

110TH CONGRESS  
1ST SESSION

# S. 2001

To amend the Elementary and Secondary Education Act of 1965, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mr. LIEBERMAN (for himself, Ms. LANDRIEU, and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Students Can  
5 Achieve Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

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1 **TITLE I—GROWTH MODELS,**  
 2 **DATA SYSTEMS, AND EFFEC-**  
 3 **TIVE TEACHERS**

4 **SEC. 101. PURPOSE.**

5 The purposes of this title are to—

6 (1) require States to measure teacher and prin-  
 7 cipal effectiveness;

8 (2) develop data systems to measure effective-  
 9 ness and to permit growth models;

10 (3) provide States with the opportunity to opt  
 11 out of the highly qualified teacher requirements of  
 12 section 1119 of the Elementary and Secondary Edu-  
 13 cation Act of 1965 (20 U.S.C. 6319) once a State  
 14 implements a highly effective teacher system; and

15 (4) provide enhanced funding flexibility for  
 16 States and local educational agencies with highly ef-  
 17 fective teacher and principal systems described in  
 18 section 1119A of such Act (as amended by this Act).

19 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

20 For the purpose of carrying out sections 104, 105,  
 21 and 106, and the amendments made by these sections,  
 22 there are authorized to be appropriated \$400,000,000 for  
 23 fiscal year 2008, \$400,000,000 for fiscal year 2009,  
 24 \$500,000,000 for fiscal year 2010, \$500,000,000 for fis-

1 cal year 2011, and \$600,000,000 for fiscal year 2012. The  
 2 Secretary shall allot to each State—

3 (1) an amount that bears the same relation to  
 4 50 percent of such funds as the number of students  
 5 in kindergarten through grade 12 in the State bears  
 6 to the number of all such students in all States; and

7 (2) an equal share of the remaining 50 percent  
 8 of such funds.

9 **SEC. 103. REQUIRING STATES TO MEASURE TEACHER EF-**  
 10 **ECTIVENESS AND PERMITTING GROWTH**  
 11 **MODELS.**

12 Section 2112(b) of the Elementary and Secondary  
 13 Education Act of 1965 (20 U.S.C. 6612(b)) is amended  
 14 by adding at the end the following:

15 “(13) Not later than 4 years after the date of  
 16 enactment of the All Students Can Achieve Act, a  
 17 plan to implement a system of identifying highly ef-  
 18 fective teachers and principals as required under sec-  
 19 tion 1119A.”.

20 **SEC. 104. DATA SYSTEMS.**

21 Subpart 1 of part A of title I of the Elementary and  
 22 Secondary Education Act of 1965 (20 U.S.C. 6311 et  
 23 seq.) is amended by inserting after section 1120B the fol-  
 24 lowing:

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

2 “(a) IN GENERAL.—A State receiving assistance  
3 under this part shall, not later than 4 years after the date  
4 of enactment of the All Students Can Achieve Act—

5 “(1) develop a longitudinal data system for the  
6 State or as part of a State consortium that meets  
7 the requirements of this section; and

8 “(2) implement the data system after submit-  
9 ting to the Secretary an independently conducted  
10 audit certifying that the data system meets the re-  
11 quirements of this section.

12 “(b) DATA SYSTEM ELEMENTS.—The data system  
13 required by subsection (a) shall include the following:

14 “(1) The use of a unique statewide student  
15 identifier for each student enrolled in a school in the  
16 State that remains stable over time.

17 “(2) The ability to match the assessment  
18 records to each individual student, for each year the  
19 student is enrolled in a school in the State.

20 “(3) The collection and processing of data at  
21 the student level, including—

22 “(A) information on students who have not  
23 participated in the State academic assessments  
24 described in section 1111(b)(3) and the reasons  
25 those students did not participate;

1           “(B) student enrollment, demographic, in-  
2           cluding English language proficiency and native  
3           language, and academic and intervention pro-  
4           gram participation information;

5           “(C) information regarding student partici-  
6           pation in supplemental educational services  
7           under section 1116(e), including—

8                   “(i) the type of supplemental edu-  
9                   cational services provided;

10                   “(ii) the dates of such services; and

11                   “(iii) the identification of the pro-  
12                   viders of such services;

13           “(D) student transcript data; and

14           “(E) the existence of an individualized  
15           educational plan and other evaluations.

16           “(4) Data for each group described in section  
17           1111(b)(2)(c)(v)), regarding—

18                   “(A) the graduation rate, as defined in sec-  
19                   tion 1111(b)(2)(C)(vi), and an on-time cohort  
20                   graduation rate; and

21                   “(B) each other academic indicator used  
22                   by the State under section 1111(b)(2)(C)(vii)  
23                   for public elementary school students.

24           “(5) A statewide audit system to ensure the va-  
25           lidity and reliability of data in such system.

1           “(6) A unique statewide teacher identifier for  
2 each teacher employed in the State that—

3           “(A) remains stable over time and matches  
4 student records, including assessments, to the  
5 appropriate teacher; and

6           “(B) provides access to teacher data ele-  
7 ments, including—

8           “(i) grade levels and subjects of teach-  
9 ing assignment;

10           “(ii) preparation program participa-  
11 tion; and

12           “(iii) professional development pro-  
13 gram participation.

14           “(7) Ability to link information from the data  
15 system to public higher education data systems in  
16 the State, in order to gather information on postsec-  
17 ondary education enrollment, placement, persistence,  
18 and attainment.

19           “(c) DATA SYSTEM REQUIREMENTS.—A State imple-  
20 menting a data system required under this section shall—

21           “(1) develop and implement such system in a  
22 manner to ensure—

23           “(A) the privacy of student records in the  
24 data system, in accordance with the ‘Family  
25 Educational Rights and Privacy Act of 1974’

1 commonly known as Section 444 of the General  
2 Education Provisions Act;

3 “(B) the use of effective data architecture  
4 (including standard definitions and formatting)  
5 and warehousing, including the ability to link  
6 student records over time and across databases  
7 and to produce standardized or customized re-  
8 ports;

9 “(C) the interoperability among software  
10 interfaces used to input, access, and analyze the  
11 data of such system;

12 “(D) the interoperability with the system  
13 linking migrant student records required under  
14 part C;

15 “(E) the electronic portability of data and  
16 records in the system; and

17 “(2) provide training for the individuals using  
18 and operating such system.

19 “(d) PREEXISTING DATA SYSTEMS.—A State that  
20 has developed and implemented a longitudinal data system  
21 before the date of enactment of the All Students Can  
22 Achieve Act may utilize such system for purposes of this  
23 section, if the State submits to the Secretary an independ-  
24 ently conducted audit described in subsection (a)(2).



1       “(e) COMPLIANCE.—Beginning on the date that is 4  
2 years after the date of enactment of the All Students Can  
3 Achieve Act, if the Secretary finds, after notice and an  
4 opportunity for a hearing, that a State has failed to meet  
5 the requirements of this section, the Secretary may, at the  
6 discretion of the Secretary, suspend or limit the State’s  
7 eligibility for assistance under title I of the Elementary  
8 and Secondary Education Act of 1965 (20 U.S.C. 6311  
9 et seq.).

10       “(f) REGIONAL CONSORTIA DATA SYSTEM GRANT  
11 PROGRAM.—

12               “(1) IN GENERAL.—From amounts authorized  
13 under paragraph (5), the Secretary shall award  
14 grants, in accordance with paragraph (3), to re-  
15 gional consortia of States for the activities described  
16 in paragraph (4).

17               “(2) APPLICATION.—A regional consortium de-  
18 siring to receive a grant under this subsection shall  
19 submit an application to the Secretary at such time,  
20 in such manner, and containing such information as  
21 the Secretary may require.

22               “(3) AWARD BASIS AND ALLOTMENTS.—The  
23 Secretary shall reserve up to \$50,000,000 of the  
24 funds authorized under section 102 to award grants,

1 on a competitive basis, to regional consortia of  
2 States.

3 “(4) USE OF FUNDS.—A regional consortium  
4 receiving a grant under this subsection shall use  
5 grant funds to develop data systems for multi-State  
6 use that meet the requirements of this section.”.

7 **SEC. 105. HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.**

8 Subpart 1 of part A of title I of the Elementary and  
9 Secondary Education Act of 1965 (20 U.S.C. 6311 et  
10 seq.) is amended by inserting after section 1119 the fol-  
11 lowing:

12 **“SEC. 1119A. HIGHLY EFFECTIVE TEACHERS AND PRIN-**  
13 **CIPALS.**

14 “(a) IN GENERAL.—Not later than 2 years after  
15 completing the data system requirements in section 1120C  
16 and not later than 6 years after the date of enactment  
17 of the All Students Can Achieve Act, a State receiving  
18 assistance under this title shall implement a highly effec-  
19 tive teacher and principal system by—

20 “(1) determining the requirements necessary to  
21 become a highly effective teacher in the State, which  
22 shall—

23 “(A) be based primarily on objective meas-  
24 ures of student achievement; and

1           “(B) at a minimum, include that the  
2 teacher has demonstrated success in—

3           “(i) effectively conveying and explain-  
4 ing academic subject matter, as evidenced  
5 by the increased student academic achieve-  
6 ment of the teacher’s students; and

7           “(ii) employing strategies that—

8           “(I) are based on scientifically  
9 based research;

10           “(II) are specific to the academic  
11 subject matter being taught; and

12           “(III) focus on the identification  
13 of, and tailoring of academic instruc-  
14 tion to, students’ specific learning  
15 needs, particularly children with dis-  
16 abilities, students with limited English  
17 proficient, and students who are gift-  
18 ed and talented;

19           “(2) determining the requirements necessary to  
20 become a highly effective principal in the State,  
21 which shall be based primarily on increased student  
22 academic achievement of each group described in  
23 section 1111(b)(2)(C)(v) in the principal’s school, as  
24 compared to the achievement growth of other schools

1 with similar student populations to the principal's  
2 school, as determined by the State; and

3 “(3) implementing a system of identifying  
4 teachers and principals determined to be highly ef-  
5 fective based on the requirements established by the  
6 State under paragraphs (1) and (2).

7 “(b) PEER REVIEW PROCESS.—The Secretary shall  
8 establish a peer review process to annually evaluate and  
9 rate each State's highly effective teacher and principal re-  
10 quirements, identification system, and resulting data.

11 “(c) RESERVATION OF FUNDS.—The Secretary shall  
12 reserve not more than 10 percent of the funds appro-  
13 priated for this section or \$60,000,000, whichever is  
14 less—

15 “(1) to conduct, commission, and disseminate  
16 research to determine the most effective methods of  
17 determining teacher effectiveness based on objective  
18 measures of growth in student achievement; and

19 “(2) to study the most effective uses of such  
20 data in improving student achievement.

21 “(d) WAIVER OF HIGHLY QUALIFIED TEACHER RE-  
22 QUIREMENTS.—

23 “(1) WAIVER APPLICATION.—A State estab-  
24 lishing a highly effective teacher and principal sys-  
25 tem under this section may request a waiver of the

1 highly qualified teacher requirements under subpara-  
2 graphs (C) and (E) of section 1114(b)(1) and sec-  
3 tions 1115(c)(1)(E) and 1119(a) for the State and  
4 the local educational agencies within the State, by  
5 submitting an application for a waiver to the Sec-  
6 retary at such time, in such manner, and containing  
7 such information as the Secretary may reasonably  
8 require.

9 “(2) GRANTING OF WAIVER.—Notwithstanding  
10 subparagraphs (C) and (E) of section 1114(b)(1)  
11 and sections 1115(c)(1)(E) and 1119(a), the Sec-  
12 retary shall waive the highly qualified teacher re-  
13 quirements under such sections for a State and the  
14 local educational agencies within the State—

15 “(A) if the State demonstrates, in the ap-  
16 plication described in paragraph (1), that the  
17 State—

18 “(i) has implemented a highly effec-  
19 tive teacher and principal system that  
20 meets the requirements of subsection (a)  
21 for not less than 1 year; and

22 “(ii) has baseline data regarding stu-  
23 dent achievement linked to teacher data  
24 for the schools in the State for not less

1           than the 2 years preceding the year that  
2           the system is implemented; and

3           “(B) the peer review panel described in  
4           subsection (b) has determined the State’s sys-  
5           tem to be meritorious for the preceding year.

6           “(e) FUNDING FLEXIBILITY.—The Secretary shall  
7 waive, upon the request of a State that has a highly effec-  
8 tive teacher and principal system that has been deter-  
9 mined to be meritorious by the peer review panel described  
10 in subsection (b), the limitations on transfers under sec-  
11 tion 6123(a) and 6123(b).

12          “(f) CONSEQUENCES FOR TEACHERS WHO ARE NOT  
13 HIGHLY EFFECTIVE.—

14           “(1) PROFESSIONAL DEVELOPMENT.—If a local  
15 educational agency receiving assistance under this  
16 part evaluates a teacher and finds that the teacher  
17 is not highly effective, the local educational agency  
18 shall provide the teacher with professional develop-  
19 ment and other support specifically designed to en-  
20 able such teacher to produce student learning gains  
21 sufficient to become highly effective. Such profes-  
22 sional development and support shall be provided  
23 during not less than the 4 years following the teach-  
24 er’s identification as not highly effective or until the  
25 teacher is evaluated as effective.

1           “(2) PLACEMENT OF TEACHERS WHO DO NOT  
2 BECOME HIGHLY EFFECTIVE.—A local educational  
3 agency receiving assistance under this part shall not  
4 employ in a school receiving assistance under this  
5 part a teacher who has been evaluated as not highly  
6 effective and, 4 years after such evaluation, is still  
7 evaluated as not highly effective, until such time as  
8 the teacher is evaluated as highly effective.

9           “(g) CONSEQUENCES FOR PRINCIPALS WHO ARE  
10 NOT HIGHLY EFFECTIVE.—

11           “(1) PROFESSIONAL DEVELOPMENT.—If a local  
12 educational agency receiving assistance under this  
13 part evaluates a principal and finds that the prin-  
14 cipal is not highly effective, the local educational  
15 agency shall provide the principal with professional  
16 development and other support specifically designed  
17 to enable such principal to produce student learning  
18 gains sufficient to become highly effective. Such pro-  
19 fessional development and support shall be provided  
20 during not less than 2 years following the identifica-  
21 tion as not highly effective or until the principal is  
22 evaluated as effective.

23           “(2) PLACEMENT OF PRINCIPALS WHO DO NOT  
24 BECOME HIGHLY EFFECTIVE.—A State or local edu-  
25 cational agency receiving assistance under this part

1 shall not employ in a school receiving assistance  
2 under this part a principal who has been evaluated  
3 as not highly effective and, 3 years after such eval-  
4 uation, is still evaluated as not highly effective, until  
5 such time as the principal is evaluated as highly ef-  
6 fective.

7 “(h) BARGAINING AGREEMENT EXCEPTION AND RE-  
8 STRICTIONS ON NEW AGREEMENTS.—

9 “(1) IN GENERAL.—The Secretary shall not de-  
10 termine that a State or local educational agency has  
11 failed to comply with section 1119A if the reason for  
12 the agency’s non-compliance is a contract or collec-  
13 tive bargaining agreement that was entered into  
14 prior to the date of enactment of this Act.

15 “(2) RESTRICTIONS.—A local educational agen-  
16 cy or State educational agency shall not enter into  
17 a new contract or collective bargaining agreement or  
18 renew or extend a contract or collective bargaining  
19 agreement that prevents the local educational agency  
20 or State educational agency from meeting the re-  
21 quirements of section 1119A after the date of enact-  
22 ment of this Act.”.



1 **SEC. 106. PERMITTING GROWTH MODEL SYSTEMS.**

2 Section 1111b of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 6311(b)) is amended  
4 by adding at the end the following:

5 “(11) USE OF GROWTH MODEL SYSTEMS.—

6 “(A) DEFINITION OF GROWTH MODEL SYS-  
7 TEM.—In this paragraph, the term ‘growth  
8 model system’ means a system that—

9 “(i) calculates the academic growth of  
10 each individual student served by a school  
11 in the State over time;

12 “(ii) establishes growth targets for  
13 each such student, including students who  
14 already meet or exceed the proficient or  
15 advanced level of academic achievement on  
16 a State assessment required under section  
17 1111(b)(3); and

18 “(iii) meets the minimum standards  
19 regarding data systems and data quality  
20 that the secretary establishes pursuant to  
21 regulation, which standards shall include  
22 requirements that the system—

23 “(I) matches the assessment  
24 records of a student to the student for  
25 each year the student is enrolled in a  
26 public school in the State; and

1                   “(II) measures student growth at  
2                   the classroom and school levels.

3                   “(B) USE OF GROWTH MODEL SYSTEMS.—  
4                   Notwithstanding any other provision of law, for  
5                   purposes of any provision that requires the cal-  
6                   culation of a number or percentage of students  
7                   who meet or exceed the proficient level of aca-  
8                   demic achievement on a State assessment under  
9                   paragraph (3), a State authorized by the Sec-  
10                  retary to use a growth model system under sub-  
11                  paragraph (D) shall calculate such number or  
12                  percentage by counting—

13                  “(i) the students who meet or exceed  
14                  the proficient level of academic achieve-  
15                  ment on the State assessment; and

16                  “(ii) the students who are on a 3-year  
17                  growth trajectory toward meeting or ex-  
18                  ceeding the proficient level.

19                  “(C) APPLICATION.—A State desiring to  
20                  develop, enhance, or implement a growth model  
21                  system shall submit an application to the Sec-  
22                  retary, at such time, in such manner, and con-  
23                  taining such information as the Secretary may  
24                  require. This application shall include a descrip-  
25                  tion of how students with disabilities and

1 English language learners will be included in  
2 growth models.

3 “(D) AUTHORIZATION FOR A GROWTH  
4 MODEL SYSTEM.—The Secretary shall authorize  
5 a State that has submitted an application to  
6 use a growth model system for the purposes of  
7 calculating adequate yearly progress if the Sec-  
8 retary determines that—

9 “(i) the State has the capacity to  
10 track individual academic growth for not  
11 less than the 2 school years preceding the  
12 year of application; and

13 “(ii) the State has developed a plan  
14 for implementing a highly effective teacher  
15 and principal evaluation system.

16 “(E) RULE FOR EXISTING GROWTH MODEL  
17 PILOT PROGRAMS.—Notwithstanding this sec-  
18 tion, a State that, as of the day before the date  
19 of enactment of the All Students Can Achieve  
20 Act, has been approved by the Secretary to  
21 carry out a growth model as a pilot program,  
22 may continue to participate in the pilot pro-  
23 gram instead of the requirements of this sec-  
24 tion, at the Secretary’s discretion.”.

1 **SEC. 107. INNOVATIVE TEACHER AND SCHOOL INCENTIVE**  
2 **PROGRAMS.**

3 Part C of title II of the Elementary and Secondary  
4 Education Act of 1965 (20 U.S.C. 6671 et seq.) is amend-  
5 ed by adding at the end the following:

6 **“Subpart 6—Innovative Teacher and School**  
7 **Incentive Programs**

8 **“SEC. 2371. INNOVATIVE TEACHER AND SCHOOL INCENTIVE**  
9 **PROGRAMS.**

10 “(a) GRANT FUND FOR INNOVATIVE TEACHER PRO-  
11 GRAMS.—

12 “(1) GRANTS AUTHORIZED.—From amounts  
13 appropriated for this subsection, the Secretary shall  
14 award grants to eligible States to enable the eligible  
15 States—

16 “(A) to implement programs to improve  
17 professional development for public school edu-  
18 cators such as—

19 “(i) establishing professional develop-  
20 ment committees, which are primarily com-  
21 posed of teachers, to evaluate the school’s  
22 professional development activities and de-  
23 velop a plan for future activities that bet-  
24 ter meet the needs of the teachers and the  
25 students the teachers serve; and

1                   “(ii) providing funding to local edu-  
2                   cation agencies to increase the number of  
3                   professional development release days; and

4                   “(B) to reform teacher compensation, as-  
5                   signment, and tenure policies, including policies  
6                   providing incentives to encourage the best  
7                   teachers to teach high-need subjects or in high-  
8                   need schools.

9                   “(2) DEFINITION OF ELIGIBLE STATE.—In this  
10                  subsection, the term ‘eligible State’ means a State  
11                  that, in evaluating teachers, uses objective measures  
12                  of student learning growth as the primary indicators  
13                  of teacher performance.

14                  “(3) APPLICATION.—An eligible State desiring  
15                  a grant under this subsection shall submit an appli-  
16                  cation at such time, in such manner, and containing  
17                  such information as the Secretary may require.

18                  “(4) USE OF PEER REVIEW PANEL.—In award-  
19                  ing a grant under this subsection, the Secretary  
20                  shall—

21                         “(A) establish a peer review process to pro-  
22                         vide recommendations to the Secretary regard-  
23                         ing awarding grants under this section; and

24                         “(B) ensure that the participants in the  
25                         peer review process include experts or research-

1           ers with knowledge regarding appropriate sta-  
2           tistical methodology for assessing teacher effec-  
3           tiveness.

4           “(b) GRANTS FOR INNOVATIVE SCHOOL INCENTIVE  
5 PROGRAMS.—

6           “(1) GRANTS AUTHORIZED.—From amounts  
7           appropriated for this subsection, the Secretary shall  
8           award grants, on a competitive basis, to States to  
9           enable the States to implement school-based reward  
10          systems that recognize the teamwork (for example,  
11          among teachers, administrators, counselors, resource  
12          staff, media specialists, and other staff) necessary to  
13          improve eligible schools in low-income areas receiv-  
14          ing assistance under title I.

15          “(2) APPLICATION.—A State desiring a grant  
16          under this subsection shall submit an application at  
17          such time, in such manner, and containing such in-  
18          formation as the Secretary may reasonably require.

19          “(3) USE OF FUNDS.—A State receiving a  
20          grant under this subsection shall use the grant to  
21          implement a school-based reward system described  
22          in paragraph (4) for eligible schools.

23          “(4) SCHOOL-BASED REWARD SYSTEM.—A  
24          school-based reward system funded under this sub-  
25          section shall—

1           “(A) provide award amounts to eligible  
2 schools based on—

3                   “(i) the degree of improvement of stu-  
4 dent performance;

5                   “(ii) the number of students in the  
6 school; and

7                   “(iii) the number of teachers, admin-  
8 istrators, and staff serving the school;

9           “(B) give the eligible school the discretion  
10 to determine the appropriate uses described in  
11 subparagraph (C), with guidance and oversight  
12 provided by the State educational agency; and

13           “(C) require that the awards be used by  
14 the school for any of the following:

15                   “(i) Non-recurring bonuses for teach-  
16 ers, administrators, and staff at the school.

17                   “(ii) The addition of temporary per-  
18 sonnel to continue the school’s improve-  
19 ment.

20                   “(iii) Providing a limited number of  
21 teachers with reduced teaching schedules  
22 to permit the teachers to act as mentors at  
23 the school or at other schools receiving as-  
24 sistance under title I.

1           “(5) DEFINITION OF ELIGIBLE SCHOOL.—In  
2 this subsection, the term ‘eligible school’ means an  
3 elementary or secondary school that—

4                   “(A) is in the highest third of schools in  
5 the State in terms of the percentage of students  
6 eligible for free or reduced-price lunches under  
7 the Richard B. Russell National School Lunch  
8 Act; and

9                   “(B) shows significant improvement in stu-  
10 dent performance, as compared to similar  
11 schools.

12           “(c) REPORT.—The Secretary shall annually report  
13 to Congress on the grants awarded under subsections (a)  
14 and (b) and shall evaluate the effectiveness of such grants.

15           “(d) AUTHORIZATION.—For the purpose of carrying  
16 out this subsection, there are authorized to be appro-  
17 priated \$200,000,000 for fiscal year 2008 and for each  
18 of the 4 succeeding fiscal years.”.

19                   **TITLE II—CLOSING THE**  
20                   **ACHIEVEMENT GAP**

21           **SEC. 201. PURPOSE.**

22           The purposes of this title are to—

23                   (1) require the equitable distribution of effective  
24 teachers and non-Federal funding;



1           (2) increase authorizations for school-improve-  
2           ment funds; and

3           (3) provide incentives for States to maintain  
4           rigorous assessments by distributing these school-im-  
5           provement funds according to the number of schools  
6           in need of improvement.

7 **SEC. 202. EQUITABLE DISTRIBUTION OF HIGHLY EFFEC-**  
8           **TIVE TEACHERS AND NON-FEDERAL FUND-**  
9           **ING.**

10          (a) IN GENERAL.—Subpart 1 of part A of title I of  
11          the Elementary and Secondary Education Act of 1965 (20  
12          U.S.C. 6311 et seq.) is further amended by adding at the  
13          end the following:

14 **“SEC. 1120D. EQUITABLE DISTRIBUTION OF HIGHLY EFFEC-**  
15           **TIVE TEACHERS AND NON-FEDERAL FUND-**  
16           **ING.**

17          “(a) ANNUAL STATE EDUCATIONAL AGENCY RE-  
18          PORT.—

19           “(1) IN GENERAL.—Each State educational  
20          agency receiving assistance under this part shall an-  
21          nually prepare and submit to the Secretary, and  
22          make available to the public, a report on the equi-  
23          table distribution of—

24                   “(A) highly effective teachers and prin-  
25                   cipals in the State; or

1           “(B) in the case of a State that has not  
2 yet implemented a highly effective teacher sys-  
3 tem under section 1119A or for which highly ef-  
4 fective teacher evaluations have not been com-  
5 pleted, highly qualified teachers in the State.

6           “(2) STATE REPORT CONTENT.—The report de-  
7 scribed in paragraph (1) shall include the following:

8           “(A) The percentage of public elementary  
9 school and secondary school teachers in the  
10 State who are not highly effective or highly  
11 qualified, as applicable.

12           “(B) The specific steps the State edu-  
13 cational agency is taking to address any dis-  
14 proportionate assignment of teachers who are  
15 not highly effective or highly qualified in the  
16 schools and local educational agencies of the  
17 State.

18           “(C) A description of progress made re-  
19 garding the State’s capacity to implement a  
20 system for measuring individual teacher effec-  
21 tiveness.

22           “(D) A comparison between the elementary  
23 and secondary schools in the State in the high-  
24 est quartile in terms of the percentage of stu-  
25 dents eligible for free and reduced-price lunches

1 under the Richard B. Russell National School  
2 Lunch Act, and such schools in the lowest quar-  
3 tile, with respect to each of the following:

4 “(i) The annual teacher attrition rate.

5 “(ii) The percentage of classes taught  
6 by teachers who are not highly effective or  
7 highly qualified, as applicable.

8 “(iii) The percentage of such schools  
9 with principals who are not highly effec-  
10 tive, if the State has implemented highly  
11 effective principal evaluations under sec-  
12 tion 1119A.

13 “(E) A comparison between the public  
14 schools in the State in the highest quartile in  
15 terms of the percentage of minority student en-  
16 rollment, and such schools in the lowest quar-  
17 tile, with respect to each category described in  
18 clauses (i) through (iii) of subparagraph (D).

19 “(F) A compendium of statewide data and  
20 local educational reports described in subsection  
21 (b).

22 “(G) Such other information as the Sec-  
23 retary may reasonably require.

24 “(b) ANNUAL LOCAL EDUCATIONAL AGENCY RE-  
25 PORT.—

1           “(1) IN GENERAL.—Each local educational  
2 agency receiving assistance under this part shall an-  
3 nually prepare and submit to the State educational  
4 agency, and make available to the public, a report on  
5 the equitable distribution of—

6           “(A) highly effective teachers and prin-  
7 cipals in the elementary and secondary schools  
8 served by the local educational agency; or

9           “(B) in the case of a local educational  
10 agency in a State that is not implementing a  
11 highly effective teacher system under section  
12 1119A or for which highly effective teacher  
13 evaluations have not been completed, highly  
14 qualified teachers in the elementary and sec-  
15 ondary schools served by the local educational  
16 agency.

17           “(2) REPORT CONTENTS.—The report required  
18 under this subsection shall include—

19           “(A) The percentage of public elementary  
20 school and secondary school teachers employed  
21 by the local educational agency who are not  
22 highly effective or highly qualified, as applica-  
23 ble.

24           “(B) The specific steps the local edu-  
25 cational agency is taking to address any dis-

1 proportionate assignment of teachers who are  
2 not highly effective or highly qualified, as appli-  
3 cable.

4 “(C) A comparison between the elementary  
5 schools and secondary schools served by the  
6 local educational agency in the highest quartile  
7 in terms of the percentage of students eligible  
8 for free and reduced-price lunches under the  
9 Richard B. Russell National School Lunch Act,  
10 and such schools in the lowest quartile, with re-  
11 spect to each of the following:

12 “(i) The annual teacher attrition rate.

13 “(ii) The percentage of classes taught  
14 by teachers who are not highly effective or  
15 highly qualified, as applicable.

16 “(iii) The percentage of public schools  
17 with principals who are not highly effec-  
18 tive, in States that have implemented high-  
19 ly effective principal evaluations under sec-  
20 tion 1119A.

21 “(D) A comparison between the public  
22 schools served by the local educational agency  
23 in the highest quartile in terms of minority stu-  
24 dent enrollment, and such schools in the lowest



1 the Secretary that the non-Federal funds used by  
2 the State for public elementary and secondary edu-  
3 cation, including those funds used for actual, and  
4 not estimated or averaged, teacher salaries, based  
5 upon classroom hours, for each fiscal year, are dis-  
6 tributed equitably across the schools within each  
7 local educational agency.

8 “(2) INFORMATION ON SCHOOL REPORT  
9 CARDS.—If, for a fiscal year, a school receiving as-  
10 sistance under this part receives significantly less  
11 than the average non-Federal school funding pro-  
12 vided to schools in the local educational agency for  
13 such year, the local educational agency shall include  
14 in the school report card required under section  
15 1111(h)(2)(B)(ii) for such school the amount by  
16 which the school’s non-Federal school funding is sig-  
17 nificantly below the average non-Federal school  
18 funding for schools served by the local educational  
19 agency.

20 “(3) EVALUATION.—Two years after the date  
21 of enactment of the All Students Can Achieve Act,  
22 and every year thereafter, the Inspector General of  
23 the Department shall—

24 “(A) evaluate 5 State educational agencies  
25 that receive assistance under this part and 10

1 local educational agencies that receive assist-  
2 ance under this part, to determine such agen-  
3 cies' progress in meeting the requirements of  
4 this section; and

5 “(B) prepare and distribute a report re-  
6 garding the findings of the evaluation to the  
7 Secretary and to the Committee on Health,  
8 Education, Labor, and Pensions of the Senate  
9 and the Committee on Education and Labor of  
10 the House of Representatives.

11 “(b) REGULATIONS AND GUIDELINES.—

12 “(1) STATE EDUCATIONAL AGENCY REGULA-  
13 TIONS.—Not later than 180 days after the date of  
14 enactment of the All Students Can Achieve Act, the  
15 Secretary shall promulgate regulations for State  
16 educational agencies regarding how to review the  
17 State educational agency's rules and guidelines and  
18 work with local educational agencies to establish  
19 plans and timelines for providing equitable non-Fed-  
20 eral funding to all schools in the State who receive  
21 assistance under this title.

22 “(2) GUIDELINES FOR LOCAL EDUCATIONAL  
23 AGENCIES.—Not later than 1 year after the issuance  
24 of the regulations described in paragraph (1), each



1 State educational agency receiving assistance under  
2 this part shall—

3 “(A) develop guidelines for local edu-  
4 cational agencies regarding the local educational  
5 agencies’ responsibilities under this section; and

6 “(B) distribute such guidelines to the local  
7 educational agencies and make such guidelines  
8 publicly available.

9 “(3) LOCAL EDUCATIONAL AGENCY PLANS.—  
10 Not later than 180 days after the receipt of the  
11 State educational agency’s guidelines described in  
12 paragraph (2), each local educational agency in the  
13 State that receives assistance under this part shall  
14 develop and submit to the State educational agency  
15 a plan that—

16 “(A) describes how the local educational  
17 agency will ensure the equitable distribution of  
18 non-Federal funds;

19 “(B) includes a timeline that provides for  
20 the implementation of the plan by not later  
21 than 3 years after the local educational agency  
22 has received the guidelines under paragraph  
23 (3); and

24 “(C) shall be made publicly available.

1       “(c) DEFINITION OF NON-FEDERAL FUNDS.—In this  
 2 section, the term ‘non-Federal funds’ means the amount  
 3 of State and local funds provided to a school (including  
 4 those State and local funds used for teacher salaries but  
 5 not including any Federal funding).

6       **“SEC. 1120F. MAKE WHOLE PROVISIONS.**

7       “‘If a State has not achieved an equitable distribution,  
 8 within local educational agencies, of effective teachers and  
 9 non-Federal funds 3 years after the date of enactment of  
 10 the All Students Can Achieve Act, the Secretary may with-  
 11 hold a portion of the State’s funds under the All Students  
 12 Can Achieve Act.’”.

13       (b) REPORT CARD.—Section 1111(h)(2)(B)(ii) of the  
 14 Elementary and Secondary Education Act of 1965 (20  
 15 U.S.C. 6311(h)(2)(B)(ii)) is amended—

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

18               (2) in subclause (II), by striking the period and  
 19 inserting a semicolon and “and”; and

20               (3) by inserting after subclause (II), as so  
 21 amended, the following:

22                               “(III) the information required  
 23                               under section 1120E(a)(2), if required  
 24                               for such school; and”.

1 **SEC. 203. STRENGTHEN AND FOCUS STATE CAPACITY FOR**  
 2 **SCHOOL IMPROVEMENT EFFORTS.**

3 (a) SCHOOL IMPROVEMENT GRANT AUTHORIZATION  
 4 OF APPROPRIATIONS.—Section 1002(i) of the Elementary  
 5 and Secondary Education Act of 1965 (20 U.S.C. 6302(i))  
 6 is amended by striking “appropriated \$500,000,000” and  
 7 all that follows through the period and inserting “appro-  
 8 priated—

9 “(1) \$600,000,000 for fiscal year 2008;

10 “(2) \$700,000,000 for fiscal year 2009;

11 “(3) \$800,000,000 for fiscal year 2010;

12 “(4) \$900,000,000 for fiscal year 2011; and

13 “(5) \$1,000,000,000 for fiscal year 2012.”.

14 (b) STATE ADMINISTRATION.—Section 1003 of the  
 15 Elementary and Secondary Education Act of 1965 (20  
 16 U.S.C. 6303) is amended—

17 (1) in subsection (g)(2), by striking “the funds  
 18 received by the States, the Bureau of Indian Affairs,  
 19 and the outlying areas, respectively, for the fiscal  
 20 year under parts A, C, and D of this title.” and in-  
 21 serting “the number of schools in the States, the  
 22 Department of Interior, and the outlying areas, re-  
 23 spectively, that are not making adequate yearly  
 24 progress for the most recent school year for which  
 25 information is available.”; and

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

1       “(h) ADDITIONAL AMOUNTS FOR ADMINISTRATIVE  
2 COSTS.—

3           “(1) IN GENERAL.—Notwithstanding sub-  
4 sections (a), (b), and (g), in addition to the amounts  
5 reserved under subsection (a) but not allocated  
6 under subsection (b)(1) and the amounts of a grant  
7 award described in subsection (g)(7), a State may  
8 use an additional percentage of the amounts re-  
9 served under subsection (a) and the grant award  
10 under subsection (g), not to exceed 15 percent of the  
11 sum of such reserved amounts and grant award, if  
12 the State matches the dollar amount of such addi-  
13 tional amount with an equal amount of State funds.

14           “(2) USE OF FUNDS.—A State that elects to  
15 use an additional percentage described in paragraph  
16 (1) shall use such funds, and the required matching  
17 State funds, to build more capacity at the State level  
18 to diagnose, intervene in, and assist schools—

19                   “(A) by supporting State personnel in car-  
20 rying out the responsibilities under this section;  
21 or

22                   “(B) by entering into contracts with non-  
23 profit entities with a record of assisting in the  
24 improvement of persistently low-performing  
25 schools.”.

1 (c) EXTENDING THE FOUR PERCENT SCHOOL IM-  
2 PROVEDMENT STATE RESERVATIONS.—Section 1003 of the  
3 Elementary and Secondary Education Act of 1965 (20  
4 U.S.C. 6303) is amended in subsection (a)—

5 (1) by striking “2 percent” and inserting “4  
6 percent”; and

7 (2) by striking “for fiscal years 2002” and all  
8 that follows through “2007,” and inserting “for  
9 each fiscal year”.

## 10 **TITLE III—ACHIEVING HIGH** 11 **STANDARDS**

### 12 **SEC. 301. PURPOSES.**

13 The purposes of this title are to—

14 (1) enhance the National Assessment Governing  
15 Board and the Board’s responsibilities to develop  
16 21st century performance-based American standards  
17 and assessments, including world-class alternate as-  
18 sessments for students with disabilities and English-  
19 language learners, with incentives for States to  
20 adopt voluntarily the American standards and as-  
21 sessments;

22 (2) align State curricula with college and work-  
23 place needs through State P–16 commissions cov-  
24 ering pre-kindergarten through college in the sub-

1       jects of reading or language arts, history, science,  
2       technology, engineering, and mathematics; and

3               (3) require the Department of Education to re-  
4       port annually on the quality and rigor of the model  
5       American and the State standards and assessments.

6       **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

7       For the purpose of carrying out this title and the  
8       amendments made by this title, in addition to other  
9       amounts already authorized, there are authorized to be ap-  
10      propriated \$250,000,000 for fiscal year 2008 and for each  
11      of the 4 succeeding fiscal years.

12                   **PART A—AMERICAN STANDARDS AND**  
13                                   **ASSESSMENTS**

14       **SEC. 311. AMERICAN STANDARDS AND ASSESSMENTS.**

15       (a) NATIONAL ASSESSMENT GOVERNING BOARD.—  
16      Section 302 of the National Assessment of Educational  
17      Progress Authorization Act (20 U.S.C. 9621) is amend-  
18      ed—

19               (1) in subsection (b)(1)—

20                   (A) in subparagraph (G), by striking  
21               “Three classroom teachers representing” and  
22               inserting “Six classroom teachers with 2 each  
23               representing”;

24                   (B) in subparagraph (H), by striking “One  
25               representative of business or industry” and in-

1           serting “Three representatives of business or  
2           industry”; and

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

4           “(O) Two members from higher education.”;

5           (2) in subsection (e)—

6           (A) in paragraph (1)—

7           (i) in subparagraph (I), by striking  
8           “and” after the semicolon;

9           (ii) in subparagraph (J), by striking  
10          the period and inserting “; and”; and

11          (iii) by adding at the end the fol-  
12          lowing:

13          “(K)(i) create American content and per-  
14          formance standards and assessments in lan-  
15          guage arts or reading, mathematics, and science  
16          for grades 3 through 12;

17          “(ii) create high-quality alternative assess-  
18          ments for students with disabilities and  
19          English-language learners for use by States;

20          “(iii) provide web-based mechanisms for  
21          States to receive timely results from these as-  
22          sessments and alternate assessments;

23          “(iv) extrapolate such standards and as-  
24          sessments based on the National Assessment of  
25          Educational Progress frameworks; and

1           “(v) ensure that such standards and as-  
2           sessments are aligned with college and work-  
3           place readiness skills.”; and

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

5           “(7) REPORT ON AMERICAN STANDARDS.—The  
6           Assessment Board shall issue a report to the Sec-  
7           retary containing the model standards and describe  
8           the assessments specified in paragraph (1)(K).”;

9           (3) in subsection (f)—

10           (A) in paragraph (2)(B), by striking “not  
11           more than six”; and

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

13           “(3) DETAILEES.—Any Federal Government  
14           employee may be detailed to the Governing Board  
15           without reimbursement from the Board, and such  
16           detailee shall retain the rights, status, and privileges  
17           of such employee’s regular employment without  
18           interruption.”.

19           (b) AMENDMENT TO STATE PLANS.—Section 1111  
20           of the Elementary and Secondary Education Act of 1965  
21           (20 U.S.C. 6311) is amended—

22           (1) in subsection (c)(2), by striking “reading  
23           and mathematics” and inserting “reading, mathe-  
24           matics, and science”; and

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



1       “(n) USE BY STATES OF MODEL AMERICAN STAND-  
2 ARDS AND ASSESSMENTS.—

3           “(1) IN GENERAL.—Notwithstanding any other  
4 provision of this Act, upon issuance of the report  
5 under section 302(e)(7) of the National Assessment  
6 of Educational Progress Authorization Act, each  
7 State desiring to receive funding under this part  
8 shall—

9           “(A) adopt the model American standards  
10 and assessments specified in that report for use  
11 in carrying out this section;

12           “(B) modify the State’s existing academic  
13 standards and assessments to align with those  
14 model American standards and assessments; or

15           “(C) continue using the State’s existing  
16 academic standards and academic assessments  
17 or those of a regional consortium.

18       “(2) SECRETARY TO EVALUATE STANDARDS  
19 AND ASSESSMENTS OF STATES NOT ADOPTING  
20 MODEL AMERICAN STANDARDS AND ASSESS-  
21 MENTS.—The Secretary shall—

22           “(A) analyze the academic standards and  
23 assessments of States that do not adopt the  
24 model American standards and assessments;  
25 and

1           “(B) compare such academic standards  
2           and assessments to the model American stand-  
3           ards and assessments, using a common scale.

4           “(3) ANNUAL REPORT.—The Secretary shall  
5           annually report to Congress on any variance in qual-  
6           ity and rigor between the model American standards  
7           and assessments adopted by the Assessment Board  
8           and the standards and assessments used by the  
9           States. Until development and implementation of the  
10          model American standards and assessments adopted  
11          by the Assessment Board, the Secretary shall report  
12          annually to the public on differences between State  
13          assessment results and results from the National As-  
14          sessment of Educational Progress.”.

15          (c) AMENDMENT TO LOCAL PLANS.—Section  
16          1112(b)(1)(F) of the Elementary and Secondary Edu-  
17          cation Act of 1965 (20 U.S.C. 6311(b)(1)(F)) is amended  
18          by striking “reading and mathematics” and inserting  
19          “reading, mathematics, and science”.

20          (d) NATIONAL ASSESSMENT GOVERNING BOARD.—  
21          Section 303 of the National Assessment of Educational  
22          Progress Authorization Act (20 U.S.C. 9621) is amend-  
23          ed—

1 (1) in subsection (b)(1), by striking “reading,  
2 mathematics” and inserting “reading, mathematics,  
3 science”;

4 (2) in subsection (b)(2)(B), by striking “read-  
5 ing and mathematics” and inserting “reading, math-  
6 ematics, and science”;

7 (3) in subsection (b)(2)(C), by striking “read-  
8 ing and mathematics” and inserting “reading, math-  
9 ematics, and science”;

10 (4) in subsection (b)(2)(E), by striking “read-  
11 ing and mathematics” and inserting “reading, math-  
12 ematics, and science”;

13 (5) in subsection (b)(3)(A)(i), by striking  
14 “reading and mathematics” and inserting “reading,  
15 mathematics, and science”;

16 (6) in subsection (b)(3)(A)(ii), by striking  
17 “reading and mathematics” and inserting “reading,  
18 mathematics, and science”; and

19 (7) in subsection (b)(3)(C)(ii), by striking  
20 “reading and mathematics” and inserting “reading,  
21 mathematics, and science”.

22 **PART B—P-16 EDUCATION STEWARDSHIP**  
23 **SYSTEMS**

24 **SEC. 321. P-16 EDUCATION STEWARDSHIP COMMISSION.**

25 (a) P-16 EDUCATION STEWARDSHIP COMMISSION.—

1           (1) IN GENERAL.—Each State that receives as-  
2           sistance under part A of title I of the Elementary  
3           and Secondary Education Act of 1965 (20 U.S.C.  
4           6311 et seq.) shall establish a P–16 education stew-  
5           ardship commission that has the policymaking abil-  
6           ity to meet the requirements of this section.

7           (2) EXISTING COMMISSION.—The State may  
8           designate an existing coordinating body or commis-  
9           sion as the State P–16 education stewardship com-  
10          mission for purposes of this title, if the body or com-  
11          mission meets, or is amended to meet, the basic re-  
12          quirements of this section.

13         (b) MEMBERSHIP.—

14           (1) COMPOSITION.—Each P–16 education stew-  
15          ardship commission shall be composed of the Gov-  
16          ernor of the State, or the designee of the Governor,  
17          and the stakeholders of the statewide education com-  
18          munity, as determined by the Governor or the des-  
19          ignee of the Governor, such as—

20                 (A) the chief State official responsible for  
21                 administering prekindergarten through grade  
22                 12 education in the State;

23                 (B) the chief State official of the entity  
24                 primarily responsible for the supervision of in-  
25                 stitutions of higher education in the State;

1           (C) bipartisan representation from the  
2           State legislative committee with jurisdiction  
3           over prekindergarten through grade 12 edu-  
4           cation and higher education;

5           (D) representatives of 2- and 4-year insti-  
6           tutions of higher education in the State;

7           (E) public elementary and secondary  
8           school teachers employed in the State;

9           (F) representatives of the business commu-  
10          nity; and

11          (G) at the discretion of the Governor, or  
12          the designee of the Governor, representatives  
13          from pre-kindergarten through grade 12 and  
14          higher education governing boards and other  
15          organizations.

16          (2) CHAIRPERSON; MEETINGS.—The Governor  
17          of the State, or the designee of the Governor, shall  
18          serve as chairperson of the P–16 education steward-  
19          ship commission and shall convene regular meetings  
20          of the commission.

21          (c) DUTIES OF THE COMMISSION.—

22               (1) MEETINGS.—Each State P–16 education  
23          stewardship commission shall convene regular meet-  
24          ings.

1           (2) COMMISSION RECOMMENDATIONS.—Not  
2 later than 18 months after a State receives funds  
3 under section 303, and annually thereafter, the  
4 State P-16 education stewardship commission in-  
5 formed by the higher education institutions in the  
6 State shall—

7           (A) develop recommendations to better  
8 align the content knowledge requirements for  
9 secondary school graduates with the knowledge  
10 and skills needed to succeed in postsecondary  
11 education and the workforce in the subjects of  
12 reading or language arts, history, mathematics,  
13 science, technology, and engineering, and, at  
14 the discretion of the Commission, additional  
15 academic content areas;

16           (B) develop recommendations regarding  
17 the prerequisite skills and knowledge, patterns  
18 of coursework, and other academic factors in-  
19 cluding—

20           (i) the prerequisite skills and knowl-  
21 edge expected of incoming freshmen at in-  
22 stitutions of higher education to success-  
23 fully engage in and complete postsec-  
24 ondary-level general education coursework

1 without the prior need to enroll in develop-  
2 mental coursework; and

3 (ii) patterns of coursework and other  
4 academic factors that demonstrate the  
5 highest correlation with success in com-  
6 pleting postsecondary-level general edu-  
7 cation coursework and degree or certifi-  
8 cation programs, particularly with respect  
9 to science, technology, engineering, and  
10 mathematics; and

11 (C) develop recommendations and enact  
12 policies to increase the success rate of students  
13 in the students' transition from secondary  
14 school to postsecondary education, including  
15 policies to increase success rates for—

16 (i) students of economic disadvantage;

17 (ii) students of racial and ethnic mi-  
18 norities;

19 (iii) students with disabilities; and

20 (iv) students with limited English pro-  
21 ficiency.

22 **SEC. 322. P-16 EDUCATION STATE PLANS.**

23 (a) IN GENERAL.—Each State receiving assistance  
24 under part A of title I of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 6311 et seq.) shall de-  
2 velop a plan that includes, at a minimum, the following:

3           (1) A demonstration that the State will work  
4 with the State P–16 education stewardship commis-  
5 sion and others, as necessary, to examine the rela-  
6 tionship among the content of postsecondary edu-  
7 cation admission and placement exams, the pre-  
8 requisite skills and knowledge required to success-  
9 fully take postsecondary-level general education  
10 coursework, the pre-kindergarten through grade 12  
11 courses and academic factors associated with aca-  
12 demic success at the postsecondary level, particularly  
13 with respect to science, technology, engineering, and  
14 mathematics, and existing academic standards and  
15 aligned academic assessments.

16           (2) A description of how the State will, using  
17 the information from the State P–16 education  
18 stewardship commission, increase the percentage of  
19 students taking courses that have the highest cor-  
20 relation of academic success at the postsecondary  
21 level, for each of the following groups of students:

22                   (A) Economically disadvantaged students.

23                   (B) Students from each major racial and  
24 ethnic group within the State.

25                   (C) Students with disabilities.



1 (D) Students with limited English pro-  
2 ficiency.

3 (3) A description of how the State will dis-  
4 tribute the information in the P-16 education stew-  
5 ardsHIP commission's report to the public in the  
6 State, including public secondary schools, local edu-  
7 cational agencies, school counselors, P-16 educators,  
8 institutions of higher education, students, and par-  
9 ents.

10 (4) An assurance that the State will continue to  
11 pursue effective P-16 education alignment strate-  
12 gies.

13 (b) SUBMISSION.—Each State shall submit the State  
14 plan described in subsection (a) to the Secretary not later  
15 than 1 year of the date of the enactment of this Act.

16 **SEC. 323. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.**

17 (a) PROGRAM AUTHORIZED.—From amounts appro-  
18 priated under this section, the Secretary shall award  
19 grants, from allotments under subsection (b), to States to  
20 enable the States—

21 (1) to establish P-16 education stewardship  
22 commissions in accordance with section 321; and

23 (2) to carry out the activities and programs de-  
24 scribed in the State plan submitted under section  
25 322.

1 (b) ALLOTMENTS.—The Secretary shall allot the  
2 amounts available for grants under this section equally  
3 among the States that have submitted plans described in  
4 section 322. Each such plan shall include a demonstration  
5 that the State, not later than 5 months after receiving  
6 grant funds under this section, will establish a P–16 edu-  
7 cation stewardship commission described in section 321.

8 **SEC. 324. REPORTS.**

9 (a) IN GENERAL.—Not later than 18 months after  
10 a State receives funds under this section, and annually  
11 thereafter, the State P–16 education stewardship commis-  
12 sion shall prepare and submit to the Governor, and make  
13 easily accessible and available to the public, a clear and  
14 concise report that shall include the recommendations de-  
15 scribed in section 321(c)(2).

16 (b) DISTRIBUTION TO THE PUBLIC.—Not later than  
17 60 days after the submission of a report under subsection  
18 (a), each State P–16 education stewardship commission  
19 shall publish and widely distribute the information in the  
20 report in various concise and understandable formats to  
21 targeted audiences such as—

- 22 (1) all public secondary schools and local edu-  
23 cational agencies;
- 24 (2) school counselors;
- 25 (3) P–16 educators;

- 1 (4) institutions of higher education; and  
2 (5) students and parents, especially students  
3 and parents of students listed in subparagraphs (A)  
4 through (D) of section 322(a)(2) and those entering  
5 grade 9 in the next academic year, to assist students  
6 and parents in making informed and strategic  
7 course enrollment decisions.

8 **TITLE IV—STRENGTHENING**  
9 **ACCOUNTABILITY**

10 **SEC. 401. PURPOSES.**

11 The purposes of this title are—

- 12 (1) to divide the accountability structure for  
13 schools under the Elementary and Secondary Edu-  
14 cation Act of 1965 to provide—

15 (A) comprehensive intervention for schools  
16 that do not make adequate yearly progress be-  
17 cause groups comprising collectively 50 percent  
18 or more of the students in the school have not  
19 achieve the State objectives under section  
20 1111(b)(2)(G) of such Act; and

21 (B) focused intervention for schools that  
22 do not make adequate yearly progress because  
23 groups comprising collectively less than 50 per-  
24 cent of the students in the school that have not  
25 achieved such objectives;

1           (2) to strengthen the program of providing sup-  
2           plemental educational services;

3           (3) to count all children and increase rigor by  
4           ensuring that the State calculations of adequate  
5           yearly progress have limits on student thresholds  
6           and also on statistical confidence intervals that do  
7           not exceed 95 percent confidence;

8           (4) to add science to the subjects included in  
9           the adequate yearly progress calculations in the aca-  
10          ademic assessments under section 1111(b)(3) of such  
11          Act;

12          (5) to support research and development for  
13          mathematics and science partnerships;

14          (6) to amend the provisions regarding the ac-  
15          countability for students with disabilities and  
16          English-language learners;

17          (7) to screen children entering schools identified  
18          as in need of comprehensive intervention under sec-  
19          tion 1116(b)(1) of such Act; and

20          (8) to develop the Adjunct Teacher Corps to  
21          meet the country's needs for teachers in critical for-  
22          eign languages and science, technology, engineering,  
23          and mathematics.

1 **SEC. 402. AUTHORIZATIONS.**

2 For the purpose of carrying out this title and the  
3 amendments made by this title, there are authorized to  
4 be appropriated \$250,000,000 for fiscal year 2008 and for  
5 each of the 4 succeeding fiscal years.

6 **SEC. 403. SCHOOL INTERVENTION PLAN DEVELOPMENT.**

7 Part A of title I of the Elementary and Secondary  
8 Education Act of 1965 is further amended by inserting  
9 before section 1116 the following:

10 **“SEC. 1115A. SCHOOL INTERVENTION PLAN DEVELOPMENT.**

11 “(a) IN GENERAL.—A school that does not make ade-  
12 quate yearly progress but has not been so identified for  
13 the immediate preceding year shall, not later than the end  
14 of the first year following such identification—

15 “(1) develop, in conjunction with the local edu-  
16 cational agency and in consultation with parents,  
17 teachers, administrators, students, and school-inter-  
18 vention specialists from the local educational agency  
19 or the State educational agency, a school-interven-  
20 tion plan;

21 “(2) obtain approval of the plan from the local  
22 educational agency and certification from the super-  
23 intendent that the plan meets the requirements of  
24 this subparagraph and is reasonably designed to en-  
25 sure that the school will meet adequate yearly  
26 progress targets for the following year; and

1           “(3) after approval, make the school-interven-  
2           tion plan publicly available.

3           “(b) CONTENTS OF PLAN.—A school plan under this  
4 section shall—

5           “(1) analyze and address systemic causes for  
6           the school’s inability to make adequate yearly  
7           progress;

8           “(2) identify the specific reasons why the school  
9           did not make adequate yearly progress; and

10          “(3) articulate a plan to improve instruction  
11          and achievement that addresses how the school  
12          will—

13                 “(A) implement curriculum and benchmark  
14                 assessments that are aligned with the State  
15                 academic content standards and student aca-  
16                 demic achievement standards, if collectively  
17                 more than 50 percent of students are contained  
18                 within groups that did not meet adequate yearly  
19                 progress;

20                 “(B) expand instructional time for stu-  
21                 dents who have not met the proficient level or  
22                 are not making sufficient progress toward  
23                 reaching such level on the State academic as-  
24                 sessments;

1           “(C) ensure that first-year teachers are not  
2 disproportionately assigned to students de-  
3 scribed in subparagraph (B);

4           “(D) ensure that all teachers in the school  
5 receive assistance and support in implementing  
6 the curriculum, evidence-based intervention  
7 models, benchmark assessments, and additional  
8 instructional time;

9           “(E) if the subgroup of limited English  
10 proficient students does not make adequate  
11 yearly progress, articulate how the school will  
12 work with the local educational agency to rede-  
13 ploy, as permitted, funds made available to the  
14 local educational agency under title III;

15           “(F) if the subgroup of students with dis-  
16 abilities did not make adequate yearly progress,  
17 articulate how the school will work with the  
18 local educational agency to redeploy, as per-  
19 mitted, funds made available to the local edu-  
20 cational agency under the Individuals with Dis-  
21 abilities Education Act (20 U.S.C. 1411 et  
22 seq.);

23           “(G) include data on the school, relevant  
24 to the factors identified in the plan, from the

1 local educational agency’s report under section  
2 1120D; and

3 “(H) identify specific actions that the local  
4 educational agency will take to make supple-  
5 mental educational services and public school  
6 transfer available.”.

7 **SEC. 404. COMPREHENSIVE AND FOCUSED INTERVENTION.**

8 Section 1116 of the Elementary and Secondary Edu-  
9 cation Act of 1965 (20 U.S.C. 6316) is amended—

10 (1) in subsection (a)(1)(B)—

11 (A) by striking “subject to school improve-  
12 ment” and inserting in lieu thereof “subject to  
13 comprehensive intervention or focused interven-  
14 tion”; and

15 (B) by striking “for school improvement”  
16 and inserting in lieu thereof “for comprehensive  
17 intervention or focused intervention”;

18 (2) by striking subsection (b) and inserting the  
19 following:

20 “(b) SCHOOL INTERVENTION.—

21 “(1) COMPREHENSIVE INTERVENTIONS.—

22 “(A) IDENTIFICATION.—

23 “(i) IN GENERAL.—A local edu-  
24 cational agency shall identify, as in need of  
25 comprehensive intervention, any elemen-



1            tary school or secondary school served  
2            under this part that does not make, for 2  
3            or more consecutive years, adequate yearly  
4            progress as defined in the State’s plan  
5            under section 1111(b)(2) because—

6                    “(I) the group of all students at  
7                    the school did not meet the objectives  
8                    set by the State under section  
9                    1111(b)(2)(G); or

10                    “(II) one or more groups of stu-  
11                    dents specified in section  
12                    1111(b)(2)(C)(v) that collectively rep-  
13                    resents 50 percent or more of the stu-  
14                    dents in the school’s enrollment did  
15                    not meet such objectives.

16                    “(ii) TRANSFER TO FOCUSED INTER-  
17                    VENTION.—In the case of a school that has  
18                    been identified as in need of comprehensive  
19                    intervention under clause (i), the school  
20                    shall be transferred to the year under the  
21                    focused intervention timeline, as defined in  
22                    paragraph (2)(A)(i), where the school  
23                    would have fallen if the school had never  
24                    needed comprehensive intervention, if the  
25                    school—

1           “(I) makes adequate yearly  
2 progress for 2 consecutive years for  
3 groups that collectively contain more  
4 than 50 percent of the students; and

5           “(II) does not make adequate  
6 yearly progress for one or more sub-  
7 groups for 2 or more consecutive  
8 years for the same subgroups.

9           “(iii) EXITING COMPREHENSIVE  
10 INTERVENTION.—In the case of a school  
11 that has been identified as in need of com-  
12 prehensive intervention under clause (i),  
13 the school shall continue to be identified as  
14 in need of comprehensive intervention and  
15 subject to the requirements of this section  
16 until—

17           “(I) the school makes adequate  
18 yearly progress for 2 consecutive years  
19 for groups that collectively contain  
20 more than 50 percent of the students;  
21 or

22           “(II) the school year following  
23 the implementation of a comprehen-  
24 sive restructuring plan under subpara-  
25 graph (E).

1           “(B) HIRING, TRANSFERRING, AND PRO-  
2           FESSIONAL DEVELOPMENT REQUIREMENTS FOR  
3           IDENTIFIED SCHOOLS.—

4           “(i) IN GENERAL.—Subject to clause  
5           (iii), a local educational agency or State  
6           educational agency receiving assistance  
7           under this part shall—

8           “(I) permit a school identified as  
9           being in need of comprehensive inter-  
10          vention under subparagraph (A) to  
11          deny transfer requests from teachers;

12          “(II) provide such school with  
13          priority in the hiring timeline for the  
14          local educational agency or State edu-  
15          cational agency; and

16          “(III) in the case of a school that  
17          has been identified as being in need of  
18          comprehensive intervention for 2 or  
19          more years, allow the school to add  
20          additional professional development  
21          hours for teachers if the professional  
22          development is included as part of the  
23          approved intervention plan defined in  
24          this subsection for the school.

1                   “(ii) DETERMINATION BY SEC-  
2                   RETARY.—Each local educational agency  
3                   or State educational agency receiving as-  
4                   sistance under this part shall demonstrate  
5                   to the Secretary that the agency can meet  
6                   the requirements of clause (i) by not later  
7                   than 3 years after the date of enactment  
8                   of this Act. If the Secretary determines  
9                   that the local educational agency or State  
10                  educational agency has failed to meet this  
11                  requirement, the Secretary may withhold a  
12                  portion of funds to the State educational  
13                  agency under this title.

14                  “(iii) BARGAINING AGREEMENT EX-  
15                  CEPTION AND RESTRICTIONS ON NEW  
16                  AGREEMENTS.—

17                         “(I) IN GENERAL.—The Sec-  
18                         retary shall not determine that a  
19                         State educational agency has failed to  
20                         comply with clause (i) if the reason  
21                         for the agency’s non-compliance is a  
22                         contract or collective bargaining  
23                         agreement that was entered into prior  
24                         to the date of enactment of this Act.

1                   “(II) RESTRICTIONS.—A local  
2 educational agency or State edu-  
3 cational agency shall not enter into a  
4 new contract or collective bargaining  
5 agreement, or renew or extend a con-  
6 tract or collective bargaining agree-  
7 ment, that prevents the local edu-  
8 cational agency or State educational  
9 agency from meeting the requirements  
10 of clause (i) after the date of enact-  
11 ment of the All Students Can Achieve  
12 Act.

13                   “(C) PLAN IMPLEMENTATION IN YEARS 1,  
14 2, 3, AND 4.—

15                   “(i) IN GENERAL.—In the case of a  
16 school that has been identified as in need  
17 of comprehensive intervention for less than  
18 5 consecutive years—

19                   “(I) the school shall implement  
20 the approved school intervention plan  
21 developed under section 1115A; and

22                   “(II) not later than the beginning  
23 of the first school year of intervention  
24 plan implementation, and for each of  
25 the succeeding years if the school re-

1 mains in need of comprehensive or fo-  
2 cused intervention, the local edu-  
3 cational agency shall arrange for the  
4 provision of supplemental educational  
5 services; and

6 “(III) by not later than 6 weeks  
7 before the start of the first school  
8 year of intervention plan implementa-  
9 tion, the local educational agency  
10 serving the school shall notify the par-  
11 ents of the students attending the  
12 school of the parents’ right to transfer  
13 their child to another public school  
14 that is not identified as in need of  
15 comprehensive intervention including  
16 the out of district transfer program in  
17 section 503.

18 “(ii) PLAN AND PROGRESS REVIEW.—

19 In the case of a school that is required to  
20 carry out a comprehensive school improve-  
21 ment plan under this subparagraph, the  
22 local educational agency and the State edu-  
23 cational agency shall annually review the  
24 school’s implementation of the plan and  
25 progress for each year that the school is

1 designated as in need of comprehensive  
2 intervention.

3 “(D) RESTRUCTURING PLAN DEVELOP-  
4 MENT IN YEAR 4.—

5 “(i) IN GENERAL.—In the case of a  
6 school identified as in need of comprehen-  
7 sive intervention for 4 consecutive years,  
8 the local educational agency, in consulta-  
9 tion with the school and in addition to plan  
10 implementation as defined in subparagraph  
11 (C), shall, by not later than the end of the  
12 year—

13 “(I) develop a comprehensive re-  
14 structuring plan, in consultation with  
15 school intervention specialists, where  
16 available, from the State educational  
17 agency, parent and community rep-  
18 resentatives, and local government of-  
19 ficials;

20 “(II) obtain—

21 “(aa) approval of the plan  
22 from a peer review panel selected  
23 by the chief State school officer;  
24 and

1                   “(bb) certification by the  
2                   chief State school officer that the  
3                   plan meets the requirements of  
4                   this subparagraph and is de-  
5                   signed to ensure that the school  
6                   will make adequate yearly  
7                   progress in the succeeding years;  
8                   and

9                   “(III) make the comprehensive  
10                  restructuring plan public.

11                  “(ii) RESTRUCTURING OPTIONS.—A  
12                  comprehensive restructuring plan for a  
13                  school subject to this subparagraph shall  
14                  include details sufficient to carry out one  
15                  of the following as consistent with State  
16                  law:

17                         “(I) Closing and reopening the  
18                         school as a charter school even if the  
19                         addition of such school would exceed  
20                         the State’s limit on the number of  
21                         charter schools that may operate in  
22                         the State, city, county, or region.

23                         “(II) Closing and reopening the  
24                         school under the management of a



1 private or non-profit organization with  
2 a proven record of improving schools.

3 “(III) Closing and reopening the  
4 school under the direct administration  
5 of the State educational agency or the  
6 chief executive officer of a State or  
7 local government entity, such as a  
8 governor or mayor.

9 “(IV) Reassigning the majority  
10 of the staff at the school, and ensur-  
11 ing that in the subsequent year the  
12 staff serving the school does not have  
13 a greater percentage of teachers who  
14 are not highly effective than the aver-  
15 age percentage of such teachers in the  
16 schools served by the local educational  
17 agency.

18 “(iii) MULTIPLE RESTRUCTURING EX-  
19 CEPTION.—

20 “(I) EXCEPTION.—Notwith-  
21 standing subparagraph (A) or clause  
22 (i), if 10 percent or more of the  
23 schools served by a local educational  
24 agency are required to develop a com-  
25 prehensive restructuring plan, the

1 local educational agency, with the ap-  
2 proval and cooperation of the State  
3 educational agency, may carry out the  
4 requirements of this subparagraph for  
5 a limited number of the lowest per-  
6 forming of such schools, as described  
7 in subclause (II).

8 “(II) LIMITED NUMBER OF  
9 SCHOOLS.—The number of schools de-  
10 scribed in this subclause shall be not  
11 less than the greater of—

12 “(aa) 10 percent of the  
13 number of the schools served by  
14 the local educational agency; or

15 “(bb) 1.

16 “(III) RULE FOR NONSELECTED  
17 SCHOOLS.—A school identified for  
18 comprehensive restructuring that is  
19 not one of the limited number of low-  
20 est performing schools under this  
21 clause shall be subject to comprehen-  
22 sive restructuring in subsequent years  
23 and comparable expenditures under  
24 subparagraph (F) unless the school  
25 exits comprehensive intervention.

1           “(E) YEAR 5—COMPREHENSIVE RESTRUC-  
2           TURING PLAN IMPLEMENTATION.—A school  
3           that has been identified as in need of com-  
4           prehensive intervention for 5 consecutive years,  
5           shall, subject to the exemption in subparagraph  
6           (D)(iii), fully implement the comprehensive re-  
7           structuring plan by not later than the end of  
8           the year following such identification.

9           “(F) RULE OF CONSTRUCTION.—Nothing  
10          in this section shall be construed to preclude a  
11          local educational agency from implementing a  
12          policy of carrying out a comprehensive restruc-  
13          turing of a school more quickly than is required  
14          by this section.

15          “(2) FOCUSED INTERVENTION.—

16                 “(A) IDENTIFICATION.—

17                         “(i) IN GENERAL.—If any elementary  
18                         school or secondary school served under  
19                         this part does not, for 2 or more consecu-  
20                         tive years, make adequate yearly progress  
21                         as defined in the State’s plan under section  
22                         1111(b)(2) but is not identified as in need  
23                         of comprehensive intervention, the local  
24                         educational agency shall identify the school  
25                         as in need of focused intervention with re-

1           spect to each group of students described  
2           in section 1111(b)(2)(C)(v) that did not  
3           meet the objectives set by the State under  
4           section 1111(b)(2)(G) in the same subject  
5           area for both years.

6           “(ii) TRANSFER TO COMPREHENSIVE  
7           INTERVENTION.—In the case of a school  
8           that has been identified as in need of fo-  
9           cused intervention under clause (i), the  
10          school will no longer be under focused  
11          intervention if the school does not make  
12          adequate yearly progress for 2 consecutive  
13          years for groups that collectively contain  
14          more than 50 percent of the students.

15          “(iii) EXITING FOCUSED INTERVEN-  
16          TION.—In the case of a school that has  
17          been identified as in need of focused inter-  
18          vention with respect to a focused group  
19          and focused subject under clause (i), the  
20          school shall continue to be identified as in  
21          need of focused intervention and subject to  
22          the requirements of this section until the  
23          focused group meets or exceeds the objec-  
24          tives set by the State under section

1 1111(b)(2)(G) for the focused subject for 2  
2 consecutive years.

3 “(B) DEFINITIONS.—In this paragraph—

4 “(i) the term ‘focused group’ means  
5 the group of students described in sub-  
6 paragraph (A)(i); and

7 “(ii) the term ‘focused subject’ means  
8 each subject area for which the focused  
9 group did not meet the objectives set by  
10 the State under section 1111(b)(2)(G) for  
11 both years.

12 “(C) MULTIPLE GROUPS.—A school may  
13 be identified for focused improvement under  
14 this paragraph for more than 1 focused group  
15 of students and with respect to more than 1 fo-  
16 cused subject, and shall carry out the require-  
17 ments of this paragraph for each such group  
18 and subject.

19 “(D) PLAN IMPLEMENTATION IN YEARS 1,  
20 2, 3, AND 4.—In the case of a school identified  
21 as in need of focused intervention for the same  
22 focused group and 1 or more of the same fo-  
23 cused subjects for 2 consecutive years—

24 “(i) the school shall implement the  
25 school intervention plan under section

1 1115A and issue an annual progress report  
2 regarding the implementation to the public  
3 by not later than the following academic  
4 year; and

5 “(ii) the local educational agency shall  
6 target supplemental educational services to  
7 students in the focused group while allow-  
8 ing other students to participate in accord-  
9 ance with subsection (E) by not later than  
10 the following academic year.

11 “(E) PUBLIC SCHOOL TRANSFER IN YEAR  
12 1.—In the case of a school identified as in need  
13 of focused intervention for the same focused  
14 group and 1 or more of the same focused sub-  
15 jects for 2 consecutive years—

16 “(i) the school shall continue to imple-  
17 ment the intervention plan and provide an-  
18 nual progress reports, as required under  
19 subparagraph (D)(i);

20 “(ii) the local educational agency shall  
21 continue to provide supplemental edu-  
22 cational services under subparagraph  
23 (D)(ii); and

24 “(iii) by not later than 6 weeks before  
25 the start of the first school year of inter-

1           vention plan implementation, the local edu-  
2           cational agency serving the school shall no-  
3           tify the parents of the students attending  
4           the school of the parents' right to transfer  
5           the students to another public school that  
6           is not identified as in need of comprehen-  
7           sive intervention and shall provide such  
8           right.

9           “(F) FOCUSED RESTRUCTURING PLAN DE-  
10          VELOPMENT IN YEAR 4.—In the case of a  
11          school identified as in need of focused interven-  
12          tion for the same focused group and 1 or more  
13          of the same focused subjects for 4 consecutive  
14          years, the local educational agency, in consulta-  
15          tion with the school and in addition to plan im-  
16          plementation as defined in subparagraph (D),  
17          shall carry out clauses (i) and (ii).

18                 “(i) IN GENERAL.—The local edu-  
19                 cational agency, in consultation with school  
20                 intervention specialists from the local edu-  
21                 cational agency and the State educational  
22                 agency, and parent and community rep-  
23                 resentatives, shall—

24                         “(I) develop a focused restruc-  
25                         turing plan that may utilize additional

1 school improvement funding provided  
2 to the State educational agency;

3 “(II) obtain certification of the  
4 plan from the chief school officer of  
5 the local educational agency and the  
6 chief State school officer attesting  
7 that the plan meets the requirements  
8 of this subparagraph and is reason-  
9 ably designed to ensure that the  
10 school will make adequate yearly  
11 progress in the succeeding years; and

12 “(III) after certification, make  
13 the focused restructuring plan publicly  
14 available.

15 “(ii) CONTENTS.—A focused restruc-  
16 turing plan for a school subject to this sub-  
17 paragraph shall include a plan to carry out  
18 1 or more of the following as consistent  
19 with State law:

20 “(I) Reassigning the majority of  
21 the staff at the school associated with  
22 the subgroups that did not meet ade-  
23 quate yearly progress, and ensuring  
24 that, in the subsequent year, the staff  
25 serving the students in these sub-



1 groups do not have a greater percent-  
2 age of teachers who are not highly ef-  
3 fective than the average percentage of  
4 such teachers in the schools served by  
5 the local educational agency.

6 “(II) Entering into an agreement  
7 with a private or non-profit organiza-  
8 tion with a proven record of improving  
9 schools and school instruction to man-  
10 age and staff the instructional areas  
11 not meeting adequate yearly progress.

12 “(G) FOCUSED RESTRUCTURING PLAN IM-  
13 PLEMENTATION IN YEAR 5.—In the case of a  
14 school identified as in need of focused interven-  
15 tion for the same focused group and 1 or more  
16 of the same focused subjects for 5 consecutive  
17 years, the local educational agency shall imple-  
18 ment the certified focused restructuring plan in  
19 the following school year.

20 “(H) CONTINUED PLAN IMPLEMENTATION  
21 IN YEAR 6 AND BEYOND.—In the case of a  
22 school identified as in need of focused interven-  
23 tion for the same focused group and 1 or more  
24 of the same focused subjects for 6 or more con-  
25 secutive years, the local educational agency

1 shall continue refining the intervention plan  
2 and the local educational agency shall use suffi-  
3 cient funds available under this title to carry  
4 out extended time instructional programs for  
5 students in the focused group.

6 “(3) GENERAL PROVISIONS.—

7 “(A) DEADLINE.—The identification of a  
8 school as in need of comprehensive intervention  
9 under paragraph (1) or focused intervention  
10 under paragraph (2) shall take place before the  
11 beginning of the school year following the fail-  
12 ure to make adequate yearly progress.

13 “(B) FOCUSED ASSISTANCE SCHOOLS.—To  
14 determine if an elementary school or a sec-  
15 ondary school that is conducting a targeted as-  
16 sistance program under section 1115 should be  
17 identified as in need of comprehensive interven-  
18 tion or focused intervention under this section,  
19 a local educational agency may choose to review  
20 the progress of only the students in the school  
21 who are served, or are eligible for services,  
22 under this part.

23 “(4) OPPORTUNITY TO REVIEW AND PRESENT  
24 EVIDENCE; TIME LIMIT.—

1           “(A) IDENTIFICATION.—Before identifying  
2           an elementary school or a secondary school as  
3           in need of comprehensive intervention or fo-  
4           cused intervention under paragraphs (1) or (2),  
5           the local educational agency shall provide the  
6           school with an opportunity to review the school-  
7           level data, including academic assessment data,  
8           on which the proposed identification is based.

9           “(B) EVIDENCE.—If the principal of a  
10          school proposed for identification as in need of  
11          comprehensive intervention or focused attention  
12          under paragraphs (1) or (2) believes, or a ma-  
13          jority of the parents of the students enrolled in  
14          such school believe, that the proposed identifica-  
15          tion is in error for statistical or other sub-  
16          stantive reasons, the principal may provide sup-  
17          porting evidence to the State educational agen-  
18          cy, which shall consider that evidence before  
19          making a final determination within 30 days.

20          “(5) TECHNICAL ASSISTANCE.—

21          “(A) IN GENERAL.—For each school iden-  
22          tified as in need of comprehensive intervention  
23          or focused intervention under paragraph (1) or  
24          (2), the local educational agency serving the  
25          school shall ensure the provision of technical as-

1           sistance as the school develops and implements  
2           the school plan under either such paragraph  
3           throughout the plan’s duration.

4           “(B) SPECIFIC ASSISTANCE.—Such tech-  
5           nical assistance—

6                   “(i) shall include assistance in gath-  
7                   ering and analyzing data from assessments  
8                   and other examples of student work, to  
9                   identify and address—

10                           “(I) problems in instruction; and

11                                   “(II) problems, if any, in imple-  
12                                   menting the parental involvement re-  
13                                   quirements described in section 1118,  
14                                   the professional development require-  
15                                   ments described in section 1119, and  
16                                   the responsibilities of the school and  
17                                   local educational agency under the  
18                                   school plan; and

19                                   “(III) solutions to such problems;

20                                   “(ii) shall include assistance in identi-  
21                                   fying and implementing professional devel-  
22                                   opment, instructional strategies, and meth-  
23                                   ods of instruction that are based on sci-  
24                                   entifically based research and that have  
25                                   proven effective in addressing the specific

1 instructional issues that caused the school  
2 to be identified for school-improvement;

3 “(iii) shall include assistance in ana-  
4 lyzing and revising the school’s budget so  
5 that the school’s resources are more effec-  
6 tively allocated to the activities most likely  
7 to increase student academic achievement  
8 and to remove the school from school-im-  
9 provement status; and

10 “(iv) may be provided—

11 “(I) by the local educational  
12 agency, through mechanisms author-  
13 ized under section 1117; or

14 “(II) by the State educational  
15 agency, an institution of higher edu-  
16 cation (that is in full compliance with  
17 all the reporting provisions of title II  
18 of the Higher Education Act of  
19 1965), a private not-for-profit organi-  
20 zation or for-profit organization, an  
21 educational service agency, or another  
22 entity with experience in helping  
23 schools improve academic achieve-  
24 ment.

1           “(C) SCIENTIFICALLY BASED RE-  
2 SEARCH.—Technical assistance provided under  
3 this section by a local educational agency or an  
4 entity approved by that agency shall be based  
5 on scientifically based research.

6           “(6) INDEPENDENT AUDIT OF SPACE AVAIL-  
7 ABILITY.—

8           “(A) IN GENERAL.—Each local educational  
9 agency serving any school identified as in need  
10 of comprehensive intervention under paragraph  
11 (1) shall annually document (through an inde-  
12 pendent audit that may be conducted by the  
13 State educational agency) the space in public  
14 schools served by such agency that are making  
15 adequate yearly progress that is available for  
16 transfers under paragraph (1)(C) or (2)(E).

17           “(B) RULE IF INADEQUATE SPACE.—The  
18 Secretary shall deem a local educational agency  
19 to have met its obligations under paragraph  
20 (1)(C) or (2)(E) if—

21           “(i) an audit under subparagraph (A)  
22 determines that the requirements of para-  
23 graph (1)(C) or (2)(E) cannot be met be-  
24 cause of—

1                   “(I) the lack of physical space,  
2                   and the inability to reasonably acquire  
3                   additional physical space (such as the  
4                   lack of land to place portable class-  
5                   rooms);

6                   “(II) the inability to acquire new  
7                   classroom space; or

8                   “(III) State and local health or  
9                   safety laws and regulations; and

10                  “(ii) the local educational agency  
11                  makes available for transfers under such  
12                  paragraph all the space determined by the  
13                  audit to be practically available.

14                  “(7) NOTICE TO PARENTS.—A local educational  
15                  agency shall promptly provide to a parent or parents  
16                  of each student enrolled in an elementary school or  
17                  a secondary school identified for comprehensive  
18                  intervention or each student in a focused group in  
19                  an elementary school or secondary school identified  
20                  for focused intervention (in an understandable and  
21                  uniform format and, to the extent practicable, in a  
22                  language the parents can understand)—

23                  “(A) an explanation of what the identifica-  
24                  tion means, and how the school compares in  
25                  terms of academic achievement to other elemen-

1           tary schools or secondary schools served by the  
2           local educational agency and the State edu-  
3           cational agency involved;

4           “(B) the reasons for the identification;

5           “(C) an explanation of what the school  
6           identified is doing to address the problem of low  
7           achievement;

8           “(D) an explanation of what the local edu-  
9           cational agency or State educational agency is  
10          doing to help the school address the achieve-  
11          ment problem;

12          “(E) an explanation of how the parents  
13          can become involved in addressing the academic  
14          issues that caused the school to be identified for  
15          school-improvement; and

16          “(F) an explanation of the parents’ option  
17          to transfer their child to another public school  
18          under paragraph (1)(C) or (2)(E), (with trans-  
19          portation provided by the agency when required  
20          by paragraph (9)) or to obtain supplemental  
21          educational services for the child, under para-  
22          graph (1) or (2) and in accordance with sub-  
23          section (e).

24          “(8) DELAY.—Notwithstanding any other provi-  
25          sion of this paragraph, the local educational agency



1 may delay, for a period not to exceed 1 year, imple-  
2 mentation of restructuring if the school makes ade-  
3 quate yearly progress for 1 year or if its failure to  
4 make adequate yearly progress is due to exceptional  
5 or uncontrollable circumstances, such as a natural  
6 disaster or a precipitous and unforeseen decline in  
7 the financial resources of the local educational agen-  
8 cy or school. No such period shall be taken into ac-  
9 count in determining the number of consecutive  
10 years of failure to make adequate yearly progress.

11 “(9) TRANSPORTATION.—In the case of any  
12 school identified as in need of comprehensive inter-  
13 vention or focused intervention that is required to  
14 provide public school transfer under paragraph  
15 (1)(C) or (2)(E), the local educational agency shall  
16 provide, or shall pay for the provision of, transpor-  
17 tation for the student to the public school the stu-  
18 dent attends.

19 “(10) FUNDS FOR TRANSPORTATION AND SUP-  
20 PLEMENTAL EDUCATIONAL SERVICES.—

21 “(A) IN GENERAL.—Unless a lesser  
22 amount is needed to comply with paragraph (9)  
23 and to satisfy all requests for supplemental edu-  
24 cational services under subsection (e), a local  
25 educational agency shall spend an amount equal

1 to 20 percent of its allocation under subpart 2,  
2 from which the agency shall spend—

3 “(i) an amount equal to 5 percent of  
4 its allocation under subpart 2 to provide,  
5 or pay for, transportation under paragraph  
6 (8);

7 “(ii) an amount equal to 5 percent of  
8 its allocation under subpart 2 to provide  
9 supplemental educational services under  
10 subsection (e); and

11 “(iii) an amount equal to the remain-  
12 ing 10 percent of its allocation under sub-  
13 part 2 for transportation under paragraph  
14 (8), supplemental educational services  
15 under subsection (e), or both, as the agen-  
16 cy determines.

17 “(B) TOTAL AMOUNT.—The total amount  
18 described in subparagraph (A)(ii) is the max-  
19 imum amount the local educational agency shall  
20 be required to spend under this part on supple-  
21 mental educational services described in sub-  
22 section (e).

23 “(C) INSUFFICIENT FUNDS.—If the  
24 amount of funds described in subparagraph  
25 (A)(ii) or (iii) and available to provide services

1 under this subsection is insufficient to provide  
2 supplemental educational services to each child  
3 whose parents request the services, the local  
4 educational agency shall give priority to pro-  
5 viding the services to the lowest-achieving chil-  
6 dren.

7 “(D) PROHIBITION.—A local educational  
8 agency shall not, as a result of the application  
9 of this paragraph, reduce by more than 15 per-  
10 cent the total amount made available under sec-  
11 tion 1113(c) to a school described in paragraph  
12 (7)(C) or (8)(A) of subsection (b).

13 “(11) SPECIAL RULES REGARDING SCHOOL  
14 TRANSFER.—

15 “(A) CONTINUATION OF SCHOOLING.—A  
16 local educational agency shall permit a child  
17 who transferred to another school under this  
18 subsection to remain in that school until the  
19 child has completed the highest grade in that  
20 school. The obligation of the local educational  
21 agency to provide, or to provide for, transpor-  
22 tation for the child ends at the end of a school  
23 year if the local educational agency determines  
24 that the school from which the child transferred

1 is no longer identified for as in need of com-  
2 prehensive intervention or focused intervention.

3 “(B) SPECIAL VOLUNTARY SCHOOL  
4 CHOICE PROGRAMS.—A local educational agency  
5 receiving assistance under this part that offers  
6 a voluntary school choice program, other than  
7 the program specified in section 1116(i), for  
8 students served by the local educational agency,  
9 shall not offer such program before first mak-  
10 ing the voluntary program available to all stu-  
11 dents in schools served by the local educational  
12 agency that are identified as in need of com-  
13 prehensive intervention or focused intervention,  
14 with priority to students in schools identified as  
15 in need of comprehensive intervention.

16 “(C) COOPERATIVE AGREEMENT.—In any  
17 case where a local educational agency is re-  
18 quired to provide public school transfer under  
19 paragraph (1)(C) or (2)(E) and all public  
20 schools served by the local educational agency  
21 to which a child may transfer are identified as  
22 in need of comprehensive intervention, the  
23 agency shall, to the extent practicable, establish  
24 a cooperative agreement with other local edu-  
25 cational agencies in the area for a transfer.

1           “(12) STATE EDUCATIONAL AGENCY RESPON-  
2           SIBILITIES.—The State educational agency shall—

3           “(A) make technical assistance under sec-  
4           tion 1117 available to schools identified as in  
5           need of comprehensive intervention or focused  
6           intervention under this subsection consistent  
7           with section 1117(a)(2);

8           “(B) if the State educational agency deter-  
9           mines that a local educational agency failed to  
10          carry out its responsibilities under this sub-  
11          section, take such corrective actions as the  
12          State educational agency determines to be ap-  
13          propriate and in compliance with State law;

14          “(C) ensure that academic assessment re-  
15          sults under this part are provided to schools be-  
16          fore any identification of a school may take  
17          place under this subsection; and

18          “(D) for local educational agencies or  
19          schools identified for comprehensive interven-  
20          tion or in need of focused intervention under  
21          this subsection, notify the Secretary of major  
22          factors that were brought to the attention of  
23          the State educational agency under section  
24          1111(b)(9) that have significantly affected stu-  
25          dent academic achievement.”;

1           (3) by striking paragraph (1) of subsection (c)  
2           and inserting the following:

3           “(1) SUPPLEMENTAL EDUCATIONAL SERV-  
4           ICES.—The local educational agency serving any  
5           school required under paragraph (1) or (2) of sub-  
6           section (b) to provide supplemental educational serv-  
7           ices shall, subject to this subsection, arrange for the  
8           provision of supplemental educational services to eli-  
9           gible children in the school from a provider with a  
10          demonstrated record of effectiveness, that is selected  
11          by the parents and approved for that purpose by the  
12          State educational agency in accordance with reason-  
13          able criteria, consistent with paragraph (5), that the  
14          State educational agency shall adopt.”;

15          (4) in subsection (g), by striking paragraphs  
16          (3) and (4) and inserting the following:

17          “(3) SCHOOL-IMPROVEMENT FOR DEPARTMENT  
18          OF INTERIOR SCHOOLS.—

19                 “(A) CONTRACT AND GRANT SCHOOLS.—  
20                 For a school funded by the Department of Inte-  
21                 rior which is operated under a contract issued  
22                 by the Secretary of the Interior pursuant to the  
23                 Indian Self-Determination Act (25 U.S.C. 450  
24                 et seq.) or under a grant issued by the Sec-  
25                 retary of the Interior pursuant to the Tribally

1           Controlled Schools Act of 1988 (25 U.S.C.  
2           2501 et seq.), the school board of such school  
3           shall be responsible for meeting the require-  
4           ments of subsection (b) relating to development  
5           and implementation of any comprehensive inter-  
6           vention plan or comprehensive restructuring  
7           plan as described in subsection (b)(1) or fo-  
8           cused intervention plan or focused restructuring  
9           plan as described in subsection (b)(2), except  
10          for the requirements to provide public school  
11          transfer under paragraph (1)(C) or (2)(E) of  
12          subsection (b). The Department of Interior  
13          shall be responsible for meeting the require-  
14          ments of subsection (b)(5) relating to technical  
15          assistance.

16                 “(B)           DEPARTMENT           OPERATED  
17          SCHOOLS.—For schools operated by the Depart-  
18          ment of the Interior, the Department shall be  
19          responsible for meeting the requirements of  
20          subsection (b) relating to development and im-  
21          plementation of any comprehensive intervention  
22          plan or comprehensive restructuring plan as de-  
23          scribed in subsection (b)(1), or focused inter-  
24          vention plan or focused restructuring plan as  
25          described in subsection (b)(2), except for the re-

1           quirements to provide public school transfer  
2           under paragraph (1)(C) or (2)(E) of subsection  
3           (b).

4           “(4) CORRECTIVE ACTION AND RESTRUCTURING  
5           FOR BUREAU-FUNDED SCHOOLS.—

6                   “(A) CONTRACT AND GRANT SCHOOLS.—

7           For a school funded by the Department of Inte-  
8           rior which is operated under a contract issued  
9           by the Secretary of the Interior pursuant to the  
10          Indian Self-Determination Act (25 U.S.C. 450  
11          et seq.) or under a grant issued by the Sec-  
12          retary of the Interior pursuant to the Tribally  
13          Controlled Schools Act of 1988 (25 U.S.C.  
14          2501 et seq.), the school board of such school  
15          shall be responsible for meeting the require-  
16          ments of paragraph (1) or (2) of subsection (b).  
17          Any action taken by such school board under  
18          subsection (b)(1)(D) shall take into account the  
19          unique circumstances and structure of the De-  
20          partment of Interior-funded school system and  
21          the laws governing that system.

22                   “(B) BUREAU OPERATED SCHOOLS.—For  
23          schools operated by the Department of Interior,  
24          the Department shall be responsible for meeting  
25          the requirements of paragraph (1) or (2) of



1 subsection (b). Any action taken by the Depart-  
2 ment under subsection (b)(1)(D) shall take into  
3 account the unique circumstances and structure  
4 of the Department of Interior-funded school  
5 system and the laws governing that system.

6 “(5) ANNUAL REPORT.—On an annual basis,  
7 the Secretary of the Interior shall report to the Sec-  
8 retary of Education and to the appropriate commit-  
9 tees of Congress regarding any schools funded by  
10 the Department of Interior which have been identi-  
11 fied for comprehensive intervention or focused inter-  
12 vention. Such report shall include—

13 “(A) the identity of each school;

14 “(B) a statement from each affected school  
15 board regarding the factors that lead to such  
16 identification; and

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

23 (5) in subsection (h), by striking “(b)(14)(D)”  
24 and inserting “(b)(12)(D)”.

1 **SEC. 405. COUNTING ALL CHILDREN.**

2 (a) CONFIDENCE INTERVALS.—Subparagraph (G) of  
3 section 1111(b)(2) of the Elementary and Secondary Edu-  
4 cation Act of 1965 (20 U.S.C. 6311(b)(2)(G)) is amended  
5 by adding at the end the following flush sentence:

6 “Confidence intervals of not greater than 95  
7 percent may be used for purposes of this sub-  
8 paragraph, except that a school that has imple-  
9 mented a growth model system under section  
10 1120D may not use confidence intervals.”.

11 (b) NUMBER OF STUDENTS NECESSARY FOR STATIS-  
12 TICALLY RELIABLE INFORMATION.—Section 1111 of the  
13 Elementary and Secondary Education Act of 1965 (20  
14 U.S.C. 6311) is amended by adding at the end the fol-  
15 lowing:

16 “(n) INSUFFICIENT NUMBER TO YIELD RELIABLE  
17 INFORMATION.—For purposes of this section—

18 “(1) any group of 20 students or more shall be  
19 deemed to be sufficient to yield statistically reliable  
20 information; and

21 “(2) the Secretary may, upon the request of a  
22 State educational agency, deem a group of students  
23 too small if—

24 “(A) the group consists of more than 20  
25 but less than 31 students; and

1           “(B) the Secretary determines that the  
2           State educational agency has justified, through  
3           documented evidence, the need for such an in-  
4           terpretation.”.

5 **SEC. 406. INCLUDING ALREADY-REQUIRED SCIENCE AS-**  
6           **SESSMENTS IN ADEQUATE YEARLY**  
7           **PROGRESS.**

8           Section 1111(b)(2) of the Elementary and Secondary  
9           Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amend-  
10          ed—

11           (1) in subparagraph (E), by inserting “Each  
12           State, using data for the 2001–2002 school year for  
13           mathematics and reading or language arts and data  
14           for the 2007–2008 school year for science,” after  
15           “Starting Point.”;

16           (2) by amending subparagraph (F) to read as  
17          follows:

18           “(F) **TIMELINE.**—Each State shall estab-  
19           lish a timeline for adequate yearly progress,  
20           which shall ensure that, by the end of—

21           “(i) the 2013–2014 school year, all  
22           students in each group described in sub-  
23           paragraph (C)(v) will meet or exceed the  
24           State’s proficient level of academic achieve-  
25           ment on the State assessments of mathe-

1                   matics and reading or language arts under  
2                   paragraph (3); and

3                   “(ii) the 2019–2020 school year, all  
4                   students in each group described in sub-  
5                   paragraph (C)(v) will meet or exceed the  
6                   State’s proficient level of academic achieve-  
7                   ment on the State assessments of science  
8                   under paragraph (3).”; and

9                   (3) in paragraph (G)(i), by striking “subsection  
10                  (a)(3)” and inserting “paragraph (3) and, beginning  
11                  in the 2008–2009 school year, science;”.

12 **SEC. 407. MATHEMATICS AND SCIENCE PARTNERSHIPS.**

13                  Section 2202 (20 U.S.C. 6662) is amended—

14                  (1) by striking subparagraph (C) of subsection  
15                  (b)(2) and inserting the following:

16                         “(C)(i) a description of how the activities  
17                         to be carried out by the eligible partnership will  
18                         be based on a review of scientifically based re-  
19                         search on mathematics and science education  
20                         programs that are effective in improving stu-  
21                         dent academic achievement, which may include  
22                         programs identified by the Director of the Na-  
23                         tional Science Foundation for replication on a  
24                         more expansive basis; and

1           “(ii) an explanation of how the activities  
2           are expected to improve student academic  
3           achievement and strengthen the quality of  
4           mathematics and science instruction;”;

5           (2) by redesignating subsections (e) through (f)  
6           as subsections (d) through (g), respectively;

7           (3) by inserting after subsection (b) the fol-  
8           lowing:

9           “(c) SPECIAL CONSIDERATION.—In awarding grants  
10          pursuant to subsection (a)(1) or awarding subgrants pur-  
11          suant to subsection (a)(2), the Secretary or the State edu-  
12          cational agency, respectively, shall give special consider-  
13          ation to eligible partnerships that carry out activities mod-  
14          eled after programs identified by the Director of the Na-  
15          tional Science Foundation for replication on a more expan-  
16          sive basis.”;

17          (4) by striking paragraph (2) of subsection (e)  
18          (as redesignated by paragraph (2)) and inserting the  
19          following:

20          “(2) NATIONAL SCIENCE FOUNDATION.—In  
21          carrying out the activities authorized by this part,  
22          the Secretary shall—

23                 “(A) consult with the Director of the Na-  
24                 tional Science Foundation, particularly in the  
25                 conduct of summer workshops, institutes, or

1 partnerships to improve mathematics and  
2 science teaching in elementary schools and sec-  
3 ondary schools; and

4 “(B) consult with the Director of the Na-  
5 tional Science Foundation regarding the dis-  
6 semination of model programs identified by the  
7 Director of the National Science Foundation to  
8 be replicated on a more expansive basis.”; and

9 (5) in subsection (f) (as redesignated by para-  
10 graph (2))—

11 (A) in paragraph (2)—

12 (i) in subparagraph (B), by striking  
13 “and” after the semicolon;

14 (ii) in subparagraph (C), by striking  
15 the period and inserting “; and”; and

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

18 “(D) shall describe how the activities as-  
19 sisted under this section will be coordinated  
20 with other programs to improve mathematics  
21 and science academic achievement that are  
22 being implemented by the local educational  
23 agency that is a member of the partnership.”;  
24 and

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

1           “(3) REPORTS.—

2                   “(A) ELIGIBLE PARTNERSHIP REPORTS.—

3           Each eligible partnership receiving a grant or  
4           subgrant under this part shall report annually  
5           to the Secretary regarding the eligible partner-  
6           ship’s progress in meeting the objectives de-  
7           scribed in the accountability plan of the part-  
8           nership under paragraph (2).

9                   “(B) SECRETARY REPORTS.—The Sec-  
10          retary shall annually report to the appropriate  
11          committees of Congress on the effectiveness of  
12          programs assisted under this part in improving  
13          student mathematics and science academic  
14          achievement.

15                  “(4) REVOCATION.—If the Secretary or State  
16          educational agency, as applicable, determines that  
17          an eligible partnership is not making substantial  
18          progress in meeting the objectives described in the  
19          accountability plan of the partnership under para-  
20          graph (2) by the end of the second year of the grant  
21          or subgrant under this part, then the Secretary or  
22          State educational agency shall not make a grant or  
23          subgrant payment under this part to the eligible  
24          partnership for the third year of the grant or  
25          subgrant.”.

1 **SEC. 408. CHILDREN WITH DISABILITIES AND CHILDREN**  
2 **WHO ARE LIMITED ENGLISH PROFICIENT.**

3 (a) STUDENTS WITH DISABILITIES.—Paragraph (2)  
4 of section 1111(b) (20 U.S.C. 6311(b)(2)) is amended by  
5 inserting after subparagraph (L) the following:

6 “(M) STUDENTS WITH DISABILITIES.—

7 “(i) IN GENERAL.—Subject to clause  
8 (ii), in determining whether students with  
9 disabilities meet or exceed the objectives  
10 set by the State under subparagraph (G)—

11 “(I) students with significant  
12 cognitive disabilities may be assessed  
13 against alternative standards using al-  
14 ternative assessments; and

15 “(II) students described in clause  
16 (iii) may be assessed against modified  
17 achievement standards that measure  
18 the same academic content as the reg-  
19 ular student academic achievement  
20 standards under paragraph (1)(D).

21 “(ii) NUMERICAL LIMITS.—

22 “(I) STUDENTS WITH SIGNIFI-  
23 CANT COGNITIVE DISABILITIES.—A  
24 local educational agency may not  
25 claim the exception under clause (i)(I)  
26 for more than 1 percent of the stu-



1           dents attending schools served by the  
2           local educational agency for each  
3           school year.

4                   “(II) TOTAL LIMIT.—A local edu-  
5           cational agency may not claim the ex-  
6           ceptions under subclauses (I) and (II)  
7           of clause (i) for more than 2 percent  
8           of the students attending schools  
9           served by the local educational agency.

10                   “(iii) STUDENTS ASSESSED WITH  
11           MODIFIED STANDARDS.—A student is de-  
12           scribed in this clause if—

13                   “(I) the student has a disability  
14           other than a significant cognitive dis-  
15           ability; and

16                   “(II) the Secretary determines by  
17           regulations that the type and level of  
18           such disability warrants the use of  
19           modified achievement standards.

20                   “(iv) SEPARATE STANDARDS.—The  
21           determination of whether subclause (I) or  
22           (II) of clause (i) applies to a student shall  
23           be made separately from other categoriza-  
24           tions of disabilities.

25                   “(v) EXCEPTION.—

1           “(I) Each State educational  
2 agency shall provide for necessary ex-  
3 ceptions to permit increased limits in  
4 this subparagraph where a larger limit  
5 is justified, such as a specialized facil-  
6 ity in the local educational agency  
7 that results in a larger percentage of  
8 students than average requiring alter-  
9 native assessments with alternative or  
10 modified standards.

11           “(II) The State educational agen-  
12 cy must provide notification to the  
13 Secretary when providing exceptions  
14 to a local educational agency and pro-  
15 vide an annual report to the Secretary  
16 and to the public on all the local edu-  
17 cational agencies receiving exemptions  
18 under this paragraph. The report  
19 shall include the resulting assessment  
20 percentages associated with the ap-  
21 proved exemptions and such addi-  
22 tional information as the Secretary  
23 may reasonably require.

24           “(III) Exceptions should not be  
25 granted on the basis of poor or inac-

1 curate identification or the inappro-  
2 priate use of alternate achievement  
3 standards.

4 “(IV) Exception requests are ap-  
5 propriate where a local educational  
6 agency addresses issues such as high  
7 rates of students with the most sig-  
8 nificant cognitive disabilities; cir-  
9 cumstances in the local education  
10 agency that would explain the higher  
11 rates such as specialized health pro-  
12 grams or facilities; and documentation  
13 that the local educational agency has  
14 implemented safeguards that limit the  
15 inappropriate use of alternative  
16 achievement standards. These safe-  
17 guards may include implementing  
18 State guidelines through the Individ-  
19 ualized Educational Plan process; in-  
20 forming parents about the actual  
21 achievement of students; reporting, to  
22 the extent possible, on test-taking pat-  
23 terns; including these students in the  
24 general curriculum; providing infor-  
25 mation about the use of appropriate

1 accommodations; and ensuring that  
2 teachers and other educators partici-  
3 pate in appropriate professional devel-  
4 opment about alternate assessments.

5 “(vi) STATE PLAN.—Each State plan  
6 shall demonstrate how the provisions of  
7 this section are to be communicated to all  
8 public school principals and special edu-  
9 cation teachers in the State. The State  
10 plan shall also demonstrate that each local  
11 educational agency within the State mon-  
12 itors the implementation of this subpara-  
13 graph to ensure that the subparagraph is  
14 uniformly applied to all schools served by  
15 such agency.”.

16 (b) STUDENTS WHO ARE LIMITED ENGLISH PRO-  
17 FICIENT.—Paragraph (2) of section 1111(b) of such Act  
18 is amended by inserting after subparagraph (M) the fol-  
19 lowing:

20 “(N) STUDENTS WHO ARE LIMITED  
21 ENGLISH PROFICIENT.—

22 “(i) IN GENERAL.—Notwithstanding  
23 this section, a State may—

24 “(I) exempt a recently arrived  
25 limited English proficient student

1 from taking the assessments during  
2 the first year that the student is en-  
3 rolled in a school in the United  
4 States, and not include such student  
5 in determining the percentage of stu-  
6 dents enrolled in a school that are re-  
7 quired to take the assessments under  
8 subparagraph (I); and

9 “(II) choose to not include the  
10 assessment results of all recently ar-  
11 rived limited English proficient stu-  
12 dents in the State for the first year in  
13 which the students are enrolled in a  
14 school in the United States for the  
15 purposes of determining if a group de-  
16 scribed in subparagraph (C)(v) has  
17 met or exceeded the objectives set by  
18 the State under subparagraph (G) for  
19 a school year.

20 “(ii) RETENTION IN LIMITED  
21 ENGLISH PROFICIENT STUDENT GROUP.—

22 “(I) IN GENERAL.—Notwith-  
23 standing this subparagraph, in deter-  
24 mining whether the subgroup of lim-  
25 ited English proficient students met

1 or exceeded the objectives for a school  
2 or local educational agency, a State  
3 may include in such subgroup the as-  
4 sessment results of students who—

5 “(aa) were limited English  
6 proficient, as determined by the  
7 State; and

8 “(bb) whose English pro-  
9 ficiency has improved so that the  
10 students are no longer limited  
11 English proficient, as determined  
12 by the State.

13 “(II) TIME PERIOD.—A State  
14 may include a student described in  
15 subclause (I) in the subgroup of lim-  
16 ited English proficient students only  
17 during the 3 school years following  
18 the determination that the student is  
19 no longer limited English proficient.

20 “(iii) RULE OF CONSTRUCTION.—  
21 Nothing in this subparagraph shall be con-  
22 strued to relieve a State or local edu-  
23 cational agency from its responsibility  
24 under applicable law to provide recently ar-  
25 rived limited English proficient students

1 and students who were limited English  
2 proficient but who are no longer limited  
3 English proficient, as determined by the  
4 State, with appropriate instruction to as-  
5 sist such students in gaining English-lan-  
6 guage proficiency as well as meeting or ex-  
7 ceeding the proficient levels of achievement  
8 in mathematics, reading or language arts,  
9 and science.”.

10 **SEC. 409. EARLY CHILDHOOD DEVELOPMENT.**

11 Paragraph (1) of section 1116(b) (20 U.S.C.  
12 6316(b)) is amended by adding at the end the following  
13 new subparagraph:

14 “(G) EARLY CHILDHOOD EDUCATION IM-  
15 PROVEMENT.—

16 “(i) IN GENERAL.—In the case of an  
17 elementary school identified as in need of  
18 comprehensive or focused intervention, the  
19 local educational agency shall administer  
20 developmental screens and assessments to  
21 preschool and kindergarten students who  
22 are enrolled in the school or as provided  
23 for in clause (iv), for purposes of—

24 “(I) identifying areas for which  
25 instructional intervention is necessary

1 in the areas of pre-literacy and pre-  
2 numeracy for each cohort of preschool  
3 or kindergarten students;

4 “(II) improving instruction and  
5 services being offered to preschool and  
6 kindergarten students; and

7 “(III) determining whether diag-  
8 nostic assessments are necessary to  
9 identify needed interventions, includ-  
10 ing in the areas of literacy and mathe-  
11 matics.

12 “(ii) DEVELOPMENT SCREENS AND  
13 ASSESSMENTS.—The developmental  
14 screens and assessments described in  
15 clause (i) shall be screens and assessments  
16 scientifically determined to be valid, reli-  
17 able, and appropriate for the population  
18 for whom the screens and assessments are  
19 being used.

20 “(iii) RESTRICTIONS ON USE.—The  
21 results of the screens and assessments de-  
22 scribed in clause (i) shall be used for im-  
23 proving instruction and services, and shall  
24 not be used for accountability-based deci-



1                   sions regarding students, schools, or local  
2                   educational agencies.

3                   “(iv) EARLIEST GRADE.—An elemen-  
4                   tary school that does not have preschool or  
5                   kindergarten shall administer such screens  
6                   and assessments before or during entrance  
7                   into the earliest grade offered by the  
8                   school.”.

9   **SEC. 410. ADJUNCT TEACHER CORPS.**

10           Subpart 3 of part C of title II of the Elementary and  
11   Secondary Education Act of 1965 (20 U.S.C. 6711 et  
12   seq.) is amended to read as follows:

13                   **“Subpart 3—Adjunct Teacher Corps**

14   **“SEC. 2341. DECLARATION OF PURPOSE.**

15           “‘It is the purpose of this subpart to create opportuni-  
16   ties for professionals and other individuals with subject-  
17   matter expertise to teach secondary school courses in the  
18   core academic subjects, particularly mathematics, science,  
19   and critical foreign languages, on an adjunct basis.

20   **“SEC. 2342. ADJUNCT TEACHER PROGRAM.**

21           “(a) PROGRAM AUTHORIZED.—The Secretary shall  
22   award grants, on a competitive basis, to eligible entities  
23   to enable the eligible entities to recruit and train well-  
24   qualified individuals to serve as adjunct teachers in sec-  
25   ondary school courses in the core academic subjects, and

1 to place such individuals as adjunct teachers in secondary  
2 schools.

3 “(b) ELIGIBLE ENTITY.—For the purpose of this  
4 subpart, an eligible entity is—

5 “(1) a local educational agency;

6 “(2) a public or private entity (which may be a  
7 State educational agency); or

8 “(3) a partnership consisting of a local edu-  
9 cational agency and a public or private entity.

10 “(c) DURATION OF GRANTS.—The Secretary shall  
11 award each grant under this subpart for a period of not  
12 more than 5 years.

13 “(d) PRIORITIES.—In awarding grants under this  
14 subpart, the Secretary shall give priority to eligible entities  
15 that propose to—

16 “(1) serve local educational agencies that have  
17 a large number or percentage of students performing  
18 below grade level, including local educational agen-  
19 cies that are not making adequate yearly progress as  
20 defined in the State plan under section 1111(b)(2);

21 “(2) recruit and train adjunct teachers in math-  
22 ematics, science, or critical foreign languages, and  
23 provide schools with the adjunct teachers; and

24 “(3) recruit adjunct teachers to serve in schools  
25 that have an insufficient number of teachers with ex-

1       pertise in the subjects the adjunct teachers will  
2       teach.

3       “(e) APPLICATION.—

4             “(1) IN GENERAL.—An eligible entity desiring a  
5       grant under this subpart shall submit an application  
6       to the Secretary at such time, in such manner, and  
7       containing such information as the Secretary may  
8       reasonably require.

9             “(2) CONTENTS.—The application shall, at a  
10       minimum, include a description of—

11             “(A) the need for, and expected benefits of  
12       using, adjunct teachers in the participating  
13       schools, which may include information on the  
14       difficulty participating schools face in recruiting  
15       effective faculty and the achievement levels of  
16       students in those schools;

17             “(B) the goals and objectives for the  
18       project, including the number of adjunct teach-  
19       ers the eligible entity intends to place in class-  
20       rooms and the specific gains in academic  
21       achievement intended to be achieved;

22             “(C) how the eligible entity will recruit ex-  
23       perienced individuals and appropriate public  
24       and private entities to participate in the pro-  
25       gram;

1           “(D) the participating schools at which,  
2           and the grade levels and subjects in which, the  
3           eligible entity proposes to have the adjunct fac-  
4           ulty teach;

5           “(E) how the eligible entity will use funds  
6           received under this subpart, including how the  
7           eligible entity will use funds to evaluate the suc-  
8           cess of the program;

9           “(F) how the eligible entity will ensure  
10          that low-income students, defined through their  
11          eligibility for free and reduced-price lunches  
12          under the Richard B. Russell National School  
13          Lunch Act, in participating schools and local  
14          educational agencies will, during the period of  
15          the grant, receive instruction in the core aca-  
16          demic subjects from a teacher with expertise in  
17          the subject taught;

18          “(G) the eligible entity’s commitment,  
19          after the project period ends, to continue to  
20          hire and employ adjunct teachers, as needed, to  
21          teach secondary school courses, particularly  
22          mathematics, science, and critical foreign lan-  
23          guages; and

24          “(H) how the eligible entity will overcome  
25          legal, contractual, or administrative barriers to

1           the employment of adjunct faculty in each par-  
2           ticipating State educational agency or local edu-  
3           cational agency.

4           “(f) USES OF FUNDS.—Each eligible entity that re-  
5           ceives a grant under this subpart shall use the grant funds  
6           only to carry out 1 or more of the following:

7           “(1) To develop the capacity of the local edu-  
8           cational agency or the State educational agency par-  
9           ticipating in the eligible entity to identify, recruit,  
10          and train qualified individuals outside of the elemen-  
11          tary and secondary education system (including indi-  
12          viduals in business and government, and individuals  
13          who would participate through distance-learning ar-  
14          rangements) to become adjunct teachers.

15          “(2) To provide financial incentives to adjunct  
16          teachers.

17          “(3) To reimburse outside entities for the costs  
18          associated with allowing an employee to serve as an  
19          adjunct teacher, except that the costs shall not ex-  
20          ceed the corresponding total costs of salary and ben-  
21          efits for teachers with comparable experience or ex-  
22          pertise in the local educational agency.

23          “(4) To collect and report such performance in-  
24          formation as the Secretary may require, including

1 information needed for the national evaluation con-  
2 ducted under subsection (h).

3 “(g) MATCHING REQUIREMENT.—Each eligible enti-  
4 ty that receives a grant under this section shall match the  
5 grant funds with non-Federal funds, in cash or in kind.

6 “(h) NATIONAL EVALUATION.—From the amount  
7 made available for any fiscal year under subsection (k),  
8 the Secretary shall reserve such sums as may be necessary  
9 to conduct an independent evaluation, by grant or by con-  
10 tract, of the adjunct teacher corps program carried out  
11 under this subpart, which shall include an assessment of  
12 the impact of the program on student academic achieve-  
13 ment. The Secretary shall report the results of this evalua-  
14 tion to the appropriate committees of Congress.

15 “(i) PROGRAM PERFORMANCE.—

16 “(1) FINAL REPORT.—Each eligible entity re-  
17 ceiving a grant under this section shall prepare and  
18 submit to the Secretary a final report on the results  
19 of the grant that shall include—

20 “(A) information on the academic achieve-  
21 ment of students receiving instruction from an  
22 adjunct teacher; and

23 “(B) such other information as the Sec-  
24 retary may require.

1           “(2) CONTENTS.—The information required for  
2 the report under this subsection shall be—

3           “(A) reported in a manner that provides  
4 for a comparison of student achievement data  
5 prior to, during, and after implementation of  
6 the adjunct teacher corps program under this  
7 subpart; and

8           “(B) disaggregated by race, ethnicity, dis-  
9 ability status, limited english proficient status,  
10 and status as economically disadvantaged, ex-  
11 cept that such disaggregation shall not be re-  
12 quired in a case in which—

13           “(i) the number of students in a cat-  
14 egory is insufficient to yield statistically re-  
15 liable information; or

16           “(ii) the result would reveal personally  
17 identifiable information about an individual  
18 student.

19           “(j) DEFINITIONS.—In this subpart:

20           “(1) ADJUNCT TEACHER.—The term ‘adjunct  
21 teacher’ means a teacher who—

22           “(A) possesses, at a minimum, a bacca-  
23 laurate degree;

24           “(B) has demonstrated expertise in the  
25 subject matter the teacher teaches;

1           “(C) during the first year assists the  
2           teacher of record or shall receive other men-  
3           toring services;

4           “(D) is subject to the same teacher effec-  
5           tiveness provisions as other teachers; and

6           “(E) is not required to meet the other re-  
7           quirements of section 9101(23).

8           “(2) CRITICAL FOREIGN LANGUAGE.—The term  
9           ‘critical foreign language’ means a foreign language  
10          considered most critical to ensure future United  
11          States national security and economic prosperity, as  
12          determined by the Secretary.

13          “(3) SECONDARY SCHOOL COURSE.—The term  
14          ‘secondary school course’ means a course in 1 of the  
15          core academic subjects (as that term is defined in  
16          section 9101) provided to students in grades 6  
17          through 12.

18          “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated to carry out this subpart  
20          \$25,000,000 for fiscal year 2008 and such sums as may  
21          be necessary for each of the 4 succeeding years.”.

## 22           **TITLE V—ENHANCEMENTS**

### 23           **SEC. 501. PURPOSES.**

24           The purposes of this title are to—



1           (1) permit low-income students in schools not  
2 making adequate yearly progress with the option to  
3 go to another public school outside of their own dis-  
4 trict and have Federal funds follow the child;

5           (2) provide incentives for the equitable distribu-  
6 tion of funds to public charter schools;

7           (3) improve programs for parental involvement;

8           (4) provide evidence-based intervention models  
9 to improve access to early intervention, early identi-  
10 fication, and improved academic outcomes for all  
11 students;

12           (5) incorporate universal design for learning  
13 properties to provide a research-based framework for  
14 designing curricula including goals, teaching meth-  
15 ods, instructional materials, and assessments, that  
16 enables all individuals to gain knowledge, skills, and  
17 enthusiasm for learning;

18           (6) double over 3 years the research and devel-  
19 opment investment to develop innovative education  
20 models and strengthen the scientifically based infor-  
21 mation necessary under the Elementary and Sec-  
22 ondary Education Act of 1965;

23           (7) expand access to supplemental educational  
24 services;

1           (8) increase support for foster children and  
2 youth;

3           (9) disaggregate graduation rates and hold  
4 schools accountable for closing the achievement gap  
5 in graduation rates; and

6           (10) develop high school improvement plans.

7 **SEC. 502. AUTHORIZATIONS.**

8           For the purpose of carrying out this title, in addition  
9 to other amounts already authorized, there are to be ap-  
10 propriated \$750,000,000 for fiscal year 2008 and such  
11 sums as may be necessary for each of the 4 succeeding  
12 fiscal years.

13 **SEC. 503. PUBLIC SCHOOL CHOICE.**

14           Section 1116 (20 U.S.C. 6316) is amended by adding  
15 at the end the following:

16           “(i) OUT-OF-DISTRICT TRANSFER PROGRAM TO AN-  
17 OTHER PUBLIC SCHOOL.—

18           “(1) PROGRAM AUTHORIZED.—From amounts  
19 authorized under paragraph (5), the Secretary is au-  
20 thorized to make payments to local education agen-  
21 cies on behalf of eligible students attending schools  
22 that are in need of comprehensive intervention, to  
23 enable such students to transfer to elementary or  
24 secondary schools served by other local educational  
25 agencies.

1           “(2) DEFINITIONS.—In this subsection:

2                   “(A) ELIGIBLE STUDENT.—The term ‘eli-  
3           gible student’ means an elementary or sec-  
4           ondary school student who—

5                           “(i) is from a low-income family as  
6                           determined by eligibility for free and re-  
7                           duced-price lunches under the Richard B.  
8                           Russell National School Lunch Act;

9                           “(ii) at the time of application, is en-  
10                          rolled in a school that is in need of com-  
11                          prehensive intervention; and

12                          “(iii) is unable to take advantage of  
13                          public school choice under subsection  
14                          (b)(1)(D) because—

15                                   “(I) all public schools in the local  
16                                   educational agency for the student’s  
17                                   grade are identified as in need of com-  
18                                   prehensive intervention; or

19                                   “(II) all public schools that are  
20                                   not so identified do not have avail-  
21                                   ability to take additional students.

22                          “(B) RECEIVING SCHOOL.—The term ‘re-  
23                          ceiving school’ means a public elementary or  
24                          secondary school that—

1           “(i) is served by a local educational  
2           agency and is located nearby the student’s  
3           home school;

4           “(ii) is not identified as being in need  
5           of comprehensive intervention for the  
6           school year preceding the year the student  
7           participates in the program under this sub-  
8           section; and

9           “(iii) agrees to accept students par-  
10          ticipating in the program under this sub-  
11          section.

12          “(3) AWARD BASIS.—If the amounts appro-  
13          priated under paragraph (5) for a fiscal year are not  
14          sufficient to award payments, the Secretary shall  
15          give a priority to students in States or localities that  
16          offer matching grants or cost sharing with the Fed-  
17          eral funding.

18          “(4) PAYMENTS.—

19                 “(A) IN GENERAL.—For each student that  
20                 participates in the program under this section,  
21                 the Secretary shall make a payment to the local  
22                 educational agency that serves the receiving  
23                 school that accepts such student, to be used to-  
24                 ward the costs of providing a quality public  
25                 education to the eligible students.

1           “(B) AMOUNT.—The amount of a payment  
2           provided on behalf of a student under this sec-  
3           tion shall be up to \$5,000 a year, of which—

4                   “(i) not more than the average  
5                   amount of Federal funds per student from  
6                   title I and title V of the Elementary and  
7                   Secondary Education Act of 1965 in the  
8                   originating local educational agency shall  
9                   be transferred from the originating local  
10                  educational agency of the school in need of  
11                  comprehensive intervention to the receiving  
12                  local educational agency;

13                  “(ii) not more than \$4,000 shall be  
14                  used by the receiving local educational  
15                  agency for tuition, fees, and transportation  
16                  related to providing public education to eli-  
17                  gible students; and

18                  “(iii) not more than \$1,000 shall be  
19                  used to provide mentoring for eligible stu-  
20                  dents transferring to the new school and to  
21                  offer parental involvement programs for  
22                  the eligible student.

23           “(5) AUTHORIZATION OF APPROPRIATIONS.—

24           From the amounts authorized to be appropriated  
25           under section 502 of the All Students Can Achieve

1 Act, there are authorized to be appropriated to carry  
2 out this section \$50,000,000 for fiscal year 2008  
3 and for the 4 succeeding fiscal years.”.

4 **SEC. 504. PUBLIC CHARTER SCHOOLS.**

5 (a) IDEA AND CHARTER SCHOOLS.—Section  
6 5205(a) (20 U.S.C. 7221(d)) is amended by adding at the  
7 end the following:

8 “(6) To provide technical assistance to public  
9 charter schools on how to meet the requirements of  
10 part B of the Individuals with Disabilities Education  
11 Act (20 U.S.C. 1411 et seq.).”.

12 (b) CHARTER SCHOOL EQUITABLE FUNDING.—Sec-  
13 tion 5202(e)(3) (20 U.S.C. 7221e(e)(3)) is amended by  
14 adding at the end the following:

15 “(D) The State—

16 “(i) provides public charter schools  
17 with funding commensurate with that pro-  
18 vided to other public schools, including  
19 provision for school facilities; and

20 “(ii) ensures that each local edu-  
21 cational agency sends to the charter  
22 schools the Federal, State and local dollars  
23 to which the charter schools are entitled in  
24 a timely manner.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS FOR PUB-  
 2 LIC CHARTER SCHOOL PROGRAMS.—Section 5211 (20  
 3 U.S.C. 7221j) is amended to read as follows:

4 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated—

6 “(1) to carry out this subpart (except for sec-  
 7 tion 5205(b)), \$250,000,000 for fiscal year 2008  
 8 and each of the 4 succeeding fiscal years; and

9 “(2) to carry out section 5205(b), \$30,000,000  
 10 for fiscal year 2008 and each of the 4 succeeding fis-  
 11 cal years.”.

12 **SEC. 505. PARENTAL INVOLVEMENT.**

13 Section 1118 (20 U.S.C. 6318) is amended—

14 (1) in subsection (a)(2)—

15 (A) in subparagraph (E), by striking  
 16 “and” after the semicolon;

17 (B) in subparagraph (F), by striking the  
 18 period and inserting “; and”; and

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

20 “(G) in the case of a State where a paren-  
 21 tal information and resource center is estab-  
 22 lished, integrate the center in the policy and  
 23 utilize the center to—

24 “(i) disseminate information and ma-  
 25 terials to parents; and

1                   “(ii) provide valuable assistance to  
2                   schools that have not achieved adequate  
3                   yearly progress.”; and

4                   (2) by striking subsection (h) and inserting the  
5                   following:

6                   “(h) STATE EDUCATIONAL AGENCY RESPONSIBIL-  
7                   ITIES.—

8                   “(1) REVIEW.—Each State educational agency  
9                   receiving assistance under this part shall review the  
10                  local educational agency’s parental involvement poli-  
11                  cies and practices to determine if the policies and  
12                  practices meet the requirements of this section.

13                  “(2) OVERSIGHT.—Each State educational  
14                  agency receiving assistance under this part shall des-  
15                  ignate an office or position within the State edu-  
16                  cational agency that shall—

17                         “(A) oversee the proper implementation of  
18                         the requirements pertaining to parental involve-  
19                         ment of this part;

20                         “(B) maintain records of all comments  
21                         made to or about any local educational agency  
22                         in the State with respect to the local edu-  
23                         cational agency’s development and implementa-  
24                         tion of the parental involvement policy under  
25                         subsection (a); and



1           “(C) in the case of a State that has a pa-  
 2           rental information and resource center, annu-  
 3           ally prepare and submit a report to the center  
 4           that includes, for each local educational agency  
 5           and public school in the State, that—

6                   “(i) lists the scores for each local edu-  
 7                   cational agency and public school in the  
 8                   State on the State academic assessments  
 9                   for each group described in section  
 10                  1111(b)(2)(C)(v);

11                   “(ii) lists each agency or school’s re-  
 12                   sult for each indicator of adequate yearly  
 13                   progress, as defined under section  
 14                   1111(b)(3)(C), for each such group; and

15                   “(iii) provides information on each  
 16                   agency or school’s compliance with the re-  
 17                   quirements pertaining to parental involve-  
 18                   ment under this part.”.

19 **SEC. 506. RESPONSE TO INTERVENTION.**

20           (a) **INCLUSION IN LOCAL EDUCATIONAL AGENCY**  
 21 **PLANS UNDER SECTION 1112.**—Subparagraph (C) of sec-  
 22 tion 1112(b)(1) of the Elementary and Secondary Edu-  
 23 cation Act of 1965 is amended by inserting before the  
 24 semicolon “, such as through an evidence-based interven-  
 25 tion model described in section 1114(b)(1)(B)(v)”.

1 (b) INCLUSION IN SCHOOLWIDE REFORM STRATE-  
2 GIES OF SCHOOLS UNDER SECTION 1114.—Subpara-  
3 graph (B) of section 1114(b)(1) of such Act is amended—

4 (1) by striking “and” at the end of clause (iii);

5 (2) by striking the period at the end of clause  
6 (iv) and inserting a semicolon; and

7 (3) by adding at the end the following new  
8 clauses:

9 “(iv) coordinate with early intervening  
10 services under section 613(f) of the Indi-  
11 viduals with Disabilities Education Act;  
12 and

13 “(v) provide evidence-based interven-  
14 tion models that include high-quality in-  
15 struction, universal screening, progress  
16 monitoring, research-based interventions  
17 matched to student needs, and educational  
18 decision-making using learning rate over  
19 time and level of performance.”.

20 (c) INCLUSION IN READING FIRST STRATEGIES.—  
21 Clause (ii) of section 1202(c)(7)(A) of such Act is amend-  
22 ed—

23 (1) by striking “and” at the end of subclause  
24 (I);



1 (A) by redesignating clauses (iv) and (v) as  
 2 clauses (v) and (vi), respectively; and

3 (B) by inserting after clause (iii) the fol-  
 4 lowing new clause:

5 “(iv) provide training to enable teach-  
 6 ers to provide services under an evidence-  
 7 based intervention model described in sec-  
 8 tion 1114(b)(1)(B)(v).”.

9 **SEC. 507. UNIVERSAL DESIGN FOR LEARNING.**

10 (a) SECTION 1111(b)(1)(D)(i).—Section  
 11 1111(b)(1)(D)(i) of such Act is amended—

12 (1) by striking “and” at the end of subclause  
 13 (II); and

14 (2) by adding at the end the following new sub-  
 15 clause:

16 “(IV) may incorporate the prin-  
 17 cipals of universal design for learn-  
 18 ing;”.

19 (b) SECTION 1111(b)(3)(C).—Section 1111(b)(3)(C)  
 20 of such Act is amended—

21 (1) by striking “and” at the end of clause (xiv);

22 (2) by striking the period and adding “; and”  
 23 to the end of clause (xv); and

24 (3) by adding at the end a new clause:

1 “(xvi) to the extent feasible, be uni-  
2 versally designed assessments that are de-  
3 signed from the outset to enable all stu-  
4 dents, including those with disabilities, to  
5 demonstrate their knowledge, skills, and  
6 abilities in accordance with intended learn-  
7 ing standards and instructional goals.

8 Based on the principles of universal design  
9 for learning, such assessments—

10 “(I) minimize the effect of con-  
11 struct-irrelevant factors, such as phys-  
12 ical, sensory, cultural, learning, or  
13 cognitive disabilities, or language bar-  
14 riers, that may interfere with the ac-  
15 curacy of the assessment; and

16 “(II) provide appropriate sup-  
17 ports for students to demonstrate the  
18 knowledge, skills, and abilities accord-  
19 ing to the intended learning stand-  
20 ards.”.

21 (c) SECTION 1111(c).—Section 1111(c) of such Act  
22 is amended—

23 (1) by striking “and” at the end of paragraph  
24 (13);

1           (2) by striking the period and adding “; and”  
2           at the end of paragraph (14); and

3           (3) by adding at the end a new paragraph:

4           “(15) the State educational agency, to the ex-  
5           tent that it is involved in selecting and recom-  
6           mending textbooks and other instructional materials,  
7           will encourage the purchase of textbooks and mate-  
8           rials that are consistent with the principles of uni-  
9           versal design for learning.”.

10          (d) SECTION 1111(h)(5).—Section 1111(h)(5) of  
11 such Act is amended by striking the period and inserting  
12 the following: “a comprehensive plan developed in con-  
13 sultation with the experts in the field and stakeholders to  
14 address the implementation of universal design for learn-  
15 ing. The plan must be sufficiently detailed to provide sub-  
16 stantial guidance for activities that include research,  
17 model demonstrations, technical assistance and dissemina-  
18 tion, technology innovations, personnel preparation, staff  
19 development and other means to develop and apply uni-  
20 versal design for learning to standards, curriculum, teach-  
21 ing methods, instructional materials and assessments. The  
22 plan shall include proposed funding levels and timelines  
23 for implementing the various research, development and  
24 dissemination activities, and other components of the  
25 plan.”.

1 (e) SECTION 1112(c)(1).—Section 1112(c)(1) of such  
2 Act is amended—

3 (1) by striking “and” at the end of subclause  
4 (N);

5 (2) by striking the period and adding “; and”  
6 at the end of subclause (O); and

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

8 “(P) Encourage the use of curriculum,  
9 teaching methods, instructional materials and  
10 assessments that are consistent with the prin-  
11 ciples of universal design for learning.”.

12 (f) SECTION 2112(b).—Section 2112(b) of such Act  
13 is amended by adding at the end the following:

14 “(12) A description of how the State edu-  
15 cational agency will use funds under this part to  
16 provide training in the use of teaching methods con-  
17 sistent with the principles of universal design for  
18 learning.”.

19 (g) SECTION 2112(c)(2).—Section 2112(c)(2) of such  
20 Act is amended by inserting “general and special edu-  
21 cation” after “involvement of”, and inserting “consistent  
22 with the principals of universal learning” after “teaching  
23 skills”.

24 (h) SECTION 2402(a).—Section 2402(a) of such Act  
25 is amended by adding at the end the following:

1           “(9) To permit the purchase and implementa-  
2           tion of universally designed technology, including  
3           staff development and technical support; to ensure  
4           that all students, including those with disabilities,  
5           will have an opportunity to benefit from the integra-  
6           tion of technology into the general education cur-  
7           riculum; to provide frequent experiences in the use  
8           of universally designed technologies that may be ap-  
9           plied to large scale assessments; and to measure the  
10          impact of universally designed technologies on the  
11          learning and achievement of all learners.”.

12          (i) SECTION 6111(1).—Section 6111(1) of such Act  
13 is amended by inserting “and universally designed assess-  
14 ments under section 1111 (b)(3)(C)(xvi)” after “required  
15 by section 1111(b)”.

16          (j) SECTION 9101.—Section 9101 of such Act is  
17 amended by adding at the end the following:

18           “(44) UNIVERSAL DESIGN.—The term ‘uni-  
19           versal design’, as defined in section 3 of the Assist-  
20           ive Technology Act of 1998 (29 U.S.C. 3002),  
21           means a concept or philosophy for designing and de-  
22           livering products and services that are usable by  
23           people with the widest range of possible functional  
24           capabilities, which include products and services that  
25           are directly usable (without requiring assistive tech-



1 nologies) and products and services that are made  
2 usable with assistive technologies.

3 “(45) UNIVERSAL DESIGN FOR LEARNING.—

4 The term ‘universal design for learning’ extends the  
5 concept of universal design to the field of education.  
6 It is a research-based framework for designing cur-  
7 rriculum, including goals, methods, materials, and as-  
8 sessments, that enables all individuals to gain knowl-  
9 edge, skills, and enthusiasm for learning. Universal  
10 design for learning provides curricular flexibility (in  
11 activities, in the ways information is presented, in  
12 the ways students respond or demonstrate knowl-  
13 edge, and in the ways students are engaged) to re-  
14 duce barriers, provide appropriate supports and  
15 challenges, and maintain high achievement stand-  
16 ards for all students, including students with disabil-  
17 ities.

18 “(46) UNIVERSALLY DESIGNED TECH-  
19 NOLOGY.—The term ‘universally designed tech-  
20 nology’ means hardware and software that—

21 “(A) include the features necessary for use  
22 by all learners or supports integration with the  
23 necessary assistive hardware and software tech-  
24 nologies to ensure that the hardware and soft-

1           ware are accessible and optimized for all learn-  
2           ers; and

3                   “(B) provide flexibility in the ways that in-  
4           formation is presented, in the ways that stu-  
5           dents respond or demonstrate knowledge, and  
6           in the ways in which students are engaged in  
7           order to provide appropriate support and chal-  
8           lenge and enhance the performance for a typi-  
9           cally diverse spectrum of learners.”.

10 **SEC. 508. DOUBLING SCIENTIFIC-BASED EDUCATION RE-**  
11 **SEARCH AT DEPARTMENT OF EDUCATION.**

12           There are authorized to be appropriated for research,  
13 development, and dissemination activities for the Institute  
14 of Education Sciences of the Department of Education—

15                   (1) \$163,000,000 for fiscal year 2008;

16                   (2) \$218,000,000 for fiscal year 2009;

17                   (3) \$272,000,000 for fiscal year 2010;

18                   (4) \$326,000,000 for fiscal year 2011; and

19                   (5) \$380,000,000 for fiscal year 2012;

20 To enhance research and development on primary and sec-  
21 ondary education reform through scientifically based re-  
22 search and innovative models for education and learning.

1 **SEC. 509. SUPPLEMENTAL EDUCATIONAL SERVICES.**

2 (a) USE OF SCHOOL FACILITIES IN PROVIDING SUP-  
3 PLEMENTAL EDUCATIONAL SERVICES.—Paragraph (2) of  
4 section 1116(e) of such Act is amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (C);

7 (2) by striking the period at the end of sub-  
8 paragraph (D) and inserting “; and”; and

9 (3) by inserting after subparagraph (D) the fol-  
10 lowing new subparagraph:

11 “(E) establish a process (which may in-  
12 clude, after consultation with parents receiving  
13 such services, reasonable limits) for approved  
14 providers to provide such services at schools  
15 which otherwise permit nonschool-affiliated  
16 groups to use school facilities.”.

17 (b) USE OF MULTI-DISTRICT CONSORTIUMS TO SAT-  
18 ISFY SES REQUIREMENTS.—Subsection (e) of section  
19 1116 of such Act is amended—

20 (1) by redesignating paragraph (12) as para-  
21 graph (13); and

22 (2) by inserting after paragraph (11) the fol-  
23 lowing new paragraph:

24 “(12) CONSORTIUMS.—

25 “(A) USE OF MULTI-DISTRICT CONSOR-  
26 TIUMS TO SATISFY SES REQUIREMENTS.—Local

1 educational agencies may form consortiums to  
 2 carry out the functions of such agencies under  
 3 this subsection.

4 “(B) POOLING OF ELIGIBLE STUDENTS.—  
 5 Nothing in this section shall be construed to  
 6 prohibit students eligible for supplemental edu-  
 7 cational services from pooling together to at-  
 8 tract additional provider options.”.

9 **SEC. 510. INCREASING SUPPORT FOR FOSTER CHILDREN**  
 10 **AND YOUTH.**

11 (a) **ELEMENTARY AND SECONDARY EDUCATION ACT**  
 12 **OF 1965.—**

13 (1) **SECTION 1112(b)(1)(E)(ii).**—Section  
 14 1112(b)(1)(E)(ii) of the Elementary and Secondary  
 15 Education Act of 1965 is amended by inserting “fos-  
 16 ter children and youth,” after “homeless children,”.

17 (2) **SECTION 1112(b)(1)(O).**—Section  
 18 1112(b)(1)(O) of the Elementary and Secondary  
 19 Education Act of 1965 is amended by inserting “and  
 20 foster children and youth” after “homeless chil-  
 21 dren,”.

22 (3) **SECTION 1113(b)(3)(A).**—Section  
 23 1113(b)(3)(A) of the Elementary and Secondary  
 24 Education Act of 1965 is amended by inserting “and

1 foster children and youth” after “homeless chil-  
2 dren”.

3 (4) SECTION 1115(b)(2).—Section 1115(b)(2)  
4 of the Elementary and Secondary Education Act is  
5 amended by inserting at the end the following:

6 “(F) FOSTER CHILDREN AND YOUTH.—A  
7 child or youth who is in the foster care system  
8 and attending any school served by the local  
9 educational agency is eligible for services under  
10 this part.

11 **“Subtitle B—Education for Eligible**  
12 **Children and Youths**

13 **“SEC. 721. STATEMENT OF POLICY.**

14 “The following is the policy of the Congress:

15 “(1) Each State educational agency shall en-  
16 sure that each child of a homeless individual and  
17 each eligible child or youth has equal access to the  
18 same free, appropriate public education, including a  
19 public preschool education, as provided to other chil-  
20 dren and youths.

21 “(2) In any State that has a compulsory resi-  
22 dency requirement as a component of the State’s  
23 compulsory school attendance laws or other laws,  
24 regulations, practices, or policies that may act as a  
25 barrier to the enrollment, attendance, or success in

1 school of eligible children and youths, the State will  
2 review and undertake steps to revise such laws, reg-  
3 ulations, practices, or policies to ensure that eligible  
4 children and youths are afforded the same free, ap-  
5 propriate public education as provided to other chil-  
6 dren and youths.

7 “(3) Homelessness alone is not sufficient reason  
8 to separate students from the mainstream school en-  
9 vironment.

10 “(4) Eligible children and youths should have  
11 access to the education and other services that such  
12 children and youths need to ensure that such chil-  
13 dren and youths have an opportunity to meet the  
14 same challenging State student academic achieve-  
15 ment standards to which all students are held.

16 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
17 **THE EDUCATION OF ELIGIBLE CHILDREN**  
18 **AND YOUTHS.**

19 “(a) GENERAL AUTHORITY.—The Secretary is au-  
20 thorized to make grants to States in accordance with the  
21 provisions of this section to enable such States to carry  
22 out the activities described in subsections (d) through (g).

23 “(b) APPLICATION.—No State may receive a grant  
24 under this section unless the State educational agency  
25 submits an application to the Secretary at such time, in

1 such manner, and containing or accompanied by such in-  
2 formation as the Secretary may reasonably require.

3 “(c) ALLOCATION AND RESERVATIONS.—

4 “(1) ALLOCATION.—(A) Subject to subpara-  
5 graph (B), the Secretary is authorized to allot to  
6 each State an amount that bears the same ratio to  
7 the amount appropriated for such year under section  
8 726 that remains after the Secretary reserves funds  
9 under paragraph (2) and uses funds to carry out  
10 section 724(d) and (h), as the amount allocated  
11 under section 1122 of the Elementary and Sec-  
12 ondary Education Act of 1965 to the State for that  
13 year bears to the total amount allocated under sec-  
14 tion 1122 of such Act to all States for that year, ex-  
15 cept that no State shall receive less than the greater  
16 of—

17 “(i) \$150,000;

18 “(ii) one-fourth of 1 percent of the amount  
19 appropriated under section 726 for that year;  
20 or

21 “(iii) the amount such State received  
22 under this section for fiscal year 2001.

23 “(B) If there are insufficient funds in a fiscal  
24 year to allot to each State the minimum amount  
25 under subparagraph (A), the Secretary shall ratably

1 reduce the allotments to all States based on the pro-  
2 portionate share that each State received under this  
3 subsection for the preceding fiscal year.

4 “(2) RESERVATIONS.—(A) The Secretary is au-  
5 thorized to reserve 0.1 percent of the amount appro-  
6 priated for each fiscal year under section 726 to be  
7 allocated by the Secretary among the United States  
8 Virgin Islands, Guam, American Samoa, and the  
9 Commonwealth of the Northern Mariana Islands, ac-  
10 cording to their respective need for assistance under  
11 this subtitle, as determined by the Secretary.

12 “(B)(i) The Secretary shall transfer 1 percent  
13 of the amount appropriated for each fiscal year  
14 under section 726 to the Department of the Interior  
15 for programs for Indian students served by schools  
16 funded by the Secretary of the Interior, as deter-  
17 mined under the Indian Self-Determination and  
18 Education Assistance Act (25 U.S.C. 450 et seq.),  
19 that are consistent with the purposes of the pro-  
20 grams described in this subtitle.

21 “(ii) The Secretary and the Secretary of the In-  
22 terior shall enter into an agreement, consistent with  
23 the requirements of this subtitle, for the distribution  
24 and use of the funds described in clause (i) under  
25 terms that the Secretary determines best meet the



1 purposes of the programs described in this subtitle.  
2 Such agreement shall set forth the plans of the Sec-  
3 retary of the Interior for the use of the amounts  
4 transferred, including appropriate goals, objectives,  
5 and milestones.

6 “(3) STATE DEFINED.—For purposes of this  
7 subsection, the term ‘State’ does not include the  
8 United States Virgin Islands, Guam, American  
9 Samoa, or the Commonwealth of the Northern Mar-  
10 iana Islands.

11 “(d) ACTIVITIES.—Grants under this section shall be  
12 used for the following:

13 “(1) To carry out the policies set forth in sec-  
14 tion 721 in the State.

15 “(2) To provide activities for, and services to,  
16 eligible children and youths (including eligible chil-  
17 dren and youths of preschool age) that enable chil-  
18 dren and youths described in this paragraph to en-  
19 roll in, attend, and succeed in school, or, if appro-  
20 priate, in preschool programs.

21 “(3) To establish or designate an Office of Co-  
22 ordinator for Education of Homeless Children and  
23 Youths in the State educational agency in accord-  
24 ance with subsection (f).

1           “(4) To prepare and carry out the State plan  
2 described in subsection (g).

3           “(5) To develop and implement professional de-  
4 velopment programs for school personnel to heighten  
5 their awareness of, and capacity to respond to, spe-  
6 cific problems in the education of eligible children  
7 and youths.

8           “(e) STATE AND LOCAL SUBGRANTS.—

9           “(1) MINIMUM DISBURSEMENTS BY STATES.—

10 From the sums made available each year to carry  
11 out this subtitle, the State educational agency shall  
12 distribute not less than 75 percent in subgrants to  
13 local educational agencies for the purposes of car-  
14 rying out section 723, except that States funded at  
15 the minimum level set forth in subsection (c)(1)  
16 shall distribute not less than 50 percent in sub-  
17 grants to local educational agencies for the purposes  
18 of carrying out section 723.

19           “(2) USE BY STATE EDUCATIONAL AGENCY.—

20 A State educational agency may use funds made  
21 available for State use under this subtitle to conduct  
22 activities under subsection (f) directly or through  
23 grants or contracts.

24           “(3) PROHIBITION ON SEGREGATING ELIGIBLE  
25 CHILDREN AND YOUTHS.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B) and section 723(a)(2)(B)(ii),  
3           in providing a free public education to an eligi-  
4           ble child or youth, no State receiving funds  
5           under this subtitle shall segregate such child or  
6           youth in a separate school, or in a separate pro-  
7           gram within a school, based on such child’s or  
8           youth’s status as an eligible child or youth.

9           “(B) EXCEPTION.—Notwithstanding sub-  
10          paragraph (A), paragraphs (1)(J)(i) and (3) of  
11          subsection (g), section 723(a)(2), and any other  
12          provision of this subtitle relating to the place-  
13          ment of eligible children or youths in schools, a  
14          State that has a separate school for eligible  
15          children or youths that was operated in fiscal  
16          year 2000 in a covered county shall be eligible  
17          to receive funds under this subtitle for pro-  
18          grams carried out in such school if—

19                 “(i) the school meets the requirements  
20                 of subparagraph (C);

21                 “(ii) any local educational agency  
22                 serving a school that the eligible children  
23                 and youths enrolled in the separate school  
24                 are eligible to attend meets the require-  
25                 ments of subparagraph (E); and

1           “(iii) the State is otherwise eligible to  
2           receive funds under this subtitle.

3           “(C) SCHOOL REQUIREMENTS.—For the  
4           State to be eligible under subparagraph (B) to  
5           receive funds under this subtitle, the school de-  
6           scribed in such subparagraph shall—

7                   “(i) provide written notice, at the time  
8                   any child or youth seeks enrollment in such  
9                   school, and at least twice annually while  
10                  the child or youth is enrolled in such  
11                  school, to the parent or guardian of the  
12                  child or youth (or, in the case of an unac-  
13                  companied youth, the youth) that—

14                           “(I) shall be signed by the parent  
15                           or guardian (or, in the case of an un-  
16                           accompanied youth, the youth);

17                           “(II) sets forth the general rights  
18                           provided under this subtitle;

19                           “(III) specifically states—

20                                   “(aa) the choice of schools  
21                                   eligible children and youths are  
22                                   eligible to attend, as provided in  
23                                   subsection (g)(3)(A);

24                                   “(bb) that no eligible child  
25                                   or youth is required to attend a

1 separate school for eligible chil-  
2 dren or youths;

3 “(cc) that eligible children  
4 and youths shall be provided  
5 comparable services described in  
6 subsection (g)(4), including  
7 transportation services, edu-  
8 cational services, and meals  
9 through school meals programs;  
10 and

11 “(dd) that eligible children  
12 and youths should not be stig-  
13 matized by school personnel; and

14 “(IV) provides contact informa-  
15 tion for the local liaison for eligible  
16 children and youths and the State Co-  
17 ordinator for Education of Homeless  
18 Children and Youths;

19 “(ii)(I) provide assistance to the par-  
20 ent or guardian of each eligible child or  
21 youth (or, in the case of an unaccompanied  
22 youth, the youth) to exercise the right to  
23 attend the parent’s or guardian’s (or  
24 youth’s) choice of schools, as provided in  
25 subsection (g)(3)(A); and

1           “(II) coordinate with the local edu-  
2           cational agency with jurisdiction for the  
3           school selected by the parent or guardian  
4           (or youth), to provide transportation and  
5           other necessary services;

6           “(iii) ensure that the parent or guard-  
7           ian (or, in the case of an unaccompanied  
8           youth, the youth) shall receive the informa-  
9           tion required by this subparagraph in a  
10          manner and form understandable to such  
11          parent or guardian (or youth), including, if  
12          necessary and to the extent feasible, in the  
13          native language of such parent or guardian  
14          (or youth); and

15          “(iv) demonstrate in the school’s ap-  
16          plication for funds under this subtitle that  
17          such school—

18                  “(I) is complying with clauses (i)  
19                  and (ii); and

20                  “(II) is meeting (as of the date  
21                  of submission of the application) the  
22                  same Federal and State standards,  
23                  regulations, and mandates as other  
24                  public schools in the State (such as  
25                  complying with sections 1111 and

1           1116 of the Elementary and Sec-  
2           ondary Education Act of 1965 and  
3           providing a full range of education  
4           and related services, including services  
5           applicable to students with disabil-  
6           ities).

7           “(D) SCHOOL INELIGIBILITY.—A separate  
8           school described in subparagraph (B) that fails  
9           to meet the standards, regulations, and man-  
10          dates described in subparagraph (C)(iv)(II)  
11          shall not be eligible to receive funds under this  
12          subtitle for programs carried out in such school  
13          after the first date of such failure.

14          “(E) LOCAL EDUCATIONAL AGENCY RE-  
15          QUIREMENTS.—For the State to be eligible to  
16          receive the funds described in subparagraph  
17          (B), the local educational agency described in  
18          subparagraph (B)(ii) shall—

19                 “(i) implement a coordinated system  
20                 for ensuring that eligible children and  
21                 youths—

22                         “(I) are advised of the choice of  
23                         schools provided in subsection  
24                         (g)(3)(A);

1           “(II) are immediately enrolled, in  
2           accordance with subsection (g)(3)(C),  
3           in the school selected under subsection  
4           (g)(3)(A); and

5           “(III) are promptly provided nec-  
6           essary services described in subsection  
7           (g)(4), including transportation, to  
8           allow eligible children and youths to  
9           exercise their choices of schools under  
10          subsection (g)(3)(A);

11          “(ii) document that written notice has  
12          been provided—

13               “(I) in accordance with subpara-  
14               graph (C)(i) for each child or youth  
15               enrolled in a separate school under  
16               subparagraph (B); and

17               “(II) in accordance with sub-  
18               section (g)(6)(A)(v);

19               “(iii) prohibit schools within the agen-  
20               cy’s jurisdiction from referring eligible chil-  
21               dren or youths to, or requiring eligible chil-  
22               dren and youths to enroll in or attend, a  
23               separate school described in subparagraph  
24               (B);



1           “(iv) identify and remove any barriers  
2 that exist in schools within the agency’s ju-  
3 risdiction that may have contributed to the  
4 creation or existence of separate schools  
5 described in subparagraph (B); and

6           “(v) not use funds received under this  
7 subtitle to establish—

8                   “(I) new or additional separate  
9 schools for eligible children or youths;  
10 or

11                   “(II) new or additional sites for  
12 separate schools for eligible children  
13 or youths, other than the sites occu-  
14 pied by the schools described in sub-  
15 paragraph (B) in fiscal year 2000.

16           “(F) REPORT.—

17                   “(i) PREPARATION.—The Secretary  
18 shall prepare a report on the separate  
19 schools and local educational agencies de-  
20 scribed in subparagraph (B) that receive  
21 funds under this subtitle in accordance  
22 with this paragraph. The report shall con-  
23 tain, at a minimum, information on—

24                   “(I) compliance with all require-  
25 ments of this paragraph;

1           “(II) barriers to school access in  
2           the school districts served by the local  
3           educational agencies; and

4           “(III) the progress the separate  
5           schools are making in integrating eli-  
6           gible children and youths into the  
7           mainstream school environment, in-  
8           cluding the average length of student  
9           enrollment in such schools.

10           “(ii) COMPLIANCE WITH INFORMA-  
11           TION REQUESTS.—For purposes of ena-  
12           bling the Secretary to prepare the report,  
13           the separate schools and local educational  
14           agencies shall cooperate with the Secretary  
15           and the State Coordinator for Education  
16           of Homeless Children and Youths estab-  
17           lished in the State under subsection (d)(3),  
18           and shall comply with any requests for in-  
19           formation by the Secretary and State Co-  
20           ordinator for such State.

21           “(iii) SUBMISSION.—Not later than 2  
22           years after the date of enactment of the  
23           McKinney-Vento Homeless Education As-  
24           sistance Improvements Act of 2001, the

1 Secretary shall submit the report described  
2 in clause (i) to—

3 “(I) the President;

4 “(II) the Committee on Edu-  
5 cation and the Workforce of the  
6 House of Representatives; and

7 “(III) the Committee on Health,  
8 Education, Labor, and Pensions of  
9 the Senate.

10 “(G) DEFINITION.—For purposes of this  
11 paragraph, the term ‘covered county’ means—

12 “(i) San Joaquin County, California;

13 “(ii) Orange County, California;

14 “(iii) San Diego County, California;

15 and

16 “(iv) Maricopa County, Arizona.

17 “(f) FUNCTIONS OF THE OFFICE OF COORDI-  
18 NATOR.—The Coordinator for Education of Homeless  
19 Children and Youths established in each State shall—

20 “(1) gather reliable, valid, and comprehensive  
21 information on the nature and extent of the prob-  
22 lems eligible children and youths have in gaining ac-  
23 cess to public preschool programs and to public ele-  
24 mentary schools and secondary schools, the difficul-  
25 ties in identifying the special needs of such children

1 and youths, any progress made by the State edu-  
2 cational agency and local educational agencies in the  
3 State in addressing such problems and difficulties,  
4 and the success of the programs under this subtitle  
5 in allowing eligible children and youths to enroll in,  
6 attend, and succeed in, school;

7 “(2) develop and carry out the State plan de-  
8 scribed in subsection (g);

9 “(3) collect and transmit to the Secretary, at  
10 such time and in such manner as the Secretary may  
11 require, a report containing such information as the  
12 Secretary determines is necessary to assess the edu-  
13 cational needs of eligible children and youths within  
14 the State;

15 “(4) facilitate coordination between the State  
16 educational agency, the State social services agency,  
17 and other agencies (including agencies providing  
18 mental health services) to provide services to eligible  
19 children and youths (including eligible children and  
20 youths of preschool age), and to families of children  
21 and youths described in this paragraph;

22 “(5) in order to improve the provision of com-  
23 prehensive education and related services to eligible  
24 children and youths and their families, coordinate  
25 and collaborate with—

1           “(A) educators, including child develop-  
2           ment and preschool program personnel;

3           “(B) providers of services to foster, run-  
4           away, and eligible children and youths, and  
5           homeless families (including domestic violence  
6           agencies, shelter operators, transitional housing  
7           facilities, runaway and homeless youth centers,  
8           and transitional living programs for eligible  
9           children and youth);

10           “(C) local educational agency liaisons des-  
11           ignated under subsection (g)(1)(J)(ii) for eligi-  
12           ble children and youths; and

13           “(D) community organizations and groups  
14           representing eligible children and youths and  
15           their families; and

16           “(6) provide technical assistance to local edu-  
17           cational agencies in coordination with local edu-  
18           cational agency liaisons designated under subsection  
19           (g)(1)(J)(ii), to ensure that local educational agen-  
20           cies comply with the requirements of section  
21           722(e)(3) and paragraphs (3) through (7) of sub-  
22           section (g).

23           “(g) STATE PLAN.—

24           “(1) IN GENERAL.—Each State shall submit to  
25           the Secretary a plan to provide for the education of

1 eligible children and youths within the State. Such  
2 plan shall include the following:

3 “(A) A description of how such children  
4 and youths are (or will be) given the oppor-  
5 tunity to meet the same challenging State aca-  
6 demic achievement standards all students are  
7 expected to meet.

8 “(B) A description of the procedures the  
9 State educational agency will use to identify  
10 such children and youths in the State and to  
11 assess their special needs.

12 “(C) A description of procedures for the  
13 prompt resolution of disputes regarding the  
14 educational placement of eligible children and  
15 youths.

16 “(D) A description of programs for school  
17 personnel (including principals, attendance offi-  
18 cers, teachers, enrollment personnel, and pupil  
19 services personnel) to heighten the awareness of  
20 such personnel of the specific needs of foster,  
21 runaway, and eligible children and youths.

22 “(E) A description of procedures that en-  
23 sure that eligible children and youths who meet  
24 the relevant eligibility criteria are able to par-

1           participate in Federal, State, or local food pro-  
2           grams.

3           “(F) A description of procedures that en-  
4           sure that—

5                   “(i) eligible children and youths of  
6                   preschool age have equal access to the  
7                   same public preschool programs, adminis-  
8                   tered by the State agency, as provided to  
9                   other children in the State;

10                   “(ii) eligible children and youths of  
11                   secondary school age and youths separated  
12                   from the public schools are identified and  
13                   accorded equal access to appropriate sec-  
14                   ondary education and support services; and

15                   “(iii) eligible children and youths who  
16                   meet the relevant eligibility criteria are  
17                   able to participate in Federal, State, or  
18                   local before- and after-school care pro-  
19                   grams.

20           “(G) Strategies to address problems identi-  
21           fied in the report provided to the Secretary  
22           under subsection (f)(3).

23           “(H) Strategies to address other problems  
24           with respect to the education of eligible children

1 and youths, including problems resulting from  
2 enrollment delays that are caused by—

3 “(i) immunization and medical records  
4 requirements;

5 “(ii) residency requirements;

6 “(iii) lack of birth certificates, school  
7 records, or other documentation;

8 “(iv) guardianship issues; or

9 “(v) uniform or dress code require-  
10 ments.

11 “(I) A demonstration that the State edu-  
12 cational agency and local educational agencies  
13 in the State have developed, and shall review  
14 and revise, policies to remove barriers to the en-  
15 rollment and retention of eligible children and  
16 youths in schools in the State.

17 “(J) Assurances that—

18 “(i) the State educational agency and  
19 local educational agencies in the State will  
20 adopt policies and practices to ensure that  
21 eligible children and youths are not stig-  
22 matized or segregated on the basis of their  
23 status as eligible children and youths;

24 “(ii) local educational agencies will  
25 designate an appropriate staff person, who



1 may also be a coordinator for other Fed-  
2 eral programs, as a local educational agen-  
3 cy liaison for eligible children and youths,  
4 to carry out the duties described in para-  
5 graph (6)(A); and

6 “(iii) the State and its local edu-  
7 cational agencies will adopt policies and  
8 practices to ensure that transportation is  
9 provided, at the request of the parent or  
10 guardian (or in the case of an unaccom-  
11 panied youth, the liaison), to and from the  
12 school of origin, as determined in para-  
13 graph (3)(A), in accordance with the fol-  
14 lowing, as applicable:

15 “(I) If the eligible child or youth  
16 continues to live in the area served by  
17 the local educational agency in which  
18 the school of origin is located, the  
19 child’s or youth’s transportation to  
20 and from the school of origin shall be  
21 provided or arranged by the local edu-  
22 cational agency in which the school of  
23 origin is located.

24 “(II) If the eligible child’s or  
25 youth’s living arrangements in the

1 area served by the local educational  
2 agency of origin terminate and the  
3 child or youth, though continuing his  
4 or her education in the school of ori-  
5 gin, begins living in an area served by  
6 another local educational agency, the  
7 local educational agency of origin and  
8 the local educational agency in which  
9 the eligible child or youth is living  
10 shall agree upon a method to appor-  
11 tion the responsibility and costs for  
12 providing the child with transpor-  
13 tation to and from the school of ori-  
14 gin. If the local educational agencies  
15 are unable to agree upon such meth-  
16 od, the responsibility and costs for  
17 transportation shall be shared equally.

18 “(2) COMPLIANCE.—

19 “(A) IN GENERAL.—Each plan adopted  
20 under this subsection shall also describe how  
21 the State will ensure that local educational  
22 agencies in the State will comply with the re-  
23 quirements of paragraphs (3) through (7).

24 “(B) COORDINATION.—Such plan shall in-  
25 dicate what technical assistance the State will

1 furnish to local educational agencies and how  
2 compliance efforts will be coordinated with the  
3 local educational agency liaisons designated  
4 under paragraph (1)(J)(ii).

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-  
6 MENTS.—

7 “(A) IN GENERAL.—The local educational  
8 agency serving each child or youth to be as-  
9 sisted under this subtitle shall, according to the  
10 child’s or youth’s best interest—

11 “(i) continue the child’s or youth’s  
12 education in the school of origin for the  
13 duration of homelessness, or jurisdiction of  
14 the public child welfare agency, as the case  
15 may be—

16 “(I) in any case in which a fam-  
17 ily becomes homeless between aca-  
18 demic years or during an academic  
19 year; or

20 “(II) in any case in which a child  
21 or youth is placed in the jurisdiction  
22 of the public child welfare agency be-  
23 tween academic years or during an  
24 academic year; or

1                   “(III) for the remainder of the  
2                   academic year, if the child or youth  
3                   becomes permanently housed during  
4                   an academic year; or

5                   “(ii) enroll the child or youth in any  
6                   public school that students who are not eli-  
7                   gible children and youths and who live in  
8                   the attendance area in which the child or  
9                   youth is actually living are eligible to at-  
10                  tend.

11                  “(B) BEST INTEREST.—In determining the  
12                  best interest of the child or youth under sub-  
13                  paragraph (A), the local educational agency  
14                  shall—

15                  “(i) to the extent feasible, keep an eli-  
16                  gible child or youth in the school of origin,  
17                  except when doing so is contrary to the  
18                  wishes of the child’s or youth’s parent or  
19                  guardian;

20                  “(ii) provide a written explanation, in-  
21                  cluding a statement regarding the right to  
22                  appeal under subparagraph (E), to the eli-  
23                  gible child’s or youth’s parent or guardian,  
24                  if the local educational agency sends such  
25                  child or youth to a school other than the

1 school of origin or a school requested by  
2 the parent or guardian; and

3 “(iii) in the case of an unaccompanied  
4 youth, ensure that the liaison designated  
5 under paragraph (1)(J)(ii) assists in place-  
6 ment or enrollment decisions under this  
7 subparagraph, considers the views of such  
8 unaccompanied youth, and provides notice  
9 to such youth of the right to appeal under  
10 subparagraph (E).

11 “(C) ENROLLMENT.—(i) The school se-  
12 lected in accordance with this paragraph shall  
13 immediately enroll the eligible child or youth,  
14 even if the child or youth is unable to produce  
15 records normally required for enrollment, such  
16 as previous academic records, medical records,  
17 proof of residency, or other documentation.

18 “(ii) The enrolling school shall immediately  
19 contact the school last attended by the child or  
20 youth to obtain relevant academic and other  
21 records.

22 “(iii) If the child or youth needs to obtain  
23 immunizations, or immunization or medical  
24 records, the enrolling school shall immediately  
25 refer the parent or guardian of the child or

1 youth to the local educational agency liaison  
2 designated under paragraph (1)(J)(ii), who  
3 shall assist in obtaining necessary immuniza-  
4 tions, or immunization or medical records, in  
5 accordance with subparagraph (D).

6 “(D) RECORDS.—Any record ordinarily  
7 kept by the school, including immunization or  
8 medical records, academic records, birth certifi-  
9 cates, guardianship records, and evaluations for  
10 special services or programs, regarding each eli-  
11 gible child or youth shall be maintained—

12 “(i) so that the records are available,  
13 in a timely fashion, when a child or youth  
14 enters a new school or school district; and

15 “(ii) in a manner consistent with sec-  
16 tion 444 of the General Education Provi-  
17 sions Act (20 U.S.C. 1232g).

18 “(E) ENROLLMENT DISPUTES.—If a dis-  
19 pute arises over eligibility for school services,  
20 school selection, enrollment in a school, or any  
21 other issue under this subtitle—

22 “(i) the child or youth shall be imme-  
23 diately enrolled in the school in which en-  
24 rollment is sought, pending final resolution

1 of the dispute, including all available ap-  
2 peals;

3 “(ii)(I) the unaccompanied youth or  
4 the parent or guardian of the child or  
5 youth shall be provided with written expla-  
6 nations of any related decisions made by  
7 the school, the local educational agency, or  
8 the State educational agency, which shall  
9 include information about the right to ap-  
10 peal the decisions; and

11 “(II) if the child or youth is in out-  
12 of-home care, the responsible local child  
13 welfare agency and the court involved shall  
14 also be provided with such written expla-  
15 nation and shall, in turn, provide such  
16 written explanations to individuals involved  
17 in the child’s or youth’s care, as appro-  
18 priate;

19 “(iii) the child, youth, parent, or  
20 guardian shall be referred to the local edu-  
21 cational agency liaison designated under  
22 paragraph (1)(J)(ii), who shall carry out  
23 the dispute resolution process as described  
24 in paragraph (1)(C) as expeditiously as

1 possible after receiving notice of the dis-  
2 pute; and

3 “(iv) in the case of an unaccompanied  
4 youth, the liaison shall ensure that the  
5 youth is immediately enrolled in school  
6 pending resolution of the dispute, including  
7 all available appeals.

8 “(F) PLACEMENT CHOICE.—The choice re-  
9 garding placement shall be made regardless of  
10 whether the child or youth lives with the home-  
11 less parents or has been temporarily placed  
12 elsewhere.

13 “(G) SCHOOL OF ORIGIN DEFINED.—In  
14 this paragraph, the term ‘school of origin’  
15 means the school that the child or youth at-  
16 tended when permanently housed or the school  
17 in which the child or youth was last enrolled.

18 “(H) CONTACT INFORMATION.—Nothing  
19 in this subtitle shall prohibit a local educational  
20 agency from requiring a parent or guardian of  
21 an eligible child to submit contact information.

22 “(4) COMPARABLE SERVICES.—Each eligible  
23 child or youth to be assisted under this subtitle shall  
24 be provided services comparable to services offered



1 to other students in the school selected under para-  
2 graph (3), including the following:

3 “(A) Transportation services.

4 “(B) Educational services for which the  
5 child or youth meets the eligibility criteria, such  
6 as services provided under title I of the Elemen-  
7 tary and Secondary Education Act of 1965 or  
8 similar State or local programs, educational  
9 programs for children with disabilities, and edu-  
10 cational programs for students with limited  
11 English proficiency.

12 “(C) Programs in vocational and technical  
13 education.

14 “(D) Programs for gifted and talented stu-  
15 dents.

16 “(E) School nutrition programs.

17 “(5) COORDINATION.—

18 “(A) IN GENERAL.—Each local educational  
19 agency serving eligible children and youths that  
20 receives assistance under this subtitle shall co-  
21 ordinate—

22 “(i) the provision of services under  
23 this subtitle with local social services agen-  
24 cies and other agencies or programs pro-  
25 viding services to eligible children and

1 youths and their families, including serv-  
2 ices and programs funded under the Run-  
3 away and Homeless Youth Act (42 U.S.C.  
4 5701 et seq.); and

5 “(ii) with other local educational  
6 agencies on interdistrict issues, such as  
7 transportation or transfer of school  
8 records.

9 “(B) HOUSING ASSISTANCE.—If applica-  
10 ble, each State educational agency and local  
11 educational agency that receives assistance  
12 under this subtitle shall coordinate with State  
13 and local housing agencies responsible for devel-  
14 oping the comprehensive housing affordability  
15 strategy described in section 105 of the Cran-  
16 ston-Gonzalez National Affordable Housing Act  
17 (42 U.S.C. 12705) to minimize educational dis-  
18 ruption for children and youths who become  
19 homeless.

20 “(C) COORDINATION PURPOSE.—The co-  
21 ordination required under subparagraphs (A)  
22 and (B) shall be designed to—

23 “(i) ensure that eligible children and  
24 youths have access and reasonable prox-

1 imity to available education and related  
2 support services; and

3 “(ii) raise the awareness of school  
4 personnel and service providers of the ef-  
5 fects of short-term stays in a shelter and  
6 other challenges associated with homeless-  
7 ness and being in the foster care system.

8 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

9 “(A) DUTIES.—Each local educational  
10 agency liaison for eligible children and youths,  
11 designated under paragraph (1)(J)(ii), shall en-  
12 sure that—

13 “(i) eligible children and youths are  
14 identified by school personnel and through  
15 coordination activities with other entities  
16 and agencies;

17 “(ii) eligible children and youths en-  
18 roll in, and have a full and equal oppor-  
19 tunity to succeed in, schools of that local  
20 educational agency;

21 “(iii) eligible children and youths and  
22 homeless families receive educational serv-  
23 ices for which such children and youths  
24 and families are eligible, including Head  
25 Start and Even Start programs and pre-

1 school programs administered by the local  
2 educational agency, and referrals to health  
3 care services, dental services, mental health  
4 services, and other appropriate services;

5 “(iv) the parents or guardians of eligi-  
6 ble children and youths are informed of the  
7 educational and related opportunities avail-  
8 able to their children and are provided  
9 with meaningful opportunities to partici-  
10 pate in the education of their children;

11 “(v) public notice of the educational  
12 rights of eligible children and youths is dis-  
13 seminated where such children and youths  
14 receive services under this Act, such as  
15 schools, family shelters, and soup kitchens;

16 “(vi) enrollment disputes are mediated  
17 in accordance with paragraph (3)(E); and

18 “(vii) the parent or guardian of an eli-  
19 gible child or youth, and any unaccom-  
20 panied youth, is fully informed of all trans-  
21 portation services, including transportation  
22 to the school of origin, as described in  
23 paragraph (1)(J)(iii), and is assisted in ac-  
24 cessing transportation to the school that is  
25 selected under paragraph (3)(A).

1           “(B) NOTICE.—State coordinators estab-  
2           lished under subsection (d)(3) and local edu-  
3           cational agencies shall inform school personnel,  
4           service providers, and advocates working with  
5           homeless families of the duties of the local edu-  
6           cational agency liaisons.

7           “(C) LOCAL AND STATE COORDINATION.—  
8           Local educational agency liaisons for eligible  
9           children and youths shall, as a part of their du-  
10          ties, coordinate and collaborate with State coor-  
11          dinators and community and school personnel  
12          responsible for the provision of education and  
13          related services to eligible children and youths.

14          “(7) REVIEW AND REVISIONS.—

15                 “(A) IN GENERAL.—Each State edu-  
16                 cational agency and local educational agency  
17                 that receives assistance under this subtitle shall  
18                 review and revise any policies that may act as  
19                 barriers to the enrollment of eligible children  
20                 and youths in schools that are selected under  
21                 paragraph (3).

22                 “(B) CONSIDERATION.—In reviewing and  
23                 revising such policies, consideration shall be  
24                 given to issues concerning transportation, im-  
25                 munization, residency, birth certificates, school

1 records and other documentation, and guard-  
 2 ianship.

3 “(C) SPECIAL ATTENTION.—Special atten-  
 4 tion shall be given to ensuring the enrollment  
 5 and attendance of eligible children and youths  
 6 who are not currently attending school.

7 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**  
 8 **THE EDUCATION OF ELIGIBLE CHILDREN**  
 9 **AND YOUTHS.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) IN GENERAL.—The State educational  
 12 agency shall, in accordance with section 722(e), and  
 13 from amounts made available to such agency under  
 14 section 726, make subgrants to local educational  
 15 agencies for the purpose of facilitating the enroll-  
 16 ment, attendance, and success in school of eligible  
 17 children and youths.

18 “(2) SERVICES.—

19 “(A) IN GENERAL.—Services under para-  
 20 graph (1)—

21 “(i) may be provided through pro-  
 22 grams on school grounds or at other facili-  
 23 ties;

24 “(ii) shall, to the maximum extent  
 25 practicable, be provided through existing

1 programs and mechanisms that integrate  
2 eligible children and youths with non-  
3 eligible children and youths; and

4 “(iii) shall be designed to expand or  
5 improve services provided as part of a  
6 school’s regular academic program, but not  
7 to replace such services provided under  
8 such program.

9 “(B) SERVICES ON SCHOOL GROUNDS.—If  
10 services under paragraph (1) are provided on  
11 school grounds, schools—

12 “(i) may use funds under this subtitle  
13 to provide the same services to other chil-  
14 dren and youths who are determined by  
15 the local educational agency to be at risk  
16 of failing in, or dropping out of, school,  
17 subject to the requirements of clause (ii);  
18 and

19 “(ii) except as otherwise provided in  
20 section 722(e)(3)(b), shall not provide  
21 services in settings within a school that  
22 segregate eligible children and youths from  
23 other children and youths, except as nec-  
24 essary for short periods of time—

1                   “(I) for health and safety emer-  
2                   gencies; or

3                   “(II) to provide temporary, spe-  
4                   cial, and supplementary services to  
5                   meet the unique needs of eligible chil-  
6                   dren and youths.

7                   “(3) REQUIREMENT.—Services provided under  
8                   this section shall not replace the regular academic  
9                   program and shall be designed to expand upon or  
10                  improve services provided as part of the school’s reg-  
11                  ular academic program.

12                  “(b) APPLICATION.—A local educational agency that  
13                  desires to receive a subgrant under this section shall sub-  
14                  mit an application to the State educational agency at such  
15                  time, in such manner, and containing or accompanied by  
16                  such information as the State educational agency may rea-  
17                  sonably require. Such application shall include the fol-  
18                  lowing:

19                  “(1) An assessment of the educational and re-  
20                  lated needs of eligible children and youths in the  
21                  area served by such agency (which may be under-  
22                  taken as part of needs assessments for other dis-  
23                  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 eligible  
21          children and youths.

22          “(c) AWARDS.—

23          “(1) IN GENERAL.—The State educational  
24          agency shall, in accordance with the requirements of  
25          this subtitle and from amounts made available to it

1 under section 726, make competitive subgrants to  
2 local educational agencies that submit applications  
3 under subsection (b). Such subgrants shall be  
4 awarded on the basis of the need of such agencies  
5 for assistance under this subtitle and the quality of  
6 the applications submitted.

7 “(2) NEED.—In determining need under para-  
8 graph (1), the State educational agency may con-  
9 sider the number of eligible children and youths en-  
10 rolled in preschool, elementary, and secondary  
11 schools within the area served by the local edu-  
12 cational agency, and shall consider the needs of such  
13 children and youths and the ability of the local edu-  
14 cational agency to meet such needs. The State edu-  
15 cational agency may also consider the following:

16 “(A) The extent to which the proposed use  
17 of funds will facilitate the enrollment, retention,  
18 and educational success of eligible children and  
19 youths.

20 “(B) The extent to which the application—  
21 “(i) reflects coordination with other  
22 local and State agencies that serve eligible  
23 children and youths; and

1                   “(ii) describes how the applicant will  
2                   meet the requirements of section  
3                   722(g)(3).

4                   “(C) The extent to which the applicant ex-  
5                   hibits in the application and in current practice  
6                   a commitment to education for all eligible chil-  
7                   dren and youths.

8                   “(D) Such other criteria as the State agen-  
9                   cy determines appropriate.

10                  “(3) QUALITY.—In determining the quality of  
11                  applications under paragraph (1), the State edu-  
12                  cational agency shall consider the following:

13                         “(A) The applicant’s needs assessment  
14                         under subsection (b)(1) and the likelihood that  
15                         the program presented in the application will  
16                         meet such needs.

17                         “(B) The types, intensity, and coordination  
18                         of the services to be provided under the pro-  
19                         gram.

20                         “(C) The involvement of parents or guard-  
21                         ians of eligible children or youths in the edu-  
22                         cation of their children.

23                         “(D) The extent to which eligible children  
24                         and youths will be integrated within the regular  
25                         education program.

1           “(E) The quality of the applicant’s evalua-  
2           tion plan for the program.

3           “(F) The extent to which services provided  
4           under this subtitle will be coordinated with  
5           other services available to eligible children and  
6           youths and their families.

7           “(G) Such other measures as the State  
8           educational agency considers indicative of a  
9           high-quality program, such as the extent to  
10          which the local educational agency will provide  
11          case management or related services to unac-  
12          companied youths.

13          “(4) DURATION OF GRANTS.—Grants awarded  
14          under this section shall be for terms not to exceed  
15          3 years.

16          “(d) AUTHORIZED ACTIVITIES.—A local educational  
17          agency may use funds awarded under this section for ac-  
18          tivities that carry out the purpose of this subtitle, includ-  
19          ing the following:

20                 “(1) The provision of tutoring, supplemental in-  
21                 struction, and enriched educational services that are  
22                 linked to the achievement of the same challenging  
23                 State academic content standards and challenging  
24                 State student academic achievement standards the  
25                 State establishes for other children and youths.

1           “(2) The provision of expedited evaluations of  
2           the strengths and needs of eligible children and  
3           youths, including needs and eligibility for programs  
4           and services (such as educational programs for gift-  
5           ed and talented students, children with disabilities,  
6           and students with limited English proficiency, serv-  
7           ices provided under title I of the Elementary and  
8           Secondary Education Act of 1965 or similar State  
9           or local programs, programs in vocational and tech-  
10          nical education, and school nutrition programs).

11           “(3) Professional development and other activi-  
12          ties for educators and pupil services personnel that  
13          are designed to heighten the understanding and sen-  
14          sitivity of such personnel to the needs of eligible chil-  
15          dren and youths, the rights of such children and  
16          youths under this subtitle, and the specific edu-  
17          cational needs of foster, runaway, and eligible chil-  
18          dren and youths.

19           “(4) The provision of referral services to eligible  
20          children and youths for medical, dental, mental, and  
21          other health services.

22           “(5) The provision of assistance to defray the  
23          excess cost of transportation for students under sec-  
24          tion 722(g)(4)(A), not otherwise provided through  
25          Federal, State, or local funding, where necessary to

1 enable students to attend the school selected under  
2 section 722(g)(3).

3 “(6) The provision of developmentally appro-  
4 priate early childhood education programs, not oth-  
5 erwise provided through Federal, State, or local  
6 funding, for eligible children and youths of preschool  
7 age.

8 “(7) The provision of services and assistance to  
9 attract, engage, and retain eligible children and  
10 youths, and unaccompanied youths, in public school  
11 programs and services provided to noneligible chil-  
12 dren and youths.

13 “(8) The provision for eligible children and  
14 youths of before- and after-school, mentoring, and  
15 summer programs in which a teacher or other quali-  
16 fied individual provides tutoring, homework assist-  
17 ance, and supervision of educational activities.

18 “(9) If necessary, the payment of fees and  
19 other costs associated with tracking, obtaining, and  
20 transferring records necessary to enroll eligible chil-  
21 dren and youths in school, including birth certifi-  
22 cates, immunization or medical records, academic  
23 records, guardianship records, and evaluations for  
24 special programs or services.

1           “(10) The provision of education and training  
2           to the parents of eligible children and youths about  
3           the rights of, and resources available to, such chil-  
4           dren and youths.

5           “(11) The development of coordination between  
6           schools and agencies providing services to eligible  
7           children and youths, as described in section  
8           722(g)(5).

9           “(12) The provision of pupil services (including  
10          violence prevention counseling) and referrals for  
11          such services.

12          “(13) Activities to address the particular needs  
13          of eligible children and youths that may arise from  
14          domestic violence.

15          “(14) The adaptation of space and purchase of  
16          supplies for any nonschool facilities made available  
17          under subsection (a)(2) to provide services under  
18          this subsection.

19          “(15) The provision of school supplies, includ-  
20          ing those supplies to be distributed at shelters or  
21          temporary housing facilities, or other appropriate lo-  
22          cations.

23          “(16) The provision of other extraordinary or  
24          emergency assistance needed to enable eligible chil-  
25          dren and youths to attend school.

1 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

2       “(a) REVIEW OF STATE PLANS.—In reviewing the  
3 State plan submitted by a State educational agency under  
4 section 722(g), the Secretary shall use a peer review pro-  
5 cess and shall evaluate whether State laws, policies, and  
6 practices described in such plan adequately address the  
7 problems of eligible children and youths relating to access  
8 to education and placement as described in such plan.

9       “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
10 provide support and technical assistance to a State edu-  
11 cational agency to assist such agency in carrying out its  
12 responsibilities under this subtitle, if requested by the  
13 State educational agency.

14       “(c) NOTICE.—The Secretary shall, before the next  
15 school year that begins after the date of enactment of the  
16 McKinney-Vento Homeless Education Assistance Im-  
17 provements Act of 2001, create and disseminate nation-  
18 wide a public notice of the educational rights of eligible  
19 children and youths and disseminate such notice to other  
20 Federal agencies, programs, and grantees, including Head  
21 Start grantees, Health Care for the Homeless grantees,  
22 Emergency Food and Shelter grantees, and homeless as-  
23 sistance programs administered by the Department of  
24 Housing and Urban Development.

25       “(d) EVALUATION AND DISSEMINATION.—The Sec-  
26 retary shall conduct evaluation and dissemination activi-



1 ties of programs designed to meet the educational needs  
2 of eligible children and youths who are elementary and  
3 secondary school students, and may use funds appro-  
4 priated under section 726 to conduct such activities.

5       “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
6 retary shall require applications for grants under this sub-  
7 title to be submitted to the Secretary not later than the  
8 expiration of the 60-day period beginning on the date that  
9 funds are available for purposes of making such grants  
10 and shall make such grants not later than the expiration  
11 of the 120-day period beginning on such date.

12       “(f) DETERMINATION BY SECRETARY.—The Sec-  
13 retary, based on the information received from the States  
14 and information gathered by the Secretary under sub-  
15 section (h), shall determine the extent to which State edu-  
16 cational agencies are ensuring that each eligible child or  
17 youth has access to a free appropriate public education,  
18 as described in section 721(1).

19       “(g) GUIDELINES.—The Secretary shall develop,  
20 issue, and publish in the Federal Register, not later than  
21 60 days after the date of enactment of the McKinney-  
22 Vento Homeless Education Assistance Improvements Act  
23 of 2001, school enrollment guidelines for States with re-  
24 spect to eligible children and youths. The guidelines shall  
25 describe—

1           “(1) successful ways in which a State may as-  
2           sist local educational agencies to immediately enroll  
3           eligible children and youths in school; and

4           “(2) how a State can review the State’s require-  
5           ments regarding immunization and medical or school  
6           records and make such revisions to the requirements  
7           as are appropriate and necessary in order to enroll  
8           eligible children and youths in school immediately.

9           “(h) INFORMATION.—

10           “(1) IN GENERAL.—From funds appropriated  
11           under section 726, the Secretary shall, directly or  
12           through grants, contracts, or cooperative agree-  
13           ments, periodically collect and disseminate data and  
14           information regarding—

15           “(A) the number and location of eligible  
16           children and youths;

17           “(B) the education and related services  
18           such children and youths receive;

19           “(C) the extent to which the needs of eligi-  
20           ble children and youths are being met; and

21           “(D) such other data and information as  
22           the Secretary determines to be necessary and  
23           relevant to carry out this subtitle.

24           “(2) COORDINATION.—The Secretary shall co-  
25           ordinate such collection and dissemination with

1 other agencies and entities that receive assistance  
2 and administer programs under this subtitle.

3 “(i) REPORT.—Not later than 4 years after the date  
4 of enactment of the McKinney-Vento Homeless Education  
5 Assistance Improvements Act of 2001, the Secretary shall  
6 prepare and submit to the President and the Committee  
7 on Education and the Workforce of the House of Rep-  
8 resentatives and the Committee on Health, Education,  
9 Labor, and Pensions of the Senate a report on the status  
10 of education of eligible children and youths, which shall  
11 include information on—

12 “(1) the education of eligible children and  
13 youths; and

14 “(2) the actions of the Secretary and the effec-  
15 tiveness of the programs supported under this sub-  
16 title.

17 **“SEC. 725. DEFINITIONS.**

18 “For purposes of this subtitle:

19 “(1) The term ‘eligible children and youths’ in-  
20 cludes—

21 “(A) individuals who lack a fixed, regular,  
22 and adequate nighttime residence (within the  
23 meaning of section 103(a)(1));

24 “(B)(i) children and youths who—

1           “(I) are sharing the housing of other  
2           persons due to loss of housing, economic  
3           hardship, or a similar reason;

4           “(II) are living in motels, hotels, trail-  
5           er parks, or camping grounds due to the  
6           lack of alternative adequate accommoda-  
7           tions;

8           “(III) are living in emergency or tran-  
9           sitional shelters;

10          “(IV) are abandoned in hospitals; or

11          “(V) are awaiting foster care place-  
12          ment;

13          “(ii) children and youths who have a pri-  
14          mary nighttime residence that is a public or  
15          private place not designed for or ordinarily used  
16          as a regular sleeping accommodation for human  
17          beings (within the meaning of section  
18          103(a)(2)(C));

19          “(iii) children and youths who are living in  
20          cars, parks, public spaces, abandoned buildings,  
21          substandard housing, bus or train stations, or  
22          similar settings; and

23          “(iv) migratory children (as such term is  
24          defined in section 1309 of the Elementary and  
25          Secondary Education Act of 1965) who are con-

1           sidered eligible for the purposes of this subtitle  
2           because the children are living in circumstances  
3           described in clauses (i) through (iii); and

4           “(C) children and youths in out-of-home  
5           care under the jurisdiction of the responsible  
6           public child welfare agency, including foster  
7           care, kinship care, care in a group home, and  
8           care in a child care institution.

9           “(2) The terms ‘enroll’ and ‘enrollment’ include  
10          attending classes and participating fully in school  
11          activities.

12          “(3) The terms ‘local educational agency’ and  
13          ‘State educational agency’ have the meanings given  
14          such terms in section 9101 of the Elementary and  
15          Secondary Education Act of 1965.

16          “(4) The term ‘parent or guardian’, used with  
17          respect to a child or youth in out-of-home care,  
18          means—

19                  “(A) the person who is the birth or adop-  
20                  tive parent or legal guardian of the child or  
21                  youth, unless—

22                          “(i) such person’s right to make edu-  
23                          cational decisions for the child or youth  
24                          has been terminated or suspended by a  
25                          court; or

1           “(ii) the person cannot be indentified  
2           or located after reasonable efforts, is not  
3           available with reasonable promptness to as-  
4           sist in enrollment or placement decisions,  
5           or is not acting in the best educational in-  
6           terests of the child in enrollment or place-  
7           ment decisions; or

8           “(B) in a situation described in clause (i)  
9           or (ii) of subparagraph (A), a person appointed  
10          by a court to make educational decisions for the  
11          child or youth under this Act, after considering  
12          (in the case of a child or youth who is eligible  
13          for services under the Individuals with Disabil-  
14          ities Education Act (20 U.S.C. 1400 et seq.))  
15          whether the person considered to be the parent  
16          of the child or youth for purposes of that Act  
17          should serve as the person to make those edu-  
18          cational decisions.

19          “(5) The term ‘Secretary’ means the Secretary  
20          of Education.

21          “(6) The term ‘State’ means each of the 50  
22          States, the District of Columbia, and the Common-  
23          wealth of Puerto Rico.

1           “(7) The term ‘unaccompanied youth’ includes  
2           a youth not in the physical custody of a parent or  
3           guardian.

4   **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5           “For the purpose of carrying out this subtitle, there  
6           are authorized to be appropriated \$150,000,000 for fiscal  
7           year 2008 and such sums as may be necessary for each  
8           of the 4 succeeding years.”.

9   **SEC. 511. GRADUATION RATES.**

10          (a) DISAGGREGATION OF GRADUATION RATES AND  
11          ELEMENTARY SCHOOL INDICATOR IN DETERMINING  
12          ADEQUATE YEARLY PROGRESS.—Subparagraph (D) of  
13          section 1111(b)(2) of such Act is amended—

14                  (1) by striking “and” at the end of clause (i);

15                  (2) by redesignating clause (ii) as clause (iii);

16          and

17                  (3) by inserting after clause (i) the following  
18          new clause:

19                  “(ii) shall determine adequate yearly progress using  
20          graduation rates of public secondary school students  
21          (measured separately for each group described in subpara-  
22          graph (C)(v)); and”.

23          (b) GOALS FOR INCREASING GRADUATION RATES  
24          FOR GROUPS OF STUDENTS.—

1           (1) IN GENERAL.—Subparagraph (G) of section  
2 1111(b)(2) of such Act is amended—

3           (A) by striking “and” at the end of clause  
4 (iv);

5           (B) by striking the period at the end of  
6 clause (v) and inserting “; and”; and

7           (C) by adding at the end the following new  
8 clause:

9           “(vi) shall ensure each group of stu-  
10 dents described in subparagraph (C)(v)  
11 meets the graduation rate for public sec-  
12 ondary school students.”.

13           (2) SAFE HARBOR.—Clause (i) of section  
14 1111(b)(2)(I) of such Act is amended to read as fol-  
15 lows:

16           “(i) each group of students described  
17 in subparagraph (C)(v) must meet or ex-  
18 ceed the objectives set by the State under  
19 subparagraph (G), except that if any group  
20 described in subparagraph (C)(v) does not  
21 meet those objectives in any particular  
22 year, the school shall be considered to have  
23 made adequate yearly progress if—

24           “(I) except in the case of the ob-  
25 jectives described in subparagraph



1 (G)(vi), the percentage of students in  
2 that group who did not meet or ex-  
3 ceed the proficient level of academic  
4 achievement on the State assessments  
5 under paragraph (3) for that year de-  
6 creased by 10 percent of that percent-  
7 age from the preceding school year  
8 and that group made progress on one  
9 or more of the academic indicators de-  
10 scribed in subparagraph (C)(vi) or  
11 (vii); and

12 “(II) in the case of the objectives  
13 described in subparagraph (G)(vi)—

14 “(aa) the school meets the  
15 objectives described in subpara-  
16 graph (G)(vi), or for any school  
17 year prior to the school year  
18 which is at the end of the  
19 timeline described in subpara-  
20 graph (F), meets the inter-  
21 mediate goals for such objectives  
22 described in subparagraph (H);  
23 or

24 “(bb) there is less than a 5  
25 percentage point difference be-

1           between the group described in sub-  
2           paragraph (C)(v) having the  
3           highest rate and the group so de-  
4           scribed having the lowest rate  
5           (except that students with dis-  
6           abilities who are not assessed  
7           against grade level content stand-  
8           ards shall not be taken into ac-  
9           count in determining adequate  
10          yearly progress for public sec-  
11          ondary school students and pub-  
12          lic elementary school students);  
13          and”.

14          (c) GRADUATION RATES DETERMINED USING 4-  
15          YEAR ADJUSTED COHORT RATE.—Subparagraph (C) of  
16          section 1111(b)(2) of such Act is amended—

17                 (1) by striking “(defined as the percentage of  
18                 students who graduate from secondary school with a  
19                 regular diploma in the standard number of years)”  
20                 in clause (vi); and

21                 (2) by adding at the end the following new  
22                 flush sentence:

23                 “Graduation rates under clause (vi) shall be determined  
24                 using a 4-year adjusted cohort rate, which compares the  
25                 number of students enrolling in the 9th grade to the num-

1 ber of students who graduate from the 12th grade 4 years  
2 later, controlling for students transferring to other schools  
3 and allowing for children with disabilities and limited-  
4 English proficient children to have additional time to  
5 graduate. The period of additional time described in the  
6 preceding sentence shall be defined in regulation by the  
7 Secretary. A similar 3-year such cohort rate shall be used  
8 for secondary schools with only 3 grades.”.

9 **SEC. 512. DISTRICT WIDE HIGH SCHOOLS REFORM.**

10 (a) IN GENERAL.—Paragraph (1) of section 1112(b)  
11 of the Elementary and Secondary Education Act of 1965  
12 is amended—

13 (1) by striking “and” at the end of subpara-  
14 graph (P);

15 (2) by striking the period at the end of sub-  
16 paragraph (Q) and inserting “; and”; and

17 (3) by adding at the end the following new sub-  
18 paragraph:

19 “(R) a description of the districtwide  
20 school improvement plan (meeting the require-  
21 ments of paragraph (3)(B)) that the local edu-  
22 cational agency will implement if such agency is  
23 required by paragraph (3)(A) to implement  
24 such a plan as of the beginning of any year.”.

1 (b) REQUIREMENTS.—Subsection (b) of section 1112  
2 of such Act is amended by adding at the end the following  
3 new paragraph:

4 “(3) DISTRICTWIDE SCHOOL IMPROVEMENT  
5 PLANS.—

6 “(A) IN GENERAL.—A local educational  
7 agency shall implement its districtwide school  
8 improvement plan as of the beginning of any  
9 year if—

10 “(i)(I) at least 50 percent of the stu-  
11 dents served by such agency are enrolled in  
12 secondary schools which did not make ade-  
13 quate yearly progress (as set out in the  
14 State’s plan under section 1111(b)(2)) for  
15 the preceding year; or

16 “(II) at least 50 percent of the sec-  
17 ondary schools served by such agency did  
18 not make such progress for such preceding  
19 year; and

20 “(ii) attendance rates at the sec-  
21 ondary schools served by such agency that  
22 did not make such progress for such pre-  
23 ceding year, and the attendance rates of  
24 8th grade students (or the highest grade  
25 before entering secondary school) who

1 would otherwise enter such schools for  
2 such preceding year, are in the bottom  
3 quartile compared to all schools served by  
4 such agency.

5 “(B) DISTRICTWIDE PLAN REQUIRE-  
6 MENTS.—A districtwide school improvement  
7 program meets the requirements of this sub-  
8 paragraph if—

9 “(i) the plan requires the local edu-  
10 cational agency, in determining the inter-  
11 ventions necessary to improve achievement  
12 at secondary schools served by the agency,  
13 to consider—

14 “(I) the status of schools in mak-  
15 ing adequate yearly progress (as set  
16 out in the State’s plan under section  
17 1111(b)(2));

18 “(II) graduation rates (within  
19 the meaning of section  
20 1111(b)(2)(C)(vi)) for each group de-  
21 scribed in section 1111(b)(2)(C)(v);

22 “(III) assessment results and at-  
23 tendance rates for the highest grade  
24 at elementary schools whose students

1 attend such agency's secondary  
2 schools; and

3 “(IV) the level of credit accumu-  
4 lation by students as of the end of the  
5 lowest grade in secondary school; and

6 “(ii) such plan requires the local edu-  
7 cational agency—

8 “(I) to focus on the secondary  
9 schools which resulted in meeting the  
10 requirement of subparagraph (A)(i) in  
11 order to reduce the number of stu-  
12 dents at those schools who do not  
13 meet a proficient level of academic  
14 performance;

15 “(II) to do a resource allocation  
16 analysis of the needs of the secondary  
17 schools served by such agency with re-  
18 spect to staffing, professional develop-  
19 ment, instruction, and student attend-  
20 ance and behavior;

21 “(III) to develop a research-  
22 based plan which meets the require-  
23 ments of subparagraph (C) to ad-  
24 dress—

1                   “(aa) the instructional, cur-  
2                   riculum, and capacity needs of  
3                   the local educational agency’s  
4                   ability to assist secondary schools  
5                   in increasing achievement; and

6                   “(bb) the instructional needs  
7                   of its schools;

8                   “(IV) increase attendance and  
9                   earned, on-time grade promotion; and

10                  “(V) take steps designed to en-  
11                  sure students graduate from sec-  
12                  ondary school ready for college and  
13                  the workplace.

14                  “(C) PLAN TO MEET INSTRUCTIONAL  
15                  NEEDS.—A plan meets the requirements of this  
16                  subparagraph if the plan requires the local edu-  
17                  cational agency to consider—

18                  “(i) ensuring alignment between the  
19                  curriculum used by the school district and  
20                  State standards;

21                  “(ii) the use of formative assessments;

22                  “(iii) the use of data to improve in-  
23                  struction;

24                  “(iv) the incorporation of staff-focused  
25                  professional development;

1           “(v) the hiring, placement, and dis-  
2           tribution of highly effective principals;

3           “(vi) the hiring and distribution of  
4           highly effective teachers; and

5           “(vii) the use of an extended school  
6           day and school year.

7           “(D) PEER REVIEW BEFORE STATE AP-  
8           PROVAL.—The State educational agency may  
9           approve a local educational agency’s plan under  
10          this section only after—

11           “(i) considering the results of a peer  
12           review of the districtwide school improve-  
13           ment plan referred to in paragraph (1)(R);  
14           and

15           “(ii) consulting with State officials re-  
16           sponsible for juvenile justice and alter-  
17           native education placements.

18          The State educational agency shall provide  
19          technical assistance to local educational agen-  
20          cies in the development of such districtwide  
21          school improvement plans.”.

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