

23                  “(ii) serves schools with students in  
24                  one or more of grades four through twelve;

25                  or

1           “(B) a local educational agency eligible  
2           under subparagraph (A) in partnership with  
3           other local educational agencies eligible under  
4           subparagraph (A), or in partnership with one or  
5           more of the following:

6                   “(i) A State educational agency.

7                   “(ii) An institution of higher edu-  
8                   cation.

9                   “(iii) A public or private organization  
10                  with expertise in adolescent literacy, rig-  
11                  orous evaluation of education programs, or  
12                  both.

13                  “(5) HIGH-QUALITY PROFESSIONAL DEVELOP-  
14                  MENT.—The term ‘high-quality professional develop-  
15                  ment’ means job-embedded, ongoing research-based  
16                  professional development that—

17                   “(A) provides teachers, administrators, and  
18                   school leaders with the research-based elements  
19                   of an effective adolescent literacy initiative; and

20                   “(B) supports adolescent literacy instruc-  
21                   tion in core academic subjects.

22                  “(6) LITERACY COACH.—The term ‘literacy  
23                  coach’ means a professional—

24                   “(A) who—

1                   “(i) has previous teaching experience  
2                   and a master’s degree with a concentration  
3                   in reading and writing education;

4                   “(ii) has obtained a Master’s degree  
5                   and training not later than 3 years after  
6                   assuming the role of literacy coach; or

7                   “(iii) has demonstrated proficiency in  
8                   teaching reading and/or writing in a con-  
9                   tent area such as math, science, or social  
10                  studies;

11                  “(B) whose primary role with teachers and  
12                  school personnel is to—

13                   “(i) provide high-quality professional  
14                   development opportunities for teachers and  
15                   school personnel;

16                   “(ii) collaborate with paraprofes-  
17                   sionals, teachers, administrators, and the  
18                   community served by the school in the  
19                   areas of reading and writing; and

20                   “(iii) work cooperatively and collabo-  
21                   ratively with other professionals in plan-  
22                   ning programs to meet the needs of diverse  
23                   population learners, including children with  
24                   disabilities and English language learners;  
25                   and

- 1                   “(C) who may provide students with—
- 2                    “(i) reflective, inquiry-based reading
- 3                   or writing diagnosis, instruction, and as-
- 4                   sessment; and
- 5                    “(ii) reading and writing assessment,
- 6                   in cooperation with other professionals
- 7                   (such as special education teachers, speech
- 8                   and language teachers, and school psy-
- 9                   chologists).
- 10                  “(7) LITERACY LEADERSHIP TEAM.—The term
- 11                  ‘literacy leadership team’ means a team of not less
- 12                  than 2 individuals in a school that assumes the re-
- 13                  sponsibility to guide the development and implemen-
- 14                  tation of an adolescent literacy initiative, which indi-
- 15                  viduals—
- 16                    “(A) shall include not less than 1 indi-
- 17                   vidual who has literacy training; and
- 18                    “(B) may include a school leader, a lit-
- 19                   eracy specialist serving the school (including a
- 20                   literacy coach or media specialist), a counselor,
- 21                   a teacher of a core academic subject, a special
- 22                   education teacher, or a teacher with expertise in
- 23                   teaching the English language to **English lan-**
- 24                   **guage learners**].



1 **“SEC. 1263. STRIVING READERS PROGRAM AUTHORIZED.**

2 “(a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

3 “(1) IN GENERAL.—For any fiscal year for  
4 which the funds appropriated under section 1270  
5 are less than [ \_\_\_\_\_ ], the Secretary shall—

6 “(A) reserve not more than a total of 1  
7 percent of such funds—

8 “(i) to award a contract under section  
9 1268 for a national evaluation of the grant  
10 programs assisted under this subsection;  
11 and

12 “(ii) for the dissemination of informa-  
13 tion, resulting from the grant programs as-  
14 sisted under this subsection, in accordance  
15 with section 1269; and

16 “(B) use the funds not reserved under sub-  
17 paragraph (A) to award grants, on a competi-  
18 tive basis and in accordance with section  
19 1266(c), to eligible entities described in para-  
20 graph (2) that apply under section 1266(b), for  
21 the purpose of enabling the local educational  
22 agencies or consortia to carry out the author-  
23 ized activities described in section 1266(d).

24 “(2) ELIGIBILITY.—An eligible entity shall be  
25 eligible for a grant under this subsection only if—

1           “(A) in the case of an eligible entity as de-  
2 fined under section 1262(b)(5)(A), the eligible  
3 entity is eligible for assistance under part A;

4           “(B) in the case of an eligible entity as de-  
5 fined under section 1262(b)(5)(B), each local  
6 educational agency that is a part of such entity  
7 is eligible for assistance under such part; and

8           “(C) the schools served by the eligible enti-  
9 ty with the grant under this subsection enroll  
10 significant numbers of students reading below  
11 grade level.

12       “(b) ALLOTMENTS TO STATE EDUCATIONAL AGEN-  
13 CIES.—

14           “(1) IN GENERAL.—For any fiscal year for  
15 which the funds appropriated under section 1270  
16 equal or exceed [\_\_\_\_\_], the Secretary shall—

17           “(A) reserve not more than a total of 1  
18 percent of such funds or \$3,000,000, whichever  
19 amount is less—

20           “(i) to award a contract under section  
21 1268 for a national evaluation of the State  
22 grant and subgrant programs assisted  
23 under this subpart; and

24           “(ii) for the dissemination of informa-  
25 tion, resulting from the State grant and

1           subgrant programs assisted under this sub-  
2           part, in accordance with section 1269;

3           “(B) reserve  $\frac{1}{2}$  of 1 percent for allotments  
4           for the United States Virgin Islands, Guam,  
5           American Samoa, and the Commonwealth of  
6           the Northern Mariana Islands, to be distributed  
7           among such outlying areas on the basis of their  
8           relative need, as determined by the Secretary in  
9           accordance with the purposes of this subpart;

10           “(C) reserve  $\frac{1}{2}$  of 1 percent for the Sec-  
11           retary of the Interior for programs under this  
12           subpart in schools operated or funded by the  
13           Bureau of Indian Affairs; and

14           “(D) use the funds not reserved under sub-  
15           paragraphs (A), (B), and (C) to make allot-  
16           ments to State educational agencies under  
17           paragraph (2), to enable the State educational  
18           agencies to award subgrants to eligible entities  
19           for the implementation of adolescent literacy  
20           initiatives in accordance with section 1266.

21           “(2) ALLOTMENT FORMULA.—From the funds  
22           made available under paragraph (1)(D) for a fiscal  
23           year and subject to paragraph (3), the Secretary  
24           shall allot to each State educational agency for the  
25           fiscal year an amount that bears the same ratio to

1 such funds as the number of children, aged 5 to 17,  
2 who reside within the State and are from families  
3 below the poverty level, based on the most recent  
4 satisfactory data provided to the Secretary by the  
5 Bureau of the Census for determining eligibility  
6 under section 1124(c)(1)(A), bears to the number of  
7 all such children for all States.

8 “(3) MINIMUM ALLOTMENT.—No State receiv-  
9 ing an allotment under paragraph (2) may receive  
10 less than one-fourth of 1 percent of the total amount  
11 allotted under such paragraph.

12 “(c) DURATION OF GRANT OR SUBGRANT.—Each  
13 grant or subgrant awarded under subsection (b) shall be  
14 for a period of not more than 5 years.

15 **“SEC. 1264. APPLICATIONS.**

16 “(a) STATE APPLICATIONS.—A State educational  
17 agency desiring to receive an allotment under section  
18 1263(b)(1)(D) shall submit an application to the Sec-  
19 retary at such time, in such manner, and containing such  
20 information as the Secretary may require. Each such ap-  
21 plication shall include—

22 “(1) an assurance from the State educational  
23 agency that the State educational agency will form  
24 an adolescent literacy team that—

1           “(A) builds public support for a statewide  
2 focus on adolescent literacy;

3           “(B) strengthens and aligns State literacy  
4 standards with the State’s challenging academic  
5 content standards and academic achievement  
6 standards;

7           “(C) guides eligible entities in the creation  
8 of adolescent literacy initiatives;

9           “(D) builds educators’ capacity to provide  
10 adolescent literacy instruction;

11           “(E) measures and assesses progress in  
12 adolescent literacy at the school, local edu-  
13 cational agency, and State levels, using existing  
14 data if such data are valid, appropriate, and ap-  
15 proved by the Secretary; and

16           “(F) disseminates information on prom-  
17 ising practices and progress in student literacy  
18 achievement;

19           “(2) an assurance that the State educational  
20 agency, and any eligible entity receiving a subgrant  
21 from the State educational agency under section  
22 1265, will, if requested, participate in the national  
23 evaluation under section 1267; and

24           “(3) an implementation plan that includes—

1           “(A) a description of how the State edu-  
2           cational agency will assist eligible entities with  
3           developing and using formative assessments,  
4           **【summative assessments,】** research-based  
5           teaching strategies, curricular materials and in-  
6           structional tools, and high-quality professional  
7           development as part of such agencies adolescent  
8           literacy initiatives;

9           “(B) evidence that local educational agen-  
10          cies in the State are committed to instructional  
11          changes and can implement adolescent literacy  
12          initiatives effectively;

13          “(C) a description of how the State edu-  
14          cational agency will coordinate and align the  
15          State grant program assisted under this sub-  
16          part with—

17                 “(i) other State and local programs  
18                 that promote adolescent literacy instruc-  
19                 tion; and

20                 “(ii) overall literacy instruction in the  
21                 State in kindergarten through grade 12;

22          “(D) a description of how the State edu-  
23          cational agency will, to the extent practicable,  
24          award grants to—

1 “(i) eligible entities that serve rural  
2 areas; and

3 “(ii) eligible entities that serve urban  
4 areas; and

5 “(E) a description of how eligible entities  
6 in the State will address the literacy needs of  
7 children with disabilities[, and English lan-  
8 guage learners,] in grades 4 through 12 and  
9 how local educational agencies in the State will  
10 provide professional development in adolescent  
11 literacy instruction to special education teachers  
12 or teachers of students who are [English lan-  
13 guage learners].

14 “(b) ELIGIBLE ENTITY APPLICATION.—An eligible  
15 entity desiring to receive a grant under section  
16 1263(a)(1)(B) shall submit an application to the Secretary  
17 at such time, in such manner, and containing such infor-  
18 mation as the Secretary may require. Each such applica-  
19 tion shall include the information required under section  
20 1265(b).

21 “(c) APPROVAL OF APPLICATIONS.—

22 “(1) IN GENERAL.—The Secretary shall ap-  
23 prove an application submitted under subsection (a)  
24 or (b) only if such application meets the require-  
25 ments of this section.

1           “(2) PEER REVIEW.—

2                   “(A) IN GENERAL.—The Secretary, in con-  
3           sultation with the Director of the National In-  
4           stitute for Literacy, shall convene a peer review  
5           committee and subcommittees to evaluate appli-  
6           cations submitted under subsection (a) or (b).

7                   “(B) MEMBERSHIP.—

8                           “(i) COMPOSITION.—The peer review  
9           committee and subcommittees convened  
10          under subparagraph (A) shall be composed  
11          of not less than 12 members, of whom—

12                                   “(I) 3 shall be appointed by the  
13          Secretary;

14                                   “(II) 3 shall be appointed by the  
15          Secretary from among persons rec-  
16          ommended by the Director of the Na-  
17          tional Institute for Literacy and rel-  
18          evant education organizations and  
19          professional associations with exper-  
20          tise in adolescent literacy;

21                                   “(III) 3 shall be appointed by the  
22          Secretary from among persons rec-  
23          ommended by the Chairman of the  
24          National Research Council of the Na-  
25          tional Academy of Sciences; and



1                   “(IV) 3 shall be appointed by the  
2                   Secretary from among persons rec-  
3                   ommended by the Director of the Na-  
4                   tional Institute of Child Health and  
5                   Human Development.

6                   “(ii) COMPETENCY AND EXPERTISE.—

7                   “(I) COMPETENCY.—The Sec-  
8                   retary shall ensure that each member  
9                   of the peer review committee and sub-  
10                  committees appointed under subpara-  
11                  graph (A) is competent, by virtue of  
12                  the training, expertise, or experience  
13                  of the member, to evaluate grant ap-  
14                  plications under this section.

15                  “(II) EXPERTISE.—The Sec-  
16                  retary shall ensure that the peer re-  
17                  view committee and subcommittees  
18                  appointed under subparagraph (A) in-  
19                  cludes, at a minimum—

20                  “(aa) classroom teachers or  
21                  literacy coaches with expertise in  
22                  literacy, including special edu-  
23                  cation teachers and teachers of  
24                  English language learners;

1                   “(bb) experts in adolescent  
2 literacy initiatives;

3                   “(cc) experts who provide  
4 research-based high-quality pro-  
5 fessional development to individ-  
6 uals who teach literacy to chil-  
7 dren and adults;

8                   “(dd) experts who provide  
9 research-based high-quality pro-  
10 fessional development to other in-  
11 structional staff; and

12                   “(ee) experts in screening,  
13 diagnostic, and classroom-based  
14 instructional reading assess-  
15 ments.

16                   “(C) GUIDANCE.—

17                   “(i) IN GENERAL.—The Secretary  
18 shall develop guidance for how the Com-  
19 mittee and any subcommittees created in  
20 accordance with subparagraph (E) will re-  
21 view applications submitted under this sec-  
22 tion and provide feedback to State edu-  
23 cational agencies and eligible entities and  
24 recommendations to the Secretary. The  
25 Secretary shall also develop guidance for

1           how the Secretary will review the rec-  
2           ommendations of the Committee and any  
3           subcommittees and make final determina-  
4           tions of approval or disapproval of an ap-  
5           plication submitted under this section.

6                   “(ii) REQUIREMENTS.—Such guidance  
7           shall, at a minimum—

8                           “(I) create a transparent process  
9                           through which the Committee and  
10                          subcommittees provide clear, con-  
11                          sistent, and publicly available docu-  
12                          mentation in support of all rec-  
13                          ommendations;

14                          “(II) ensure that the Committee  
15                          reviews any subcommittee feedback  
16                          prior to that feedback being submitted  
17                          to a State educational agency or eligi-  
18                          ble entity;

19                          “(III) ensure that State edu-  
20                          cational agencies and eligible entities  
21                          have the opportunity for direct inter-  
22                          action with the Committee and any  
23                          subcommittee, as appropriate, when  
24                          revising an application under this sec-

1                   tion as a result of feedback submitted  
2                   by the Committee or a subcommittee;

3                   “(IV) require that the Com-  
4                   mittee, any subcommittee, and the  
5                   Secretary clearly and consistently doc-  
6                   ument that all criteria contained in  
7                   subsection (a) or (b) are met before  
8                   an application submitted under this  
9                   section is approved; and

10                  “(V) create a transparent process  
11                  through which the Secretary clearly,  
12                  consistently, and publicly documents  
13                  decisions to approve or disapprove an  
14                  application submitted under this sec-  
15                  tion and the reasons for such deci-  
16                  sions.

17                  “(D) RECOMMENDATIONS.—The peer-re-  
18                  view panel shall recommend grant applications  
19                  under this section to the Secretary for funding  
20                  or for disapproval.

21                  “(E) DISTRIBUTION OF RECOMMENDA-  
22                  TIONS.—Not later than 120 days after the  
23                  panel submits the panel’s recommendation re-  
24                  garding an application submitted under this  
25                  section for a grant under this section to the

1 Secretary, the Secretary shall notify the State  
2 educational agency or eligible entity that the  
3 application has been approved or disapproved  
4 and shall provide to such State educational  
5 agency or eligible entity a copy of the panel's  
6 recommendation.

7 **“SEC. 1265. STATE USE OF FUNDS.**

8 “(a) STATE DISTRIBUTION OF FUNDS.—Of the  
9 amount allotted to a State educational agency under sec-  
10 tion 1263(b)(1)(D), the State educational agency shall  
11 use—

12 “(1) not less than 85 percent of such amount  
13 to award subgrants under section 1266(a);

14 “(2) not more than 5 percent of such amount  
15 to administer the subgrant program; and

16 “(3) not more than 10 percent of such amount  
17 to carry out the activities described in subsection  
18 (b).

19 “(b) STATE ACTIVITIES.—

20 “(1) MANDATORY ACTIVITIES.—A State edu-  
21 cational agency that receives an allotment under sec-  
22 tion 1263(b)(1)(D) shall use the funds made avail-  
23 able under subsection (a)(3) to carry out all of the  
24 following activities:

1           “(A) TECHNICAL ASSISTANCE.—The State  
2 educational agency shall provide technical as-  
3 sistance to enable eligible entities to design and  
4 implement a program under this subpart, in-  
5 cluding—

6           “(i) designing or selecting, and imple-  
7 menting, an adolescent literacy initiative;

8           “(ii) designing or selecting diagnostic,  
9 formative, and **【summative】** assessments;

10           “(iii) identifying literacy coaches; and

11           “(iv) providing high-quality profes-  
12 sional development to teachers and prin-  
13 cipals in adolescent literacy instruction.

14           “(B) PRESERVICE COURSEWORK RE-  
15 VIEW.—The State educational agency shall  
16 strengthen and enhance preservice courses for  
17 students preparing, at all public institutions of  
18 higher education in the State, to teach any of  
19 grades 4 through 12 by—

20           “(i) reviewing such courses to deter-  
21 mine whether the courses’ content is con-  
22 sistent with findings of the most recent lit-  
23 eracy research, including findings on the  
24 researched based elements of an effective  
25 adolescent literacy initiative;

1                   “(ii) following up such reviews with  
2                   recommendations to ensure that such insti-  
3                   tutions offer courses that meet the highest  
4                   standards; and

5                   “(iii) preparing a report on the results  
6                   of such reviews and submitting the report  
7                   to the reading and literacy partnership for  
8                   the State established under section  
9                   1203(d) and all public institutions of high-  
10                  er education in the State, and making the  
11                  report available for public review on the  
12                  State educational agency’s website.

13                  “(C) STATE LICENSURE AND CERTIFI-  
14                  CATION RECOMMENDATIONS.—The State edu-  
15                  cational agency shall make recommendations on  
16                  how the State licensure and certification stand-  
17                  ards in the area of reading instruction in  
18                  grades 4 through 12 might be improved.

19                  “(D) PROGRESS REPORTS FOR STATE  
20                  EDUCATIONAL AGENCY GRANT RECIPIENTS.—

21                  “(i) SUBMISSION.—Not later than 60  
22                  days after the termination of the third  
23                  year and the fifth year of the grant period,  
24                  the State educational agency shall submit

1 a progress report to the Secretary that  
2 shall include—

3 “(I) information on the progress  
4 the State educational agency and eli-  
5 gible entities within the State are  
6 making in reducing the number of  
7 students served under this subpart in  
8 grades 4 through 12 who are reading  
9 or writing below grade level (as dem-  
10 onstrated by performance on the State  
11 assessments as described in section  
12 1111(b)(3) and other such informa-  
13 tion as teacher reports and school  
14 evaluations of mastery of the re-  
15 search-based elements of an effective  
16 adolescent literacy initiative);

17 “(II) evidence from the State  
18 educational agency and eligible enti-  
19 ties within the State that the State  
20 educational agency and the eligible en-  
21 tities have—

22 “(aa) significantly increased  
23 the number of students reading  
24 and writing at or above grade  
25 level;



1                   “(bb) significantly increased  
2                   the percentages of students de-  
3                   scribed           in           section  
4                   1111(b)(2)(C)(v)(II) who are  
5                   reading at or above grade level;  
6                   and

7                   “(cc) successfully imple-  
8                   mented the State educational  
9                   agency’s duties under this sub-  
10                  part; and

11                  “(III) information regarding the  
12                  number and percentage of students  
13                  served by the local educational agen-  
14                  cies within the State who are grad-  
15                  uating from secondary school with a  
16                  regular high school diploma in the  
17                  standard number of years.

18                  “(ii) PUBLICATION.—The progress re-  
19                  port described in this paragraph shall be  
20                  made available on the Department of Edu-  
21                  cation’s web site.

22                  “(2) PERMISSIVE ACTIVITIES.—A State edu-  
23                  cational agency that receives an allotment under sec-  
24                  tion 1263(b)(1)(D) may use the funds made avail-

1 able under subsection (a)(3) to carry out any of the  
2 following activities:

3 “(A) Identifying providers of high-quality  
4 professional development for eligible entities.

5 “(B) Training the personnel of local edu-  
6 cational agencies to use data systems that track  
7 student literacy achievement.

8 **“SEC. 1266. GRANTS AND SUBGRANTS TO ELIGIBLE ENTI-  
9 TIES.**

10 “(a) SUBGRANTS AUTHORIZED.—A State receiving  
11 an allotment under section 1263(b)(1)(D) shall use funds  
12 made available under section 1265(a)(1) to award sub-  
13 grants, on a competitive basis, to eligible entities to enable  
14 the eligible entities to carry out the authorized activities  
15 described in subsection (d).

16 “(b) APPLICATIONS.—An eligible entity desiring to  
17 receive a subgrant under this section shall submit an ap-  
18 plication to the State educational agency at such time, in  
19 such manner, and containing such information as the  
20 State educational agency may require. Such application  
21 shall include the following information:

22 “(1) For each school that the local eligible enti-  
23 ty identifies as participating in a grant or subgrant  
24 program under this subpart—

1           “(A) how the school, local educational  
2           agency, or a provider of high-quality profes-  
3           sional development will provide ongoing high-  
4           quality professional development in adolescent  
5           literacy instruction to teachers of core academic  
6           subjects and school leaders served by the school,  
7           local educational agency, or provider, respec-  
8           tively;

9           “(B) how the school will perform a capaci-  
10          ty survey to identify the strengths and weak-  
11          nesses of such school related to adolescent lit-  
12          eracy;

13          “(C) how the results of the survey de-  
14          scribed in subparagraph (B) will be used to in-  
15          form instruction at the school;

16          “(D)(i) how the school will form a literacy  
17          leadership team;

18          “(ii) the composition of the literacy leader-  
19          ship team; and

20          “(iii) how the literacy leadership team  
21          will—

22                  “(I) create an adolescent literacy ini-  
23                  tiative;

24                  “(II) assess the success of the adoles-  
25                  cent literacy initiative; and

1                   “(III) determine what refinements  
2                   and changes are needed to the adolescent  
3                   literacy initiative;

4                   “(E) a projection of the costs of developing  
5                   and implementing an adolescent literacy initia-  
6                   tive; and

7                   “(F) an explanation of how the school will  
8                   integrate adolescent literacy instruction into  
9                   core academic subjects.

10                  “(2) A description of—

11                   “(A) the assessment system that will be  
12                   used to track literacy progress in schools that  
13                   the eligible entity identifies as participating in  
14                   a program under this subpart;

15                   “(B) the types of formative assessments  
16                   and **summative assessments** that will be used  
17                   in the assessment system;

18                   “(C) the types of assessment results that  
19                   will determine the success of the adolescent lit-  
20                   eracy initiative under this subpart; and

21                   “(D) the types of research-based instruc-  
22                   tional materials that will be used in the pro-  
23                   gram.

24                   “(3) How parents will be involved in supporting  
25                   adolescent literacy instruction.

1           “(4) In the case of a eligible entity desiring a  
2 grant under section 1263(a)(1)(B), an assurance  
3 that the eligible entity will, if requested, participate  
4 in the national evaluation under section 1268.

5           “(c) AWARD BASIS.—

6           “(1) PRIORITY.—

7           “(A) IN GENERAL.—The Secretary or the  
8 State educational agency, as appropriate, shall  
9 give priority to awarding a grant or subgrant  
10 under this subpart to a eligible entity, on the  
11 basis of the factors described in subparagraph  
12 (B).

13           “(B) FACTORS.—The factors referred to in  
14 subparagraph (A) are—

15           “(i) the number of children aged 5 to  
16 17 served by the eligible entity who are  
17 from families below the poverty level, based  
18 on the most recent satisfactory data pro-  
19 vided to the Secretary by the Bureau of  
20 the Census for determining eligibility  
21 under section 1124(c)(1)(A);

22           “(ii) the number or percentage of stu-  
23 dents in grades 4 through 12 served by the  
24 eligible entity who are reading or writing  
25 below grade level; and

1                   “(iii) the total number or percentage  
2                   of schools served by the eligible entity  
3                   that—

4                   “(I) enroll students in any of the  
5                   grades 4 through 12; and

6                   “(II) were identified for school  
7                   improvement, and assistance or rede-  
8                   sign of section 1116(b) and (h) for  
9                   the preceding academic year.

10                  “(2) AMOUNT OF THE GRANT.—In determining  
11                  the amounts of the grant or subgrant awards under  
12                  this subpart, the Secretary or the State educational  
13                  agency, as applicable, shall—

14                  “(A) provide funds in sufficient size and  
15                  scope to enable the eligible entity receiving a  
16                  grant or subgrant to improve adolescent literacy  
17                  instruction; and

18                  “(B) provide funds in an amount related  
19                  to the number or percentage of students in  
20                  grades 4 through 12 served by the eligible enti-  
21                  ty who are reading below grade level.

22                  “(3) SUPPLEMENT NOT SUPPLANT.—Grant  
23                  funds provided under this subpart shall be used to  
24                  supplement, not supplant, other Federal and non-

1 Federal funds available to carry out the activities de-  
2 scribed in subsection (d).

3 “(d) LOCAL AUTHORIZED ACTIVITIES.—

4 “(1) MANDATORY ACTIVITIES.—An eligible en-  
5 tity that receives a grant or subgrant under this  
6 subpart shall use the grant or subgrant funds to  
7 carry out all of the following activities for students  
8 in grades 4 through 12:

9 “(A) Selecting and administering  
10 screenings, diagnostic assessments, formative  
11 assessments, and **【summative assessments】** to  
12 determine the students’ literacy difficulties,  
13 reading and writing levels, and literacy growth.

14 **【“(B) Developing and implementing ado-  
15 lescent literacy plans that serve the needs of  
16 students (including children with disabilities  
17 and English language learners) who are reading  
18 or writing significantly below grade level, which  
19 plans shall—】**

20 **【“(i) provide intensive, accelerated,  
21 explicit instruction in reading to students  
22 who have significant deficits in reading  
23 skills;】**

24 **【“(ii) include each of the elements of  
25 an effective adolescent literacy initiative;】**

1                   【“(iii) provide research-based literacy  
2 materials and instructional strategies to  
3 improve reading or writing achievement;】

4                   【“(iv) provide, to teachers in core  
5 academic subjects, high-quality profes-  
6 sional development that includes instruc-  
7 tion on utilizing each of the elements of an  
8 adolescent literacy initiative, including uti-  
9 lizing 【age-appropriate】 reading materials  
10 and instructional strategies to improve the  
11 literacy skills of the students within the  
12 content area;】

13                   【“(v) provide, in addition to regular  
14 classroom instruction, extended learning  
15 opportunities for the students during  
16 school hours or at school facilities; and】

17                   【“(vi) allow teachers to meet together  
18 to plan instruction, review the work of the  
19 students, and analyze literacy assessment  
20 data.】

21                   “(C) Training principals to support, de-  
22 velop, and administer adolescent literacy initia-  
23 tives that—

24                   “(i) utilize data—



1                   “(I) to inform instructional deci-  
2                   sions; and

3                   “(II) to assess professional devel-  
4                   opment needs;

5                   “(ii) assess the quality of adolescent  
6                   literacy instruction in core academic sub-  
7                   jects; and

8                   “(iii) provide time for teachers to  
9                   meet to plan research-based adolescent lit-  
10                  eracy instruction in core academic subjects.

11                  “(D) Collecting, analyzing, and reporting  
12                  data on the literacy achievement growth of the  
13                  students who are served by the eligible entity  
14                  and who read or write significantly below grade  
15                  level (as determined by the Secretary or the  
16                  State educational agency, as appropriate),  
17                  which may include contracting with an external  
18                  evaluator to measure the impact of adolescent  
19                  literacy interventions on the students.

20                  “(E) In the case of an eligible entity re-  
21                  ceiving a subgrant under subsection (a)—

22                         “(i) collecting and summarizing  
23                         data—

24                                 “(I) to document the effective-  
25                                 ness of activities carried out under

1                   this subpart in individual schools and  
2                   in the local educational agency as a  
3                   whole; and

4                   “(II) to stimulate and accelerate  
5                   improvement by identifying the  
6                   schools that produce significant gains  
7                   in academic achievement; and

8                   【“(ii) reporting data to the State edu-  
9                   cational agency for all students and cat-  
10                  egories of students described in section  
11                  1111(b)(2)(C)(v)(II).】

12                  “(F) In the case of an eligible entity re-  
13                  ceiving a grant under section 1263(a)(1)(B),  
14                  submitting to the Secretary, not later than 60  
15                  days after the termination of the third year and  
16                  the fifth year of the grant period, a progress re-  
17                  port that contains the information described in  
18                  section 1265(b)(1)(D)(i) with respect to the  
19                  local educational agency.

20                  “(2) PERMISSIVE ACTIVITIES.—A local edu-  
21                  cational agency or consortium that receives a grant  
22                  or subgrant under this subpart may use the grant  
23                  or subgrant funds to carry out any of the following  
24                  activities for students in grades 4 through 12:

1           “(A) Recruiting, placing, and training ado-  
2           lescent literacy coaches.

3           “(B) Identifying providers of high-quality  
4           professional development for teachers.

5           “(C) Connecting out-of-school learning op-  
6           portunities to in-school learning in order to im-  
7           prove the literacy achievement of the students.

8           “(D) Training parents and family mem-  
9           bers to support the improvement of adolescent  
10          literacy, as appropriate.

11          “(E) Acquiring academically rich research-  
12          based literacy materials that support multiple  
13          reading levels and engage the interests of the  
14          students.

15          “(F) Utilizing research-based technology  
16          and software to improve literacy achievement.

17          “(G) Purchasing, implementing, or adapt-  
18          ing research-based supplementary literacy inter-  
19          ventions for students who are reading or writ-  
20          ing below grade level.

21          “(3) LIMITATION TO CERTAIN SCHOOLS.—A  
22          local educational agency receiving a subgrant under  
23          subsection (a) shall, in distributing subgrant funds  
24          under this subsection, provide funds only to schools  
25          that both—

1           “(A) are among the schools served by the  
2           local educational agency with the highest per-  
3           centages or numbers of students in grades 4  
4           through 12 reading below grade level, based on  
5           the most currently available data; and

6           “(B)(i) are identified for school improve-  
7           ment, corrective action, or restructuring under  
8           paragraph (1), (7), or (8) of section 1116(b); or

9           “(ii) have the highest percentages or num-  
10          bers of children counted under section 1124(c).

11 **“SEC. 1267. CONSEQUENCES OF INSUFFICIENT PROGRESS.**

12          “(a) CONSEQUENCES FOR GRANT RECIPIENTS.—If  
13 the Secretary determines that a State educational agency  
14 receiving a grant under section 1263(b)(1)(D) or eligible  
15 entity receiving a grant under section 1263(a)(1)(B) is not  
16 making significant progress in meeting the purposes of  
17 this subpart after the submission of a progress report de-  
18 scribed in section 1265(b)(1)(D) or section 1266(d)(1)(F),  
19 respectively, then the Secretary may withhold, in whole or  
20 in part, further payments under this subpart in accord-  
21 ance with section 455 of the General Education Provisions  
22 Act (20 U.S.C. 1234d) or take such other action author-  
23 ized by law as the Secretary determines necessary, includ-  
24 ing providing technical assistance upon request of the  
25 State educational agency, or eligible entity, respectively.

1           “(b) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—  
2 A State educational agency receiving a grant under section  
3 1263(b)(1)(D) may refuse to award subgrant funds to an  
4 eligible entity under section 1266(a) if the State edu-  
5 cational agency finds that the eligible entity is not making  
6 significant progress in meeting the purposes of this sub-  
7 part, after—

8           “(1) providing technical assistance to the eligi-  
9 ble entity; and

10           “(2) affording the eligible entity notice and an  
11 opportunity for a hearing.

12 **“SEC. 1268. NATIONAL EVALUATION.**

13           “(a) IN GENERAL.—From amounts reserved under  
14 subsection (a)(1) or (b)(1) (as the case may be) of section  
15 1263, the Secretary shall enter into a contract with an  
16 independent organization to perform a 5-year evaluation  
17 of the grant and subgrant programs assisted under this  
18 subpart. Such evaluation shall include research that ap-  
19 plies [rigorous, systematic, and objective/scientificallly  
20 valid] procedures to obtain valid knowledge relevant to lit-  
21 eracy development, reading and writing instruction, and  
22 reading and writing difficulties.

23           “(b) CONTENTS OF EVALUATION.—The evaluation  
24 described in subsection (a) shall include an analysis of  
25 each of the following:

1           “(1) The impact of the adolescent literacy ini-  
2           tiative on student achievement, and how various ele-  
3           ments combine to promote student learning.

4           “(2) How State standards, local educational  
5           agency and school curricula, and school interventions  
6           combine to impact student achievement.

7           “(3) The impact of diagnostic assessments and  
8           formative assessments on student achievement.

9           “(4) How high-quality professional development  
10          improves teacher practice and increases student  
11          achievement.

12          “(5) The impact of adolescent literacy initia-  
13          tives on student motivation, engagement, and par-  
14          ticipation in literacy activities.

15          “(6) The relationship between students’ literacy  
16          achievement and secondary school graduation rates.

17          **“SEC. 1269. INFORMATION DISSEMINATION.**

18          “From amounts reserved under subsection (a)(1) or  
19          (b)(1) (as the case may be) of section 1263, the Secretary,  
20          in collaboration with the Director of the National Institute  
21          for Literacy, the regional educational laboratories estab-  
22          lished under part D of the Education Sciences Reform Act  
23          of 2002 (20 U.S.C. 9561 et seq.), and the Director of the  
24          National Institute of Child Health and Human Develop-

1 ment, shall distribute information on research-based ado-  
2 lescent literacy instruction, including—

3 “(1) information on adolescent literacy instruc-  
4 tion and the impact of the instruction on—

5 “(A) student achievement, motivation, and  
6 engagement for literacy; and

7 “(B) student graduation with a high school  
8 diploma;

9 “(2) information on elements of high-quality  
10 professional development that improve literacy  
11 achievement in students in grades 4 through 12; and

12 “(3) information on schools, local educational  
13 agencies, and States that have successfully improved  
14 literacy achievement in grades 4 through 12.

15 **“SEC. 1270. PROHIBITION ON FEDERAL GOVERNMENT.**

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

21 “(b) GUIDANCE.—

22 “(1) IN GENERAL.—The Secretary shall develop  
23 guidance for Department employees responsible for  
24 the implementation of this subpart that will assist

1 those employees in complying with the prohibitions  
2 included in subsection (a).

3 “(2) CONSULTATION.—Such guidance shall em-  
4 phasize the importance of consultation with the Of-  
5 fice of General Counsel of the Department on issues  
6 related to such prohibitions.

7 “(3) TECHNICAL ASSISTANCE.—Such guidance  
8 shall stress that any information disseminated, or  
9 technical assistance provided, related to this subpart,  
10 shall be balanced in presenting eligible products or  
11 services and shall not in any way endorse or appear  
12 to endorse any particular product or service that  
13 might be purchased by a State educational agency or  
14 eligible entity in the course of such agency’s imple-  
15 mentation of the program under this subpart.

16 **“SEC. 1271. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out  
18 this subpart—

19 “(1) [ \$ \_\_\_\_\_ ] for fiscal year 2008;

20 “(2) [ \$ \_\_\_\_\_ ] for fiscal year 2009;

21 “(3) [ \$ \_\_\_\_\_ ] for fiscal year 2010;

22 “(4) [ \$ \_\_\_\_\_ ] for fiscal year 2011;

23 and

24 “(5) [ \$ \_\_\_\_\_ ] for fiscal year 2012.”.



1                   **TITLE XI—HOMELESS**  
2                   **EDUCATION**

3 **SEC. 1101. EDUCATION FOR HOMELESS CHILDREN AND**  
4                   **YOUTHS.**

5           Subtitle B of title VII of the McKinney-Vento Home-  
6 less Assistance Act (42 U.S.C. 11431 et seq.) is amended  
7 to read as follows:

8                   **“Subtitle B—Education for**  
9                   **Homeless Children and Youths**

10 **“SEC. 721. STATEMENT OF POLICY.**

11           “The following is the policy of Congress:

12                   “(1) Each State and local educational agency  
13 shall ensure that each child of a homeless individual  
14 and each homeless youth has equal access to the  
15 same free, appropriate public education, including  
16 State-funded or local educational agency-funded pre-  
17 school programs, as provided to other children and  
18 youths.

19                   “(2) In any State or local educational agency  
20 where compulsory residency requirements or other  
21 requirements of laws, regulations, practices, or poli-  
22 cies may act as a barrier to the enrollment, attend-  
23 ance, or success in school or in State-funded or local  
24 educational agency-funded preschool programs of  
25 homeless children and youths, the State, and local

1 educational agencies, will review and revise such  
2 laws, regulations, practices, or policies to ensure that  
3 homeless children and youths are afforded the same  
4 free, appropriate public education as provided to  
5 other children and youths.

6 “(3) Homelessness alone is not sufficient reason  
7 to separate students from the mainstream school en-  
8 vironment.

9 “(4) Homeless children and youths should have  
10 access to the education and other services, including  
11 transportation services to assist with school readi-  
12 ness, success, and maintaining school stability, that  
13 such children and youths need to ensure that such  
14 children and youths have an opportunity to meet the  
15 same challenging State student academic achieve-  
16 ment standards to which all students are held.

17 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
18 **THE EDUCATION OF HOMELESS CHILDREN**  
19 **AND YOUTHS.**

20 “(a) GENERAL AUTHORITY.—The Secretary is au-  
21 thorized to make grants to States in accordance with the  
22 provisions of this section to enable such States to carry  
23 out the activities described in subsections (d) through (g).

24 “(b) APPLICATION.—No State may receive a grant  
25 under this section unless the State educational agency

1 submits an application to the Secretary at such time, in  
2 such manner, and containing or accompanied by such in-  
3 formation as the Secretary may reasonably require.

4 “(c) ALLOCATION AND RESERVATIONS.—

5 “(1) ALLOCATION.—

6 “(A) IN GENERAL.—Subject to subpara-  
7 graph (B), the Secretary is authorized to allot  
8 to each State an amount that bears the same  
9 ratio to the amount appropriated for such year  
10 under section 726 that remains after the Sec-  
11 retary reserves funds under paragraph (2) and  
12 uses funds to carry out subsections (d) and (h)  
13 of section 724, as the amount allocated under  
14 section 1122 of the Elementary and Secondary  
15 Education Act of 1965 to the State for that  
16 year bears to the total amount allocated under  
17 section 1122 of such Act to all States for that  
18 year, except that no State shall receive less  
19 than the greater of—

20 “(i) \$300,000; or

21 “(ii) one-fourth of one percent of the  
22 amount appropriated under section 726 for  
23 that year;

24 “(B) RATABLE REDUCTION FOR INSUFFI-  
25 CIENT FUNDS.—If there are insufficient funds

1           in a fiscal year to allot to each State the min-  
2           imum amount under subparagraph (A), the  
3           Secretary shall ratably reduce the allotments to  
4           all States based on the proportionate share that  
5           each State received under this subsection for  
6           the preceding fiscal year.

7           “(2) RESERVATIONS.—(A) The Secretary is au-  
8           thorized to reserve 0.1 percent of the amount appro-  
9           priated for each fiscal year under section 726 to be  
10          allocated by the Secretary among the United States  
11          Virgin Islands, Guam, American Samoa, and the  
12          Commonwealth of the Northern Mariana Islands, ac-  
13          cording to their respective need for assistance under  
14          this subtitle, as determined by the Secretary.

15          “(B)(i) The Secretary shall transfer one percent  
16          of the amount appropriated for each fiscal year  
17          under section 726 to the Department of the Interior  
18          for programs for Indian students served by schools  
19          funded by the Secretary of the Interior, as deter-  
20          mined under the Indian Self-Determination and  
21          Education Assistance Act (25 U.S.C. 450 et seq.),  
22          that are consistent with the purposes of the pro-  
23          grams described in this subtitle.

24          “(ii) The Secretary and the Secretary of the In-  
25          terior shall enter into an agreement, consistent with

1 the requirements of this subtitle, for the distribution  
2 and use of the funds described in clause (i) under  
3 terms that the Secretary determines best meet the  
4 purposes of the programs described in this subtitle.  
5 Such agreement shall set forth the plans of the Sec-  
6 retary of the Interior for the use of the amounts  
7 transferred, including appropriate goals, objectives,  
8 and milestones.

9 “(3) STATE DEFINED.—For purposes of this  
10 subsection, the term ‘State’ does not include the  
11 United States Virgin Islands, Guam, American  
12 Samoa, or the Commonwealth of the Northern Mar-  
13 iana Islands.

14 “(d) ACTIVITIES.—Grants under this section shall be  
15 used for the following:

16 “(1) To carry out the policies set forth in sec-  
17 tion 721 in the State.

18 “(2) To provide activities for, and services to,  
19 homeless children and youths that enable such chil-  
20 dren and youths to enroll in, attend, and succeed in  
21 school, including in State-funded and local edu-  
22 cational agency-funded preschool programs.

23 “(3) To establish or designate an Office of Co-  
24 ordinator for Education of Homeless Children and  
25 Youths in the State educational agency that has suf-

1        ficient capacity to carry out the duties described in  
2        this subtitle.

3            “(4) To prepare and carry out the State plan  
4        described in subsection (g).

5            “(5) To develop and implement professional de-  
6        velopment activities for liaisons designated under  
7        subsection (g)(1)(J)(ii), and school personnel (that  
8        may include personnel at community agencies that  
9        provide services to homeless children and youth) to  
10       heighten their awareness of, and capacity to respond  
11       to, specific problems in the education of homeless  
12       children and youths.

13        “(e) STATE AND LOCAL SUBGRANTS.—

14            “(1) MINIMUM DISBURSEMENTS BY STATES.—  
15        From the sums made available each year to carry  
16        out this subtitle, the State educational agency shall  
17        distribute not less than 75 percent in subgrants to  
18        local educational agencies for the purposes of car-  
19        rying out section 723.

20            “(2) USE BY STATE EDUCATIONAL AGENCY.—  
21        A State educational agency may use funds made  
22        available for State use under this subtitle to conduct  
23        activities under subsection (f) directly or through  
24        grants or contracts.

1           “(3) PROHIBITION ON SEGREGATING HOMELESS  
2 STUDENTS.—

3           “(A) IN GENERAL.—Except as provided in  
4 subparagraph (B) and section 723(a)(2)(B)(ii),  
5 in providing a free public education to a home-  
6 less child or youth, no State receiving funds  
7 under this subtitle shall segregate such child or  
8 youth in a separate school, or in a separate pro-  
9 gram within a school, based on such child’s or  
10 youth’s status as homeless.

11           “(B) EXCEPTION.—Notwithstanding sub-  
12 paragraph (A), paragraphs (1)(J)(i) and (3) of  
13 subsection (g), section 723(a)(2), and any other  
14 provision of this subtitle relating to the place-  
15 ment of homeless children or youths in schools,  
16 a State that has a separate school for homeless  
17 children or youths that was operated in fiscal  
18 year 2000 in a covered county shall be eligible  
19 to receive funds under this subtitle for pro-  
20 grams carried out in such school if—

21           “(i) the school meets the requirements  
22 of subparagraph (C);

23           “(ii) any local educational agency  
24 serving a school that the homeless children  
25 and youths enrolled in the separate school

1 are eligible to attend meets the require-  
2 ments of subparagraph (E); and

3 “(iii) the State is otherwise eligible to  
4 receive funds under this subtitle.

5 “(C) SCHOOL REQUIREMENTS.—For the  
6 State to be eligible under subparagraph (B) to  
7 receive funds under this subtitle, the school de-  
8 scribed in such subparagraph shall—

9 “(i) provide written notice, at the time  
10 any child or youth seeks enrollment in such  
11 school, and at least twice annually while  
12 the child or youth is enrolled in such  
13 school, to the parent or guardian of the  
14 child or youth (or, in the case of an unac-  
15 companied youth, the youth) that—

16 “(I) shall be signed by the parent  
17 or guardian (or, in the case of an un-  
18 accompanied youth, the youth);

19 “(II) sets forth the general rights  
20 provided under this subtitle;

21 “(III) specifically states—

22 “(aa) the choice of schools  
23 homeless children and youths are  
24 eligible to attend, as provided in  
25 subsection (g)(3)(A);



1                   “(bb) that no homeless child  
2                   or youth is required to attend a  
3                   separate school for homeless chil-  
4                   dren or youths;

5                   “(cc) that homeless children  
6                   and youths shall be provided  
7                   comparable services described in  
8                   subsection (g)(4), including  
9                   transportation services, edu-  
10                  cational services, and meals  
11                  through school meals programs;  
12                  and

13                  “(dd) that homeless children  
14                  and youths should not be stig-  
15                  matized by school personnel; and

16                  “(IV) provides contact informa-  
17                  tion for the local educational agency  
18                  liaison and the Coordinator for Edu-  
19                  cation of Homeless Children and  
20                  Youths in the State;

21                  “(ii)(I) provide assistance to the par-  
22                  ent or guardian of each homeless child or  
23                  youth (or, in the case of an unaccompanied  
24                  youth, the youth) to exercise the right to  
25                  attend the parent’s or guardian’s (or

1 youth's) choice of schools, as provided in  
2 subsection (g)(3)(A); and

3 “(II) coordinate with the local edu-  
4 cational agency with jurisdiction for the  
5 school selected by the parent or guardian  
6 (or youth), to provide transportation and  
7 other necessary services;

8 “(iii) ensure that the parent or guard-  
9 ian (or, in the case of an unaccompanied  
10 youth, the youth) shall receive the informa-  
11 tion required by this subparagraph in a  
12 manner and form understandable to such  
13 parent or guardian (or youth), including, if  
14 necessary and to the extent feasible, in the  
15 native language of such parent or guardian  
16 (or youth); and

17 “(iv) demonstrate in the school's ap-  
18 plication for funds under this subtitle that  
19 such school—

20 “(I) is complying with clauses (i)  
21 and (ii); and

22 “(II) is meeting (as of the date  
23 of submission of the application) the  
24 same Federal and State standards,  
25 regulations, and mandates as other

1 public schools in the State (such as  
2 complying with sections 1111 and  
3 1116 of the Elementary and Sec-  
4 ondary Education Act of 1965 and  
5 providing a full range of education  
6 and related services, including services  
7 applicable to students with disabil-  
8 ities).

9 “(D) SCHOOL INELIGIBILITY.—A separate  
10 school described in subparagraph (B) that fails  
11 to meet the standards, regulations, and man-  
12 dates described in subparagraph (C)(iv)(II)  
13 shall not be eligible to receive funds under this  
14 subtitle for programs carried out in such school  
15 after the first date of such failure.

16 “(E) LOCAL EDUCATIONAL AGENCY RE-  
17 QUIREMENTS.—For the State to be eligible to  
18 receive the funds described in subparagraph  
19 (B), the local educational agency described in  
20 subparagraph (B)(ii) shall—

21 “(i) implement a coordinated system  
22 for ensuring that homeless children and  
23 youths—

1                   “(I) are advised of the choice of  
2                   schools provided in subsection  
3                   (g)(3)(A);

4                   “(II) are immediately enrolled, in  
5                   accordance with subsection (g)(3)(C),  
6                   in the school selected under subsection  
7                   (g)(3)(A); and

8                   “(III) are promptly provided nec-  
9                   essary services described in subsection  
10                  (g)(4), including transportation, to  
11                  allow homeless children and youths to  
12                  exercise their choices of schools under  
13                  subsection (g)(3)(A);

14                  “(ii) document that written notice has  
15                  been provided—

16                  “(I) in accordance with subpara-  
17                  graph (C)(i) for each child or youth  
18                  enrolled in a separate school under  
19                  subparagraph (B); and

20                  “(II) in accordance with sub-  
21                  section (g)(6)(A)(v);

22                  “(iii) prohibit schools within the agen-  
23                  cy’s jurisdiction from referring homeless  
24                  children or youths to, or requiring home-  
25                  less children and youths to enroll in or at-

1           tend, a separate school described in sub-  
2           paragraph (B);

3           “(iv) identify and remove any barriers  
4           that exist in schools within the agency’s ju-  
5           risdiction that may have contributed to the  
6           creation or existence of separate schools  
7           described in subparagraph (B); and

8           “(v) not use funds received under this  
9           subtitle to establish—

10           “(I) new or additional separate  
11           schools for homeless children or  
12           youths; or

13           “(II) new or additional sites for  
14           separate schools for homeless children  
15           or youths, other than the sites occu-  
16           pied by the schools described in sub-  
17           paragraph (B) in fiscal year 2000.

18           “(F) REPORT.—

19           “(i) PREPARATION.—The Secretary  
20           shall prepare a report on the separate  
21           schools and local educational agencies de-  
22           scribed in subparagraph (B) that receive  
23           funds under this subtitle in accordance  
24           with this paragraph. The report shall con-  
25           tain, at a minimum, information on—

1                   “(I) compliance with all require-  
2                   ments of this paragraph;

3                   “(II) barriers to school access in  
4                   the school districts served by the local  
5                   educational agencies; and

6                   “(III) the progress the separate  
7                   schools are making in integrating  
8                   homeless children and youths into the  
9                   mainstream school environment, in-  
10                  cluding the average length of student  
11                  enrollment in such schools.

12                  “(ii) COMPLIANCE WITH INFORMA-  
13                  TION REQUESTS.—For purposes of ena-  
14                  bling the Secretary to prepare the report,  
15                  the separate schools and local educational  
16                  agencies shall cooperate with the Secretary  
17                  and the Coordinator for Education of  
18                  Homeless Children and Youths established  
19                  in the State under subsection (d)(3), and  
20                  shall comply with any requests for infor-  
21                  mation by the Secretary and State Coordi-  
22                  nator for such State.

23                  “(iii) SUBMISSION.—Not later than  
24                  two years after the date of the enactment  
25                  of the McKinney-Vento Homeless Edu-

1 cation Assistance Improvements Act of  
2 2007, the Secretary shall submit the report  
3 described in clause (i) to—

4 “(I) the President;

5 “(II) the Committee on Edu-  
6 cation and Labor of the House of  
7 Representatives; and

8 “(III) the Committee on Health,  
9 Education, Labor, and Pensions of  
10 the Senate.

11 “(G) DEFINITION.—For purposes of this  
12 paragraph, the term ‘covered county’ means—

13 “(i) San Joaquin County, California;

14 “(ii) Orange County, California;

15 “(iii) San Diego County, California;

16 and

17 “(iv) Maricopa County, Arizona.

18 “(f) FUNCTIONS OF THE OFFICE OF COORDI-  
19 NATOR.—The Coordinator for Education of Homeless  
20 Children and Youths established in each State shall—

21 “(1) gather and make publicly available reliable,  
22 valid, and comprehensive information on the nature  
23 and extent of the problems homeless children and  
24 youths have in gaining access to State-funded and  
25 local educational agency-funded preschool programs

1 and to public elementary schools and secondary  
2 schools, the difficulties in identifying the special  
3 needs of such children and youths, any progress  
4 made by the State educational agency and local edu-  
5 cational agencies in the State in addressing such  
6 problems and difficulties, and the success of the pro-  
7 grams under this subtitle in allowing homeless chil-  
8 dren and youths to enroll in, attend, and succeed in,  
9 school;

10 “(2) develop and carry out the State plan de-  
11 scribed in subsection (g);

12 “(3) collect and transmit to the Secretary, at  
13 such time and in such manner as the Secretary may  
14 require, reports containing such information as the  
15 Secretary determines is necessary to assess the edu-  
16 cational needs of all homeless children and youths  
17 within the State, including data requested pursuant  
18 to subsection (h) of section 724;

19 “(4) in order to improve the provision of com-  
20 prehensive education and related services to home-  
21 less children and youths and their families, and to  
22 minimize educational disruption for such children  
23 and youth and their families, coordinate and collabo-  
24 rate with—



1           “(A) educators, including special education  
2           personnel, State-funded and local educational  
3           agency-funded preschool program personnel,  
4           and personnel from programs provided under ti-  
5           tles I, III, and IV of the Elementary and Sec-  
6           ondary Education Act of 1965 and similar  
7           State programs;

8           “(B) state and local providers of services  
9           to homeless children, and youths (including un-  
10          accompanied youths), and homeless families, in-  
11          cluding child welfare and social services agen-  
12          cies, law enforcement, juvenile and family  
13          courts, agencies providing mental health serv-  
14          ices, domestic violence agencies, child care pro-  
15          viders, runaway and homeless youth centers,  
16          and services and programs funded under the  
17          Runaway and Homeless Youth Act (42 U.S.C.  
18          5701 et seq.);

19          “(C) state and local providers of emer-  
20          gency, transitional, and permanent housing to  
21          homeless children, youths, and families, includ-  
22          ing public housing agencies, shelter operators,  
23          transitional housing facilities, and transitional  
24          living programs for homeless youths;

1           “(D) local educational agency liaisons des-  
2           gnated under subsection (g)(1)(J)(ii) for home-  
3           less children and youths; and

4           “(E) community organizations and groups  
5           representing homeless children and youths and  
6           their families; and

7           “(5) provide technical assistance to and conduct  
8           monitoring and oversight of local educational agen-  
9           cies, in coordination with local educational agency li-  
10          aisons designated under subsection (g)(1)(J)(ii), to  
11          ensure that local educational agencies comply with  
12          the requirements of section 722(e)(3) and para-  
13          graphs (3) through (7) of subsection (g).

14          “(g) STATE PLAN.—

15                 “(1) IN GENERAL.—Each State shall submit to  
16                 the Secretary and implement a plan to provide for  
17                 the education of all homeless children and youths  
18                 within the State. Such plan shall include the fol-  
19                 lowing:

20                         “(A) A description of how such children  
21                         and youths are (or will be) given the oppor-  
22                         tunity to meet the same challenging State aca-  
23                         demic achievement standards all students are  
24                         expected to meet.

1           “(B) An assurance that the State edu-  
2           cational agency and the local educational agen-  
3           cy will adopt policies and practices to ensure  
4           that all such children and youths, including  
5           children and youths separated from public  
6           schools, are identified and served.

7           “(C) A description of procedures for the  
8           prompt resolution of disputes arising under this  
9           subtitle, which shall—

10           “(i) ensure that local educational  
11           agencies have developed dispute resolution  
12           procedures which, at a minimum—

13           “(I) are developed in coordina-  
14           tion and collaboration with the liai-  
15           sons designated under subsection  
16           (g)(1)(J)(ii);

17           “(II) are accessible to parents  
18           and guardians of homeless children  
19           and youths and unaccompanied  
20           youths;

21           “(III) provide such parents,  
22           guardians, and youths with sufficient  
23           opportunity to present their com-  
24           plaints; and

1                   “(IV) ensures that the personnel  
2                   designated by the local educational  
3                   agency to carry out dispute resolu-  
4                   tions have received training on the re-  
5                   quirements of this subtitle.

6                   “(ii) ensure that parents and guard-  
7                   ians of homeless children and youths and  
8                   unaccompanied youths who have exhausted  
9                   the procedures available under clause (i)  
10                  are able to appeal to the State educational  
11                  agency, which shall render decisions that  
12                  are binding on the relevant local edu-  
13                  cational agencies;

14                  “(iii) define the role of the Coordi-  
15                  nator for Education of Homeless Children  
16                  and Youths in the State in the dispute res-  
17                  olution procedures for disputes appealed to  
18                  the State educational agency;

19                  “(iv) include procedures to resolve dis-  
20                  putes between local educational agencies  
21                  promptly;

22                  “(v) ensure that homeless children  
23                  and youths are enrolled in school pursuant  
24                  to subsection (g)(3)(E) and receive trans-  
25                  portation pursuant to subsection

1 (g)(1)(J)(iii) pending final resolution of  
2 disputes, including all available local and  
3 State dispute resolution procedures and  
4 pending legal actions; and

5 “(vi) include procedures for State or  
6 local educational agencies to determine the  
7 need for, and ensure the delivery of, sup-  
8 plemental academic support in cases where  
9 a local educational agency has unlawfully  
10 denied a student access to school or school  
11 services, including transportation.

12 “(D) A description of programs for school  
13 personnel (including liaisons, principals, attend-  
14 ance officers, teachers, enrollment personnel,  
15 and specialized instructional support services  
16 personnel) to heighten the awareness of such  
17 personnel of the specific needs of runaway and  
18 homeless youths.

19 “(E) A description of procedures that en-  
20 sure that homeless children and youths are able  
21 to participate in Federal, State, or local food  
22 programs.

23 “(F) A description of procedures that en-  
24 sure that—

1                   “(i) homeless children have access to  
2                   State-funded and local educational agency-  
3                   funded preschool programs, including  
4                   through the policies and practices required  
5                   under subsection (g)(7);

6                   “(ii) homeless youths, including such  
7                   youths who are separated from the public  
8                   schools, are identified and accorded access  
9                   to appropriate secondary education and  
10                  support services, including through the im-  
11                  plementation of policies and practices that  
12                  lift barriers to on time graduation for such  
13                  youth, such as policies that address full or  
14                  partial coursework completed at prior  
15                  schools and credit recovery opportunities;

16                  “(iii) homeless children and youths  
17                  who meet the relevant eligibility criteria  
18                  have access to magnet school, summer  
19                  school, career and technical education pro-  
20                  grams, advanced placement programs, and  
21                  charter school programs; and

22                  “(iv) homeless children and youths  
23                  have access to extracurricular activities,  
24                  athletic activities for which they meet skill  
25                  level requirements, and before and after

1 school programs, as made available to non-  
2 homeless students including through poli-  
3 cies and practices that remove barriers re-  
4 lated to fees, credit accrual policies, guard-  
5 ianship, enrollment and participation dead-  
6 lines, and transportation issues.

7 “(G) An assurance that the State edu-  
8 cational agency and local educational agencies  
9 will ensure that homeless children and youths  
10 have opportunities to meet the same challenging  
11 State student academic achievement standards  
12 to which other students are held, including  
13 through policies and practices described in  
14 clause (iv).

15 “(H) Strategies to address problems iden-  
16 tified in the report provided to the Secretary  
17 under subsection (f)(3).

18 “(I) Strategies to address other problems  
19 with respect to the education of homeless chil-  
20 dren and youths, including problems of enroll-  
21 ment related to—

22 “(i) immunization and other required  
23 health records and screenings;

24 “(ii) residency requirements;

1 “(iii) lack of birth certificates, school  
2 records, or other documentation;

3 “(iv) guardianship issues; or

4 “(v) uniform or dress code require-  
5 ments.

6 “(J) A demonstration that the State edu-  
7 cational agency and local educational agencies  
8 in the State regularly review and revise policies  
9 and practices to remove barriers to the enroll-  
10 ment, attendance, retention, and success of  
11 homeless children and youths in schools and in  
12 State-funded and local educational agency-fund-  
13 ed preschool programs in the State.

14 “(K) Assurances that the following will be  
15 carried out:

16 “(i) The State educational agency and  
17 local educational agencies will adopt poli-  
18 cies and practices to ensure that homeless  
19 children and youths are not stigmatized or  
20 segregated on the basis of their status as  
21 homeless.

22 “(ii) Local educational agencies will  
23 designate a staff person, who may also be  
24 a coordinator for other Federal programs,  
25 as the local educational agency liaison for



1           homeless children and youths, and provide  
2           training and appropriate capacity for such  
3           staff person to carry out the duties de-  
4           scribed in paragraph (6)(A).

5           “(iii) The State and its local edu-  
6           cational agencies will adopt policies and  
7           practices to ensure that transportation is  
8           provided, at the request of the parent or  
9           guardian (or in the case of an unaccom-  
10          panied youth, the liaison), to and from the  
11          school of origin, [(notwithstanding any  
12          change to the housing status of such child  
13          or youth),] for as long as the homeless  
14          child or youth has the right to attend the  
15          school of origin, as determined in para-  
16          graph (3)(A), in accordance with the fol-  
17          lowing, as applicable:

18               “(I) If the homeless child or  
19               youth continues to live in the area  
20               served by the local educational agency  
21               in which the school of origin is lo-  
22               cated, the child’s or youth’s transpor-  
23               tation to and from the school of origin  
24               shall be provided or arranged by the

1 local educational agency in which the  
2 school of origin is located.

3 “(II) If the homeless child’s or  
4 youth’s living arrangements in the  
5 area served by the local educational  
6 agency of origin terminate and the  
7 child or youth, though continuing his  
8 or her education in the school of ori-  
9 gin, begins living in an area served by  
10 another local educational agency, the  
11 local educational agency of origin and  
12 the local educational agency in which  
13 the child or youth is living shall share  
14 equally the cost and responsibility for  
15 providing transportation to and from  
16 the school of origin, unless such local  
17 educational agencies agree upon an-  
18 other method to apportion cost and  
19 responsibility, or the State educational  
20 agency has devised another method to  
21 apportion cost and responsibility  
22 among local educational agencies.

23 “(2) COMPLIANCE.—

24 “(A) IN GENERAL.—Each plan adopted  
25 under this subsection shall also describe how

1 the State will ensure that local educational  
2 agencies in the State will comply with the re-  
3 quirements of paragraphs (3) through (7).

4 “(B) COORDINATION.—Such plan shall in-  
5 dicate what technical assistance the State will  
6 furnish to local educational agencies and how  
7 compliance efforts will be coordinated with the  
8 local educational agency liaisons designated  
9 under paragraph (1)(J)(ii).

10 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-  
11 MENTS.—

12 “(A) IN GENERAL.—The local educational  
13 agency serving each child or youth to be as-  
14 sisted under this subtitle shall, according to the  
15 child’s or youth’s educational best interest—

16 “(i) continue the child’s or youth’s  
17 education in the school of origin for the  
18 duration of homelessness—

19 “(I) in any case in which a child  
20 or youth becomes homeless between  
21 academic years or during an academic  
22 year, and

23 “(II) for the remainder of the  
24 academic year, if the child or youth

1 becomes permanently housed during  
2 an academic year; or

3 “(ii) enroll the child or youth in any  
4 public school that nonhomeless students  
5 who live in the attendance area in which  
6 the child or youth is actually living are eli-  
7 gible to attend.

8 “(B) BEST INTEREST AND SCHOOL STA-  
9 BILITY.—In determining the educational best  
10 interest of the child or youth under subpara-  
11 graph (A), and to promote the school stability  
12 of the child or youth, the local educational  
13 agency shall—

14 “(i) presume that continuing in the  
15 school of origin is in the child’s or youth’s  
16 best interest, except when doing so is con-  
17 trary to the wishes of the child’s or youth’s  
18 parent or guardian or the unaccompanied  
19 youth;

20 “(ii) consider student-centered factors  
21 related to the child’s or youth’s educational  
22 best interest, in coordination with the par-  
23 ent, guardian, or youth, including—

1                   “(I) the impact of school mobility  
2                   on academic achievement and social  
3                   and emotional well-being;

4                   “(II) the age of the child or  
5                   youth;

6                   “(III) the impact any commute  
7                   may have on the child’s or youth’s  
8                   education;

9                   “(IV) personal safety issues;

10                  “(V) the child’s or youth’s need  
11                  for special education and related serv-  
12                  ices;

13                  “(VI) the length of anticipated  
14                  stay in temporary shelter or other  
15                  temporary location;

16                  “(VII) the time remaining in the  
17                  school year; and

18                  “(VIII) the school placement of  
19                  family members;

20                  “(iii) provide the child’s or youth’s  
21                  parent or guardian or the unaccompanied  
22                  youth with a written explanation, in a  
23                  manner and form understandable to such  
24                  parent, guardian, or youth, including a  
25                  statement regarding the right to appeal de-

1           cisions under subparagraph (E), if the  
2           local educational agency determines that it  
3           is not in the child’s or youth’s best interest  
4           to attend the school of origin or the school  
5           requested by the parent, guardian, or  
6           youth;

7           “(iv) in the case of an unaccompanied  
8           youth, ensure that the homeless liaison  
9           designated under paragraph (1)(J)(ii) as-  
10          sists in placement or enrollment decisions  
11          under this subparagraph, considers the  
12          views of such unaccompanied youth, and  
13          provides notice to such youth of the right  
14          to appeal decisions under subparagraph  
15          (E); and

16          “(v) provide transportation pursuant  
17          to subsections (g)(1)(J)(iii) and (g)(4).

18          “(C) ENROLLMENT.—

19          “(i) IN GENERAL.—The school se-  
20          lected in accordance with this paragraph  
21          shall immediately enroll the homeless child  
22          or youth, even if the child or youth—

23                  “(I) is unable to produce records  
24                  normally required for enrollment, in-  
25                  cluding previous academic records, im-

1                   munization and other required health  
2                   records and screenings, proof of resi-  
3                   dency, proof of guardianship, or other  
4                   documentation;

5                   “**(II)** is unable to pay fees in the  
6                   school selected; or

7                   “**(III)** has missed application  
8                   deadlines, if applicable, during any pe-  
9                   riod of homelessness.

10                  “(ii)       **RELEVANT       ACADEMIC**  
11                  **RECORDS.**—The enrolling school shall im-  
12                  mediately contact the school last attended  
13                  by the child or youth to obtain relevant  
14                  academic and other records.

15                  “**(iii) IMMUNIZATIONS.**—If the child  
16                  or youth needs to obtain immunizations, or  
17                  immunization or other required health  
18                  records or screenings, the enrolling school  
19                  shall immediately enroll the child or youth  
20                  and refer the parent or guardian of the  
21                  child or youth, or the unaccompanied  
22                  youth, to the local educational agency liai-  
23                  son designated under paragraph (1)(J)(ii),  
24                  who shall assist in obtaining necessary im-  
25                  munizations, or immunization or other re-

1           quired health records or screenings, in ac-  
2           cordance with subparagraph (D).

3           “(D) RECORDS.—Any record ordinarily  
4           kept by the school, including immunization and  
5           other health records and screenings, academic  
6           records, birth certificates, guardianship records,  
7           and evaluations for special services or pro-  
8           grams, regarding each homeless child or youth  
9           shall be—

10           “(i) maintained so that the records  
11           are available, in a timely fashion, when a  
12           child or youth enters a new school or  
13           school district;

14           “(ii) immediately sent to the enrolling  
15           school, even if the student owes fees or  
16           fines or was not withdrawn from the pre-  
17           vious school in conformance with local  
18           withdrawal procedures; and

19           “(iii) maintained in a manner con-  
20           sistent with section 444 of the General  
21           Education Provisions Act (20 U.S.C.  
22           1232g).

23           “(E) DISPUTES.—If a dispute arises over  
24           eligibility for services, school selection, enroll-



1           ment in a school, or any provision under this  
2 subtitle—

3                   “(i) the child or youth shall be imme-  
4 diately enrolled in the school in which en-  
5 rollment is sought, pending final resolution  
6 of the dispute, including all available ap-  
7 peals;

8                   “(ii) the parent, guardian, or unac-  
9 companied youth shall be provided with  
10 written explanations of the decisions re-  
11 garding the subject of the dispute made by  
12 the school, the local educational agency, or  
13 the State educational agency, which shall  
14 include information about the right to ap-  
15 peal the decisions;

16                   “(iii) the parent, guardian, or unac-  
17 companied youth shall be referred to the  
18 local educational agency liaison designated  
19 under paragraph (1)(J)(ii), who shall carry  
20 out the dispute resolution process as de-  
21 scribed in paragraph (1)(C) as expedi-  
22 tiously as possible after receiving notice of  
23 the dispute; and

24                   “(iv) in the case of an unaccompanied  
25 youth, the homeless liaison shall ensure

1           that the youth is immediately enrolled in  
2           the school in which the youth seeks enroll-  
3           ment pending resolution of the dispute.

4           “(F) PLACEMENT CHOICE.—The choice re-  
5           garding placement shall be made regardless of  
6           whether the child or youth lives with the home-  
7           less parents or has been temporarily placed  
8           elsewhere.

9           “(G) SCHOOL OF ORIGIN DEFINED.—In  
10          this paragraph, the term ‘school of origin’  
11          means the school that the child or youth at-  
12          tended when permanently housed or the school  
13          in which the child or youth was last enrolled.  
14          Upon the child or youth completing the final  
15          grade level served by the school of origin, the  
16          term ‘school of origin’ shall include the des-  
17          ignated receiving school at the next grade level  
18          for all feeder schools.

19          “(H) CONTACT INFORMATION.—Nothing  
20          in this subtitle shall prohibit a local educational  
21          agency from requiring a parent or guardian of  
22          a homeless child to submit contact information.

23          “(I) PRIVACY.—

24                 “(i) IN GENERAL.—Information about  
25                 a homeless child’s or youth’s housing sta-

1           tus, location, or condition of homelessness  
2           shall be treated as a student education  
3           record under section 444 of the General  
4           Education Provisions Act (20 U.S.C.  
5           1232g) and shall not be released to hous-  
6           ing providers, employers, or other persons  
7           or agencies not authorized under section  
8           99.31 of Part 34 of the Code of Federal  
9           Regulations.

10           “(ii) COMPLIANCE.—In complying  
11           with the provisions of this subparagraph,  
12           the local educational agency shall prioritize  
13           activities that prevent the disruption of the  
14           child’s or youth’s living situation and that  
15           support the safety of survivors of domestic  
16           violence and unaccompanied youths.

17           “(4) COMPARABLE SERVICES.—In addition to  
18           services provided for homeless children and youths  
19           under this subtitle or other Federal, State, or local  
20           law or regulation each homeless child or youth to be  
21           assisted under this subtitle also shall be provided  
22           services comparable to services offered to other stu-  
23           dents in the school selected under paragraph (3), in-  
24           cluding the following:

25           “(A) Transportation services.

1           “(B) Educational services for which the  
2 child or youth meets the eligibility criteria, in-  
3 cluding charter schools, magnet schools, edu-  
4 cational programs for children with disabilities,  
5 and educational programs for students with  
6 limited English proficiency.

7           “(C) Programs in career and technical  
8 education.

9           “(D) Programs for gifted and talented stu-  
10 dents.

11           “(E) School nutrition programs.

12           “(5) COORDINATION.—

13           “(A) IN GENERAL.—Each local educational  
14 agency serving homeless children and youths  
15 shall coordinate—

16           “(i) the provision of services under  
17 this subtitle with local social services agen-  
18 cies and other agencies or programs pro-  
19 viding services to homeless children and  
20 youths and their families, including serv-  
21 ices and programs funded under the Run-  
22 away and Homeless Youth Act (42 U.S.C.  
23 5701 et seq.) and other agencies serving  
24 unaccompanied youths, child welfare agen-  
25 cies, child care agencies, Head Start pro-

1                   grams, local programs administering State-  
2                   funded preschool programs, and agencies  
3                   providing mental health services;

4                   “ (ii) with other local educational  
5                   agencies on interdistrict issues, including  
6                   transportation and transfer of school  
7                   records;

8                   “ (iii) the provision of services under  
9                   this subtitle with other education pro-  
10                  grams, including programs provided  
11                  under—

12                   “ (I) titles I, III, and IV of the  
13                   Elementary and Secondary Education  
14                   Act of 1965 and similar State and  
15                   local programs, programs in career  
16                   and technical education, before and  
17                   after school programs, summer school  
18                   programs, programs provided for stu-  
19                   dents with disabilities, students with  
20                   limited English proficiency, and gifted  
21                   and talented students; and

22                   “ (II) the Individuals with Dis-  
23                   abilities Education Act and section  
24                   504 of the Rehabilitation Act of 1973;  
25                   and

1                   “(iv) with State and local agencies  
2                   and organizations providing emergency,  
3                   transitional, and permanent housing and  
4                   other services to homeless families and un-  
5                   accompanied youths.

6                   “(B) COORDINATION PURPOSE.—The co-  
7                   ordination required under subparagraph (A)  
8                   shall be designed to—

9                   “(i) ensure that homeless children and  
10                  youths have access and reasonable prox-  
11                  imity to available education and related  
12                  support services, including through efforts  
13                  to—

14                  “(I) decrease the school mobility  
15                  and time and length of commute to  
16                  and from school of children and  
17                  youths;

18                  “(II) raise the awareness of  
19                  school personnel and service providers  
20                  of the effects of short-term stays in a  
21                  shelter and other challenges associ-  
22                  ated with homelessness; and

23                  “(III) minimize educational dis-  
24                  ruption for homeless children and  
25                  youth.

1 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

2 “(A) DUTIES.—Each local educational  
3 agency liaison for homeless children and youths,  
4 designated under paragraph (1)(J)(ii), shall en-  
5 sure that—

6 “(i) homeless children and youths are  
7 identified by school personnel, through out-  
8 reach and coordination activities with other  
9 entities and agencies, and through the poli-  
10 cies and practices implemented pursuant to  
11 subsection (g)(1)(B);

12 “(ii) homeless children and youths en-  
13 roll in, and have a full and equal oppor-  
14 tunity to succeed in, schools of that local  
15 educational agency;

16 “(iii) homeless families, children, and  
17 youths receive educational services for  
18 which such families, children, and youths  
19 are eligible, including Head Start and  
20 Even Start programs and State-funded  
21 and local educational agency-funded pre-  
22 school programs, and referrals to health  
23 care services, dental services, mental health  
24 services, substance abuse services, housing  
25 services, and other appropriate services;

1                   “(iv) the parents or guardians of  
2                   homeless children and youths are informed  
3                   of the educational and related opportuni-  
4                   ties available to their children, including  
5                   preschool opportunities, and are provided  
6                   with meaningful opportunities to partici-  
7                   pate in the education of their children;

8                   “(v) public notice of the educational  
9                   rights of homeless children and youths, in-  
10                  cluding procedures for dispute resolution,  
11                  is disseminated in locations accessible to  
12                  parents or guardians of such children and  
13                  youths and unaccompanied youths, includ-  
14                  ing schools, shelters, and soup kitchens, in  
15                  a manner and form understandable to par-  
16                  ents and guardians of homeless children  
17                  and youth and unaccompanied youths;

18                  “(vi) disputes are resolved in accord-  
19                  ance with paragraph (3)(E);

20                  “(vii) the parent or guardian of a  
21                  homeless child or youth, and any unaccom-  
22                  panied youth, is fully informed of all trans-  
23                  portation services, including transportation  
24                  to the school of origin, as described in  
25                  paragraph (1)(J)(iii), and is assisted in ac-



1           cessing transportation to the school that is  
2           selected under paragraph (3)(A);

3           “(viii) school personnel are adequately  
4           prepared to implement this subtitle and re-  
5           ceive the professional development, re-  
6           source materials, and technical assistance  
7           necessary to carry out the services made  
8           available under this subtitle; and

9           “(ix) unaccompanied youths are en-  
10          rolled in school and have opportunities to  
11          meet the same challenging State student  
12          academic achievement standards to which  
13          other students are held, including through  
14          implementation of the policies and prac-  
15          tices required by subsections (g)(1)(F).

16          “(B) NOTICE.—State coordinators estab-  
17          lished under subsection (d)(3) and local edu-  
18          cational agencies shall inform school personnel,  
19          service providers, and advocates working with  
20          homeless families of the contact information for  
21          local educational agency liaisons designated by  
22          the local educational agencies and the duties of  
23          such liaisons.

24          “(C) LOCAL AND STATE COORDINATION.—  
25          Local educational agency liaisons for homeless

1 children and youths shall, as a part of their du-  
2 ties, coordinate and collaborate with State coor-  
3 dinators and community and school personnel  
4 responsible for the provision of education and  
5 related services to homeless children and  
6 youths. Such coordination shall include col-  
7 lecting and providing to the State coordinator  
8 the data needed to meet the requirements of  
9 subsections (f)(1) and (f)(3).

10 “(D) PROFESSIONAL DEVELOPMENT.—  
11 Local educational agency liaisons for homeless  
12 children and youths shall participate in the pro-  
13 fessional development and other technical as-  
14 sistance activities provided by the State coordi-  
15 nator pursuant to subsection (f)(6).

16 “(7) SCHOOL READINESS FOR HOMELESS CHIL-  
17 DREN.—

18 “(A) STATE AND LOCAL EDUCATIONAL  
19 AGENCIES.—Each State educational agency and  
20 local educational agency shall ensure that pre-  
21 school programs funded, administered, or over-  
22 seen by each such agency—

23 “(i) comply with the requirements of  
24 subsections (g)(3) and (g)(4);

1                   “(ii) identify homeless children for en-  
2                   rollment and increase their enrollment and  
3                   attendance in preschool programs, includ-  
4                   ing through policies such as—

5                               “(I) reserving spaces for pre-  
6                               school programs for young children;

7                               “(II) conducting targeted out-  
8                               reach to homeless children and their  
9                               families;

10                              “(III) waiving application dead-  
11                              lines; and

12                              “(IV) providing ongoing profes-  
13                              sional development for staff regarding  
14                              the needs of homeless children and  
15                              their families and strategies to serve  
16                              them; and

17                              “(iii) review the educational and re-  
18                              lated needs of homeless children and their  
19                              families in their service areas, in coordina-  
20                              tion with the liaison designated under sub-  
21                              section (g)(1)(J)(ii), and develop policies  
22                              and practices to meet such needs.

23                              “(B) OTHER STATE AGENCIES.—In the  
24                              case of State-funded preschool programs that  
25                              are not funded, administered, or overseen by

1 the State educational agency or a local edu-  
2 cational agency, the State agency that funds  
3 such preschool programs shall—

4 “(i) develop, review, and revise its  
5 policies and practices to remove barriers to  
6 the enrollment, attendance, retention, and  
7 success of homeless children in preschool  
8 programs funded, administered, or over-  
9 seen by the agency;

10 “(ii) comply with subsections (g)(3)  
11 and (g)(4), except that such programs—

12 “(I) shall not be subject to the  
13 dispute resolution procedures of the  
14 State educational agency or local edu-  
15 cational agencies, but shall ensure  
16 that all of the dispute resolution pro-  
17 cedures available through such pro-  
18 grams and the State agency that  
19 funds, administers, or oversees such  
20 programs are accessible to parents  
21 and guardians of homeless children  
22 and shall provide such parents and  
23 guardians with a written explanation  
24 of their dispute and appeal rights; and

1                   “(II) shall not be subject to the  
2                   transportation requirements of sub-  
3                   sections (g)(1)(J)(iii) or (g)(3)(B)(v),  
4                   but shall remove barriers to existing  
5                   transportation services for homeless  
6                   children and shall, to the maximum  
7                   extent practicable, arrange or provide  
8                   transportation for homeless children  
9                   to attend preschool programs, includ-  
10                  ing their preschool program of origin;  
11                  “(iii) identify homeless children for  
12                  enrollment and increase their enrollment  
13                  and attendance in preschool programs, in-  
14                  cluding through policies such as—  
15                       “(I) reserving spaces in preschool  
16                       programs for young children;  
17                       “(II) conducting targeted out-  
18                       reach to homeless children and their  
19                       families;  
20                       “(III) waiving application dead-  
21                       lines; and  
22                       “(IV) providing ongoing profes-  
23                       sional development for staff regarding  
24                       the needs of homeless children and

1                   their families and strategies to serve  
2                   them; and

3                   “(iv) review the educational and re-  
4                   lated needs of homeless children and their  
5                   families in the State, in coordination with  
6                   the Office of the Coordinator for Edu-  
7                   cation of Homeless Children and Youths  
8                   established under subsection (d)(3), and  
9                   develop policies and practices to meet iden-  
10                  tified needs.

11                  “(C) NO DIMINISHMENT OF POWER.—  
12                  Nothing in this subtitle shall be construed to di-  
13                  minish the rights of homeless parents, children  
14                  or youth otherwise provided under State law.

15   **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**  
16                   **THE EDUCATION OF HOMELESS CHILDREN**  
17                   **AND YOUTHS.**

18                  “(a) GENERAL AUTHORITY.—

19                  “(1) IN GENERAL.—The State educational  
20                  agency shall, in accordance with section 722(e), and  
21                  from amounts made available to such agency under  
22                  section 726, make subgrants to local educational  
23                  agencies for the purpose of facilitating the enroll-  
24                  ment, attendance, and success in school of homeless  
25                  children and youths.

1 “(2) SERVICES.—

2 “(A) IN GENERAL.—Services under para-  
3 graph (1)—

4 “(i) may be provided through pro-  
5 grams on school grounds or at other facili-  
6 ties; and

7 “(ii) shall, to the maximum extent  
8 practicable, be provided through existing  
9 programs and mechanisms that integrate  
10 homeless children and youths with non-  
11 homeless children and youths.

12 “(B) SERVICES ON SCHOOL GROUNDS.—If  
13 services under paragraph (1) are provided on  
14 school grounds, schools—

15 “(i) may use funds under this subtitle  
16 to provide the same services to other chil-  
17 dren and youths who are determined by  
18 the local educational agency to be at risk  
19 of failing in, or dropping out of, school,  
20 subject to the requirements of clause (ii);  
21 and

22 “(ii) except as otherwise provided in  
23 section 722(e)(3)(B), shall not provide  
24 services in settings within a school that  
25 segregate homeless children and youths

1 from other children and youths, except as  
2 necessary for short periods of time—

3 “(I) for health and safety emer-  
4 gencies; or

5 “(II) to provide temporary, spe-  
6 cial, and supplementary services to  
7 meet the unique needs of homeless  
8 children and youths.

9 “(3) REQUIREMENT.—Services provided under  
10 this section shall not replace the regular academic  
11 program and shall be designed to expand upon or  
12 improve services provided as part of the school’s reg-  
13 ular academic program.

14 “(b) APPLICATION.—A local educational agency that  
15 desires to receive a subgrant under this section shall sub-  
16 mit an application to the State educational agency at such  
17 time, in such manner, and containing or accompanied by  
18 such information as the State educational agency may rea-  
19 sonably require. Such application shall include the fol-  
20 lowing:

21 “(1) An assessment of the educational and re-  
22 lated needs of homeless children and youths in the  
23 area served by such agency (which may be under-  
24 taken as part of needs assessments for other dis-  
25 advantaged groups).



1           “(2) A description of the services and programs  
2 for which assistance is sought to address the needs  
3 identified in paragraph (1).

4           “(3) An assurance that the local educational  
5 agency’s combined fiscal effort per student, or the  
6 aggregate expenditures of that agency and the State  
7 with respect to the provision of free public education  
8 by such agency for the fiscal year preceding the fis-  
9 cal year for which the determination is made, was  
10 not less than 90 percent of such combined fiscal ef-  
11 fort or aggregate expenditures for the second fiscal  
12 year preceding the fiscal year for which the deter-  
13 mination is made.

14           “(4) An assurance that the applicant complies  
15 with, or will use requested funds to comply with,  
16 paragraphs (3) through (7) of section 722(g).

17           “(5) A description of policies and procedures  
18 consistent with section 722(e)(3), that the agency  
19 will implement to ensure that activities carried out  
20 by the agency will not isolate or stigmatize homeless  
21 children and youths.

22           “(6) An assurance that the local educational  
23 agency will collect and promptly provide data re-  
24 quested by the State coordinator pursuant to sub-  
25 sections (f)(1) and (f)(3) of section 722.

1           “(7) A description of the policies and practices  
2 the local educational agency has implemented to re-  
3 move barriers to the enrollment, attendance, and  
4 success in school of all homeless children and  
5 youths.

6           “(c) AWARDS.—

7           “(1) IN GENERAL.—The State educational  
8 agency shall, in accordance with the requirements of  
9 this subtitle and from amounts made available to it  
10 under section 726, make competitive subgrants to  
11 local educational agencies that submit applications  
12 under subsection (b). Such subgrants shall be  
13 awarded on the basis of the need of such agencies  
14 for assistance under this subtitle and the quality of  
15 the applications submitted.

16           “(2) NEED.—In determining need under para-  
17 graph (1), the State educational agency may con-  
18 sider the number of homeless children and youths  
19 enrolled in State-funded or local educational agency-  
20 funded preschool programs and in elementary and  
21 secondary schools within the area served by the local  
22 educational agency, and shall consider the needs of  
23 such children and youths and the ability of the local  
24 educational agency to meet such needs. The State  
25 educational agency may also consider the following:

1           “(A) The extent to which the proposed use  
2 of funds will facilitate the enrollment, retention,  
3 and educational success of homeless children  
4 and youths.

5           “(B) The extent to which the application—

6                 “(i) reflects coordination with other  
7 local and State agencies that serve home-  
8 less children and youths; and

9                 “(ii) describes how the applicant will  
10 meet the requirements of section  
11 722(g)(3).

12           “(C) The extent to which the applicant ex-  
13 hibits in the application and in current practice  
14 a commitment to education for all homeless  
15 children and youths.

16           “(D) Such other criteria as the State agen-  
17 cy determines appropriate.

18           “(3) QUALITY.—In determining the quality of  
19 applications under paragraph (1), the State edu-  
20 cational agency shall consider the following:

21                 “(A) The applicant’s needs assessment  
22 under subsection (b)(1) and the likelihood that  
23 the program presented in the application will  
24 meet such needs.

1           “(B) The types, intensity, and coordination  
2 of the services to be provided under the pro-  
3 gram.

4           “(C) The meaningful involvement of par-  
5 ents or guardians of homeless children or  
6 youths in the education of their children.

7           “(D) The extent to which homeless chil-  
8 dren and youths will be integrated within the  
9 regular education program.

10           “(E) The quality of the applicant’s evalua-  
11 tion plan for the program.

12           “(F) The extent to which services provided  
13 under this subtitle will be coordinated with  
14 other services available to homeless children  
15 and youths and their families, including housing  
16 and child welfare services and services provided  
17 under the Individuals with Disabilities Edu-  
18 cation Act, title I of the Elementary and Sec-  
19 ondary Education Act of 1965, and similar  
20 State and local programs.

21           “(G) The extent to which the local edu-  
22 cational agency uses the subgrant to leverage  
23 resources, including by maximizing funds not  
24 provided under this subtitle for the position of  
25 the liaison and the provision of transportation.

1           “(H) The reservation of funds under sec-  
2           tion 1113(c)(3) of the Elementary and Sec-  
3           ondary Education Act of 1965 for homeless  
4           children and youth and the applicant’s plan for  
5           using such reserved funds to meet the needs de-  
6           scribed in the needs assessment conducted pur-  
7           suant to subsection (b)(1).

8           “(I) Such other measures as the State edu-  
9           cational agency considers indicative of a high-  
10          quality program, including the extent to which  
11          the local educational agency will provide case  
12          management or related services to unaccom-  
13          panied youths and young children.

14          “(4) DURATION OF GRANTS.—Grants awarded  
15          under this section shall be for terms not to exceed  
16          three years.

17          “(d) AUTHORIZED ACTIVITIES.—A local educational  
18          agency may use funds awarded under this section for ac-  
19          tivities that carry out the purpose of this subtitle, includ-  
20          ing the following:

21                 “(1) The provision of tutoring, supplemental in-  
22                 struction, and enriched educational services that are  
23                 linked to the achievement of the same challenging  
24                 State academic content standards and challenging

1 State student academic achievement standards the  
2 State establishes for other children and youths.

3 “(2) The provision of expedited evaluations of  
4 the strengths and needs of homeless children and  
5 youths, including needs and eligibility for programs  
6 and services (including educational programs for  
7 gifted and talented students, children with disabili-  
8 ties, and students with limited English proficiency,  
9 charter schools, magnet schools, and programs in ca-  
10 reer and technical education, and school nutrition  
11 programs).

12 “(3) Professional development and other activi-  
13 ties for educators and specialized instructional sup-  
14 port personnel that are designed to heighten the un-  
15 derstanding and sensitivity of such personnel to the  
16 needs of homeless children and youths, the rights of  
17 such children and youths under this subtitle, and the  
18 specific educational needs of runaway and homeless  
19 youths.

20 “(4) The provision of referral services to home-  
21 less children and youths for medical, dental, mental,  
22 and other health services.

23 “(5) The provision of assistance to defray the  
24 cost of transportation for students under sections  
25 722(g)(1)(J)(iii) and 722(g)(4)(A) and children

1 identified under section 722(g)(7), not otherwise  
2 provided through Federal, State, or local funding,  
3 where necessary to enable students to attend the  
4 school selected under section 722(g)(3).

5 “(6) The provision of developmentally appro-  
6 priate early childhood development programs, not  
7 otherwise provided through Federal, State, or local  
8 funding.

9 “(7) The provision of services and assistance to  
10 attract, engage, and retain homeless children and  
11 youths, including unaccompanied youths, in public  
12 school programs and services provided to nonhome-  
13 less children and youths.

14 “(8) The provision for homeless children and  
15 youths of before- and after-school, mentoring, and  
16 summer programs in which a teacher or other quali-  
17 fied individual provides tutoring, homework assist-  
18 ance, and supervision of educational activities.

19 “(9) If necessary, the payment of fees and  
20 other costs associated with tracking, obtaining, and  
21 transferring records necessary to enroll homeless  
22 children and youths in school (including in State-  
23 funded or local educational agency-funded preschool  
24 programs), including birth certificates, immunization  
25 or medical records, academic records, guardianship

1 records, and evaluations for special programs or  
2 services.

3 “(10) The provision of education and training  
4 to the parents of homeless children and youths about  
5 the rights of, and resources available to, such chil-  
6 dren and youths, and other activities designed to in-  
7 crease the meaningful involvement of parents or  
8 guardians of homeless children or youths in the edu-  
9 cation of their children.

10 “(11) The development of coordination between  
11 schools and agencies providing services to homeless  
12 children and youths, as described in section  
13 722(g)(5).

14 “(12) The provision of specialized instructional  
15 support services (including counseling) and referrals  
16 for such services.

17 “(13) Activities to address the particular needs  
18 of homeless children and youths that may arise from  
19 domestic violence and parental mental health or sub-  
20 stance abuse problems.

21 “(14) The adaptation of space and purchase of  
22 supplies for any nonschool facilities made available  
23 under subsection (a)(2) to provide services under  
24 this subsection.



1           “(15) The provision of school supplies, includ-  
2           ing those supplies to be distributed at shelters or  
3           temporary housing facilities, or other appropriate lo-  
4           cations.

5           “(16) The provision of assistance to defray the  
6           cost of the position of liaison designated pursuant to  
7           section 722(g)(1)(J)(ii), not otherwise provided  
8           through Federal, State, or local funding.

9           “(17) The provision of other extraordinary or  
10          emergency assistance needed to enable homeless chil-  
11          dren and youths to enroll, attend, and succeed in  
12          school, including in State-funded or local educational  
13          agency-funded preschool programs.

14   **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

15          “(a) REVIEW OF STATE PLANS.—In reviewing the  
16          State plan submitted by a State educational agency under  
17          section 722(g), the Secretary shall use a peer review proc-  
18          ess and shall evaluate whether State laws, policies, and  
19          practices described in such plan adequately address the  
20          problems of all homeless children and youths relating to  
21          access to education and placement as described in such  
22          plan.

23          “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
24          provide support and technical assistance to a State edu-

1 cational agencies to assist such agencies in carrying out  
2 their responsibilities under this subtitle.

3       “(c) NOTICE.—The Secretary shall, before the next  
4 school year that begins after the date of enactment of the  
5 McKinney-Vento Homeless Education Assistance Im-  
6 provements Act of 2007, create and disseminate nation-  
7 wide a public notice of the educational rights of homeless  
8 children and youths, including information regarding the  
9 definition of homeless children and youths in paragraph  
10 (3) of section 725, and disseminate such notice to other  
11 Department of Education offices, including offices respon-  
12 sible for special education programs and higher education  
13 and for carrying out title I, title III, title IV, and part  
14 B of title V of the Elementary and Secondary Education  
15 Act of 1965. The Secretary shall also disseminate such  
16 notice to other Federal agencies, programs, and grantees,  
17 including Head Start grantees, Health Care for the Home-  
18 less grantees, Emergency Food and Shelter grantees, Run-  
19 away and Homeless Youth Act grantees, Chafee Independ-  
20 ence Program grantees, homeless assistance programs ad-  
21 ministered by the Department of Housing and Urban De-  
22 velopment, and the Office of the Administration of Chil-  
23 dren Youth and Families of the Department of Health and  
24 Human Services.

1           “(d) EVALUATION AND DISSEMINATION.—The Sec-  
2 retary shall conduct evaluation and dissemination activi-  
3 ties of programs designed to meet the educational needs  
4 of homeless elementary and secondary school students, in-  
5 cluding homeless students who are enrolled in State-fund-  
6 ed or local educational agency-funded preschool programs,  
7 and **may** use funds appropriated under section 726 to  
8 award grants to, or enter into contracts or cooperative  
9 agreements with, eligible entities to enable the eligible en-  
10 tities to carry out such activities.

11           “(1) PRIORITIES.—The Secretary, in making  
12 an award of such grant, contract, or cooperative  
13 agreement, may give priority to programs with—

14           “(A) demonstrated experience in dissemi-  
15 nation and technical assistance activities, in-  
16 cluding using the internet and other state-of-  
17 the-art technology for efficient and cost-effec-  
18 tive dissemination of information and technical  
19 assistance;

20           “(B) demonstrated experience in the areas  
21 of homelessness, at-risk youth, and education;  
22 and

23           “(C) established collaborations and net-  
24 works among State educational agencies, local  
25 educational agencies, and national organizations

1           that provide services to homeless children,  
2           youths, and families.

3           “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
4   retary shall require applications for grants under section  
5   722 of this subtitle to be submitted to the Secretary not  
6   later than the expiration of the 120-day period beginning  
7   on the date that funds are available for purposes of mak-  
8   ing such grants and shall make such grants not later than  
9   the expiration of the 180-day period beginning on such  
10  date.

11          “(f) DETERMINATION BY SECRETARY.—The Sec-  
12  retary, based on the information received from the States  
13  and information gathered by the Secretary under sub-  
14  section (h), shall determine the extent to which State edu-  
15  cational agencies are ensuring that each homeless child  
16  and homeless youth has access to a free appropriate public  
17  education, as described in section 721(1), and shall pro-  
18  vide support and technical assistance to State educational  
19  agencies in areas in which barriers to a free appropriate  
20  public education persist for homeless children and youth.

21          “(g) PUBLICATION.—The Secretary shall develop,  
22  issue, and publish in the Federal Register, not later than  
23  90 days after the date of enactment of the [McKinney-  
24  Vento Homeless Education Assistance Improvements Act

1 of 2007], a summary of the changes enacted by that Act.

2 The summary shall include—

3 “(1) strategies by which a State may assist  
4 local educational agencies to implement the amend-  
5 ments;

6 “(2) strategies by which a State can review and  
7 revise State policies and procedures that may  
8 present barriers to the enrollment, attendance, and  
9 success of homeless children and youths; and

10 “(3) strategies by which State-funded or local  
11 educational agency-funded preschool programs can  
12 implement the requirements of section 722(g)(7).

13 “(h) INFORMATION.—

14 “(1) IN GENERAL.—From funds appropriated  
15 under section 726, the Secretary shall, directly or  
16 through grants, contracts, or cooperative agree-  
17 ments, periodically, but no less frequently than every  
18 two years, collect and disseminate publicly data and  
19 information regarding—

20 “(A) the number, and type of temporary  
21 housing locations of homeless children and  
22 youths, including such children and youths en-  
23 rolled in State-funded or local educational agen-  
24 cy-funded preschool programs, in all local edu-  
25 cational agencies;

1           “(B) the education and related services all  
2           such children and youths receive;

3           “(C) the extent to which the needs of  
4           homeless children and youths are being met;

5           “(D) the academic progress being made by  
6           homeless children and youths, including the  
7           percent or number of homeless children and  
8           youths participating in state assessments; and

9           “(E) such other data and information as  
10          the Secretary determines to be necessary and  
11          relevant to carry out this subtitle.

12          “(2) COORDINATION.—The Secretary shall co-  
13          ordinate such collection and dissemination with  
14          other agencies and entities that receive assistance  
15          and administer programs under this subtitle.

16          “(i) REPORT.—Not later than four years after the  
17          date of the enactment of the **【McKinney-Vento Homeless**  
18          **Education Assistance Improvements Act of 2007】**, the  
19          Secretary shall prepare and submit to the President and  
20          the Committee on Education and Labor of the House of  
21          Representatives and the Committee on Health, Education,  
22          Labor, and Pensions of the Senate a report on the status  
23          of education of homeless children and youths, which shall  
24          include information on—

1           “(1) the education of homeless children and  
2 youths; and

3           “(2) the actions of the Secretary and the effec-  
4 tiveness of the programs supported under this sub-  
5 title.

6 **“SEC. 725. DEFINITIONS.**

7           “For purposes of this subtitle:

8           “(1) The terms ‘enroll’ and ‘enrollment’ include  
9 attending classes and participating fully in school  
10 activities.

11           “(2) The term ‘homeless children and youths’—

12           “(A) means individuals who lack a fixed,  
13 regular, and adequate nighttime residence  
14 (within the meaning of section 103(a)(1)); and

15           “(B) includes—

16           “(i) children and youths who are shar-  
17 ing the housing of other persons due to  
18 loss of housing, economic hardship, or a  
19 similar reason, are living in motels, hotels,  
20 trailer parks, or camping grounds due to  
21 the lack of alternative adequate accom-  
22 modations, are living in emergency or tran-  
23 sitional shelters, are abandoned in hos-  
24 pitals, or are awaiting foster care place-  
25 ment;

1           “(ii) children and youths who have a  
2           primary nighttime residence that is a pub-  
3           lic or private place not designed for or or-  
4           dinarily used as a regular sleeping accom-  
5           modation for human beings (within the  
6           meaning of section 103(a)(2)(C));

7           “(iii) children and youths who are liv-  
8           ing in cars, parks, public spaces, aban-  
9           doned buildings, substandard housing, bus  
10          or train stations, or similar settings; and

11          “(iv) migratory children (as such term  
12          is defined in section 1309 of the Elemen-  
13          tary and Secondary Education Act of  
14          1965) who qualify as homeless for the pur-  
15          poses of this subtitle because the children  
16          are living in circumstances described in  
17          clauses (i) through (iii).

18          “(3) The terms ‘include’ and ‘including’ mean  
19          that the items named are not all of the possible  
20          items that are covered, whether like or unlike the  
21          ones named.

22          “(4) The terms ‘local educational agency’ and  
23          ‘State educational agency’ have the meanings given  
24          such terms in section 9101 of the Elementary and  
25          Secondary Education Act of 1965.



1           “(5) The term ‘Secretary’ means the Secretary  
2 of Education.

3           “(6) The term ‘State’ means each of the 50  
4 States, the District of Columbia, and the Common-  
5 wealth of Puerto Rico.

6           “(7) The term ‘unaccompanied youth’ means a  
7 homeless child or youth not in the physical custody  
8 of a parent or legal guardian.

9 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

10          “For the purpose of carrying out this subtitle, there  
11 are authorized to be appropriated to the Secretary  
12 \$\_\_\_\_\_ for fiscal year 2008 and such sums as may be  
13 necessary for each of fiscal years 2009 through 2013.”.