

[MILLER-MCKEON DISCUSSION DRAFT]**1 TITLE I—AMENDMENTS TO**
2 TITLE I

- Sec. 101. Amendments to the matter preceding part A.
Sec. 102. Amendments to subpart 1 of part A (Basic Program Requirements).
Sec. 103. Amendments to subpart 2 of part A (Allocations).
Sec. 104. Amendments to part C (Education of Migratory Children and Youth).
Sec. 105. Amendments to part D (Prevention and Intervention Programs for
Children and Youth Who Are Neglected, Delinquent, or At-
Risk).
Sec. 106. Amendments to part E (National Assessment of title I).
Sec. 107. Amendments to part F (Comprehensive School Reform).
Sec. 108. Amendments to part G (Advanced Placement).
Sec. 109. Amendments to part H (School Dropout Prevention).
Sec. 110. New parts I (Core Curriculum Development) and J (Expanded
Learning Time Demonstration Program).
Sec. 111. Amendments to former part I (redesignated as K; General Provi-
sions).

3 SEC. 101. AMENDMENTS TO THE MATTER PRECEDING PART**4 A.**

5 (a) SCHOOL IMPROVEMENT.—Section 1003 (20
6 U.S.C. 6303) is amended—

7 (1) by striking subsections (a) and (b) and in-
8 serting the following:

9 “(a) STATE RESERVATIONS.—Subject to subsection
10 (b)(4), each State shall reserve 5 percent of the amount
11 the State receives under subpart 2 of part A for fiscal
12 years 2008 through 2013 to carry out—

13 “(1) subsection (b);

14 “(2) the State’s responsibilities under sections
15 1116 and 1117, including the State educational

1 agency's statewide system of technical assistance
2 and support for local educational agencies; and

3 “(3) section 1005.

4 “(b) USES.—

5 “(1) IN GENERAL.—Subject to the other para-
6 graphs of this subsection, of the amount reserved
7 under subsection (a) for any fiscal year, the State
8 educational agency—

9 “(A) shall allocate not less than 95 percent
10 of that amount directly to local educational
11 agencies for schools identified for school im-
12 provement and assistance and redesign, for ac-
13 tivities under section 1116(b);

14 “(B) may set aside up to [_____] of
15 the remainder to carry out activities under sec-
16 tion 1117 and up to [_____] to carry out
17 activities under section 1116; and

18 “(C) may, notwithstanding subparagraph
19 (A) and with the approval of the local edu-
20 cational agency, directly provide for these ac-
21 tivities or arrange for their provision through
22 other entities such as school support teams or
23 educational service agencies.

24 “(2) ALLOCATIONS.—The State educational
25 agency, in allocating funds to local educational agen-

1 cies under this section, shall allocate such funds
2 based on the following:

3 “(A) 70 percent of such funds based on
4 the percentage of low-income students in High
5 Priority schools designated under section
6 1116(a)(4) in such local educational agencies
7 compared to other such local educational agen-
8 cies in the State; and

9 “(B) 30 percent of such funds based on
10 the percentage of low-income students in Pri-
11 ority schools designated under section
12 1116(a)(4) in such local educational agencies
13 compared to other such local educational agen-
14 cies in the State.

15 “(3) UNUSED FUNDS.—If, after consultation
16 with local educational agencies in the State, the
17 State educational agency determines that the
18 amount of funds reserved to carry out paragraph
19 (1)(A) is greater than the amount needed to provide
20 the assistance described in that subsection, the State
21 educational agency shall allocate the excess amount
22 to local educational agencies in accordance with—

23 “(A) the relative allocations the State edu-
24 cational agency made to those agencies for that
25 fiscal year under subpart 2 of part A; or

1 “(B) section [1126(c)].

2 [“(4) SPECIAL RULE.—hold for hold harm-
3 less.”]

4 “(5) REPORTING.—The State educational agen-
5 cy shall make publicly available a list of those
6 schools that have received funds or services pursuant
7 to subsection (b) and the percentage of students
8 from each school from families with incomes below
9 the poverty line.

10 “(6) EXCEPTION WHERE STATE PROVIDES
11 MATCHING FUNDS.—If the State educational agency
12 makes available for a fiscal year non-Federal con-
13 tributions in an amount equal to not less than the
14 amount reserved under subsection (a) for that fiscal
15 year, and uses those non-Federal contributions to
16 carry out the matters described in subsection (a)—

17 “(A) the State shall allocate, utilizing the
18 requirements of paragraph (2), not less than
19 [_____] percent of that amount directly to
20 local educational agencies for schools identified
21 for school improvement and assistance and re-
22 design; and

23 “(B) notwithstanding subparagraph (A),
24 the State educational agency may, with the ap-
25 proval of the local educational agencies, directly

1 provide for activities under section 1116(b) or
2 arrange for their provision through other enti-
3 ties such as school support teams or educational
4 service agencies.”; and

5 (2) in subsection (g)—

6 (A) by striking paragraphs (1) through (6)
7 and inserting the following:

8 “(1) PROGRAM AUTHORIZED.—The Secretary
9 shall award grants to States to enable States to pro-
10 vide subgrants to local educational agencies for the
11 purpose of providing assistance for school improve-
12 ment consistent with section 1116.

13 “(2) STATE ALLOTMENTS.—Such grants shall
14 be allotted among States, the Bureau of Indian Af-
15 fairs, and the outlying areas, based on the percent-
16 age of High Priority Schools in each State, the Bu-
17 reau, and the outlying areas, compared to the total
18 number of such schools in the States, the Bureau,
19 and the outlying areas, collectively.

20 “(3) REALLOCATIONS.—If a State does not re-
21 ceive funds under this subsection, the Secretary shall
22 reallocate such funds to other States in the propor-
23 tion funds are allocated under paragraph (2).

24 “(4) STATE APPLICATIONS.—Each State edu-
25 cational agency that desires to receive funds under

1 this subsection shall submit an application to the
2 Secretary at such time, and containing such infor-
3 mation as the Secretary shall reasonably require, ex-
4 cept that such requirement shall be waived if a State
5 educational agency submitted such information as
6 part of its State plan under this part. Each State
7 application shall describe how the State educational
8 agency will allocate such funds in order to assist the
9 State educational agency and local educational agen-
10 cies in complying with school improvement and as-
11 sistance and redesign requirements under section
12 1116.

13 “(5) LOCAL EDUCATIONAL AGENCY GRANTS.—
14 In allocating the grant to its local educational agen-
15 cies, a State shall allocate **[100]** percent of such
16 grant to such agencies based on the requirements of
17 subsection (b)(2).”; and

18 (B) in paragraph (8) by inserting before
19 the period at the end “and activities under sec-
20 tion 1005”.

21 (b) STATE COORDINATION OF SERVICES.—Title I is
22 amended by inserting after section 1004 the following:

23 **“SEC. 1005. STATE COORDINATION OF SERVICES.**

24 “(a) IN GENERAL.—Of funds reserved for the State
25 under section 1003, and subject to section 1003(b), a

1 State educational agency may set aside not more than
2 **[____]** percent of such funds to assist local educational
3 agencies to implement standards-based reform, improve
4 student achievement, and close the achievement gap.

5 “(b) USE OF FUNDS.—Funds set aside under sub-
6 section (a) may be used for services provided directly by
7 the State, or through grants or contracts or third party
8 providers to—

9 “(1) conduct research and development and
10 apply such research to the needs of local educational
11 agencies and schools;

12 “(2) provide professional development for local
13 educational agency administrators, teachers, and
14 school personnel;

15 “(3) to provide technical assistance to local edu-
16 cational agencies and public schools in meeting the
17 goals in subsection (a);

18 “(4) to develop innovative mentoring programs
19 for local educational agency and public school offi-
20 cials;

21 “(5) to strengthen the soundness and enhance
22 the instructional usefulness of assessments, account-
23 ability measures, and interventions;

24 “(6) to develop, refine, and validate standards,
25 assessments, and accountability measures and inter-

1 ventions, including improving alignment of stand-
2 ards, assessments, and instructional programs;

3 “(7) to support collaborative partnerships with
4 local educational agencies, schools, and other organi-
5 zations to address common educational challenges;

6 “(8) to develop and support parent and commu-
7 nity engagement programs and strategies with local
8 educational agencies and public schools; and

9 “(9) to evaluate educational programs and sup-
10 plemental educational service providers funded under
11 this Act.”.

12 (c) GRADUATION PROMISE FUND.—Title I is amend-
13 ed by inserting after section 1005, as added by subsection
14 (b), the following:

15 **“SEC. 1006. GRADUATION PROMISE FUND.**

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

17 “(1) to ensure all students graduate from sec-
18 ondary school with the education and skills nec-
19 essary to compete in a global economy;

20 “(2) to support comprehensive and effective
21 secondary school reform in secondary schools des-
22 igned as high priority or high priority redesign;
23 and

1 “(3) to end the dropout crisis through early
2 intervention and support to at risk students in mid-
3 dle and secondary school.

4 “(b) DEFINITIONS.—In this section:

5 “(1) EFFECTIVE SCHOOL MODEL.—The term
6 ‘effective school model’ means—

7 “(A) an existing secondary school model
8 with demonstrated effectiveness in improving
9 student academic achievement and outcomes for
10 struggling students or dropouts; or

11 “(B) a proposed new secondary school
12 model design that is based on research-based
13 organizational and instructional practices for
14 improving student academic achievement and
15 outcomes for struggling students or dropouts.

16 “(2) ELIGIBLE NONPROFIT ENTITY.—The term
17 ‘eligible nonprofit entity’ means—

18 “(A) a nonprofit organization, or institu-
19 tion of higher education—

20 “(i) that proposes to enhance or ex-
21 pand an existing effective school model for
22 struggling students or dropouts; or

23 “(ii) that has a track record of serv-
24 ing struggling students or dropouts and
25 proposes to develop a new effective school

1 model for struggling students or dropouts;

2 or

3 “(B) a partnership involving two or more
4 entities described in subparagraph (A).

5 “(3) ELIGIBLE SECONDARY SCHOOL.—The
6 term ‘eligible secondary school’ means a secondary
7 school that has an average graduation rate of 60
8 percent or less over 3 years or a secondary school
9 that has graduation rates below the tenth percentile
10 in the State.

11 “(4) GRADUATION RATE.—The term ‘gradua-
12 tion rate’ is used in a manner consistent with section
13 1124.

14 “(c) GRANTS AUTHORIZED.—From amounts made
15 available to carry out this section, the Secretary shall
16 make grants to State educational agencies, to be used by
17 the State educational agencies to identify and support stu-
18 dents at risk of dropping out and help local educational
19 agencies, and secondary schools identified under sub-
20 section (e)(1), establish or expand a comprehensive sec-
21 ondary school improvement and support system that will
22 improve student achievement and graduation rates.

23 “(d) RESERVATION OF FUNDS.—The Secretary may
24 set aside **[10 percent]** of funds to provide technical assist-
25 ance and regional training and to build the capacity of

1 an eligible non-profit entity to enable such entities to de-
2 velop and implement or replicate effective school models
3 for serving dropouts and students at risk of dropping out.

4 “(e) ALLOTMENT TO STATES.—

5 “(1) IN GENERAL.—The Secretary shall make
6 allotments among the States under this section in
7 the same manner as the Secretary makes allotments
8 among the States under **[section 1155]**, and shall
9 grant, to each State educational agency with an ap-
10 plication approved under this section, that State’s
11 allotment.

12 “(2) MATCHING FUNDS.—A State educational
13 agency that receives a grant under this section shall
14 provide matching funds, from non-Federal sources,
15 in an amount equal to 25 percent of the amount of
16 grant funds provided to the State under this section
17 to carry out the activities supported by the grant.

18 “(3) SUPPLEMENT, NOT SUPPLANT.—A State
19 educational agency that receives a grant under this
20 section shall use the grant funds to supplement, and
21 not supplant, Federal and non-Federal funds avail-
22 able to secondary schools.

23 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
24 CIES.—

1 “(1) IDENTIFICATION OF ELIGIBLE SECONDARY
2 SCHOOLS.—A State educational agency that receives
3 a grant under this section shall identify, for pur-
4 poses of this section, all eligible secondary schools in
5 the State.

6 “(2) ALLOTMENTS.—The State shall set aside
7 90 percent of funds received by the State under this
8 section for subgrants, on a formula basis, to local
9 educational agencies with schools identified under
10 paragraph (1) with applications approved under this
11 section. Under the formula, the share of each such
12 local educational agency shall be based on—

13 “(A) The total enrollment of such identi-
14 fied schools in the local educational agency,
15 multiplied by the poverty rate in the local edu-
16 cational agency, multiplied by (1 minus the av-
17 erage graduation rate of such identified schools
18 in the local educational agency).

19 “(B) After all such identified schools in
20 the State have received a minimum subgrant of
21 \$700 per student, the State may allocate funds
22 to local educational agencies for schools with
23 graduation rates above 60 percent in rank
24 order, starting with schools with the lowest

1 graduation rates based on the formula in sub-
2 paragraph (A).

3 “(3) MINIMUM GRANT.—Each local educational
4 agency with schools identified under paragraph (1)
5 shall receive a minimum subgrant of \$700 for each
6 student in each such identified school.

7 “(4) COMPETITIVE BASIS.—For a fiscal year in
8 which funds appropriated for this section are less
9 than \$1,000,000,000, the following provisions shall
10 apply:

11 “(A) IN GENERAL.—The subgrants under
12 paragraph (2) shall be made on a competitive
13 basis rather than on a formula basis.

14 “(B) APPLICATION.—Local educational
15 agencies may apply for subgrants to serve only
16 eligible secondary schools. Applications shall in-
17 clude any information the State may require
18 but shall include at a minimum—

19 “(i) how the local educational agency
20 will use funds to raise graduation and pro-
21 ficiency rates in its lowest performing sec-
22 ondary schools; and

23 “(ii) how the local educational agency
24 will collaborate with nonprofit businesses,
25 universities, and other organizations to im-

1 plement their school improvement and as-
2 sistance plans.

3 “(C) DETERMINATIONS.—States shall
4 award grants only to local educational agencies
5 applying only to serve eligible secondary schools
6 within the local educational agency. Grant allo-
7 cations shall be determined based on—

8 “(i) the total enrollment of the schools
9 to be served;

10 “(ii) the graduation rates of the
11 schools to be served;

12 “(iii) the poverty rate of the local edu-
13 cational agency; and

14 “(iv) the needs assessment and the
15 quality of the school improvement plans
16 described under section 1116 for the
17 schools to be served.

18 “(5) ALLOTMENTS APPLY FOR FIVE YEARS.—A
19 determination of shares under paragraph (2) for a
20 fiscal year shall apply for that fiscal year and for the
21 next four consecutive fiscal years.

22 “(6) DURATION.—Grants under this section
23 shall be for a period of 5 years.

24 “(7) USE OF SUBGRANT AMOUNTS.—A local
25 educational agency may use funds received under a

1 subgrant under this section to support eligible sec-
2 ondary schools identified under paragraph (1), re-
3 gardless of whether such secondary school otherwise
4 receives funds under this section, except that, not-
5 withstanding any other provision of law, in receiving
6 such funds, the secondary school and local edu-
7 cational agency are subject to the requirements of
8 section 1116.

9 “(8) MATCHING FUNDS.—

10 “(A) IN GENERAL.—A local educational
11 agency receiving a subgrant under this section
12 shall provide matching funds, from non-Federal
13 sources, in an amount equal to not less than 15
14 percent of the total subgrant award for the
15 local educational agency, which may be provided
16 in cash or in-kind, to provide technical assist-
17 ance to greatest need secondary schools served
18 by the local educational agency in developing
19 their school improvement and assistance plans,
20 conducting the capacity and needs assessment,
21 and in implementing and monitoring the imple-
22 mentation of the secondary school improvement
23 plans.

24 “(B) WAIVER.—The Secretary may waive
25 all or part of the matching requirement de-

1 scribed in subparagraph (A) for any fiscal year
2 for a local educational agency if the Secretary
3 determines that applying the matching require-
4 ment to such local educational agency would re-
5 sult in serious hardship or an inability to carry
6 out the authorized activities described in [sec-
7 tion 110].

8 “(9) SUPPLEMENT, NOT SUPPLANT.—A local
9 educational agency that receives a subgrant under
10 this section shall use the subgrant funds to supple-
11 ment, and not supplant, Federal and non-Federal
12 funds available for secondary schools.

13 “(g) SECRETARIAL PEER REVIEW AND APPROVAL.—
14 A State applying for funds under this section shall—

15 “(1) as part of the State plan, demonstrate to
16 the Secretary—

17 “(A) how the State will provide technical
18 assistance and support to local educational
19 agencies to reform secondary schools identified
20 under subsection (e)(1), based on school im-
21 provement and assistance plans developed under
22 section 1116; and

23 “(B) how the State will use funds ensure
24 that longitudinal data systems under section
25 1123 include data described in subsection

1 (b)(4) under this section for students in middle
2 schools that feed into such secondary schools
3 who are at risk of not graduating; and

4 “(C) how its longitudinal data system
5 under section 1123 will include data described
6 under subsection (b)(4) of this section;

7 “(2) consistent with subsection (g), establish a
8 process by which local educational agencies may fair-
9 ly and accurately determine whether a secondary
10 school with a graduation rate of 60 percent or less
11 shall be designated as a High Priority secondary
12 school or as a secondary school in need of High Pri-
13 ority redesign, pursuant to section 1116; and

14 “(3) at the local educational agency’s discre-
15 tion, support the use of school improvement teams
16 to assist in developing and implementing school im-
17 provement and assistance plans.

18 “(h) LOCAL AUTHORITY.—At the discretion of the
19 local educational agency, designate any secondary school
20 that does not make adequate yearly progress consistent
21 with section 1124 and that has a graduation rate of 60
22 percent or less as a school in need of High Priority rede-
23 sign based on academic achievement data used to deter-
24 mine adequate yearly progress and additional measures
25 described in section 1116(d)(2)(B)(ii), at any point along

1 the school improvement and assistance timeline described
2 in section 1116.

3 “(i) LOCAL USES OF FUNDS.—A local educational
4 agency receiving funds under this section shall use the
5 funds to—

6 “(1) support only eligible secondary schools and
7 to allocate funds based on—

8 “(A) which schools have the lowest gradua-
9 tion rates;

10 “(B) the review described under section
11 1116(a);

12 “(C) the quality of the school improvement
13 and assistance plan developed under section
14 1116; and

15 “(2) support secondary schools identified under
16 subsection (e)(1) in developing and implementing
17 school improvement and assistance plans pursuant
18 to section 1116(b) plans using data from the review
19 described in section 1116(a) and data described in
20 section 1116(d)(2)(B)(ii) as criteria;

21 “(3) at the local educational agency’s discre-
22 tion, supporting the use of school improvement
23 teams to assist in developing and implementing
24 school improvement and assistance plans.

1 “(4) in collaboration with the State, include in
2 their statewide longitudinal data system information
3 on students in middle grades or students in middle
4 schools that feed into secondary schools identified
5 under subsection (e)(1) who are at high risk for not
6 graduating secondary school with a regular diploma,
7 which shall include among the indicators used at
8 least—

9 “(A) high rates of absenteeism;

10 “(B) high rates of disciplinary actions;

11 “(C) a failing grade in English or mathe-
12 matics or 2 failing grades in any courses; and

13 “(D) whether the student is over age for
14 grade;

15 “(5) provide intensive supports to such middle
16 school students, which may include—

17 “(A) providing students with information
18 and assistance about the requirements for sec-
19 ondary school graduation, college admission,
20 and career success and what each student must
21 do to meet them;

22 “(B) implementing academic supports and
23 effective and coordinated **[extra help]** pro-
24 grams to ensure that students have a strong
25 foundation in literacy skills needed to master

1 academic content, mathematics skills, and
2 science skills;

3 “(C) providing or coordinating with pro-
4 viders of counseling and wrap around services
5 to meet students’ academic and nonacademic
6 needs;

7 “(D) providing supports such as counseling
8 to students as they transition from elementary
9 to middle and middle to secondary school; and

10 “(E) providing professional development to
11 teachers, principals, and specialized instruc-
12 tional support personnel to support the activi-
13 ties described in subparagraphs (A) through
14 (D).

15 “(j) LIMITATION ON FUNDS.—For the purposes of
16 paragraphs (4) and (5) [of subsection (i)], the local edu-
17 cational agency may not spend more than 15 percent of
18 funds made available under this section.

19 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 [\$_____] for each of fiscal years 2008 through
22 2012.”.

1 **SEC. 102. AMENDMENTS TO SUBPART 1 OF PART A (BASIC**
2 **PROGRAM REQUIREMENTS).**

3 Subpart 1 of part A of title I (20 U.S.C. 6311 et
4 seq.) is amended to read as follows:

5 “SUBPART 1—BASIC PROGRAM REQUIREMENTS

6 **“SEC. 1111. STATE PLANS.**

7 “(a) PLANS REQUIRED.—

8 “(1) IN GENERAL.—For any State desiring to
9 receive a grant under this part, the State edu-
10 cational agency shall submit to the Secretary a com-
11 prehensive plan to address student achievement in
12 all elementary and secondary schools served under
13 this part. The plan shall—

14 “(A) be developed by the State educational
15 agency, in consultation with local educational
16 agencies, teachers, principals, specialized in-
17 structional support personnel, administrators
18 (including administrators of programs described
19 in other parts of this title), other school staff,
20 representatives of Indian tribes located in the
21 State, parents, and students;

22 “(B) satisfy the requirements of this sec-
23 tion; and

24 “(C) be coordinated with other programs
25 under this Act, the Individuals with Disabilities
26 Education Act, the Carl D. Perkins Career and

1 Technical Education Act of 2006, the Head
2 Start Act, the Adult Education and Family Lit-
3 eracy Act, and the McKinney-Vento Homeless
4 Assistance Act.

5 “(2) CONSOLIDATED PLAN.—A State plan sub-
6 mitted under paragraph (1) may be submitted as
7 part of a consolidated plan under section 9302.

8 “(3) PUBLIC ACCESS TO SUBMITTED PLANS.—
9 Within one week of submission to the Department of
10 Education, the State plan as submitted shall be
11 made available on the State educational agency’s
12 web site.

13 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
14 MENTS, AND ACCOUNTABILITY.—

15 “(1) CHALLENGING ACADEMIC STANDARDS.—

16 “(A) IN GENERAL.—Each State plan shall
17 demonstrate that the State has adopted chal-
18 lenging academic content standards and chal-
19 lenging student academic achievement stand-
20 ards that will be used by the State, its local
21 educational agencies, and its schools to carry
22 out this part, except that a State shall not be
23 required to submit such standards to the Sec-
24 retary.

1 “(B) SAME STANDARDS.—The academic
2 standards required by subparagraph (A) shall
3 be the same academic standards that the State
4 applies to all schools and children in the State.

5 “(C) SUBJECTS.—The State shall have
6 such academic standards for all public elemen-
7 tary school and secondary school children, in-
8 cluding children served under this part, in sub-
9 jects determined by the State, but including at
10 least mathematics, reading or language arts,
11 and science, which shall include the same
12 knowledge, skills, and levels of achievement ex-
13 pected of all children.

14 “(D) CHALLENGING ACADEMIC STAND-
15 ARDS.—Standards under this paragraph shall
16 include—

17 “(i) challenging academic content
18 standards in academic subjects that—

19 “(I) specify what children are ex-
20 pected to know and be able to do;

21 “(II) contain coherent and rig-
22 orous content;

23 “(III) encourage the teaching of
24 advanced skills; and

1 “(IV) are aligned from grade to
2 grade and with the knowledge and
3 skills necessary for success in postsec-
4 ondary education and the workforce;
5 and

6 “(ii) challenging student academic
7 achievement standards that—

8 “(I) are aligned with the State’s
9 academic content standards;

10 “(II) describe two levels of high
11 achievement (proficient and advanced)
12 that determine how well children are
13 mastering the material in the State
14 academic content standards; and

15 “(III) describe a third level of
16 achievement (basic) to provide com-
17 plete information about the progress
18 of the lower-achieving children toward
19 mastering the proficient and advanced
20 levels of achievement.

21 “(E) INFORMATION.—For the core aca-
22 demic subjects in which students will be served
23 under this part, but for which a State is not re-
24 quired by subparagraphs (A), (B), and (C) to
25 develop, and has not otherwise developed, such

1 academic standards, the State plan shall de-
2 scribe a strategy for ensuring that students ac-
3 cess rigorous content in each subject and are
4 taught the same knowledge and skills in such
5 subjects and held to the same expectations as
6 are all children.

7 “(F) EXISTING STANDARDS.—Nothing in
8 this part shall prohibit a State from revising,
9 consistent with this section, any standard
10 adopted under this part before or after the date
11 of enactment of the [_____ Act (insert
12 short title of the 2007 reauthorization act
13 here)].

14 “(G) ALTERNATE ACADEMIC ACHIEVE-
15 MENT STANDARDS.—Notwithstanding any other
16 provision of this paragraph, a State may,
17 through a documented and validated standards-
18 setting process, define alternate academic
19 achievement standards for students with the
20 most significant cognitive disabilities, provided
21 those standards—

22 “(i) are aligned with the State’s aca-
23 demic content standards;

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

1 “(iii) reflect professional judgment of
2 the highest achievement standards attain-
3 able by those students

4 “(H) MODIFIED ACADEMIC ACHIEVEMENT
5 STANDARDS.—Notwithstanding any other provi-
6 sion of this paragraph, a State may, through a
7 documented and validated standards-setting
8 process, adopt modified academic achievement
9 standards for students who have disabilities
10 that preclude them from achieving grade-level
11 proficiency within the academic year covered by
12 a student’s individualized education program
13 (hereinafter referred to as “IEP”) under sec-
14 tion 614(d) of the Individuals with Disabilities
15 Education Act, provided those standards—

16 “(i) are aligned with the State’s aca-
17 demic content standards for the grade in
18 which the student is enrolled;

19 “(ii) are challenging for eligible stu-
20 dents, but may be less difficult than the
21 grade-level academic achievement stand-
22 ards under this section; and

23 “(iii) include at least three achieve-
24 ment levels.

25 “(2) ACCOUNTABILITY.—

1 “(A) IN GENERAL.—Each State plan shall
2 demonstrate that the State has developed and is
3 implementing a single, statewide accountability
4 system that will be effective in ensuring that all
5 local educational agencies, public elementary
6 schools, and public secondary schools make ade-
7 quate yearly progress as defined under this
8 paragraph. Each State plan shall ensure that
9 the State will, within 4 years after the date of
10 the enactment of the [short title of 2007 reau-
11 thorization], and consistent with the require-
12 ments of State law, develop a longitudinal data
13 system, consistent with section 1123, to meas-
14 ure student progress. Each State accountability
15 system shall—

16 “(i) be based on the academic stand-
17 ards and academic assessments adopted
18 under paragraphs (1) and (3), progress to-
19 ward graduating all students as described
20 in section 1124, and other academic indi-
21 cators consistent with subparagraph
22 (C)(vi) and (vii), and shall take into ac-
23 count the achievement of all public elemen-
24 tary school and secondary school students;

1 “(ii) be the same accountability sys-
2 tem the State uses for all public elemen-
3 tary schools and secondary schools or all
4 local educational agencies in the State, ex-
5 cept that a public elementary school, sec-
6 ondary school, or local educational agency
7 not participating under this part is not
8 subject to the requirements of section
9 1116; and

10 “(iii) be of sufficient rigor as to en-
11 sure that students graduate from sec-
12 ondary school with the problem solving
13 skills and critical thinking capacities nec-
14 essary to succeed in postsecondary edu-
15 cation and the workplace as defined in sec-
16 tion 1111A.

17 “(B) ADEQUATE YEARLY PROGRESS.—
18 Each State plan shall demonstrate, based pri-
19 marily on academic assessments described in
20 paragraph (3), and in accordance with this
21 paragraph, what constitutes adequate yearly
22 progress of the State, and of all public elemen-
23 tary schools, secondary schools, and local edu-
24 cational agencies in the State, toward enabling
25 all public elementary school and secondary

1 school students to meet the State’s student aca-
2 demic achievement standards and to graduate
3 with a regular high school diploma, while work-
4 ing toward the goal of closing the achievement
5 gaps in the State, local educational agencies,
6 and schools.

7 “(C) DEFINITION.—The term ‘adequate
8 yearly progress’ shall be defined by the State in
9 a manner that—

10 “(i) applies the same high standards
11 of academic achievement to all public ele-
12 mentary school and secondary school stu-
13 dents in the State, except as provided in
14 subparagraphs (I) and (J);

15 “(ii) is statistically valid and reliable;

16 “(iii) results in continuous and sub-
17 stantial academic improvement for all stu-
18 dents;

19 “(iv) measures the progress of public
20 elementary schools, secondary schools, local
21 educational agencies, and the State based
22 primarily on the academic assessments de-
23 scribed in paragraph (3) and may also in-
24 clude other measures of achievement con-

1 sistent with the requirements of this sec-
2 tion;

3 “(v) includes separate measurable an-
4 nual objectives for continuous and substan-
5 tial improvement on all relevant achieve-
6 ment indicators for—

7 “(I) the achievement of all public
8 elementary school and secondary
9 school students; and

10 “(II) subject to subparagraph
11 (N), the achievement of—

12 “(aa) economically disadvan-
13 tagged students;

14 “(bb) students from major
15 racial and ethnic groups;

16 “(cc) students with disabili-
17 ties (which, for purposes of de-
18 termining adequate yearly
19 progress, may include a student
20 who is no longer identified as a
21 student with a disability but was,
22 during any of the previous three
23 years, a student with a dis-
24 ability); and

1 “(dd) English language
2 learners (which, for purposes of
3 determining adequate yearly
4 progress, may include a student
5 who is no longer an English lan-
6 guage learner but was, during
7 any of the previous three years,
8 an English language learner);

9 “(vi) in accordance with subparagraph
10 (D), includes—

11 “(I) graduation rates required by
12 section 1124, measured separately for
13 each group described in clause (v), for
14 all public secondary school students;
15 and

16 “(II) at least one other academic
17 indicator (as determined by the
18 State), measured separately for each
19 group described in clause (v), for all
20 public elementary school students; and

21 “(vii) at the State’s discretion, may
22 also include additional academic indicators,
23 as determined by the State for all public
24 school students, measured separately for

1 each group described in clause (v), con-
2 sistent with subparagraphs (D) and (E).

3 “(D) REQUIREMENTS FOR ADDITIONAL IN-
4 DICATORS.—In carrying out clauses (vi) and
5 (vii) of subparagraph (C), the State—

6 “(i) shall ensure that the indicators
7 described in those provisions are valid and
8 reliable, and are consistent with relevant,
9 nationally recognized professional and
10 technical standards, if any; and

11 “(ii) except with respect to the grad-
12 uation rates required by section 1124, and
13 except as provided in subparagraph (E)
14 and in subparagraph (J)(i), may not use
15 those indicators to increase the number of,
16 or change, the schools that make adequate
17 yearly progress if those additional indica-
18 tors were not used, but may use them to
19 identify additional schools for school im-
20 provement and assistance or redesign.

21 “(E) SYSTEM OF MULTIPLE INDICA-
22 TORS.—A State may apply to the Secretary to
23 establish a system to determine adequate yearly
24 progress based on data from multiple indicators
25 of student achievement in addition to State as-

1 assessments, graduation rates described in section
2 1124, and participation rates described in sub-
3 paragraph (L)(ii). In the case of elementary
4 schools, fully or partially meeting the indicators
5 in clause (i) may increase the number of schools
6 that make adequate yearly progress relative to
7 the number of schools that would have made
8 adequate yearly progress if the system were not
9 used. In the case of secondary schools, fully or
10 partially meeting the indicators in clause (i), or
11 fully meeting the graduation rate growth tar-
12 gets established in section 1124, may increase
13 the number of schools that make adequate year-
14 ly progress relative to the number of schools
15 that would have made adequate yearly progress
16 if the system were not used. A State that de-
17 sires to establish and use a system of multiple
18 indicators shall, as part of its State plan under
19 subsection (a):

20 “(i) Include a description of its sys-
21 tem of multiple indicators which shall, at a
22 minimum, include only one or more of the
23 following additional indicators:

1 “(I) Growth on State assess-
2 ments of science, history, civics and
3 government, or writing.

4 “(II) Increases in the percentage
5 of students who move from the below
6 basic level to the basic level and the
7 proficient level to the advanced level,
8 unless such score interpretations are
9 already considered as part of the
10 State’s growth model or performance
11 index used to determine the school’s
12 proficiency rate and as long as the
13 total number of students who are pro-
14 ficient also increases.

15 “(III) Increases in the percent-
16 ages of students passing rigorous, ob-
17 jective, independent end of course
18 exams in core academic subjects such
19 as for Advanced Placement, Inter-
20 national Baccalaureate, QualityCore
21 or another rigorous secondary school
22 program of study as defined in section
23 401(A) of the Higher Education Act
24 of 1965, if such courses are available
25 in all schools in the state and such

1 exams are not included in the State
2 assessment system under section
3 1111(b)(3).

4 “(IV) Increases in college enroll-
5 ment rates and percentages of sec-
6 ondary school graduates enrolling in
7 other public or private accredited de-
8 gree granting institution of higher
9 education.

10 “(V) Decreases in dropout rates.

11 “(ii) Have had its assessment and ac-
12 countability systems approved by the Sec-
13 retary.

14 “(iii) Provide that, in determining
15 whether annual measurable objectives are
16 met for each group described in subpara-
17 graph (C)(v), fully meeting the graduation
18 rate targets described in section 1124 for
19 that group and fully or partially meeting
20 any of the other indicators described in
21 clause (i) for that group may provide cred-
22 it towards such group’s meeting their an-
23 nual measurable objectives in reading or
24 language arts and mathematics. In the
25 case of an elementary school, the total

1 credit any group may receive from addi-
2 tional indicators may not exceed 15 per-
3 cent of its annual measurable objectives in
4 reading or language arts and mathematics.
5 In the case of a secondary school, the total
6 credit any group may receive may not ex-
7 ceed 25 percent of its annual measurable
8 objectives in reading or language arts and
9 mathematics. In addition, the following
10 shall apply:

11 “(I) Fully meeting the State’s
12 graduation rate growth target shall
13 provide credit for up to 15 percent of
14 a group’s annual measurable objec-
15 tives and no partial credit may be
16 awarded if the full graduation rate
17 target is not met.

18 “(II) Fully meeting an indicator
19 based on passage of end-of-course
20 exams for college preparatory courses
21 in core academic subjects may provide
22 credit for up to 10 percent of a
23 group’s annual measurable objectives.

24 “(III) Fully meeting any of the
25 other indicators in clause (i) may pro-

1 vide credit of up to 5 percent of a
2 group's annual measurable objectives.

3 “(iv) Provide that, if any indicator in
4 clause (i), except the graduation rate
5 growth targets established in section 1124,
6 is partially met, the group may get partial
7 credit based on a proportion of the per-
8 centage increase associated with fully
9 meeting the indicator that is equal to the
10 extent to which the annual growth target
11 for the indicator is met.

12 “(v) Provide that, for the indicator
13 described in clause (i)(II), credit may be
14 applied only to the subject for which the
15 increases occurred. For writing exams de-
16 scribed in clause (i)(I), credit may be ap-
17 plied only to the annual measurable objec-
18 tives in reading or language arts.

19 “(vi) Require that the same additional
20 indicators shall be used for all schools or
21 level of school, as appropriate, in the State.

22 “(vii) Require the indicators to meas-
23 ure individual student academic achieve-
24 ment.

1 “(viii) Require that all additional indi-
2 cators be measured separately for each
3 group described in subparagraph (C)(v),
4 consistent with the requirements of sub-
5 paragraph (N) with respect to the number
6 of students that is sufficient to yield statis-
7 tically reliable information.

8 “(ix) Ensure that performance above
9 the annual measurable objectives on a
10 reading or language arts assessment, or a
11 mathematics assessment, will not be used
12 to provide credit to help a school meet the
13 annual measurable objective for such as-
14 sessment on which the annual measurable
15 objective was not met.

16 “(x) Require that credit may not be
17 used to help a school meet the 95 percent
18 participation requirement.

19 “(xi) For secondary schools, require
20 the State to include as an indicator the
21 graduation rates required by section 1124,
22 except that schools may not make adequate
23 yearly progress if they do not make the full
24 growth target described in that section and
25 credit from other indicators may not be ap-

1 plied to help a school meet the growth tar-
2 get for such graduation rates.

3 “(xii) Publicly report, as part of the
4 State report card under subsection (b), re-
5 sults for each group of students referred to
6 in section 1111(b)(2)(C)(v)(II) and each
7 indicator, in addition to the aggregate ade-
8 quate yearly progress determination.

9 “(xiii) Set a universal goal for
10 achievement on each indicator that is equal
11 to the average achievement of the highest
12 performing group of students referred to in
13 section 1111(b)(2)(C)(v)(II) in the highest
14 performing 10 percent of local educational
15 agencies in the State, except that a State
16 with only one local educational agency
17 shall set such goal at the average achieve-
18 ment of the top 15 percent of students in
19 the State.

20 “(xiv)(I) For each additional indicator
21 used, excluding graduation rates described
22 in section 1124, establish an average an-
23 nual growth target that schools and local
24 educational agencies must meet for each
25 group described in subparagraph (C)(v) to

1 receive the maximum allowable credit de-
2 scribed under clause (iii); and

3 “(II) The annual growth target shall
4 be the same for all groups of students re-
5 ferred to in section 1111(b)(2)(C)(v)(II),
6 shall be substantial and continuous and
7 based on the average rate of percentage
8 point growth of the top 20 percent of
9 schools in the State that demonstrate the
10 largest gains in performance on the addi-
11 tional indicators used by the State for at
12 least one year prior to the year the State
13 implements the multiple indicators system;
14 or

15 “(III) The annual growth shall be
16 substantial and continuous and be based
17 on the difference between the actual per-
18 formance of each group described in sub-
19 paragraph (C)(v) on each additional indi-
20 cator used by the State in the year prior
21 to the year the State implements its sys-
22 tem of multiple indicators and the uni-
23 versal goal established in clause (xiii) over
24 a period of 10 years.

1 “(IV) Through the peer review pro-
2 cess in subsection (e), the Secretary shall
3 ensure that the rates of growth used by
4 States are of comparable rigor across
5 States and reflect the most up to date re-
6 search from all States on what is signifi-
7 cantly challenging and rigorous.

8 “(xv) For purposes of this paragraph,
9 adopt the uniform averaging procedures
10 described in subparagraph (K).

11 “(xvi) Demonstrate that the statewide
12 data collection system is capable of col-
13 lecting valid and reliable data for each in-
14 dicator used and how such data will be in-
15 cluded in the statewide longitudinal data
16 system under section 1123.

17 “(xvii) Demonstrate how it will ensure
18 that the use of the system of multiple indi-
19 cators will not meaningfully delay report-
20 ing adequate yearly progress determina-
21 tions to schools and districts.

22 “(xviii) Conduct an independent anal-
23 ysis of its system of multiple indicators to
24 help determine the validity and reliability
25 of adequate yearly progress determinations

1 for which the system is used and, based on
2 the results of the analysis and with the ap-
3 proval of the Secretary, the State shall
4 suspend or revise such system as needed.

5 “(xix) Shall report the results of the
6 analysis to the Secretary, along with any
7 suspension or revision made to the system
8 of multiple indicators as a result of the
9 analysis.

10 “(F) STUDENT GROWTH.—A State may
11 consistent with requirements established by the
12 Secretary, establish and implement procedures
13 for incorporating student academic growth into
14 the State’s definition of adequate yearly
15 progress under subparagraph (C). A State that
16 desires to incorporate student academic growth
17 into the State’s definition of adequate yearly
18 progress under subparagraph (C) shall, at a
19 minimum—

20 “(i) include, in its procedures for in-
21 corporating student academic growth in
22 the definition of adequate yearly progress,
23 an expectation that all students in each
24 group described in subparagraph (C)(v)
25 will, by the end of the 2013–2014 school

1 year, meet or exceed, or be on trajectory to
2 meet or exceed within 3 years, the State's
3 proficient level of academic achievement on
4 the State assessments under paragraph
5 (3);

6 “(ii) establish individual student
7 growth objectives that are based on meet-
8 ing the State's proficient level of academic
9 achievement on the State assessments
10 under paragraph (3) and are not based on
11 individual student background characteris-
12 tics;

13 “(iii) establish separate, measurable
14 objectives for the assessments of mathe-
15 matics and reading or language arts under
16 subsection (a)(3);

17 “(iv) ensure that all students who are
18 tested using the State's assessments under
19 paragraph (3)(B) are included in the
20 State's assessment and accountability sys-
21 tem under this section;

22 “(v) include, in its definition of ade-
23 quate yearly progress, the results of assess-
24 ments included in section 1111(b)(3), ap-
25 proved by the Secretary, that—

1 “(I) produce comparable results,
2 from grade to grade and from year to
3 year in each of the grades 3 through
4 8, and in secondary school, in mathe-
5 matics and reading or language arts;
6 and

7 “(II) have been in use by the
8 State for at least two years;

9 “(vi) track student progress through a
10 State-developed longitudinal data system
11 that meets the requirements of section
12 1123; and

13 “(vii) include, as separate academic
14 indicators in determining whether schools
15 are making adequate yearly progress for a
16 particular year—

17 “(I) the rate of student participa-
18 tion in assessments under paragraph
19 (3); and

20 “(II) other academic indicators
21 as described in subparagraph (C)(vi).

22 “(G) PERFORMANCE INDEX.—A State
23 may, consistent with requirements established
24 by the Secretary, use a performance index to
25 determine adequate yearly progress for a school

1 or local educational agency. A State that de-
2 sires to use a performance index shall, as part
3 of its State plan under subsection (a)—

4 “(i) use the statewide annual measur-
5 able objectives in reading or language arts
6 and mathematics that are established
7 under subparagraph (J);

8 “(ii) require that the performance
9 index produce separate results for student
10 achievement in reading or language arts
11 and mathematics for each of the groups
12 described in subparagraph (C)(v);

13 “(iii) require a school or local edu-
14 cational agency to increase its percentage
15 of students who are proficient in reading
16 or language arts and mathematics in order
17 to make adequate yearly progress;

18 “(iv) include an expectation that all
19 students in each group described in sub-
20 paragraph (C)(v) will, by school year
21 2013–2014, meet or exceed the State’s
22 proficient level of academic achievement on
23 the State assessments under paragraph
24 (3);

1 “(v) ensure that the performance
2 index is consistent with the State’s student
3 academic achievement levels and includes
4 defined and delineated levels of achieve-
5 ment; and

6 “(vi) include an assurance that the
7 performance index will weight increases in
8 the percentage of students scoring above
9 proficiency less than those scoring at or
10 below proficiency so that higher performing
11 students may not compensate for the per-
12 formance of those students at, or below,
13 the lowest achievement level and that the
14 total number of students who are pro-
15 ficient also increases.

16 “(H) STARTING POINT.—Each State shall
17 continue to use the starting point established
18 under the No Child Left Behind Act of 2001
19 for measuring, under subparagraphs (J) and
20 (K), the percentage of students meeting or ex-
21 ceeding the State’s proficient level of academic
22 achievement on the State assessments under
23 paragraph (3) and pursuant to the timeline de-
24 scribed in subparagraph (I).

1 “(I) TIMELINE.—Each State shall estab-
2 lish a timeline for adequate yearly progress.
3 The timeline shall ensure that not later than
4 the end of the 2013–2014 school year con-
5 sistent with subparagraph (F), all students in
6 each group described in subparagraph (C)(v)
7 will meet or exceed the State’s proficient level
8 of academic achievement on the State assess-
9 ments under paragraph (3).

10 “(J) MEASURABLE OBJECTIVES.—Each
11 State shall establish statewide annual measur-
12 able objectives, pursuant to subparagraph
13 (C)(v), for meeting the requirements of this
14 paragraph, and which—

15 “(i) shall be set separately for the as-
16 sessments of mathematics and reading or
17 language arts under subsection (a)(3);

18 “(ii) shall be the same for all schools
19 and local educational agencies in the State;

20 “(iii) shall identify a single minimum
21 percentage of students who are required to
22 meet or exceed the proficient level on the
23 academic assessments that applies sepa-
24 rately to each group of students described
25 in subparagraph (C)(v);

1 “(iv) shall ensure that all students
2 will meet or exceed the State’s proficient
3 level of academic achievement on the State
4 assessments within the State’s timeline
5 under subparagraph (I);

6 “(v) may be the same for more than
7 1 year, subject to the requirements of sub-
8 paragraph (K); and

9 “(vi) may use confidence intervals, ex-
10 cept that no confidence interval may ex-
11 ceed 95 percent and no confidence interval
12 may be applied to a growth model de-
13 scribed in section 1111(b)(2)(F) or to indi-
14 cators used in section 1111(b)(2)(E).

15 “(K) INTERMEDIATE GOALS FOR ADE-
16 QUATE YEARLY PROGRESS.—Each State shall
17 establish intermediate goals for meeting the re-
18 quirements, including the measurable objectives
19 in subparagraph (J), of this paragraph. The in-
20 termediate goals shall—

21 “(i) increase in equal increments over
22 the period covered by the State’s timeline
23 under subparagraph (I);

24 “(ii) provide for the first increase to
25 occur in not more than 2 years; and

1 “(iii) provide for each following in-
2 crease to occur in not more than 3 years.

3 “(L) ANNUAL IMPROVEMENT FOR
4 SCHOOLS.—Each year, for a school to make
5 adequate yearly progress under this para-
6 graph—

7 “(i) each group of students described
8 in subparagraph (C)(v) must meet or ex-
9 ceed the objectives set by the State under
10 subparagraph (G), except that if any group
11 described in subparagraph (C)(v) does not
12 meet those objectives in any particular
13 year, the school shall be considered to have
14 made adequate yearly progress if the per-
15 centage of students in that group who did
16 not meet or exceed the proficient level of
17 academic achievement on the State assess-
18 ments under paragraph (3) for that year
19 decreased by 10 percent of that percentage
20 from the preceding school year and that
21 group made progress on one or more of the
22 academic indicators described in subpara-
23 graph (C)(vi) or (vii) provided that a State
24 does not use a confidence interval that ex-
25 ceeds 75 percent; and

1 “(ii) not less than 95 percent of each
2 group of students described in subpara-
3 graph (C)(v) who are enrolled in the school
4 take the assessments, consistent with para-
5 graph (3)(D)(xi) and with accommoda-
6 tions, guidelines, and alternative assess-
7 ments provided in the same manner as
8 those provided under section
9 612(a)(16)(B) and (C) of the Individuals
10 with Disabilities Education Act and para-
11 graph (3), on which adequate yearly
12 progress is based, except that—

13 “(I) the 95 percent requirement
14 described in this clause shall not apply
15 in a case in which the number of stu-
16 dents in a category is insufficient to
17 yield statistically reliable information
18 (consistent with the requirements of
19 subparagraph (O) with respect to the
20 number of students that is sufficient
21 to yield statistically reliable informa-
22 tion) or the results would reveal per-
23 sonally identifiable information about
24 an individual student; and

1 “(II) a student who cannot take
2 the assessment during the entire test-
3 ing window because of a documented
4 medical emergency may be omitted
5 from the calculation of participation
6 rates.

7 “(M) UNIFORM AVERAGING PROCEDURE.—
8 For the purpose of determining whether schools
9 are making adequate yearly progress, the State
10 may establish a uniform procedure for aver-
11 aging data (including assessment data, partici-
12 pation data, and data on other indicators) that
13 includes one or more of the following:

14 “(i) The State may average data from
15 the school year for which the determina-
16 tion is made with data from one or two
17 school years immediately preceding that
18 school year.

19 “(ii) Until the assessments described
20 in paragraph (3) are administered in such
21 manner and time to allow for the imple-
22 mentation of the uniform procedure for
23 averaging data described in clause (i), the
24 State may use the academic assessments
25 that were required under paragraph (3) as

1 that paragraph was in effect on the day
2 preceding the date of enactment of the No
3 Child Left Behind Act of 2001, provided
4 that nothing in this clause shall be con-
5 strued to undermine or delay the deter-
6 mination of adequate yearly progress, the
7 requirements of section 1116, or the imple-
8 mentation of assessments under this sec-
9 tion.

10 “(iii) The State may use data across
11 grades in a school.

12 “(N) ACCOUNTABILITY FOR CHARTER
13 SCHOOLS.—The accountability provisions under
14 this Act shall be overseen for charter schools in
15 accordance with State charter school law.

16 “(O) ACCOUNTABILITY FOR STUDENTS
17 WHO ATTEND MORE THAN ONE SCHOOL IN THE
18 LOCAL EDUCATIONAL AGENCY.—Consistent
19 with **【paragraph (3)(D)(xii)】**, a local edu-
20 cational agency shall perform an audit every
21 two years of the students who have attended
22 more than one school in the local educational
23 agency in any academic year to determine the
24 numbers of such students and to describe ef-
25 forts by such schools and the local educational

1 agency to stabilize attendance and to minimize
2 the impact of multiple school attendance on
3 such students' academic achievement. The audit
4 shall be conducted in a manner that does not
5 reveal any personally identifiable information
6 about an individual student. The results of the
7 audit shall be reported to the State and made
8 publicly available.

9 “(P) DISAGGREGATION OF DATA FOR
10 GROUPS.—Disaggregation of data under sub-
11 paragraph (C)(v)(II) shall not be required in a
12 case in which the number of students in a cat-
13 egory in a school is insufficient to yield statis-
14 tically reliable information (a number which
15 shall be the same for all group of students re-
16 ferred to in section 1111(b)(2)(C)(v)(II), be
17 statistically reliable based on the assessment
18 used by the State, but be not greater than 30,
19 except that the Secretary may approve a num-
20 ber greater than 30 but not greater than 40 if
21 the State educational agency can justify,
22 through documented evidence of its reliability,
23 that greater number) or the results would re-
24 veal personally identifiable information about
25 an individual student.

1 “(Q) ENGLISH LANGUAGE LEARNERS.—

2 “(i) EXEMPTION.—A State may ex-
3 empt recently arrived English language
4 learners from one administration of the
5 State’s reading or language arts assess-
6 ment.

7 “(ii) INCLUSION.—A State shall in-
8 clude recently arrived English language
9 learners in the State’s assessments in
10 mathematics and science.

11 “(iii) DEFINITION.—For the purpose
12 of this subparagraph, the term ‘recently
13 arrived English language learner’ means
14 an English language learner who has at-
15 tended schools in the United States for a
16 period of less than 12 months. **【To be
17 moved to title IX.】**

18 “(R) STUDENTS WITH DISABILITIES.—

19 “(i) IN GENERAL.—In determining
20 adequate yearly progress for schools, local
21 educational agencies, and the State, a
22 State may include—

23 “(I) the scores of students with
24 the most significant cognitive disabil-
25 ities who meet or exceed the proficient

1 level of academic achievement based
2 on alternate academic achievement
3 standards, provided that the number
4 of those scores (at the local edu-
5 cational agency and State levels, sepa-
6 rately) does not exceed one percent of
7 all students in the grades assessed in
8 mathematics or reading or language
9 arts; and

10 “(II) the scores of students with
11 disabilities who meet or exceed the
12 proficient level of academic achieve-
13 ment based on modified academic
14 achievement standards, provided
15 that—

16 “(aa) the number of those
17 scores (at the local educational
18 agency and State levels, sepa-
19 rately) does not exceed two per-
20 cent of all students in the grades
21 assessed in mathematics, reading
22 or language arts; or

23 “(bb) in the case of a local
24 educational agency that is grant-
25 ed an increase under clause (iv),

1 the number of those scores at the
2 local educational agency level
3 does not exceed three percent of
4 all students in the grades as-
5 sessed in mathematics, reading
6 or language arts.

7 “(ii) EXCEPTION.—

8 “(I) In addition to the authority
9 described in clause (iv), a State or
10 local educational agency may exceed
11 the two percent limitation in clause
12 (i)(II) if the number of proficient and
13 advanced scores based on alternate
14 academic achievement standards is
15 less than one percent, provided that
16 the number of proficient and ad-
17 vanced scores based on modified and
18 alternate academic achievement stand-
19 ards combined does not exceed three
20 percent of all students in the grades
21 assessed.

22 “(II) A State may, in accordance
23 with such criteria as the Secretary
24 may prescribe, waive the one percent
25 cap in clause (i)(I) for local edu-

1 cational agencies in the State, pro-
2 vided the State does not exceed the
3 one percent limitation.

4 “(iii) SPECIAL RULE.—A State or
5 local educational agency may, in deter-
6 mining adequate yearly progress for the
7 group of students referred to in section
8 1111(b)(2)(C)(v)(II) who are students with
9 disabilities, include the scores of students
10 who were previously identified under sec-
11 tion 602(3) of the Individuals with Disabil-
12 ities Education Act, for a period of up to
13 three years per student from the time the
14 students stop receiving those services.

15 “(iv) INCREASE.—Each year, a local
16 educational agency may, consistent with
17 the requirements of the regulations modi-
18 fying parts 200 and 300 of title 34, Code
19 of Federal Regulations, as published in the
20 Federal Register on April 9, 2007, apply
21 to the State educational agency for an in-
22 crease described in clause (i)(II)(bb) for
23 that year. A local educational agency that
24 desires to receive such an increase shall
25 submit an application to the State edu-

1 cational agency at such time, in such man-
2 ner, and including such information as the
3 State may require, including—

4 “(I) presenting evidence as to
5 why the percentage of students with
6 disabilities described in clause (i)(II)
7 in the district exceeds more than two
8 percent of all students assessed;

9 “(II) presenting evidence that
10 such students with disabilities are per-
11 forming below grade-level because of
12 their disability, not because those stu-
13 dents—

14 “(aa) did not have access to
15 the general curriculum;

16 “(bb) did not have appro-
17 priate accommodations;

18 “(cc) did not have highly-
19 qualified teachers; and

20 “(dd) did not have scientif-
21 ically-based instruction;

22 “(III) explaining the reason or
23 reasons why the number of students
24 described in clause (i)(II) exceeds two
25 percent; and

1 “(IV) ensuring that the local
2 educational agency is fully and effec-
3 tively addressing the requirements of
4 the regulations modifying parts 200
5 and 300 of title 34, Code of Federal
6 Regulations, as published in the Fed-
7 eral Register on April 9, 2007, in de-
8 veloping and implementing assess-
9 ments used for modified academic
10 achievement standards

11 “(v) APPROVAL.—The State edu-
12 cational agency shall, within **[30]** days
13 after receiving an application under clause
14 (iv), approve or disapprove the application
15 and, if approved, submit the application to
16 the Secretary for review and final ap-
17 proval. In submitting an application to the
18 Secretary, the State educational agency
19 shall demonstrate evidence that it has de-
20 veloped or is developing an alternate as-
21 sessment based on modified academic
22 achievement standards that meets the re-
23 quirements of the regulations described in
24 clause (iii). The Secretary shall, within 30
25 days after receiving the application, finally

1 approve or disapprove it. Upon final ap-
2 proval, the local educational agency may
3 implement the increase.

4 “(vi) DETERMINATIONS OF STATE
5 COMPLIANCE.—An increase granted under
6 clause (iv) shall not be used to determine
7 the compliance of a State with the percent-
8 age limitations described in clause
9 (i)(II)(aa).

10 “(vii) TERMINATION OF AUTHORITY
11 TO GRANT INCREASES.—The authority of a
12 State educational agency to grant an in-
13 crease under clause (iv) shall not extend
14 beyond the 2009-2010 school year.

15 “(viii) COMPLIANCE.—A local edu-
16 cational agency may not exercise the au-
17 thority provided under clause (iv) if such
18 agency has been found to be [out of com-
19 pliance] with part B of the Individuals
20 with Disabilities Education Act.

21 “(ix) NOT APPLICABLE TO CERTAIN
22 LOCAL EDUCATIONAL AGENCIES.—The
23 percentage limitations described in sub-
24 clauses (I) and (II) of clause (i) and in
25 section 1124(b)(9) shall not apply to a

1 local educational agency for any year in
2 which the local educational agency serves
3 exclusively students whose Individualized
4 Education Program, as defined in section
5 602 of the Individuals with Disabilities
6 Education Act, states that they should be
7 assessed based on alternate or modified
8 achievement standards, [if such agency so
9 served such students as of the first day of
10 the 2007-2008 school year].

11 “(S) STUDIES AND REPORTS RELATING TO
12 STUDENTS WITH DISABILITIES.—

13 “(i) SECRETARY.—The Secretary
14 shall—

15 “(I) carry out an assessment and
16 accountability study on the achieve-
17 ment in mathematics of students with
18 disabilities;

19 “(II) review, summarize, and
20 make available to the public the initial
21 findings from the three Institute of
22 Education Sciences (IES) studies
23 awarded in 2006 for Assessment and
24 Accountability: Special Education Re-
25 search, the study described in sub-

1 clause (I), and any other relevant
2 studies conducted on the assessment
3 and academic achievement of students
4 with disabilities and their implications
5 for rulemaking;

6 “(III) analyze the matters de-
7 scribed in subclauses (I) and (II); and

8 “(IV) review the regulations de-
9 scribed in this paragraph and modify
10 or repromulgate such regulations as
11 appropriate based on the results of
12 that analysis.

13 “(ii) ANNUAL REPORT TO CON-
14 GRESS.—The Secretary shall annually re-
15 port to the Committee on Health, Edu-
16 cation, Labor and Pensions of the Senate
17 and the Committee on Education and
18 Labor of the House of Representatives on
19 the development and implementation by
20 States of all alternate assessments for stu-
21 dents with disabilities allowable under this
22 Act. The Secretary shall examine, at a
23 minimum, the types of assessments being
24 utilized to assess students with disabilities,
25 the number of students with disabilities

1 participating in each type of assessment by
2 their primary disability category, and the
3 academic achievement of students using
4 each type of assessment.

5 “(3) ACADEMIC ASSESSMENTS.—

6 “(A) IN GENERAL.—Each State plan shall
7 demonstrate that the State educational agency,
8 in consultation with local educational agencies,
9 has implemented a set of high-quality, yearly
10 student academic assessments that include, at a
11 minimum, academic assessments in mathe-
12 matics, reading or language arts, and science
13 that will be used as the primary means of deter-
14 mining the yearly performance of the State and
15 of each local educational agency and school in
16 the State in enabling all children to meet the
17 State’s challenging student academic achieve-
18 ment standards, except that no State shall be
19 required to meet the requirements of this part
20 relating to science assessments until the begin-
21 ning of the 2007–2008 school year.

22 “(B) STATE CONSORTIAS.—States may
23 enter into consortia with other States to develop
24 State assessments and to meet the require-
25 ments of this paragraph.

1 “(C) USE OF ASSESSMENTS.—Each State
2 educational agency shall incorporate the data
3 from the assessments under this paragraph into
4 a State-developed longitudinal data system
5 under section 1123 that links student test
6 scores, length of enrollment, and graduation
7 records over time.

8 “(D) REQUIREMENTS.—Such assessment
9 systems—

10 “(i) shall be the same academic as-
11 sessments used to measure the achieve-
12 ment of all children;

13 “(ii) at the State’s discretion, may in-
14 corporate data on student learning using
15 different measures of student academic
16 achievement at different points in time
17 during the same school year, provided that
18 such measures shall be—

19 “(I) valid, reliable, objective, and
20 consistent with the assessment quality
21 provisions of this paragraph;

22 “(II) aligned with the State’s
23 challenging academic content and
24 achievement standards; and

1 “(III) comparable across all local
2 educational agencies, schools, and stu-
3 dents;

4 “(iii) shall be fully aligned through a
5 rigorous alignment procedure with the
6 State’s challenging academic content and
7 student academic achievement standards,
8 and provide coherent information about
9 student attainment of such standards;

10 “(iv) shall be used for purposes for
11 which such assessments are valid and reli-
12 able, and be consistent with the Standards
13 for Educational and Psychological Testing;

14 “(v) shall minimize the effect of con-
15 struct-irrelevant factors (such as bias;
16 physical, sensory, learning, or cognitive
17 disabilities; or language barriers) that may
18 interfere with the accuracy of the assess-
19 ment;

20 “(vi) shall involve multiple measures
21 of student achievement, including measures
22 that assess higher order thinking skills and
23 understanding;

24 “(vii) shall be used only if the State
25 educational agency provides to the Sec-

1 retary evidence from the test publisher or
2 other relevant sources that the assessments
3 used are of adequate technical quality for
4 each purpose required under this Act and
5 meet each assessment quality requirement
6 of this paragraph, and such evidence is
7 made public by the Secretary, except that
8 the Secretary may limit what information
9 is made public under this clause if making
10 that information public will compromise
11 the security of assessment items;

12 “(viii) shall, beginning not later than
13 the 2007-2008 school year, measure the
14 proficiency of all students in science and
15 be administered not less than one time
16 during—

17 “(I) grades 3 through 5;

18 “(II) grades 6 through 9; and

19 “(III) grades 10 through 12;

20 “(ix) shall measure the achievement of
21 students against the challenging State aca-
22 demic content and student academic
23 achievement standards in each of grades 3
24 through 8 in, at a minimum, mathematics,
25 and reading or language arts, except that

1 the Secretary may provide the State 1 ad-
2 ditional year if the State demonstrates that
3 exceptional or uncontrollable cir-
4 cumstances, such as a natural disaster or
5 a precipitous and unforeseen decline in the
6 financial resources of the State, prevented
7 full implementation of the academic assess-
8 ments by that deadline and that the State
9 will complete implementation within the
10 additional 1-year period;

11 “(x) may, at the discretion of the
12 State, measure the proficiency of students
13 in academic subjects other than mathe-
14 matics, reading or language arts, and
15 science, in which the State has adopted
16 challenging academic content and academic
17 achievement standards;

18 “(xi) shall provide for—

19 “(I) the participation in such as-
20 sessments of all students;

21 “(II) the reasonable adaptations
22 and accommodations for students with
23 disabilities (as defined under section
24 602(3) of the Individuals with Dis-
25 abilities Education Act) and English

1 language learners necessary to meas-
2 ure the academic achievement of such
3 students relative to State academic
4 content and State student academic
5 achievement standards; and

6 “(III) alternate assessments
7 aligned with grade-level academic con-
8 tent and achievement standards, un-
9 less the State develops alternate as-
10 sements aligned with alternate aca-
11 demic achievement standards for stu-
12 dents with the most significant cog-
13 nitive disabilities, or alternate assess-
14 ments aligned with modified academic
15 achievement standards consistent with
16 subparagraph (E);

17 “(IV) a policy, under which the
18 adaptations and accommodations de-
19 scribed in subclause (II) are made,
20 that—

21 “(aa) is adopted by the
22 State and approved by the Sec-
23 retary;

24 “(bb) is grounded in re-
25 search;

1 “(cc) allows for the max-
2 imum number of valid accom-
3 modations;

4 “(dd) provides evidence that
5 any accommodation designated
6 as non-standard has been proven
7 through research and field-test-
8 ing to invalidate the target skill
9 being assessed; and

10 “(ee) is comprehensive and
11 provides technical assistance on
12 the allowable uses of accommoda-
13 tions during instruction and as-
14 sessments;

15 “(V) the identification of any ac-
16 commodations on assessments admin-
17 istered to students with disabilities
18 and the separate identification of any
19 accommodations on assessments ad-
20 ministered to English language learn-
21 ers and, for each such accommoda-
22 tion, research-based evidence of the
23 effectiveness of any accommodation
24 used in yielding valid and reliable
25 data for each group of students re-

1 ferred to in section
2 1111(b)(2)(C)(v)(II);

3 “**(VI)** the inclusion of English
4 language learners, who shall be as-
5 sessed in a valid and reliable manner
6 and provided reasonable accommoda-
7 tions on assessments administered to
8 such students under this paragraph,
9 including, to the extent practicable, or
10 as established in paragraph (6), as-
11 sessments in the language and form
12 most likely to yield accurate data on
13 what such students know and can do
14 in grade level academic content areas,
15 until such students have achieved suf-
16 ficient English language proficiency to
17 be assessed validly and reliably in
18 English, as determined under para-
19 graph (7); and

20 “**(VII)** notwithstanding subclause
21 **(V)**, the academic assessment (using
22 tests written in English) of reading or
23 language arts of any student who has
24 attended school in the United States
25 (not including Puerto Rico) for **[5]**

1 or more consecutive school years, ex-
2 cept that if the local educational agen-
3 cy determines, on a case-by-case basis,
4 that academic assessments in another
5 language or form would likely yield
6 more accurate and reliable informa-
7 tion on what such student knows and
8 can do, the local educational agency
9 may make a determination to assess
10 such student in the appropriate lan-
11 guage other than English for a period
12 that does not exceed two additional
13 consecutive years, provided that such
14 student has not yet reached a level of
15 English language proficiency suffi-
16 cient to yield valid and reliable infor-
17 mation on what such student knows
18 and can do on tests (written in
19 English) of reading or language arts;
20 “(xii) shall include students who have
21 attended more than one school in the same
22 local educational agency for a full aca-
23 demic year, except that the performance of
24 such students shall be used only in deter-

1 mining the progress of the local edu-
2 cational agency;

3 “(xiii) shall produce individual student
4 interpretive, descriptive, and diagnostic re-
5 ports, consistent with clause (iii), that are
6 presented in a way that allow parents,
7 teachers, and principals to understand and
8 address the specific academic needs of stu-
9 dents, and include information regarding
10 achievement on academic assessments
11 aligned with State academic achievement
12 standards, and that are provided to par-
13 ents, teachers, and principals, as soon as is
14 practicably possible after the assessment is
15 given, in an understandable and uniform
16 format, and to the extent practicable, in a
17 language that parents can understand;

18 “(xiv) shall enable results to be
19 disaggregated within each State, local edu-
20 cational agency, and school by gender, by
21 each major racial and ethnic group, by
22 English proficiency status, by migrant sta-
23 tus, by students with disabilities as com-
24 pared to nondisabled students, and by eco-
25 nomically disadvantaged students as com-

1 pared to students who are not economically
2 disadvantaged, except that, in the case of
3 a local educational agency or a school, such
4 disaggregation shall not be required to the
5 same extent disaggregation is not required
6 under paragraph (2)(C)(v);

7 “(xv) shall enable itemized score anal-
8 yses, with descriptions of individual assess-
9 ment items and the percentage of students
10 answering such questions correctly, to be
11 produced and reported, consistent with
12 clause (iv), to local educational agencies
13 and schools, so that parents, teachers,
14 principals, and administrators can inter-
15 pret and address the specific academic
16 needs of students as indicated by the stu-
17 dents’ achievement on assessment items;
18 and

19 “(xvi) shall, consistent with the
20 Standards for Educational and Psycho-
21 logical Testing, objectively measure aca-
22 demic achievement, knowledge, and skills,
23 and shall not evaluate or assess personal
24 or family beliefs and attitudes or publicly
25 disclose personally identifiable information.

1 “(E) STUDENTS WITH DISABILITIES.—

2 “(i) A State may provide for alternate
3 assessments aligned with alternate aca-
4 demic achievement standards for students
5 with the most significant cognitive disabil-
6 ities, provided the State—

7 “(I) establishes and monitors im-
8 plementation of clear and appropriate
9 guidelines for Individualized Edu-
10 cation Program Teams (as that term
11 is defined in section 614(d)(1)(B) of
12 the Individuals with Disabilities Edu-
13 cation Act) (hereinafter “IEP
14 Teams”) to apply in determining
15 when a child’s significant cognitive
16 disability justifies assessment based
17 on alternate academic achievement
18 standards;

19 “(II) ensures that the parents of
20 those students are informed that their
21 child’s academic achievement will be
22 based on alternate academic achieve-
23 ment standards;

24 “(III) documents that students
25 with the most significant cognitive

1 disabilities are, to the extent possible,
2 included in the general curriculum
3 and in assessments aligned with that
4 curriculum;

5 “(IV) develops, disseminates in-
6 formation on, and promotes the use of
7 appropriate accommodations to in-
8 crease the number of students with
9 disabilities who are tested against aca-
10 demic achievement standards for the
11 grade in which a student is enrolled;
12 and

13 “(V) ensures that regular and
14 special education teachers and other
15 appropriate staff know how to admin-
16 ister assessments, including making
17 appropriate use of accommodations,
18 for students with disabilities.

19 “(ii) A State may assess students with
20 disabilities based on modified academic
21 achievement standards in any of the sub-
22 jects for which assessments are adminis-
23 tered under this paragraph, provided the
24 State—

1 “(I) establishes and monitors im-
2 plementation of clear and appropriate
3 guidelines for IEP Teams to apply in
4 determining which students with dis-
5 abilities are eligible to be assessed
6 based on modified academic achieve-
7 ment standards. At a minimum, these
8 criteria shall include the following:

9 “(aa) Whether the student’s
10 disability has precluded the stu-
11 dent from achieving grade-level
12 proficiency, as demonstrated by
13 objective evidence, such as the
14 student’s performance on the
15 State’s regular assessments or on
16 other assessments that can val-
17 idly demonstrate academic
18 achievement.

19 “(bb) Whether the student’s
20 progress in response to appro-
21 priate instruction, including spe-
22 cial education and related serv-
23 ices designed to address the stu-
24 dent’s individual needs, is such
25 that, even if significant growth

1 occurs, the IEP Team is reason-
2 ably certain that the student will
3 not achieve to grade-level pro-
4 ficiency within the year covered
5 by the student's IEP. This
6 progress shall be based on mul-
7 tiple measurements, over a period
8 of time, that are valid for the
9 subjects being assessed.

10 “(II) ensures that, if a student's
11 IEP includes goals for a subject as-
12 sessed based on modified academic
13 achievement standards, those goals
14 are based on the academic content
15 standards for the grade in which the
16 student is enrolled;

17 “(III) ensures that the parents of
18 students with disabilities who are test-
19 ed against modified academic achieve-
20 ment standards are informed that
21 their child's achievement will be meas-
22 ured based on modified academic
23 achievement standards;

24 “(IV) ensures that the alternate
25 assessment yields results that measure

1 the achievement of those students sep-
2 arately in reading or language arts,
3 mathematics, and science relative to
4 the modified academic achievement
5 standards;

6 “(V) ensures that students who
7 are assessed based on modified aca-
8 demic achievement standards have ac-
9 cess to the curriculum, including in-
10 struction, for the grade in which the
11 students are enrolled; and

12 “(VI) establishes and monitors
13 implementation of clear and appro-
14 priate guidelines for IEP Teams to
15 apply in developing and implementing
16 IEPs for students who are assessed
17 based on modified achievement stand-
18 ards.

19 “(F) DEFERRAL.—A State or consortia of
20 States that adopts the college and work ready
21 standards and assessments described in section
22 1111A may defer the commencement, or sus-
23 pend the administration, but not cease the de-
24 velopment, of the assessments described in this
25 paragraph, that were not required prior to the

1 date of enactment of the No Child Left Behind
2 Act of 2001, for 1 year for each year for which
3 the amount appropriated for grants under sec-
4 tion 6113(a)(2) is less than
5 **[\$_____]** for fiscal years 2008
6 through 2013.

7 “(G) REPORT TO CONGRESS.—The Sec-
8 retary shall, every two years, submit a report to
9 the Committee on Education and Labor of the
10 House of Representatives and the Committee
11 on Health, Education, Labor, and Pensions of
12 the Senate on State compliance with the assess-
13 ment quality provisions of this section as well
14 as on actions taken by the Secretary to enforce
15 such provisions. The first report shall be sub-
16 mitted not later than 2 years after the date of
17 the enactment of the **[insert short title of 2007**
18 **reauthorization Act]**.

19 “(4) SPECIAL RULE.—Academic assessment
20 measures that do not meet the requirements of para-
21 graph (3) or section 1125 may be included as addi-
22 tional measures, but may not be used in lieu of the
23 academic assessments required under paragraph (3).
24 Such additional assessment measures may not be
25 used to increase the number of or change the schools

1 that make adequate yearly progress if such addi-
2 tional measures were not used, but may be used to
3 identify additional schools for school improvement,
4 assistance, and/or redesign.

5 “(5) STATE AUTHORITY.—

6 “(A) IN GENERAL.—If a State educational
7 agency provides evidence, which is satisfactory
8 to the Secretary, that neither the State edu-
9 cational agency nor any other State government
10 official, agency, or entity has sufficient author-
11 ity, under State law, to adopt curriculum con-
12 tent and student academic achievement stand-
13 ards, and academic assessments aligned with
14 such academic standards, that will be applicable
15 to all students enrolled in the State’s public ele-
16 mentary schools and secondary schools, the
17 State educational agency may meet the require-
18 ments of this subsection by—

19 “(i) adopting academic standards and
20 academic assessments that meet the re-
21 quirements of this subsection, on a state-
22 wide basis, and limiting their applicability
23 to students served under this part; or

24 “(ii) adopting and implementing poli-
25 cies that ensure that each local educational

1 agency in the State that receives grants
2 under this part will adopt curriculum con-
3 tent and student academic achievement
4 standards, and academic assessments
5 aligned with such standards, that—

6 “(I) meet all of the criteria in
7 this subsection and any regulations
8 regarding such standards and assess-
9 ments that the Secretary may publish;
10 and

11 “(II) are applicable to all stu-
12 dents served by each such local edu-
13 cational agency.

14 “(B) RULE OF CONSTRUCTION.—For a
15 State covered by subparagraph (A), nothing in
16 this paragraph shall be interpreted to limit the
17 authority of the State to implement its aca-
18 demic assessment system through assessments
19 adopted by local educational agencies and re-
20 viewed and approved by the State educational
21 agency, provided that they meet the require-
22 ments of this subsection.

23 “(6) NATIVE **【AND DUAL】** LANGUAGE.—

24 “(A) IDENTIFICATION.—Each State plan
25 shall identify the languages other than English

1 that are present in the elementary and sec-
2 ondary school student population statewide and,
3 for each such language, the percentage of stu-
4 dents who speak it.

5 “(B) REQUIREMENT.—Each State shall
6 make every effort to develop native language
7 **【or dual language】** content assessments that
8 are valid, reliable, and aligned to grade level
9 content standards, and may request assistance
10 from the Secretary if linguistically accessible
11 academic assessment measures are needed.

12 “(C) SPECIAL RULE.—Consistent with
13 subparagraph (A) and State law, in the case of
14 any State where at least 10 percent of all stu-
15 dents who are English language learners share
16 one language, the State shall—

17 “(i) develop or make available to such
18 students native language or **【dual lan-
19 guage】** assessments that are valid, reliable,
20 and aligned to grade level content and stu-
21 dent academic achievement standards; and

22 “(ii) assess such students using such
23 assessments, if such assessments validly
24 and reliably measure the content and in-
25 struction such students received.

1 “(7) WHEN NATIVE LANGUAGE NOT USED.—In
2 the case in which a native language [or dual lan-
3 guage] assessment is not used, consistent with para-
4 graph (3)(D)(xi)(V), the State shall assess English
5 language learners validly and reliably through the
6 use of measures that are fully aligned with State
7 standards such as a portfolio, an assessment using
8 high quality, valid, and reliable accommodations, or
9 an assessment that uses simplified English.

10 “(8) TECHNICAL ASSISTANCE.—Upon request,
11 and at the discretion of the State, using funds made
12 available under section 6111, the Secretary shall as-
13 sist with the identification, development, and imple-
14 mentation of appropriate academic assessment meas-
15 ures in the needed languages but, except as provided
16 in paragraph (6)(C), the Secretary shall not man-
17 date a specific academic assessment or mode of in-
18 struction.

19 “(9) ACADEMIC ASSESSMENTS OF ENGLISH
20 LANGUAGE PROFICIENCY.—Each State plan shall
21 demonstrate that local educational agencies in the
22 State will provide for an annual assessment of
23 English proficiency (measuring students’ oral lan-
24 guage, reading, and writing skills in English and
25 also measuring academic English aligned with the

1 language demands of grade level State standards) of
2 all English language learners in the schools served
3 by the State educational agency.

4 “(10) VALID AND RELIABLE ASSESSMENTS RE-
5 QUIRED FOR STUDENTS WITH DISABILITIES AND
6 ENGLISH LANGUAGE LEARNERS.—

7 “(A) IN GENERAL.—Within 2 years after
8 the date of the enactment of the [short title of
9 2007 reauthorization], the State shall have de-
10 veloped, consistent with this section, valid and
11 reliable assessments that are aligned with State
12 standards to measure the achievement of stu-
13 dents with disabilities and English language
14 learners and shall have a valid and reliable as-
15 sessment of English language proficiency that
16 measures academic English that is aligned with
17 the language demands of State standards con-
18 sistent with paragraph (8).

19 [“(B) [TBA].—During and for no longer
20 than the 2 school years following the year in
21 which the [short title] was enacted, for the
22 purposes of determining adequate yearly
23 progress in reading, for students who score in
24 the lowest 2 levels on the English language pro-
25 ficiency examination, the State may use the

1 percentage of students who move from the low-
2 est 2 levels to a higher level on English lan-
3 guage proficiency examination if the State also
4 assesses the student using the State content ex-
5 amination in English and reports the results of
6 both as part of the report cards under para-
7 graph (1).】

8 “(C) FAILURE TO COMPLY.—For each year
9 after the 2-year period described in subpara-
10 graph (A), if a State is not in compliance with
11 such subparagraph, the Secretary shall withhold
12 up to 25 percent of the funds that would other-
13 wise be provided under this title to that State
14 for administration.

15 “(11) REQUIREMENT.—Each State plan shall
16 describe—

17 “(A) how the State educational agency will
18 assist each local educational agency and school
19 affected by the State plan to develop the capac-
20 ity to comply with each of the requirements of
21 sections 【1112(c)(1)(E), 1114(b), and
22 1115(c)】 that is applicable to such agency or
23 school;

24 “(B) how the State educational agency will
25 assist each local educational agency and school

1 affected by the State plan to provide additional
2 educational assistance to individual students as-
3 sessed as needing help to achieve the State’s
4 challenging academic achievement standards;

5 “(C) the specific steps the State edu-
6 cational agency will take to ensure that both
7 schoolwide programs and targeted assistance
8 schools provide instruction by highly qualified
9 instructional staff as required by sections
10 1114(b)(1)(C) and 1115(c)(1)(E), including
11 steps that the State educational agency will
12 take to ensure that poor and minority children
13 are not taught at higher rates than other chil-
14 dren by inexperienced, unqualified, or out-of-
15 field teachers, and the measures that the State
16 educational agency will use to evaluate and pub-
17 licly report the progress of the State edu-
18 cational agency with respect to such steps;

19 “(D) an assurance that the State edu-
20 cational agency will assist local educational
21 agencies in developing or identifying high-qual-
22 ity effective curricula that are rigorously
23 aligned with State academic achievement stand-
24 ards and are accessible to students with disabil-
25 ities and English language learners;

1 “(E) how the State educational agency will
2 disseminate such curricula to each local edu-
3 cational agency and school within the State;

4 “(F) how the State will assist local edu-
5 cational agencies in developing or identifying
6 high quality, professional development programs
7 that will help schools implement such curricula
8 effectively and ensure that classroom instruc-
9 tion fully reflects State standards;

10 “(G) how the State educational agency will
11 assist each local educational agency and school
12 affected by the State plan in ensuring that
13 teachers and school administrators are ade-
14 quately trained and prepared to—

15 “(i) determine when accommodations
16 on assessments administered to English
17 language learners and students with dis-
18 abilities are necessary;

19 “(ii) determine which accommodations
20 are effective in yielding valid and reliable
21 data for each group of students referred to
22 in section 1111(b)(2)(C)(v)(II); and

23 “(iii) incorporate such valid accom-
24 modations in their instruction to such stu-
25 dents;

1 “(H) how the State educational agency, in
2 collaboration with local educational agencies
3 within the State, will analyze assessments re-
4 quired by the State and local educational agen-
5 cies for accountability purposes to determine
6 whether such assessments are unnecessary or
7 duplicative and, if they are, how the State and
8 the local educational agencies will limit assess-
9 ments as appropriate;

10 “(I) how the State will ensure that a well-
11 rounded curriculum, including all the core aca-
12 demic subjects and physical education, will be
13 taught to all students in the State;

14 “(J) such other factors as the State edu-
15 cational agency determines appropriate to pro-
16 vide students an opportunity to achieve the
17 knowledge and skills described in the chal-
18 lenging academic content standards adopted by
19 the State; and

20 “(K) policies to ensure the accuracy of as-
21 sessment results.

22 “(12) FACTORS AFFECTING STUDENT ACHIEVE-
23 MENT.—Each State plan shall include an assessment
24 of the non-academic factors influencing student
25 achievement, and a description of the State edu-

1 cational agency’s strategy to coordinate and collabo-
2 rate, to the extent feasible, with agencies providing
3 services to children, youth, and families, with respect
4 to local educational agencies within the State that
5 are identified under section 1116 to help provide
6 needed services to address major nonacademic fac-
7 tors that have significantly affected the academic
8 achievement of students in the local educational
9 agency or schools served by such agency.

10 “(13) USE OF ACADEMIC ASSESSMENT RESULTS
11 TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—
12 Each State plan shall describe how the State edu-
13 cational agency will ensure that the results of the
14 State assessments described in paragraph (3)—

15 “(A) will be promptly provided to local
16 educational agencies, schools, and teachers in a
17 manner that is clear and easy to understand,
18 but not later than 30 days before the beginning
19 of the next school year; and

20 “(B) be used by those local educational
21 agencies, schools, and teachers to improve the
22 educational achievement of individual students.

23 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
24 AND LEARNING.—Each State plan shall contain assur-
25 ances that—

1 “(1) the State educational agency will meet the
2 annual State report card requirements of subsection
3 (h)(1);

4 “(2) the State will participate in biennial State
5 academic assessments of 4th and 8th grade reading
6 or language arts and mathematics under the Na-
7 tional Assessment of Educational Progress carried
8 out under section 303(b)(2) of the National Assess-
9 ment of Educational Progress Authorization Act if
10 the Secretary pays the costs of administering such
11 assessments;

12 “(3) the State educational agency, in consulta-
13 tion with the Governor, will include, as a component
14 of the State plan, a plan to carry out the responsibil-
15 ities of the State under sections 1116 and 1117, in-
16 cluding carrying out the State educational agency’s
17 statewide system of technical assistance and support
18 for local educational agencies;

19 “(4) the State educational agency will work
20 with other agencies, including educational service
21 agencies or other local consortia, and institutions to
22 provide technical assistance to local educational
23 agencies and schools, including technical assistance
24 to help them address the factors identified under
25 subsection (b)(11), in providing professional develop-

1 ment under section 1119, technical assistance under
2 section 1117, and technical assistance relating to pa-
3 rental involvement under section 1118;

4 “(5) the State educational agency will consider
5 providing professional development and technical as-
6 sistance—

7 “(A) where educational service agencies
8 exist, through such agencies; and

9 “(B) where educational service agencies do
10 not exist, through other cooperative agreements
11 such as through a consortium of local edu-
12 cational agencies;

13 “(6) the State educational agency will notify
14 local educational agencies and the public of the con-
15 tent and student academic achievement standards
16 and academic assessments developed under this sec-
17 tion, and of the authority to operate schoolwide pro-
18 grams, and will fulfill the State educational agency’s
19 responsibilities regarding local educational agency
20 improvement and school improvement and assistance
21 under section 1116, including such interventions as
22 are necessary;

23 “(7) the State educational agency will provide
24 the least restrictive and burdensome regulations for

1 local educational agencies and individual schools par-
2 ticipating in a program assisted under this part;

3 “(8) the State educational agency will inform
4 the Secretary and the public of how Federal laws, if
5 at all, hinder the ability of States to hold local edu-
6 cational agencies and schools accountable for stu-
7 dent academic achievement;

8 “(9) the State educational agency will encour-
9 age schools to consolidate funds from other Federal,
10 State, and local sources for schoolwide reform in
11 schoolwide programs under section 1114;

12 “(10) the State educational agency will modify
13 or eliminate State fiscal and accounting barriers so
14 that schools can easily consolidate funds from other
15 Federal, State, and local sources for schoolwide pro-
16 grams under section 1114;

17 “(11) the State educational agency has involved
18 the committee of practitioners established under sec-
19 tion 1903(b) in developing the plan and any sub-
20 stantive amendment to the plan and monitoring its
21 implementation;

22 “(12) the State educational agency will inform
23 local educational agencies in the State of the local
24 educational agency’s authority to transfer funds
25 under title VI, to obtain waivers under part D of

1 title IX, and, if the State is an Ed-Flex Partnership
2 State, to obtain waivers under the Education Flexi-
3 bility Partnership Act of 1999;

4 “(13) the State educational agency will coordi-
5 nate activities funded under this part with other
6 Federal activities as appropriate;

7 “(14) the State educational agency will encour-
8 age local educational agencies and individual schools
9 participating in a program assisted under this part
10 to offer family literacy services (using funds under
11 this part), if the agency or school determines that a
12 substantial number of students served under this
13 part by the agency or school have parents who do
14 not have a high school diploma or its recognized
15 equivalent or who have low levels of literacy;

16 “(15) the State educational agency shall, in
17 consultation with experts and stakeholders in uni-
18 versal design for learning, develop a comprehensive
19 plan to address the implementation of universal de-
20 sign for learning;

21 “(16) the State educational agency will ensure
22 that the requirements of subtitle B of title VII of
23 the McKinney-Vento Homeless Assistance Act (42
24 U.S.C. 11431) are met; and

1 “(17) the State educational agency has engaged
2 in timely and meaningful consultation with rep-
3 resentatives of Indian tribes located in the State in
4 the development of the State plan to improve the co-
5 ordination of activities under this Act and to meet
6 the unique cultural, language, and educational needs
7 of Indian students.

8 “(d) PARENTAL INVOLVEMENT.—Each State plan
9 shall describe how the State educational agency will sup-
10 port the collection and dissemination to local educational
11 agencies and schools of effective parental involvement
12 practices. Such practices shall—

13 “(1) be based on the most current research that
14 meets the highest professional and technical stand-
15 ards, on effective parental involvement that fosters
16 achievement to high standards for all children;

17 “(2) be geared toward lowering barriers to
18 greater participation by parents experience in school
19 planning, review, and improvement; and

20 “(3) involve community-based organizations and
21 other entities that have relationships with parents
22 and can facilitate and support their involvement in
23 the education of their children.

24 “(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

1 “(1) SECRETARIAL DUTIES.—The Secretary
2 shall—

3 “(A) establish a peer review process to as-
4 sist in the review of State plans that will pro-
5 mote continuous improvement, innovation, and
6 understanding and provide for timely, fully
7 transparent, and continuous feedback, technical
8 assistance, and training to States on the quality
9 of their State plans and applications;

10 “(B) appoint individuals to the peer review
11 process who—

12 “(i) are experts who are knowledge-
13 able about standards, assessments, the
14 needs of low performing schools, and other
15 educational needs of students and the chal-
16 lenges that States face in developing and
17 implementing systems in these areas; and

18 “(ii) include representatives of par-
19 ents, teachers, principals, State educational
20 agencies, and local educational agencies;

21 “(C) ensure that the peer review process
22 maintains coherence among peer review panels
23 and well managed and accessible peer review
24 databases and removes barriers to prompt and
25 transparent feedback to States;

1 “(D) post information about the Depart-
2 ment’s peer review process for each State plan
3 in an easily identifiable place on the Depart-
4 ment’s website within one week of the establish-
5 ment of the peer review process for each State;

6 “(E) approve a State plan within 120 days
7 of its submission, unless the Secretary deter-
8 mines that the plan does not meet the require-
9 ments of this section;

10 “(F) if the Secretary determines that the
11 State plan does not meet the requirements of
12 subsection (a), (b), or (c), immediately notify
13 the State in writing of such determination and
14 the reasons for such determination and post
15 that determination on the Department’s web
16 site;

17 “(G) not decline to approve a State’s plan
18 before—

19 “(i) offering the State an opportunity
20 to revise its plan;

21 “(ii) providing technical assistance in
22 order to assist the State to meet the re-
23 quirements of subsections (a), (b), and (c);
24 and

25 “(iii) providing a hearing;

1 “(H) have the authority to disapprove a
2 State plan for not meeting the requirements of
3 this part, but shall not have the authority to re-
4 quire a State, as a condition of approval of the
5 State plan, to include in, or delete from, such
6 plan one or more specific elements of the
7 State’s academic content standards or to use
8 specific academic assessment instruments or
9 items; and

10 “(I) have the authority to disapprove a
11 State plan that was recommended for approval
12 by the peer review panel with or without revi-
13 sions only by making written findings of good
14 cause for such disapproval and posting such
15 written findings in an easily identifiable place
16 on the Department’s website within one week of
17 the Secretary’s determination.

18 “(2) STATE REVISIONS.—A State plan shall be
19 revised by the State educational agency if necessary
20 to satisfy the requirements of this section. All such
21 revisions must be posted on the State educational
22 agency’s website within one week after the State
23 submits the revisions to the Secretary.

24 “(f) DURATION OF THE PLAN.—

25 “(1) IN GENERAL.—Each State plan shall—

1 “(A) remain in effect for the duration of
2 the State’s participation under this part; and

3 “(B) be periodically reviewed and revised
4 as necessary by the State educational agency to
5 reflect changes in the State’s strategies and
6 programs under this part.

7 “(2) ADDITIONAL INFORMATION.—If significant
8 changes are made to a State’s plan, such as the
9 adoption of new State academic content standards
10 and State student achievement standards, new aca-
11 demic assessments, or a new definition of adequate
12 yearly progress, such information shall be submitted
13 to the Secretary.

14 “(g) PENALTIES.—If a State fails to meet any of the
15 requirements of this section, then the Secretary may with-
16 hold funds for State administration under this part until
17 the Secretary determines that the State has fulfilled those
18 requirements.

19 “(h) REPORTS.—

20 “(1) ANNUAL STATE REPORT CARD.—

21 “(A) IN GENERAL.—A State that receives
22 assistance under this part shall prepare and
23 disseminate an annual State report card.

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

1 “(i) concise;

2 “(ii) presented in an understandable
3 and uniform format and, to the extent
4 practicable, provided in a language that
5 the parents can understand; and

6 “(iii) posted on the State’s website in
7 a place that is easy to find.

8 “(C) REQUIRED INFORMATION.—The
9 State shall include in its annual State report
10 card—

11 “(i) information, in the aggregate, on
12 student achievement at each proficiency
13 level on the State academic assessments
14 described in subsection (b)(3)
15 (disaggregated by race, ethnicity, gender,
16 disability status, migratory status, English
17 proficiency, and status as economically dis-
18 advantaged, except that such
19 disaggregation shall not be required to the
20 same extent disaggregation is not required
21 under subsection (b)(2)(C)(v));

22 “(ii) information that provides a com-
23 parison between the actual achievement
24 levels of each group of students described
25 in subsection (b)(2)(C)(v) and the State’s

1 annual measurable objectives for each such
2 group of students on each of the academic
3 assessments required under this part;

4 “(iii) the percentage of students not
5 tested (disaggregated by the same cat-
6 egories and subject to the same exception
7 described in clause (i));

8 “(iv) the most recent 2-year trend in
9 student achievement in each subject area,
10 and for each grade level, for which assess-
11 ments under this section are required;

12 “(v) information on any other indica-
13 tors used by the State to determine the
14 adequate yearly progress of students in
15 achieving State academic achievement
16 standards, disaggregated by group of stu-
17 dents referred to in section
18 1111(b)(2)(C)(v)(II);

19 “(vi) the graduation rates required by
20 section 1124;

21 “(vii) information on the performance
22 of local educational agencies in the State
23 regarding making adequate yearly
24 progress, including the number and names
25 of each school identified for school im-

1 provement and assistance under section
2 1116 and the number and names of each
3 school that does make adequate yearly
4 progress for 2 consecutive years and is not
5 identified for school improvement and as-
6 sistance;

7 “(viii) the professional qualifications
8 of teachers in the State, the percentage of
9 such teachers teaching with emergency or
10 provisional credentials, and the percentage
11 of classes in the State not taught by highly
12 qualified teachers, in the aggregate and
13 disaggregated by high-poverty compared to
14 low-poverty schools which, for the purpose
15 of this clause, means schools in the top
16 quartile of poverty and the bottom quartile
17 of poverty in the State;

18 “(ix) a clear and concise description
19 of the State’s accountability system, in-
20 cluding a description of the criteria by
21 which the State evaluates school perform-
22 ance, and the criteria that the State has
23 established, consistent with subsection
24 (b)(2), to determine the status of schools

1 regarding school improvement and assist-
2 ance or redesign; and

3 “(x) information, disaggregated by the
4 highest and lowest achieving deciles of
5 public schools (based on statewide stand-
6 ardized assessments), on—

7 “(I) the proportion of teachers in
8 core academic subjects who are highly
9 qualified;

10 “(II) the proportion of school
11 principals (and other school level ad-
12 ministrators) certified under an appli-
13 cable State or national program;

14 “(III) the proportion of sec-
15 ondary school students enrolled in a
16 college preparatory curriculum;

17 “(IV) the average class size and
18 range of class sizes;

19 “(V) the ratio of students to
20 computers; and

21 “(VI) the average starting teach-
22 er salary.

23 “(D) OPTIONAL INFORMATION.—The State
24 may include in its annual State report card
25 such other information as the State believes will

1 best provide parents, students, and other mem-
2 bers of the public with information regarding
3 the progress of each of the State’s public ele-
4 mentary schools and public secondary schools.
5 Such information may include information re-
6 garding—

7 “(i) school attendance rates;
8 “(ii) average class size in each grade;
9 “(iii) academic achievement and gains
10 in English proficiency of English language
11 learners;

12 “(iv) the incidence of school violence,
13 drug abuse, alcohol abuse, student suspen-
14 sions, and student expulsions;

15 “(v) the extent and type of parental
16 involvement in the schools;

17 “(vi) the percentage of students com-
18 pleting courses described in section
19 1111(b)(2)(E)(iii) and the rate of passing
20 end of course exams for such courses; and

21 “(vii) information on the availability
22 of up to date instructional materials avail-
23 able to students and whether each student
24 has access to instructional materials

1 aligned to current State standards at
2 school and to use at home.

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

5 “(A) REPORT CARDS.—A local educational
6 agency that receives assistance under this part
7 shall prepare and disseminate an annual local
8 educational agency report card, except that the
9 State educational agency may provide the local
10 educational agency a one-year exception if the
11 local educational agency demonstrates that ex-
12 ceptional or uncontrollable circumstances, such
13 as a natural disaster or a precipitous and un-
14 foreseen decline in the financial resources of the
15 local educational agency, prevented full imple-
16 mentation of this paragraph that year and that
17 the local educational agency will prepare and
18 disseminate a report card with the same infor-
19 mation the following year.

20 “(B) MINIMUM REQUIREMENTS.—The
21 State educational agency shall ensure that each
22 local educational agency collects appropriate
23 data and includes in the local educational agen-
24 cy’s annual report the information described in
25 paragraph (1)(C) as applied to the local edu-

1 cational agency and each school served by the
2 local educational agency, and—

3 “(i) in the case of a local educational
4 agency—

5 “(I) the number and percentage
6 of schools identified for school im-
7 provement and assistance under sec-
8 tion 1116 and how long the schools
9 have been so identified; and

10 “(II) information that shows the
11 achievement of students served by the
12 local educational agency on the state-
13 wide academic assessment and other
14 indicators used to determine adequate
15 yearly progress compared to students
16 in the State as a whole; and

17 “(ii) in the case of a school—

18 “(I) whether the school has been
19 identified for school improvement and
20 assistance;

21 “(II) information that shows the
22 school’s students’ achievement on the
23 statewide academic assessments and
24 other indicators used to determine
25 adequate yearly progress compared to

1 students in the local educational agen-
2 cy and the State as a whole;

3 “(III) information on suspension
4 and expulsion rates, disaggregated by
5 the groups defined in section
6 1111(b)(2)C(v); and

7 “(IV) opportunities for commu-
8 nity and parent involvement in the
9 school, and community resources
10 available to parents through the
11 school.

12 “(C) OTHER INFORMATION.—A local edu-
13 cational agency may include in its annual local
14 educational agency report card any other appro-
15 priate information, whether or not such infor-
16 mation is included in the annual State report
17 card.

18 “(D) DATA.—A local educational agency
19 or school shall only include in its annual local
20 educational agency report card data that are
21 sufficient to yield statistically reliable informa-
22 tion as determined by the State, and that do
23 not reveal personally identifiable information
24 about an individual student.

1 “(E) PUBLIC DISSEMINATION.—The local
2 educational agency shall publicly disseminate
3 the information described in this paragraph to
4 all schools in the school district served by the
5 local educational agency and to all parents of
6 students attending those schools in an under-
7 standable and uniform format and, to the ex-
8 tent practicable, in a language that the parents
9 can understand, and make the information
10 widely available through public means, such as
11 posting on the Internet, distribution to the
12 media, and distribution through public agencies,
13 except that if a local educational agency issues
14 a report card for all students, the local edu-
15 cational agency may include the information
16 under this section as part of such report.

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

22 “(A) information on the State’s progress in
23 developing and implementing the academic as-
24 sessments described in subsection (b)(3);

1 “(B) information on the achievement of
2 students on the academic assessments required
3 by subsection (b)(3), including the
4 disaggregated results for the categories of stu-
5 dents identified in subsection (b)(2)(C)(v);

6 “(C) information on the acquisition of
7 English proficiency by English language learn-
8 ers;

9 “(D) the number and names of each school
10 identified for school improvement and assist-
11 ance under section 1116, the reason why each
12 school was so identified, and the measures
13 taken to address the achievement problems of
14 such schools;

15 “(E) the number of students and schools
16 that participated in public school choice and
17 supplemental service programs and activities
18 under this title;

19 “(F) information on the quality of teachers
20 and the percentage of classes being taught by
21 highly qualified teachers in the State, local edu-
22 cational agency, and school; and

23 “(G) the number and percentage of stu-
24 dents with disabilities who have taken—

25 “(i) general assessments;

1 “(ii) general assessments with accom-
2 modations;

3 “(iii) alternate assessments based on
4 grade-level achievement standards;

5 “(iv) alternate assessments based on
6 modified academic achievement standards;

7 and

8 “(v) alternate assessments based on
9 alternate academic achievement standards.

10 “(4) REPORT TO CONGRESS.—The Secretary
11 shall submit annually to the Committee on Edu-
12 cation and Labor of the House of Representatives
13 and the Committee on Health, Education, Labor,
14 and Pensions of the Senate a report that provides
15 national and State-level data on the information col-
16 lected under paragraph (3). The report shall be
17 made public on the website of the Department.

18 “(5) PARENTS RIGHT-TO-KNOW.—

19 “(A) QUALIFICATIONS.—At the beginning
20 of each school year, a local educational agency
21 that receives funds under this part shall notify
22 the parents of each student attending any
23 school receiving funds under this part that the
24 parents may request, and the agency will pro-
25 vide the parents on request (and in a timely

1 manner), information regarding the professional
2 qualifications of the student's classroom teach-
3 ers, including, at a minimum, the following:

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

8 “(ii) Whether the teacher is teaching
9 under emergency or other provisional sta-
10 tus through which State qualification or li-
11 censing criteria have been waived.

12 “(iii) The baccalaureate degree major
13 of the teacher and any other graduate cer-
14 tification or degree held by the teacher,
15 and the field of discipline of the certifi-
16 cation or degree.

17 “(iv) Whether the child is provided
18 services by paraprofessionals and, if so,
19 their qualifications.

20 “(B) ADDITIONAL INFORMATION.—In ad-
21 dition to the information that parents may re-
22 quest under subparagraph (A), a school that re-
23 ceives funds under this part shall provide to
24 each individual parent—

1 “(i) information on the level of
2 achievement of the parent’s child in each
3 of the State academic assessments as re-
4 quired under this part; and

5 “(ii) timely notice that the parent’s
6 child has been assigned to, or has been
7 taught for four or more consecutive weeks
8 by, a teacher who is not highly qualified.

9 “(C) FORMAT.—The notice and informa-
10 tion provided to parents under this paragraph
11 shall be in an understandable and uniform for-
12 mat and, to the extent practicable, provided in
13 a language that the parents can understand.

14 “(6) INFORMATION AFFECTING COMPARABILITY
15 OF ASSESSMENT RESULTS AND DATA.—The State
16 educational agency shall report on its website in an
17 easily accessible place information on—

18 “(A) any changes to its assessment pro-
19 gram and other data collection used to deter-
20 mine adequate yearly progress that affect com-
21 parability of results from year to year; and

22 “(B) mean scores, standard deviations,
23 and ‘n size’ related to data used to determine
24 adequate yearly progress.

1 “(i) PRIVACY.—Information collected under this sec-
2 tion shall be collected and disseminated in a manner that
3 protects the privacy of individuals.

4 “(j) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide a State educational agency, at the State edu-
6 cational agency’s request, technical assistance in meeting
7 the requirements of this section, including the provision
8 of advice by experts in the development of high-quality
9 academic assessments, the setting of State standards, the
10 development of measures of adequate yearly progress that
11 are valid and reliable, and other relevant areas.

12 “(k) CONSTRUCTION.—Nothing in this part shall be
13 construed to prescribe or encourage the use of the aca-
14 demic assessments described in this part for student pro-
15 motion or graduation purposes.

16 “(l) SPECIAL RULE WITH RESPECT TO BUREAU-
17 FUNDED SCHOOLS.—In determining the assessments to
18 be used by each school operated or funded by the Bureau
19 of Indian Affairs that is receiving funds under this part,
20 the following shall apply:

21 “(1) Each such school that is accredited by the
22 State in which it is operating shall use the assess-
23 ments the State has developed and implemented to
24 meet the requirements of this section, or such other

1 appropriate assessment as approved by the Secretary
2 of the Interior.

3 “(2) Each such school that is accredited by a
4 regional accrediting organization shall adopt an ap-
5 propriate assessment, in consultation with and with
6 the approval of, the Secretary of the Interior and
7 consistent with assessments adopted by other schools
8 in the same State or region, that meets the require-
9 ments of this section.

10 “(3) Each such school that is accredited by a
11 tribal accrediting agency or tribal division of edu-
12 cation shall use an assessment developed by such
13 agency or division, except that the Secretary of the
14 Interior shall ensure that such assessment meets the
15 requirements of this section.

16 “(m) COMPARISON OF STATE STANDARDS.—

17 “(1) STUDY ON BEST COURSE OF ACTION.—
18 The Secretary shall enter into an agreement with
19 the National Academy of Sciences to conduct a
20 study to compare and address the varying rigor of
21 academic standards and assessments from State to
22 State under this title, which may have the result
23 that all of the Nation’s students are not being
24 taught to the same high standards. The study shall
25 explore problems associated with such disparities

1 and provide recommendations to the Secretary, the
2 Committee on Health, Education, Labor, and Pen-
3 sions of the Senate, and the Committee on Edu-
4 cation and Labor of the House of Representatives on
5 developing a common scale on which to compare
6 such standards and assessments, and on ways the
7 system may be improved.

8 “(2) COMMON SCALE.—Upon completion of the
9 study in paragraph (1), the Secretary shall select a
10 common scale and every two years analyze and com-
11 pare the standards and assessments of States using
12 the common scale.

13 “(3) ANNUAL REPORT.—The Secretary shall
14 every two years report to the Committee on Health,
15 Education, Labor, and Pensions of the Senate and
16 the Committee on Education and Labor of the
17 House of Representatives on any variance between
18 State standards and assessments for reading or lan-
19 guage arts, mathematics, and science.

20 “(4) PUBLICATION.—The Secretary shall make
21 public and post on the Department’s website the
22 findings of the analysis.

1 **“SEC. 1111A. POSTSECONDARY AND WORKPLACE READI-**
2 **NESS.**

3 “(a) IN GENERAL.—At the State’s discretion, the
4 State educational agency, independently or in consortia
5 with other States, may analyze and revise the standards
6 used under section 1111 to ensure that they are vertically
7 aligned from grade to grade and with what students
8 should know in order to be successful in postsecondary
9 education and the workplace. Such analysis shall consist
10 of—

11 “(1) consulting with existing P-16 or P-20
12 Councils, or if one does not exist, consulting with
13 groups and individuals described in subsection
14 (a)(1)(A) of section 1111, representatives from the
15 State’s higher education system, including faculty
16 that make decisions about placement in credit bear-
17 ing courses, and small and large businesses;

18 “(2) reviewing existing national, international,
19 and private efforts to identify postsecondary edu-
20 cation and workplace readiness skills; and

21 “(3) complementing a rigorous alignment proc-
22 ess between State assessments and revised stand-
23 ards.

24 “(b) HIGH QUALITY ASSESSMENTS ALIGNED WITH
25 NEW STANDARDS.—Each State educational agency or
26 consortium of States that adopts the new standards de-

1 scribed in subsection (a) shall, within 2 years after com-
2 pleting the analysis and revision required by subsection
3 (a), ensure that State assessments—

4 “(1) are fully aligned with the standards de-
5 scribed in subsection (a) through a rigorous align-
6 ment process;

7 “(2) meet all the assessment quality require-
8 ments in section 1111(b)(3)(D); and

9 “(3) involve multiple up-to-date measures of
10 student academic achievement in each subject and
11 each grade level assessed under this Act, including
12 measures that assess higher-order thinking skills
13 and understanding, application and transferability of
14 knowledge, problem solving, analysis, and synthesis;
15 this requirement—

16 “(A) shall be met through including, as
17 part of the State assessment system, a mean-
18 ingful proportion of both short and extended
19 constructed response items or additional per-
20 formance-based measures that measure the
21 skills and knowledge described in [paragraph
22 _____]; and

23 “(B) may not be met through multiple op-
24 portunities to take the same test or multiple
25 tests that are substantially similar in content

1 and format or that are designed to copy, prac-
2 tice for, or predict performance on the State as-
3 sessment.

4 “(c) STATE CONSORTIA.—States may enter into con-
5 sortia with other States to develop shared standards and
6 assessments of postsecondary education and workplace
7 readiness.

8 “(d) PEER REVIEW.—Each State or consortium of
9 States shall appoint an independent peer review panel to
10 review standards and assessments to establish that the
11 standards are aligned from grade to grade and with what
12 students must know and do to be successful in postsec-
13 ondary education and the workforce, and that the State
14 assessments are rigorously aligned with such State stand-
15 ards. Members of the peer review panel shall include—

16 “(1) representatives of small and large busi-
17 nesses;

18 “(2) representatives of institutions of higher
19 education;

20 “(3) widely recognized experts on developing
21 college and work ready standards;

22 “(4) widely recognized experts in educational
23 assessment; and

24 “(5) representatives of parents, teachers, prin-
25 cipals, and State and local educational agencies.

1 “(e) ADDITIONAL FUNDS.—All funds appropriated
2 under section 6113(a)(4) above \$400,000,000 shall be al-
3 located only to States and consortia of States that choose
4 to adopt the standards and assessments under this sec-
5 tion.

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

7 “(a) PLANS REQUIRED.—

8 “(1) SUBGRANTS.—A local educational agency
9 may receive a subgrant under this part for any fiscal
10 year only if such agency has on file with the State
11 educational agency a comprehensive plan that ad-
12 dresses student achievement in all elementary and
13 secondary schools served under this Act. The plan
14 shall—

15 “(A) be approved by the State educational
16 agency; and

17 “(B) be coordinated with other programs
18 under this Act, the Individuals with Disabilities
19 Education Act, the Carl D. Perkins Career and
20 Technical Education Act of 2006, the McKin-
21 ney-Vento Homeless Assistance Act, and other
22 Acts, as appropriate.

23 “(2) CONSOLIDATED APPLICATION.—The plan
24 may be submitted as part of a consolidated applica-
25 tion under section 9305.

1 “(b) PLAN PROVISIONS.—

2 “(1) IN GENERAL.—In order to help low-achiev-
3 ing children meet challenging achievement academic
4 standards, each local educational agency plan shall
5 include—

6 “(A) a description of high-quality student
7 academic assessments, if any, that are in addi-
8 tion to the academic assessments described in
9 the State plan under section 1111(b)(3), that
10 the local educational agency and schools served
11 under this part will use—

12 “(i) to determine the success of chil-
13 dren served under this part in meeting the
14 State student academic achievement stand-
15 ards, and to provide information to teach-
16 ers, parents, and students on the progress
17 being made toward meeting the State stu-
18 dent academic achievement standards de-
19 scribed in section 1111(b)(1)(D)(ii);

20 “(ii) to assist in diagnosis, teaching,
21 and learning in the classroom in ways that
22 best enable low-achieving students, includ-
23 ing students from groups of students re-
24 ferred to in section 1111(b)(2)(C)(v)(II),
25 served under this part to meet State stu-

1 dent academic achievement standards and
2 succeed in the local curriculum;

3 “(iii) to determine what revisions are
4 needed to schoolwide projects under this
5 part so that such children meet the State
6 student academic achievement standards;

7 “(iv) to identify effectively students
8 who may be at risk for reading failure or
9 who are having difficulty reading, through
10 the use of screening, diagnostic, and class-
11 room-based instructional reading assess-
12 ments, as defined under section 1208; and

13 “(v) to identify effectively and early
14 students who are at risk of dropping out;

15 “(B) at the local educational agency’s dis-
16 cretion, a description of any other measures
17 and indicators that will be used in addition to
18 the academic indicators described in section
19 1111 for the uses described in such section;

20 “(C) a description of how the local edu-
21 cational agency will use the results of the as-
22 sessments described in section 1111(b)(3) to
23 provide research-based instruction and interven-
24 tions, including by using the authority provided

1 in section 614(b)(6)(B) of the Individuals with
2 Disabilities Education Act;

3 “(D) a description of how the local edu-
4 cational agency will provide additional edu-
5 cational assistance to individual students as-
6 sessed as needing help in meeting the State’s
7 challenging student academic achievement
8 standards, and any graduation requirements,
9 such as through an evidence-based intervention
10 model as described in section 1114(b)(1)(B);

11 “(E) a description of the strategy the local
12 educational agency will use to coordinate pro-
13 grams under this part with programs under
14 title II to provide professional development for
15 teachers and principals, and, if appropriate,
16 specialized instructional support personnel, ad-
17 ministrators, parents, and other staff, including
18 local educational agency level staff in accord-
19 ance with sections 1118 and 1119;

20 “(F) a description of how the local edu-
21 cational agency will coordinate and integrate
22 services provided under this part with other
23 educational services at the local educational
24 agency or individual school level, such as—

1 “(i) Even Start, Head Start, Reading
2 First, Early Reading First, and other pre-
3 school programs, including plans for the
4 joint professional development in child de-
5 velopment and learning of children below
6 grade four for continuity of learning and
7 for transition of participants in such pro-
8 grams to local elementary school programs;
9 and

10 “(ii) services for English language
11 learners including programs under title III,
12 children with disabilities, including early
13 intervening services as defined in section
14 613(f) of the Individuals with Disabilities
15 Education Act, migratory children, ne-
16 glected or delinquent youth, Indian chil-
17 dren served under part A of title VII,
18 homeless children, and immigrant children
19 in order to increase program effectiveness,
20 eliminate duplication, and reduce frag-
21 mentation of the instructional program;

22 “(G) a description of how the local edu-
23 cational agency will create an early childhood
24 education team of staff within such agency with
25 responsibility for curricula, assessment, profes-

1 sional development, and after-school programs,
2 special education, English language learners,
3 and other pupil services for children below
4 grade four, in order to create ongoing channels
5 of communication on shared expectations of
6 learning and knowledge of developmentally, age,
7 culturally, and linguistically appropriate prac-
8 tices;

9 “(H) a description of the strategy that the
10 local educational agency will use to engage in
11 effective consultation with representatives of In-
12 dian tribes located in the area served by the
13 local educational agency in the development of
14 the local plan to improve the coordination of ac-
15 tivities under this Act and to meet the unique
16 cultural, language, and educational needs of In-
17 dian students;

18 “(I) an assurance that the local edu-
19 cational agency will participate, if selected, in
20 the State National Assessment of Educational
21 Progress in 4th and 8th grade reading or lan-
22 guage arts and mathematics carried out under
23 section 303(b)(2) of the National Assessment of
24 Educational Progress Authorization Act;

1 “(J) a description of the poverty criteria
2 that will be used to select school attendance
3 areas under section 1113;

4 “(K) a description of how teachers, in con-
5 sultation with parents, administrators, and spe-
6 cialized instructional support personnel, in tar-
7 geted assistance schools under section 1115,
8 will identify the eligible children most in need
9 of services under this part;

10 “(L) a general description of the nature of
11 the programs to be conducted by such agency’s
12 schools under sections 1114 and 1115 and,
13 where appropriate, educational services outside
14 such schools for children living in local institu-
15 tions for neglected or delinquent children, and
16 for neglected and delinquent children in com-
17 munity day school programs;

18 “(M) a description of how the local edu-
19 cational agency will ensure that migratory chil-
20 dren and formerly migratory children who are
21 eligible to receive services under this part are
22 selected to receive such services on the same
23 basis as other children who are selected to re-
24 ceive services under this part;

1 “(N) if appropriate, a description of how
2 the local educational agency will use funds
3 under this part to support preschool programs
4 for children, particularly children participating
5 in Early Reading First, or in a Head Start or
6 Even Start program, which services may be
7 provided directly by the local educational agen-
8 cy or through a subcontract with the local Head
9 Start agency designated by the Secretary of
10 Health and Human Services under section 641
11 of the Head Start Act, or an agency operating
12 an Even Start program, an Early Reading First
13 program, or another comparable public early
14 childhood development program;

15 “(O) a description of the actions the local
16 educational agency will take to assist its low-
17 achieving schools identified for improvement
18 and assistance under section 1116;

19 “(P) a description of the actions the local
20 educational agency will take to implement ex-
21 tended learning time, public school choice, and
22 supplemental services, consistent with the re-
23 quirements of section 1116;

24 “(Q) a description of how the local edu-
25 cational agency will meet the requirements of

1 section 1119, including the actions the local
2 educational agency will pursue to ensure that
3 high quality, highly qualified teachers take posi-
4 tions in, and remain in, schools served under
5 this part;

6 “(R) a description of the services (includ-
7 ing transportation to school of origin as defined
8 in section 722(g)(3)(G)) the local educational
9 agency will provide homeless children and
10 youths, including a description of how the funds
11 reserved under section 1113(c)(3)(A) were de-
12 termined consistent with the needs assessment
13 conducted under section 1113(c)(3)(A)(ii);

14 “(S) a description of the strategy the local
15 educational agency will use to implement effec-
16 tive parental involvement under section 1118;

17 “(T) where appropriate, a description of
18 how the local educational agency will use funds
19 under this part to support before and after
20 school and school year extension (including be-
21 fore school and summer school) programs; and

22 “(U) a description of local educational
23 agency strategies to coordinate with other agen-
24 cies and community-based organizations to ad-
25 dress nonacademic barriers to learning for stu-

1 dents who are low-performing or at risk or
2 dropping out of school.

3 “(2) EXCEPTION.—Except as provided in sec-
4 tion 1125, the academic assessments and indicators
5 described in subparagraphs (A) and (B) of para-
6 graph (1) shall not be used—

7 “(A) in lieu of the academic assessments
8 required under section 1111(b)(3) and other
9 State academic indicators under section
10 1111(b)(2); or

11 “(B) to increase or change the number of
12 schools that would make adequate yearly
13 progress, if such additional assessments or indi-
14 cators described in such subparagraphs were
15 not used, but such assessments and indicators
16 may be used to reduce the number of schools
17 that make adequate yearly progress.

18 “(c) ASSURANCES.—

19 “(1) IN GENERAL.—Each local educational
20 agency plan shall provide assurances that the local
21 educational agency will—

22 “(A) inform eligible schools and parents of
23 schoolwide program authority and the ability of
24 such schools to consolidate funds from Federal,
25 State, and local sources;

1 “(B) provide technical assistance and sup-
2 port to schoolwide programs;

3 “(C) work in consultation with schools as
4 the schools develop the schools’ plans pursuant
5 to section 1114 and assist schools as the
6 schools implement such plans or undertake ac-
7 tivities pursuant to section 1115 so that each
8 school can make adequate yearly progress to-
9 ward meeting the State student academic
10 achievement standards;

11 “(D) engage in effective consultation with
12 representatives of Indian tribes located in the
13 area served by the local educational agency;

14 “(E) fulfill such agency’s school improve-
15 ment and assistance and redesign responsibil-
16 ities under section 1116, including taking ac-
17 tions under section 1116(d) and (h);

18 “(F) provide services to eligible children
19 attending private elementary schools and sec-
20 ondary schools in accordance with section 1120,
21 and timely and meaningful consultation with
22 private school officials regarding such services;

23 “(G) take into account the experience of
24 model programs for the educationally disadvan-
25 taged, and the findings of relevant scientifically

1 valid research indicating that services may be
2 most effective if focused on students in the ear-
3 liest grades at schools that receive funds under
4 this part;

5 “(H) in the case of a local educational
6 agency that chooses to use funds under this
7 part to provide early childhood development
8 services to low-income children below the age of
9 compulsory school attendance, ensure that such
10 services comply with the performance standards
11 established under section 641A(a)(1)(B) of the
12 Head Start Act **[Note: Cite will change with
13 passage of new Head Start]**;

14 “(I) work in consultation with schools as
15 the schools develop and implement their plans
16 or activities under sections 1118 and 1119;

17 “(J) comply with the requirements of sec-
18 tion 1119 regarding the qualifications of teach-
19 ers and paraprofessionals and professional de-
20 velopment;

21 “(K) inform eligible schools of the local
22 educational agency’s authority to obtain waivers
23 on the school’s behalf under title IX and, if the
24 State is an Ed-Flex Partnership State, to ob-

1 tain waivers under the Education Flexibility
2 Partnership Act of 1999;

3 “(L) coordinate and collaborate, to the ex-
4 tent feasible and necessary as determined by
5 the local educational agency, with the State
6 educational agency and other agencies providing
7 services to children, youth, and families with re-
8 spect to a school in school improvement and as-
9 sistance or redesign under section 1116 if such
10 a school requests assistance from the local edu-
11 cational agency in addressing major factors
12 that have significantly affected student achieve-
13 ment at the school;

14 “(M) ensure, through incentives for vol-
15 untary transfers, the provision of professional
16 development, recruitment programs, or other ef-
17 fective strategies, that low-income students and
18 minority students are not taught at higher
19 rates than other students by unqualified, out-of-
20 field, or inexperienced teachers;

21 “(N) use the results of the student aca-
22 demic assessments required under section
23 1111(b)(3), and other measures or indicators
24 available to the agency, to review annually the
25 progress of each school served by the agency

1 and receiving funds under this part to deter-
2 mine whether all of the schools are making the
3 progress necessary to ensure that all students
4 will meet the State’s proficient level of achieve-
5 ment on the State academic assessments de-
6 scribed in section 1111(b)(3) by the end of the
7 2013–2014 school year and will meet the
8 State’s progress goals for the graduation rates
9 required by section 1124 and all other achieve-
10 ment data used to determine adequate yearly
11 progress;

12 “(O) ensure that the results from the aca-
13 demic assessments required under section
14 1111(b)(3) will be provided to parents, teach-
15 ers, and the public as soon as is practicably
16 possible after the test is taken, in an under-
17 standable and uniform format and, to the ex-
18 tent practicable, provided in a language that
19 the parents can understand;

20 “(P) assist each school served by the agen-
21 cy and assisted under this part in developing or
22 identifying examples of high-quality, effective
23 curricula consistent with **[section**
24 **1111(b)(8)(D)]**, including curricula that are

1 accessible to English language learners and stu-
2 dents with disabilities;

3 “(Q) provide that the instructional mate-
4 rials are aligned with current State academic
5 content standards and prepare students to meet
6 current State academic achievement standards;

7 “(R) comply with the local educational
8 agency requirements of subtitle B of title VII of
9 the McKinney-Vento Homeless Assistance Act
10 (42 U.S.C. 11431 et seq.) including an assur-
11 ance that the services provided with the funds
12 reserved under section 1113(c)(3)(A) are con-
13 sistent with the needs assessment conducted
14 under section 1113(c)(3)(A)(ii) and an assur-
15 ance that homeless children and youth are pro-
16 vided transportation to and from the school of
17 origin defined in section 722(g)(3)(G) of title
18 VII of the McKinney-Vento Homeless Assist-
19 ance Act **[(42 U.S.C. _____)]** when it is
20 determined to be in the best interest of the
21 child as defined in section 722(g)(3)(B); and

22 “(S) take into account the experience of
23 model programs for early identification of stu-
24 dents at risk of not graduating from secondary
25 school and the finding of relevant scientifically

1 valid research identifying appropriate interven-
2 tions for students exhibiting the early risk fac-
3 tors leading to dropping out of school, such as
4 low academic achievement, poor attendance, or
5 experiencing an out of school suspension.

6 “(2) SPECIAL RULE.—In carrying out subpara-
7 graph (H) of paragraph (1), the Secretary—

8 “(A) shall consult with the Secretary of
9 Health and Human Services and shall establish
10 procedures (taking into consideration existing
11 State and local laws, and local teacher con-
12 tracts) to assist local educational agencies to
13 comply with such subparagraph; and

14 “(B) shall disseminate to local educational
15 agencies the Head Start performance standards
16 as in effect under section 641A(a) of the Head
17 Start Act, and such agencies affected by such
18 subparagraph shall plan for the implementation
19 of such subparagraph (taking into consideration
20 existing State and local laws, and local teacher
21 contracts), including pursuing the availability of
22 other Federal, State, and local funding sources
23 to assist in compliance with such subparagraph.

24 “(3) INAPPLICABILITY.—Paragraph (1)(H) of
25 this subsection shall not apply to preschool programs

1 using the Even Start model or to Even Start pro-
2 grams that are expanded through the use of funds
3 under this part.

4 “(d) PLAN DEVELOPMENT AND DURATION.—

5 “(1) CONSULTATION.—Each local educational
6 agency plan shall be developed in consultation with
7 teachers, principals, administrators (including ad-
8 ministrators of programs described in other parts of
9 this title), specialized instructional support per-
10 sonnel, and other appropriate school personnel, rep-
11 resentatives of Indian tribes located in the area
12 served by the local educational agency, and parents
13 of children in schools served under this part.

14 “(2) DURATION.—Each such plan shall be sub-
15 mitted for the first year for which this part is in ef-
16 fect following the date of enactment of the [short
17 title of 2007 reauthorization] and shall remain in
18 effect for the duration of the agency’s participation
19 under this part.

20 “(3) REVIEW.—Each local educational agency
21 shall periodically review and, as necessary, revise its
22 plan.

23 “(e) STATE APPROVAL.—

1 “(1) IN GENERAL.—Each local educational
2 agency plan shall be filed according to a schedule es-
3 tablished by the State educational agency.

4 “(2) APPROVAL.—The State educational agency
5 shall approve a local educational agency’s plan only
6 if the State educational agency determines that the
7 local educational agency’s plan—

8 “(A) enables schools served under this part
9 to substantially help children served under this
10 part meet the academic standards expected of
11 all children described in section 1111(b)(1); and

12 “(B) meets the requirements of this sec-
13 tion.

14 “(3) REVIEW.—The State educational agency
15 shall review the local educational agency’s plan to
16 determine if such agencies activities are in accord-
17 ance with sections 1118 and 1119.

18 “(f) PROGRAM RESPONSIBILITY.—The local edu-
19 cational agency plan shall reflect the shared responsibility
20 of schools, teachers, and the local educational agency in
21 making decisions regarding activities under sections 1114
22 and 1115.

23 “(g) PARENTAL NOTIFICATION.—

24 “(1) IN GENERAL.—

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

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

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

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

1 “(aa) the right that parents
2 have to have their child imme-
3 diately removed from such pro-
4 gram upon their request; and

5 “(bb) the options that par-
6 ents have to decline to enroll
7 their child in such program or to
8 choose another program or meth-
9 od of instruction, if available; and

10 “(II) assisting parents in select-
11 ing among various programs and
12 methods of instruction, if more than
13 one program or method is offered by
14 the eligible entity.

15 “(B) SEPARATE NOTIFICATION.—In addi-
16 tion to providing the information required to be
17 provided under paragraph (1), each eligible en-
18 tity that is using funds provided under this part
19 to provide a language instruction educational
20 program, and that has failed to make progress
21 on the annual measurable achievement objec-
22 tives described in section **[3122]** for any fiscal
23 year for which part A of title III is in effect,
24 shall separately inform a parent or the parents
25 of a child identified for participation in such

1 program, or participating in such program, of
2 such failure not later than 30 days after such
3 failure occurs.

4 “(2) NOTICE.—The notice and information pro-
5 vided under paragraph (1) to a parent or parents of
6 a child identified for participation in a language in-
7 struction educational program for English language
8 learners shall be in an understandable and uniform
9 format and, to the extent practicable, provided in a
10 language that the parents can understand.

11 “(3) SPECIAL RULE APPLICABLE DURING THE
12 SCHOOL YEAR.—For those children who have not
13 been identified as English language learners prior to
14 the beginning of the school year, the local edu-
15 cational agency shall notify parents within the first
16 2 weeks of the child being placed in an English lan-
17 guage learner program consistent with paragraphs
18 (1) and (2).

19 “(4) PARENTAL PARTICIPATION.—Each local
20 educational agency receiving funds under this part
21 shall implement an effective means of outreach to
22 parents of English language learners to inform the
23 parents regarding how the parents can be involved
24 in the education of their children, and be active par-
25 ticipants in assisting their children to attain English

1 proficiency, achieve at high levels in core academic
2 subjects, and meet challenging State academic
3 achievement standards and State academic content
4 standards expected of all students, including holding,
5 and sending notice of opportunities for, regular
6 meetings for the purpose of formulating and re-
7 sponding to recommendations from parents of stu-
8 dents assisted under this part.

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

13 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

14 “(a) DETERMINATION.—

15 “(1) IN GENERAL.—A local educational agency
16 shall use funds received under this part only in eligi-
17 ble school attendance areas.

18 “(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

19 For the purposes of this part—

20 “(A) the term ‘school attendance area’
21 means, in relation to a particular school, the
22 geographical area in which the children who are
23 normally served by that school reside; and

24 “(B) the term ‘eligible school attendance
25 area’ means a school attendance area in which

1 the percentage of children from low-income
2 families is at least as high as the percentage of
3 children from low-income families served by the
4 local educational agency as a whole.

5 “(3) RANKING ORDER.—If funds allocated in
6 accordance with subsection (c) are insufficient to
7 serve all eligible school attendance areas, a local edu-
8 cational agency shall—

9 “(A) annually rank, without regard to
10 grade spans, such agency’s eligible school at-
11 tendance areas in which the concentration of
12 children from low-income families exceeds 75
13 percent from highest to lowest according to the
14 percentage of children from low-income families;
15 and

16 “(B) serve such eligible school attendance
17 areas in rank order.

18 “(4) REMAINING FUNDS.—If funds remain
19 after serving all eligible school attendance areas
20 under paragraph (3), a local educational agency
21 shall—

22 “(A) annually rank such agency’s remain-
23 ing eligible school attendance areas from high-
24 est to lowest either by grade span or for the en-
25 tire local educational agency according to the

1 percentage of children from low-income families;
2 and

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

7 “(5) MEASURES.—The local educational agency
8 shall use the same measure of poverty, which meas-
9 ure shall be the number of children ages 5 through
10 17 in poverty counted in the most recent census
11 data approved by the Secretary, the number of chil-
12 dren eligible for free and reduced priced lunches
13 under the Richard B. Russell National School Lunch
14 Act, the number of children in families receiving as-
15 sistance under the State program funded under part
16 A of title IV of the Social Security Act, or the num-
17 ber of children eligible to receive medical assistance
18 under the Medicaid program, or a composite of such
19 indicators, with respect to all school attendance
20 areas in the local educational agency—

21 “(A) to identify eligible school attendance
22 areas;

23 “(B) to determine the ranking of each
24 area; and

1 “(C) to determine allocations under sub-
2 section (c).

3 “(6) EXCEPTION.—This subsection shall not
4 apply to a local educational agency with a total en-
5 rollment of less than 1,000 children.

6 “(7) WAIVER FOR DESEGREGATION PLANS.—
7 The Secretary may approve a local educational agen-
8 cy’s written request for a waiver of the requirements
9 of subsections (a) and (c), and permit such agency
10 to treat as eligible, and serve, any school that chil-
11 dren attend in accordance with a State-ordered,
12 court-ordered school desegregation plan or a plan
13 that continues to be implemented in accordance with
14 a State-ordered or court-ordered desegregation plan,
15 if—

16 “(A) the number of economically disadvan-
17 tagged children enrolled in the school is at least
18 25 percent of the school’s total enrollment; and

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

24 “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (a)(3), a local educational agency may—

3 “(A) designate as eligible any school at-
4 tendance area or school in which at least 35
5 percent of the children are from low-income
6 families;

7 “(B) use funds received under this part in
8 a school that is not in an eligible school attend-
9 ance area, if the percentage of children from
10 low-income families enrolled in the school is
11 equal to or greater than the percentage of such
12 children in a participating school attendance
13 area of such agency;

14 “(C) designate and serve a school attend-
15 ance area or school that is not eligible under
16 this section, but that was eligible and that was
17 served in the preceding fiscal year, but only for
18 1 additional fiscal year; and

19 “(D) elect not to serve an eligible school
20 attendance area or eligible school that has a
21 higher percentage of children from low-income
22 families if—

23 “(i) the school meets the com-
24 parability requirements of **[section**
25 **1120A(c)]**;

1 “(ii) the school is receiving supple-
2 mental funds from other State or local
3 sources that are spent according to the re-
4 quirements of section 1114 or 1115; and

5 “(iii) the funds expended from such
6 other sources equal or exceed the amount
7 that would be provided under this part.

8 “(2) SPECIAL RULE.—Notwithstanding para-
9 graph (1)(D), the number of children attending pri-
10 vate elementary schools and secondary schools who
11 are to receive services, and the assistance such chil-
12 dren are to receive under this part, shall be deter-
13 mined without regard to whether the public school
14 attendance area in which such children reside is as-
15 sisted under paragraph (1)(A).

16 “(c) ALLOCATIONS.—

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

23 “(2) SPECIAL RULE.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the per-pupil amount of

1 funds allocated to each school attendance area
2 or school under paragraph (1) shall be at least
3 125 percent of the per-pupil amount of funds a
4 local educational agency received for that year
5 under the poverty criteria described by the local
6 educational agency in the plan submitted under
7 section 1112, except that this paragraph shall
8 not apply to a local educational agency that
9 serves only schools in which the percentage of
10 such children is 35 percent or greater.

11 “(B) EXCEPTION.—A local educational
12 agency may reduce the amount of funds allo-
13 cated under subparagraph (A) for a school at-
14 tendance area or school by the amount of any
15 supplemental State and local funds expended in
16 that school attendance area or school for pro-
17 grams that meet the requirements of section
18 1114 or 1115.

19 “(3) RESERVATION.—

20 “(A) IN GENERAL.—A local educational
21 agency shall reserve funds under this part to
22 assist homeless children and youths as defined
23 in section 725(2) of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11434A)

1 in participating schools. Funds reserved under
2 this subparagraph—

3 “(i) shall be determined based upon
4 an assessment of the educational and re-
5 lated needs of homeless children and
6 youths in the local educational agency,
7 after consultation with the liaison des-
8 ignated pursuant to clause (ii) of section
9 722(g)(1)(J) of the McKinney-Vento
10 Homeless Assistance Act (42 U.S.C.
11 11432(g)(1)(J)); and

12 “(ii) may be used to provide—

13 “(I) homeless children and
14 youths with services not ordinarily
15 provided to other students under this
16 part, including providing funding for
17 the liaison designated pursuant to
18 clause (ii) of such section
19 722(g)(1)(J); and

20 “(II) transportation pursuant to
21 such section 722(g)(1)(J).

22 “(B) INTEGRATION.—The services pro-
23 vided to homeless children, including young
24 children, and youths shall, to the maximum ex-
25 tent practicable, integrate homeless children

1 and youths with nonhomeless children and
2 youths.

3 “(C) RESERVATION TO PROVIDE COM-
4 PARABLE SERVICES.—A local educational agen-
5 cy shall reserve such funds as are necessary
6 under this part to provide services comparable
7 to those provided to children in schools funded
8 under this part to serve—

9 “(i) homeless children who do not at-
10 tend participating schools, including pro-
11 viding educationally related support serv-
12 ices to children in shelters and other loca-
13 tions where children may live;

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

16 “(iii) if appropriate, children in local
17 institutions for delinquent children, and
18 neglected or delinquent children in commu-
19 nity day school programs.

20 “(4) FINANCIAL INCENTIVES AND REWARDS
21 RESERVATION.—A local educational agency may re-
22 serve such funds as are necessary from those funds
23 received by the local educational agency under title
24 II, and not more than 5 percent of those funds re-
25 ceived by the local educational agency under subpart

1 2, to provide financial incentives and rewards to
2 teachers who serve in schools eligible under this sec-
3 tion and identified for school improvement and as-
4 sistance or redesign under section 1116 for the pur-
5 pose of attracting and retaining qualified and effec-
6 tive teachers.

7 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

8 “(a) USE OF FUNDS FOR SCHOOLWIDE PRO-
9 GRAMS.—

10 “(1) IN GENERAL.—A local educational agency
11 may consolidate and use funds under this part, to-
12 gether with other Federal, State, and local funds, in
13 order to upgrade the entire educational program of
14 a school that serves an eligible school attendance
15 area in which not less than 40 percent of the chil-
16 dren are from low-income families, or not less than
17 40 percent of the children enrolled in the school are
18 from such families.

19 “(2) IDENTIFICATION OF STUDENTS NOT RE-
20 QUIRED.—

21 “(A) IN GENERAL.—No school partici-
22 pating in a schoolwide program shall be re-
23 quired—

1 “(i) to identify particular children
2 under this part as eligible to participate in
3 a schoolwide program; or

4 “(ii) to provide services to such chil-
5 dren that are supplementary, as otherwise
6 required by **section 1120A(b).**】

7 “(B) SUPPLEMENTAL FUNDS.—A school
8 participating in a schoolwide program shall use
9 funds available to carry out this section only to
10 supplement the amount of funds that would, in
11 the absence of funds under this part, be made
12 available from non-Federal sources for the
13 school, including funds needed to provide serv-
14 ices that are required by law for children with
15 disabilities and English language learners.

16 “(3) EXEMPTION FROM STATUTORY AND REGU-
17 LATORY REQUIREMENTS.—

18 “(A) EXEMPTION.—Except as provided in
19 subsection (b), the Secretary may, through pub-
20 lication of a notice in the Federal Register, ex-
21 empt schoolwide programs under this section
22 from statutory or regulatory provisions of any
23 other noncompetitive formula grant program
24 administered by the Secretary (other than for-
25 mula or discretionary grant programs under the

1 Individuals with Disabilities Education Act, ex-
2 cept as provided in section 613(a)(2)(D) of
3 such Act), or any discretionary grant program
4 administered by the Secretary, to support
5 schoolwide programs if the intent and purposes
6 of such other programs are met.

7 “(B) REQUIREMENTS.—A school that
8 chooses to use funds from such other programs
9 shall not be relieved of the requirements relat-
10 ing to health, safety, civil rights, student and
11 parental participation and involvement, services
12 to private school children, maintenance of ef-
13 fort, comparability of services, uses of Federal
14 funds to supplement, not supplant, non-Federal
15 funds, or the distribution of funds to State edu-
16 cational agencies or local educational agencies
17 that apply to the receipt of funds from such
18 programs.

19 “(C) RECORDS.—A school that consoli-
20 dates and uses funds from different Federal
21 programs under this section shall not be re-
22 quired to maintain separate fiscal accounting
23 records, by program, that identify the specific
24 activities supported by those particular funds as
25 long as the school maintains records that dem-

1 onstrate that the schoolwide program, consid-
2 ered as a whole, addresses the intent and pur-
3 poses of each of the Federal programs that
4 were consolidated to support the schoolwide
5 program.

6 “(4) PROFESSIONAL DEVELOPMENT.—Each
7 school receiving funds under this part for any fiscal
8 year shall devote sufficient resources to effectively
9 carry out the activities described in subsection
10 (b)(1)(D) in accordance with section 1119 for such
11 fiscal year, except that a school may enter into a
12 consortium with another school to carry out such ac-
13 tivities.

14 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

15 “(1) IN GENERAL.—A schoolwide program shall
16 include the following components:

17 “(A) A comprehensive needs assessment of
18 the entire school (including taking into account
19 the needs of migratory children as defined in
20 section 1309(2)) that is based on information
21 on the achievement of children in relation to the
22 State academic content standards and the State
23 student academic achievement standards de-
24 scribed in section 1111(b)(1) and graduation
25 rates described in section 1124.

- 1 “(B) Schoolwide reform strategies that—
- 2 “(i) coordinate with early intervening
- 3 services under sections 613(f) and
- 4 618(d)(2)(B) of the Individuals with Dis-
- 5 abilities Education Act;
- 6 “(ii) provide high-quality instruction
- 7 and intervention activities matched to stu-
- 8 dent needs, using learning rates over time
- 9 and proficiency levels to make educational
- 10 decisions;
- 11 “(iii) provide opportunities for all chil-
- 12 dren to meet the State’s proficient and ad-
- 13 vanced levels of student academic achieve-
- 14 ment described in section 1111(b)(1)(D);
- 15 “(iv) for secondary school students,
- 16 provide opportunities to ensure that all
- 17 children graduate on time;
- 18 “(v) use effective methods and in-
- 19 structional strategies that are based on sci-
- 20 entifically valid research that—
- 21 “(I) strengthen the core aca-
- 22 demic program in the school;
- 23 “(II) increase the amount and
- 24 quality of learning time, such as pro-
- 25 viding an extended school year and

1 before- and after-school and summer
2 programs and opportunities, and help
3 provide an enriched and accelerated
4 curriculum;

5 “(III) include strategies for meet-
6 ing the educational needs of histori-
7 cally underserved populations; and

8 “(IV) include strategies for in-
9 creasing the academic performance of
10 children in the school, including chil-
11 dren in the groups described in sec-
12 tion 1111(b)(2)(C)(II), who are not
13 proficient on State assessment sys-
14 tems;

15 “(vi) include strategies to address and
16 a description of how the school will deter-
17 mine that the needs of all children in the
18 school are met, but particularly the needs
19 of low-achieving children and those at risk
20 of not meeting the State student academic
21 achievement standards who are members
22 of the target population of any program
23 that is included in the schoolwide program,
24 which may include—

1 “(I) early identification and
2 intervention with students who are at
3 risk of dropping out of school;

4 “(II) counseling, specialized in-
5 structional support services, and men-
6 toring services;

7 “(III) the teaching of self-advo-
8 cacy skills;

9 “(IV) transition services, includ-
10 ing college and career awareness and
11 preparation, such as college and ca-
12 reer guidance, personal finance edu-
13 cation and other life skills, and inno-
14 vative teaching methods, which may
15 include applied learning and team-
16 teaching strategies; and

17 “(V) the integration of career
18 and technical education courses and
19 training in marketable workforce
20 skills; and

21 “(vii) are consistent with, and are de-
22 signed to implement, the State and local
23 improvement plans, if any.

24 “(C) Instruction by highly qualified teach-
25 ers.

1 “(D) In accordance with section 1119 and
2 subsection (a)(4), high-quality and ongoing pro-
3 fessional development for teachers, principals,
4 and paraprofessionals and, if appropriate, spe-
5 cialized instructional support personnel, par-
6 ents, and other staff to enable all children in
7 the school to meet the State’s student academic
8 achievement standards.

9 “(E) Actions to attract and retain high-
10 quality highly qualified teachers to high-need
11 schools, to the extent that school officials have
12 authority over teacher recruitment and hiring.

13 “(F) Strategies to increase parental in-
14 volvement in accordance with section 1118,
15 such as family literary services.

16 “(G) Plans for assisting preschool children
17 in the transition from early childhood programs,
18 such as Head Start, Even Start, Early Reading
19 First, or a State-run preschool program, to
20 local elementary school programs.

21 “(H) Measures to include teachers in the
22 decisions regarding the use of academic assess-
23 ments described in section 1111(b)(3) in order
24 to provide information on, and to improve, the

1 achievement of individual students and the
2 overall instructional program.

3 “(I) Activities to ensure that students who
4 experience difficulty mastering the proficient or
5 advanced levels of academic achievement stand-
6 ards required by section 1111(b)(1) are pro-
7 vided with effective, timely additional assist-
8 ance, which shall include measures to ensure
9 that students’ difficulties are identified on a
10 timely basis and to provide sufficient informa-
11 tion on which to base effective assistance.

12 “(J) Coordination and integration of Fed-
13 eral, State, and local services and programs, in-
14 cluding programs supported under this Act, vio-
15 lence-prevention programs, nutrition programs,
16 housing programs, Head Start, adult education,
17 career and technical education, and job train-
18 ing.

19 “(K) Early childhood education teams of
20 staff within such school with responsibility for
21 curricula, assessment, professional development,
22 before- and after-school programs, special edu-
23 cation, English language learners, and other
24 pupil services for children below grade four in
25 order to create—

1 “(i) ongoing channels of communica-
2 tion on shared expectations of learning and
3 knowledge of developmentally, age, and
4 culturally and linguistically appropriate
5 teaching practices, including effective prac-
6 tices for student-teacher interaction such
7 as small group teaching, learning with
8 peers, and individualized instructional
9 time;

10 “(ii) opportunities to engage in joint
11 professional development with each other
12 and with staff in early childhood education
13 programs such as Head Start, State pre-
14 kindergarten, and child care in child devel-
15 opment and learning in all domains;

16 “(iii) an inclusive environment for
17 children with disabilities and to support
18 English language learners; and

19 “(iv) collaboration with community-
20 based organizations serving children below
21 grade four to foster continuity of nonaca-
22 demic services to support children’s learn-
23 ing and of family engagement as students
24 transition to school and among early

1 grades with a designated transition liaison
2 as part of the teams.

3 “(2) PLAN.—

4 “(A) IN GENERAL.—Any eligible school
5 that desires to operate a schoolwide program
6 shall first develop (or amend a plan for such a
7 program that was in existence on the day before
8 the date of the enactment of the [short title]),
9 in consultation with the local educational agen-
10 cy and its school support team or other tech-
11 nical assistance provider under section 1117, a
12 comprehensive plan for reforming the total in-
13 structional program in the school that—

14 “(i) describes how the school will im-
15 plement the components described in para-
16 graph (1);

17 “(ii) describes how the school will use
18 resources under this part and from other
19 sources to implement those components;

20 “(iii) includes a list of State edu-
21 cational agency and local educational agen-
22 cy programs and other Federal programs
23 under subsection (a)(1) that will be con-
24 solidated in the schoolwide program; and

1 “(iv) describes how the school will
2 provide individual student academic assess-
3 ment results in a language the parents can
4 understand, including an interpretation of
5 those results, to the parents of a child who
6 participates in the academic assessments
7 required by section 1111(b)(3).

8 “(B) PLAN DEVELOPMENT.—The com-
9 prehensive plan shall be—

10 “(i) developed during a one-year pe-
11 riod, unless—

12 “(I) the local educational agency,
13 after considering the recommendation
14 of the technical assistance providers
15 under section 1117, determines that
16 less time is needed to develop and im-
17 plement the schoolwide program; or

18 “(II) the school is operating a
19 schoolwide program on the day pre-
20 ceding the date of enactment of the
21 **[insert short title]**, in which case
22 such school may continue to operate
23 such program, but shall develop
24 amendments to its existing plan dur-
25 ing the first year of assistance after

1 that date to reflect the provisions of
2 this section;

3 “(ii) developed with the involvement of
4 parents and other members of the commu-
5 nity to be served and individuals who will
6 carry out such plan, including teachers,
7 principals, and administrators (including
8 administrators of programs described in
9 other parts of this title), and, if appro-
10 priate, specialized instructional support
11 personnel, technical assistance providers,
12 school staff, and, if the plan relates to a
13 secondary school, students from such
14 school;

15 “(iii) in effect for the duration of the
16 school’s participation under this part and
17 reviewed and revised, as necessary, by the
18 school;

19 “(iv) available to the local educational
20 agency, parents, and the public, and the
21 information contained in such plan shall be
22 in an understandable and uniform format
23 and, to the extent practicable, provided in
24 a language that the parents can under-
25 stand; and

1 “(v) if appropriate, developed in co-
2 ordination with programs under Reading
3 First, Early Reading First, Even Start,
4 the Carl D. Perkins Career and Technical
5 Education Act of 2006, and the Head
6 Start Act.

7 “(c) PREKINDERGARTEN PROGRAM.—A school that
8 is eligible for a schoolwide program under this section may
9 use funds made available under this part to establish or
10 enhance prekindergarten programs for children below the
11 age of 6, such as Even Start programs or Early Reading
12 First programs.

13 **“SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

14 “(a) IN GENERAL.—In all schools selected to receive
15 funds under section 1113(c) that are ineligible for a
16 schoolwide program under section 1114, or that choose
17 not to operate such a schoolwide program, a local edu-
18 cational agency serving such school may use funds re-
19 ceived under this part only for programs that provide serv-
20 ices to eligible children under subsection (b) identified as
21 having the greatest need for special assistance.

22 “(b) ELIGIBLE CHILDREN.—

23 “(1) ELIGIBLE POPULATION.—

24 “(A) IN GENERAL.—The eligible popu-
25 lation for services under this section is—

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

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

7 “(B) ELIGIBLE CHILDREN FROM ELIGIBLE
8 POPULATION.—From the population described
9 in subparagraph (A), eligible children are chil-
10 dren identified by the school as not meeting, or
11 most at risk of not meeting the State’s chal-
12 lenging student academic achievement stand-
13 ards on the basis of multiple, educationally re-
14 lated, objective criteria established by the local
15 educational agency and supplemented by the
16 school, or at risk of not graduating on time, ex-
17 cept that children from preschool through grade
18 2 shall be selected solely on the basis of such
19 criteria as teacher judgment, interviews with
20 parents, and developmentally appropriate meas-
21 ures.

22 “(2) CHILDREN INCLUDED.—

23 “(A) IN GENERAL.—Children who are eco-
24 nomically disadvantaged, children with disabili-
25 ties, migrant children or English language

1 learners, are eligible for services under this part
2 on the same basis as other children selected to
3 receive services under this part.

4 “(B) HEAD START, EVEN START, OR
5 EARLY READING FIRST CHILDREN.—A child
6 who, at any time in the 2 years preceding the
7 year for which the determination is made, par-
8 ticipated in a Head Start, Even Start, or Early
9 Reading First program, or in preschool services
10 under this title, is eligible for services under
11 this part.

12 “(C) PART C CHILDREN.—A child who, at
13 any time in the 2 years preceding the year for
14 which the determination is made, received serv-
15 ices under part C is eligible for services under
16 this part.

17 “(D) NEGLECTED OR DELINQUENT CHIL-
18 DREN.—A child in a local institution for ne-
19 glected or delinquent children and youth or at-
20 tending a community day program for such
21 children is eligible for services under this part.

22 “(E) HOMELESS CHILDREN.—A child who
23 is homeless and attending any school served by
24 the local educational agency is eligible for serv-
25 ices under this part.

1 “(3) SPECIAL RULE.—Funds received under
2 this part may not be used to provide services that
3 are otherwise required by law to be made available
4 to children described in paragraph (2) but may be
5 used to coordinate or supplement such services.

6 “(c) COMPONENTS OF A TARGETED ASSISTANCE
7 SCHOOL PROGRAM.—

8 “(1) IN GENERAL.—To assist targeted assist-
9 ance schools and local educational agencies to meet
10 their responsibility to provide for all their students
11 served under this part the opportunity to meet the
12 State’s challenging student academic achievement
13 standards in subjects as determined by the State,
14 and to graduate on time, each targeted assistance
15 program under this section shall—

16 “(A) use such program’s resources under
17 this part to help participating children meet
18 such State’s challenging student academic
19 achievement standards expected for all children;

20 “(B) ensure that planning for students
21 served under this part is incorporated into ex-
22 isting school planning;

23 “(C) use effective methods and instruc-
24 tional strategies that are based on scientifically

1 valid research that strengthens the core aca-
2 demic program of the school and that—

3 “(i) give primary consideration to pro-
4 viding extended learning time, such as an
5 extended school year, before- and after-
6 school, and summer programs and oppor-
7 tunities;

8 “(ii) help provide an accelerated, high-
9 quality curriculum, including applied learn-
10 ing;

11 “(iii) minimize removing children
12 from the regular classroom during regular
13 school hours for instruction provided under
14 this part; and

15 “(iv) provide for early identification
16 and intervention of students who are at
17 risk of dropping out of school;

18 “(D) coordinate with and support the reg-
19 ular education program, which may include
20 early intervening services as defined in section
21 613(f) of the Individuals with Disabilities Edu-
22 cation Act and services to assist preschool chil-
23 dren in the transition from early childhood pro-
24 grams such as Head Start, Even Start, Early

1 Reading First or State-run preschool programs
2 to elementary school programs;

3 “(E) provide instruction by highly qualified
4 teachers;

5 “(F) in accordance with subsection (e)(3)
6 and section 1119, provide opportunities for pro-
7 fessional development with resources provided
8 under this part and, to the extent practicable,
9 from other sources, for teachers, principals, and
10 paraprofessionals, including, if appropriate, spe-
11 cialized instructional support personnel, par-
12 ents, and other staff, who work with partici-
13 pating children in programs under this section
14 or in the regular education program;

15 “(G) provide strategies to increase paren-
16 tal involvement in accordance with section
17 1118, such as Even Start and other family lit-
18 eracy services; and

19 “(H) coordinate and integrate Federal,
20 State, and local services and programs, includ-
21 ing programs supported under this Act, violence
22 prevention programs, nutrition programs, hous-
23 ing programs, Head Start, adult education, ca-
24 reer and technical education, and job training.

1 “(2) REQUIREMENTS.—Each school conducting
2 a program under this section shall assist partici-
3 pating children selected in accordance with sub-
4 section (b) to meet the State’s proficient and ad-
5 vanced levels of achievement by—

6 “(A) the coordinating of resources provided
7 under this part with other resources; and

8 “(B) reviewing, on an ongoing basis, the
9 progress of participating children and revising
10 the targeted assistance program, if necessary,
11 to provide additional assistance to enable such
12 children to meet the State’s challenging student
13 academic achievement standards, such as an ex-
14 tended school year, before- and after-school,
15 and summer programs and opportunities, train-
16 ing for teachers regarding how to identify stu-
17 dents who need additional assistance, and train-
18 ing for teachers regarding how to implement
19 student academic achievement standards in the
20 classroom.

21 “(d) INTEGRATION OF PROFESSIONAL DEVELOP-
22 MENT AND DUTIES.—To promote the integration of staff
23 supported with funds under this part into the regular
24 school program and overall school planning and improve-
25 ment efforts (whether such staff are employed at a school

1 operating a schoolwide program or a program under this
2 section), public school personnel who are paid with funds
3 received under this part may—

4 “(1) participate in general professional develop-
5 ment and school planning activities; and

6 “(2) assume limited duties that are assigned to
7 similar personnel who are not so paid, including du-
8 ties beyond classroom instruction or that do not ben-
9 efit participating children, so long as the amount of
10 time spent on such duties is the same proportion of
11 total work time as prevails with respect to similar
12 personnel at the same school.

13 “(e) SPECIAL RULES.—

14 “(1) SIMULTANEOUS SERVICE.—Nothing in this
15 section shall be construed to prohibit a school from
16 serving students under this section simultaneously
17 with students with similar educational needs, in the
18 same educational settings where appropriate.

19 “(2) COMPREHENSIVE SERVICES.—If health,
20 nutrition, and other social services are not otherwise
21 available to eligible children in a targeted assistance
22 school and such school, if appropriate, has engaged
23 in a comprehensive needs assessment and established
24 a collaborative partnership with local service pro-
25 viders; and funds are not reasonably available from

1 other public or private sources to provide such serv-
2 ices, then a portion of the funds provided under this
3 part may be used as a last resort to provide such
4 services, including—

5 “(A) the provision of basic medical equip-
6 ment, such as eyeglasses and hearing aids;

7 “(B) compensation of a coordinator; and

8 “(C) professional development necessary to
9 assist teachers, specialized instructional support
10 personnel, other staff, and parents in identi-
11 fying and meeting the comprehensive needs of
12 eligible children.

13 “(3) PROFESSIONAL DEVELOPMENT.—Each
14 school receiving funds under this part for any fiscal
15 year shall devote sufficient resources to carry out ef-
16 fectively the professional development activities de-
17 scribed in subparagraph (F) of subsection (c)(1) in
18 accordance with section 1119 for such fiscal year,
19 and a school may enter into a consortium with an-
20 other school to carry out such activities.

21 **“SEC. 1116. SCHOOL AND LOCAL EDUCATIONAL AGENCY IM-
22 PROVEMENT AND ASSISTANCE.**

23 “(a) REVIEW PROCESS.—

24 “(1) IN GENERAL.—Each local educational
25 agency receiving funds under this part—

1 “(A) shall use the State academic assess-
2 ments, and additional academic indicators ap-
3 proved by the Secretary, described in the State
4 plan to review annually the progress of each
5 school served under this part to determine
6 whether the school is making adequate yearly
7 progress (as defined in section 1111(b)(2));

8 “(B) may, at the local educational agency’s
9 discretion, use any academic assessments or
10 any other academic indicators described in the
11 local educational agency’s plan under subpara-
12 graphs (A) and (B) of section 1112(b)(1) to re-
13 view annually the progress of each school served
14 under this part to determine whether the school
15 is making adequate yearly progress (as defined
16 in section 1111(b)(2)), except that the local
17 educational agency may not use such indicators
18 (other than as provided for in section 1125) if
19 the indicators reduce the number of, or change,
20 the schools that would otherwise be subject to
21 school improvement and assistance or redesign
22 if such additional indicators were not used, but
23 may identify additional schools for school im-
24 provement and assistance or redesign;

1 “(C) shall publicize and disseminate the re-
2 sults of the local annual review described in this
3 paragraph (including the designations made
4 under paragraph (2)) to parents, teachers, prin-
5 cipals, schools, and the community, including by
6 posting such results on the website of the local
7 educational agency; and

8 “(D) shall review the effectiveness of the
9 activities the schools are carrying out under this
10 part with respect to parent involvement and
11 professional development.

12 “(2) AVAILABLE RESULTS.—The State edu-
13 cational agency shall ensure that the results of State
14 academic assessments administered in a school year,
15 including the reports and analyses required by sec-
16 tion **【1111(b)(3)(D)(xiii) and (xv)】**, are available to
17 the local educational agency no less than 30 cal-
18 endar days before the beginning of the next school
19 year.

20 “(b) SCHOOL IMPROVEMENT AND ASSISTANCE
21 PLAN.—

22 “(1) PLAN REQUIRED.—Each school that does
23 not make adequate yearly progress and was not sub-
24 ject to subsection (d) or (h) in the preceding year
25 shall, during the course of the school year following

1 the first year for which the school did not make ade-
2 quate yearly progress, develop a comprehensive
3 school improvement and assistance plan that identi-
4 fies, analyzes, and addresses systemic causes for the
5 school not making adequate yearly progress. Not
6 later than 60 calendar days before the end of such
7 school year, the school shall submit the plan to the
8 local educational agency.

9 “(2) CONSULTATION.—The plan required by
10 paragraph (1) shall be developed in consultation
11 with—

12 “(A) the local educational agency;

13 “(B) school improvement specialists (as de-
14 fined in section 9101);

15 “(C) parents, including parents of students
16 in a group of students referred to in section
17 1111(b)(2)(C)(v)(II) that did not make ade-
18 quate yearly progress;

19 “(D) principals, teachers and other school
20 staff, including those with expertise in working
21 with students with diverse learning needs, in-
22 cluding English language learners and students
23 with disabilities;

24 “(E) local community stakeholders, such
25 as business leaders and representatives of pub-

1 lic and private nonprofit organizations and
2 agencies;

3 “(F) representatives of institutions of
4 higher education with expertise in school re-
5 form; and

6 “(G) in the case of a secondary school, stu-
7 dents at the school.

8 “(3) CONTENT OF PLAN.—The comprehensive
9 plan required by paragraph (1) shall cover a period
10 of three school years and shall include—

11 “(A) a review and analysis of the systemic
12 causes for the school not making adequate year-
13 ly progress, including review of students not
14 meeting proficiency targets and the specific
15 subjects and groups referred to in section
16 1111(b)(2)(C)(v)(II) that account for the school
17 not making adequate yearly progress and
18 achievement data for students not meeting pro-
19 ficiency, including—

20 “(i) an analysis of the group or
21 groups of students referred to in section
22 1111(b)(2)(C)(v)(II) that led to the school
23 not making adequate yearly progress
24 (which analysis shall inform the reviews
25 conducted pursuant to subparagraphs (B)

1 and (C) to identify reforms tailored to stu-
2 dents who are not proficient, where appro-
3 priate);

4 “(ii) an analysis of teacher assign-
5 ment and teacher expertise by grade, sub-
6 ject and group of students referred to in
7 section 1111(b)(2)(C)(v)(II);

8 “(iii) an analysis of practices con-
9 cerning the school’s core academic instruc-
10 tional program described in section
11 1111(b)(1)(C) that have caused the
12 achievement differences and reforms that
13 have the greatest likelihood of—

14 “(I) improving teacher perform-
15 ance;

16 “(II) improving the academic
17 performance of students who are not
18 proficient in reading and math;

19 “(III) closing achievement gaps
20 among groups of students referred to
21 in section 1111(b)(2)(C)(v)(II); and

22 “(IV) enabling the school to meet
23 the State’s annual measurable objec-
24 tive pursuant to section
25 1111(b)(2)(J);

1 “(iv) an analysis of the school’s pro-
2 grams and their effectiveness in improving
3 student academic achievement, particularly
4 for students not meeting proficiency goals,
5 which may include an evaluation; and

6 “(v) analysis of causes for the school
7 not making adequate yearly progress re-
8 lated to local educational agency policies;

9 “(B) a review and analysis of current and
10 prospective strategies, policies, and practices
11 that will directly address the systemic causes
12 for the school not making adequate yearly
13 progress, including—

14 “(i) current teacher assignments that
15 include a review of out-of-field teaching
16 and data from the local educational agen-
17 cy’s needs assessment under section 2222
18 of this Act to determine whether students
19 who are not proficient are assigned to
20 teachers who are highly-qualified and who
21 are best equipped to help them attain pro-
22 ficiency and how changes to teacher as-
23 signments could address causes for the
24 school not making adequate yearly
25 progress;

1 “(ii) current professional development
2 activities for teachers and principals to de-
3 termine how changes to professional devel-
4 opment practices or instructional practices,
5 such as common lesson-planning, instruc-
6 tional coaching, and evidence-based inter-
7 ventions described in subsection
8 (d)(2)(A)(ii), could address causes for the
9 school not making adequate yearly
10 progress;

11 “(iii) the current instructional pro-
12 gram, its alignment with the curriculum of
13 the local educational agency and with the
14 State standards, and availability of cur-
15 ricula in all core academic subjects to all
16 students, to determine how changes in
17 these areas could address causes for the
18 school not making adequate yearly
19 progress;

20 “(iv) current interventions, including
21 supervised or centrally developed interven-
22 tion models or strategies for low-per-
23 forming schools, to determine how changes
24 to such interventions (which may include
25 school-wide positive behavioral intervention

1 supports, tiered instructional interventions,
2 and other research-based approaches with
3 evidence of improving the learning environ-
4 ment) could address causes for the school
5 not making adequate yearly progress;

6 “(v) current use of (or lack of use of)
7 formative assessments and data-based in-
8 structional decisionmaking to determine
9 how changes to such formative assessments
10 and data-based instructional decision-
11 making could address causes for the school
12 not making adequate yearly progress;

13 “(vi) the current amount of instruc-
14 tional time (including learning time before
15 school, after school, during the summer,
16 and during any extension of the school
17 year and through tutoring options) to de-
18 termine how changes to the amount of in-
19 structional time could address causes for
20 the school not making adequate yearly
21 progress; and

22 “(vii) the current level of access to
23 and availability of—

24 “(I) specialized instructional sup-
25 port services that support students

1 with diverse learning needs, including
2 English-language learners and stu-
3 dents with disabilities, and the use of
4 counselors, social workers, and mental
5 and behavioral health service pro-
6 viders; and

7 “(II) parent and community in-
8 volvement, to determine how changes
9 to such supports could address causes
10 for the school not making adequate
11 yearly progress;

12 “(C) a review and analysis of the school’s
13 capacity to address the areas for which the
14 school has identified that changes in the
15 school’s strategies, policies, and practices could
16 address systemic causes of the school not mak-
17 ing adequate yearly progress, including the
18 school’s current allocation of fiscal resources;

19 “(D) a specification of the respective re-
20 sponsibilities of the school, the local educational
21 agency, and the State educational agency under
22 the plan, including technical assistance provided
23 by the local educational agency under sub-
24 sections (c)(2) and (d) and the local educational
25 agency’s responsibilities under section 1121;

1 “(E) a description of the measures identi-
2 fied as necessary after conducting the reviews
3 under subparagraphs (A), (B), and (C) includ-
4 ing a timeline for incorporating each change;
5 and

6 “(F) a description of the objectives that
7 the school will establish for continuous and sub-
8 stantial progress by each group of students
9 specified in subsection (b)(2)(C)(v).

10 “(4) DESIGNATIONS.—

11 “(A) PRIORITY SCHOOLS AND HIGH PRI-
12 ORITY SCHOOLS.—The local educational agency
13 shall designate each school not making ade-
14 quate yearly progress for 2 consecutive years,
15 as defined in the State plan under section
16 1111(b)(2), as either—

17 “(i) a High Priority School; or

18 “(ii) a Priority School.

19 “(B) DESIGNATION AS HIGH PRIORITY
20 SCHOOL.—Consistent with subsection (b), in
21 making the designations required by subpara-
22 graph (A), the local educational agency shall
23 make an initial designation of a school as a
24 High Priority School using the following fac-

1 tors, unless the agency is located in a State to
2 which subparagraph (D) applies:

3 【“(i) The school, in the case of a sec-
4 ondary school, has not made adequate
5 yearly progress and has a graduation rate
6 of 60 percent or less.】

7 【“(ii) More than half of the students
8 in the school are not proficient, or in the
9 case of a State approved for use of growth
10 models did not meet their growth target, in
11 reading or language arts 【or】 mathe-
12 matics.】

13 【“(iii) More than one of the groups
14 described in section 【1111(b)(2)(C)(v?)】
15 in the school has—】

16 【“(I) fewer than half of the stu-
17 dents in the group are proficient, or
18 in the case of a State approved for
19 use of growth models met its growth
20 target, in mathematics; 【and】】

21 【“(II) fewer than half of the stu-
22 dents in the group are proficient, or
23 in the case of a State approved for
24 use of growth models made its growth
25 target, in reading or language arts.】

1 “(C) SPECIAL RULE.—A school shall not
2 be designated as a High Priority School pursu-
3 ant to subparagraph (B)(ii) or (iii) on the basis
4 of the percentage of students in any group de-
5 scribed in section 1111(b)(2)(C)(v) who are
6 proficient in reading or language arts or mathe-
7 matics if such percentage meets or exceeds the
8 State’s relevant annual measurable objective es-
9 tablished pursuant to section 1111(b)(2)(J).

10 **【“(D) ALTERNATIVE PROCESS.—】**

11 **【“(i) IN GENERAL.—A State may**
12 **apply to the Secretary to use a State-devel-**
13 **oped alternative process for all local edu-**
14 **cational agencies in the State to use in**
15 **designating schools as High Priority**
16 **Schools. To receive approval to use such a**
17 **process, a State shall submit an applica-**
18 **tion to the Secretary at such time, in such**
19 **manner, and containing such information**
20 **as the Secretary may reasonably require.】**

21 **【“(ii) PEER REVIEW.—The Secretary**
22 **shall ensure that applications described in**
23 **clause (i) are peer reviewed consistent with**
24 **section 1111(e), which peer review shall in-**

1 clude consideration of whether the process
2 proposed by an application—】

3 【“(I) is fair, objective, and ap-
4 plied consistently across the State;
5 and】

6 【“(II) will more effectively des-
7 ignate schools as High Priority
8 Schools and more effectively direct re-
9 sources and interventions to the
10 schools that need them most than
11 would the process described in sub-
12 paragraph (B).】

13 【“(iii) CONSIDERATIONS.—The proc-
14 ess described in clause (i) shall identify
15 factors for designating schools as High
16 Priority Schools based on consideration of
17 the following factors:】

18 【“(I) The percentage of students
19 in a school who are proficient in
20 mathematics and reading or language
21 arts, including in each group de-
22 scribed in section
23 1111(b)(2)(C)(v)(II).】

24 【“(II) The difference between
25 the percentages of students who are

1 proficient in mathematics and reading
2 or language arts in the group de-
3 scribed in section 1111(b)(2)(C)(v)(II)
4 with the highest such percentages in a
5 school and the percentages of students
6 who are proficient in such groups
7 which percentages did not meet or ex-
8 ceed the State’s relevant annual meas-
9 urable objective established pursuant
10 to section 1111(b)(2)(J).】

11 【“(III) In the case of a sec-
12 ondary school, the graduation rate of
13 the school, including for each group
14 described in section
15 1111(b)(2)(C)(v)(II).】

16 【“(IV) The distribution of
17 schools within the State in urban,
18 suburban, and rural areas.】

19 【“(V) In the discretion of the
20 State, other information that the
21 State demonstrates is relevant to de-
22 veloping factors that will result in ap-
23 propriate designation of schools as
24 High Priority Schools based on their
25 situations and the likelihood that such

1 designations will lead to improved stu-
2 dent academic achievement.】

3 “(iv) CONSULTATION.—A State shall
4 develop the process described in clause (i)
5 in consultation with, at a minimum, local
6 educational agencies, teachers, principals,
7 school reform experts, specialized instruc-
8 tional support personnel, administrators
9 (including administrators of programs de-
10 scribed in other parts of this title), other
11 school staff, representatives of Indian
12 tribes located in the State, parents, and
13 students.

14 “(E) PRIORITY.—Consistent with subpara-
15 graphs (A), (B), and (D), the local educational
16 agency shall make an initial designation of a
17 school in school improvement and assistance not
18 designated as a High Priority School in clause
19 (i) as a Priority School.

20 “(5) SYSTEMIC APPROACHES.—A local edu-
21 cational agency with multiple schools identified for
22 school improvement and assistance shall consider,
23 and carry out systemic strategies and interventions
24 for groups of schools that are designated as Priority
25 Schools or High Priority Schools, groups of such

1 schools with similar needs, or for groups of students
2 described in section 1111(b)(2)(C)(v).

3 “(6) OPPORTUNITY FOR LOCAL REVIEW AND
4 INPUT.—

5 “(A) OPPORTUNITY FOR LOCAL EDU-
6 CATIONAL AGENCY TO REVIEW.—Before identi-
7 fying a public school as not making adequate
8 yearly progress, or identifying a school for
9 school improvement and assistance under sub-
10 section (d) or for redesign under subsection (g),
11 the local educational agency shall have an op-
12 portunity to review the school-level data, includ-
13 ing State academic assessment data, on which
14 the proposed identification is based.

15 “(B) OPPORTUNITY FOR SCHOOL TO RE-
16 VIEW.—Before identifying a school as not mak-
17 ing adequate yearly progress or designating a
18 public school that has not made adequate yearly
19 progress as a Priority School or a High Priority
20 School, the local educational agency shall pro-
21 vide the school with an opportunity to review
22 the school-level data, including State academic
23 assessment data and additional achievement
24 data, on which the proposed designation is
25 based. Such review shall be concurrent with the

1 review opportunity required by subparagraph
2 (A).

3 “(C) EVIDENCE OF PROGRESS.—If the
4 principal of a school proposed for identification
5 as not making adequate yearly progress, or a
6 majority of the parents of the students enrolled
7 in such school, believes that the proposed iden-
8 tification is in error for statistical reasons, or
9 for substantive reasons, the principal may with-
10 in 30 days provide supporting evidence to the
11 local educational agency, which shall consider
12 that evidence before making a final determina-
13 tion.

14 “(D) CORRECTIONS AND MODIFICA-
15 TIONS.—The local educational agency shall for-
16 ward all approved corrections and modifications
17 regarding the State academic assessment data
18 and additional academic indicators to the State
19 educational agency along with an updated list
20 of schools designated as Priority Schools and
21 High Priority Schools.

22 “(E) PUBLIC DISCLOSURE.—If the local
23 educational agency changes the initial designa-
24 tion of a school pursuant to subsection (b)(6),
25 the local educational agency shall provide notice

1 of, and the detailed reasons for, the redesigna-
2 tion to—

3 “(i) the parents of children enrolled in
4 the school, in the language and form par-
5 ents are able to understand; and

6 “(ii) the public, through a posting on
7 the local educational agency’s website.

8 “(F) DETERMINATION.—Not later than
9 **[30]** days after a local educational agency pro-
10 vides the school with the opportunity to review
11 such school-level data, the local educational
12 agency shall make public a determination as
13 to—

14 “(i) whether the school has been iden-
15 tified as not making adequate yearly
16 progress; and

17 “(ii) whether the school has been des-
18 igned as a Priority School or a High Pri-
19 ority School.

20 “(7) LOCAL EDUCATIONAL AGENCY AP-
21 PROVAL.—

22 “(A) IN GENERAL.—The local educational
23 agency, after receiving a plan required by para-
24 graph (1), shall approve the plan no later than

1 the end of the school year in which the plan
2 was received, after—

3 “(i) carrying out the peer review proc-
4 ess described in subparagraph (B) to assist
5 with review of the plan; and

6 “(ii) considering the recommendations
7 of the peer review process, providing tech-
8 nical assistance (consistent with subsection
9 (d)), and offering the opportunity to
10 amend the plan as necessary to ensure that
11 the plan meets the requirements of this
12 subsection.

13 “(B) REQUIREMENTS FOR PEER REVIEW
14 PROCESS.—The peer review process required by
15 subparagraph (A)(i)—

16 “(i) shall include, at a minimum, as
17 members of the peer review panel—

18 “(I) principals from high-per-
19 forming schools that receive assistance
20 under this part;

21 “(II) educators with similar expe-
22 rience and with a demonstrated record
23 of improving student achievement in
24 the subject area or areas and sub-
25 groups that caused the school not to

1 make adequate yearly progress, in-
2 cluding students with diverse learning
3 needs; and

4 “(III) school improvement spe-
5 cialists; and

6 “(ii) may also include one designee of
7 the State who has experience in school re-
8 form.

9 “(8) IMPLEMENTATION OF PLAN.—A school
10 that does not make adequate yearly progress during
11 the school year during which the plan was required
12 to be developed under paragraph (1) shall, no later
13 than the first day of the following school year, begin
14 implementing all approved elements of its plan.

15 “(9) PLAN APPROVED DURING SCHOOL YEAR.—
16 If a plan is not approved prior to the beginning of
17 a school year, such plan shall be implemented imme-
18 diately upon approval.

19 “(10) PRIORITIZED TECHNICAL ASSISTANCE.—
20 In the case of a school that has been designated as
21 High Priority, the local educational agency shall co-
22 ordinate with the State educational agency to ensure
23 that the local educational agency and school will
24 have priority access to the statewide system of tech-
25 nical assistance and support, including any best

1 practices that improve student academic achieve-
2 ment.

3 “(11) PUBLIC NOTICE.—Upon approval of a
4 school improvement and assistance plan by the local
5 educational agency, the local educational agency
6 shall make the plan available to parents and the
7 public and post the plan on the local educational
8 agency’s website and, where appropriate, the school
9 shall post the plan on the school’s website. The plan
10 shall be available in the language and form that par-
11 ents can understand.

12 “(c) TECHNICAL ASSISTANCE FOR SCHOOLS.—

13 “(1) IN GENERAL.—For each school required to
14 develop a plan under subsection (b), the local edu-
15 cational agency shall coordinate and ensure technical
16 assistance to the school as the school develops and
17 implements the plan required by subsection (b)
18 throughout the period covered by the plan.

19 “(2) SPECIFIC ASSISTANCE.—The technical as-
20 sistance required by paragraph (1) shall include—

21 “(A) assistance in analyzing student per-
22 formance data (including from the assessments
23 required under section 1111(b)(3) and other ex-
24 amples of student course work) to identify and
25 address problems in instruction, including those

1 that led to the school not making adequate
2 yearly progress;

3 “(B) assistance in identifying and imple-
4 menting professional development for teachers
5 and principals and methods of instruction based
6 on scientifically valid research, and best prac-
7 tices that have been demonstrated to be effec-
8 tive in addressing the specific instructional
9 issues that caused the school to be identified for
10 school improvement and assistance;

11 “(C) ongoing assistance in monitoring stu-
12 dent progress, in implementing the plan, and in
13 refining strategies, methods, and practices to
14 improve academic achievement; and

15 “(D) assistance in analyzing and revising
16 the school’s budget so that the school’s re-
17 sources are more effectively allocated to the ac-
18 tivities most likely to improve student academic
19 achievement and ensure that the school makes
20 adequate yearly progress.

21 “(3) PROVISION OF ASSISTANCE.—Such assist-
22 ance may be provided by the local educational agen-
23 cy in conjunction with technical assistance providers
24 and instructional experts from other local edu-
25 cational agencies, education service agencies and re-

1 regional educational laboratories and comprehensive
2 assistance centers, and other agencies and institu-
3 tions.

4 “(4) ASSISTANCE BY STATE EDUCATIONAL
5 AGENCY.—Consistent with paragraph (1), the State
6 educational agency shall provide technical assistance
7 to schools upon request and shall provide each
8 school with information on whom to contact to re-
9 quest such technical assistance.

10 “(5) METHODS AND STRATEGIES.—Technical
11 assistance provided under this section by a local edu-
12 cational agency or an entity approved by that agen-
13 cy, shall be based on scientifically-valid research as
14 appropriate.

15 “(d) SCHOOL IMPROVEMENT AND ASSISTANCE.—

16 “(1) GENERAL REQUIREMENTS.—

17 “(A) IDENTIFICATION.—Subject to sub-
18 paragraph (C), a local educational agency shall
19 identify for school improvement and assistance
20 any elementary school or secondary school
21 served under this part that, for 2 consecutive
22 years, does not make adequate yearly progress
23 as set out in the State plan under section
24 1111(b)(2) [for the same group of students
25 specified in section 1111(b)(2)(C)(v) in the

1 same subject described under section
2 1111(b)(1)(C)].

3 “(B) DEADLINE.—The identification de-
4 scribed in subparagraph (A) shall take place be-
5 fore the beginning of the school year following
6 the second year in which the school did not
7 make adequate yearly progress, subject to the
8 requirements of subsection (b)(6).

9 “(C) TARGETED ASSISTANCE SCHOOLS.—
10 For an elementary school or secondary school
11 that is conducting a targeted assistance pro-
12 gram under section 1115, the local educational
13 agency, in determining whether to identify that
14 school for school improvement and assistance,
15 or for redesign, [may choose to review the
16 progress of only those students in the school
17 who are served, or are eligible for services,
18 under this part].

19 “(2) SCHOOL IMPROVEMENT AND ASSISTANCE
20 MEASURES.—

21 “(A) IN GENERAL.—Each school identified
22 under subparagraph (1)(A) shall implement or
23 continue to implement a plan required by sub-
24 section (b). The implementation shall also in-
25 clude each of the following:

1 “(i) The measures identified in the
2 school improvement and assistance plan as
3 strategies, policies, and practices to ad-
4 dress systemic causes for the school not
5 making adequate yearly progress.

6 “(ii) Ongoing, high-quality profes-
7 sional development for the school’s prin-
8 cipal and teachers that is based on the
9 findings of the review required by sub-
10 section (b)(3)(B) and—

11 “(I) directly addresses the aca-
12 demic achievement needs of the
13 school’s students;

14 “(II) is aligned with the States’
15 standards and the local educational
16 agency’s curriculum;

17 “(III) incorporates the results of
18 the formative assessments required by
19 subparagraph (B)(ii);

20 “(IV) addresses the issues raised
21 in the needs assessment required by
22 section 2222 of title II, including
23 making any necessary changes to the
24 school’s teacher assignments in order
25 to ensure that no student in the

1 school is taught the same core aca-
2 demic subject for two consecutive
3 years by a novice or out-of-field teach-
4 er and that students in groups not
5 making adequate yearly progress are
6 not disproportionately taught by out-
7 of-field or novice teachers or, in a case
8 in which there are not enough experi-
9 enced teachers to include such men-
10 toring and induction for all new teach-
11 ers, the school shall report this infor-
12 mation to the local educational agency
13 and provide an overview of steps it
14 will take to ensure that such require-
15 ment can be met;

16 “(V) includes mentoring and in-
17 duction for all new teachers consistent
18 with section [] of [title II]; and

19 “(VI) increases teacher and prin-
20 cipal effectiveness through activities
21 that may include—

22 “(aa) providing regular op-
23 portunities for teachers of core
24 academic subjects to collaborate
25 with both subject area and inter-

1 disciplinary groups to review stu-
2 dent achievement data and plan
3 instruction; and

4 “(bb) implementing a
5 school-wide literacy or mathe-
6 matics plan that includes hiring
7 literacy coaches or mathematics
8 coaches.

9 “(iii) In the case of a Priority School,
10 **【two】** or more of the specific measures de-
11 scribed in subparagraph (B) and not al-
12 ready being carried out by the school,
13 which shall be targeted, at a minimum, to-
14 ward students who are not proficient.

15 “(iv) In the case of a High Priority
16 School, the specific measures described in
17 clauses (i) through (iii) of subparagraph
18 (B) and in the case of a High Priority
19 School that is a secondary school, the spe-
20 cific measures described in clauses (i)
21 through (iii) and clause (vii) of that sub-
22 paragraph and, at the school’s discretion,
23 may implement one or more additional
24 measures from subparagraph (B).

1 “(B) SPECIFIC MEASURES.—The specific
2 measures referred to in subparagraph (A) are
3 the following:

4 “(i) Evidence-based or proven instruc-
5 tional programs aligned with State stand-
6 ards for all students, including students
7 with diverse learning needs, based on the
8 findings of the review required by sub-
9 section (b)(3). In the case of a secondary
10 school, this shall include—

11 “(I) improving curriculum and
12 instruction by activities, such as im-
13 plementing a postsecondary and work-
14 ready curriculum for all students and
15 implementing pedagogies that actively
16 engage all students in learning (such
17 as teaching core skills through inte-
18 grated curriculum);

19 “(II) increasing rigor by ensuring
20 that full college preparatory cur-
21 riculum is available consistent with
22 the Academic Competitiveness Initia-
23 tive SMART Grants, such as Ad-
24 vanced Placement courses, Inter-
25 national Baccalaureate courses,

1 QualityCore courses, dual enrollment,
2 or early college secondary school op-
3 portunities;

4 “(III) creating contextual learn-
5 ing opportunities aligned with work
6 readiness, such as high-quality career
7 and technical education; and

8 [“(IV) offering individualized
9 student supports that actively engage
10 students in the learning process, such
11 as mentoring, tutoring, academic
12 counseling with a focus on 9th grade
13 transition, credit completion supports
14 designed to assist students in improv-
15 ing their reading and math skill level
16 at an accelerated pace, and dropout
17 recovery and prevention programs,
18 and programs that meet the unique
19 needs of students with disabilities and
20 English language learners.]

21 “(ii) Formative assessments and data-
22 based instructional decision-making, based
23 on the findings of the review required by
24 subsection (b)(3)(B)(v). In the case of a
25 secondary school, such data-based decision-

1 making shall also include consideration of
2 data on student attendance, credit accumu-
3 lation, discipline, other indicators of stu-
4 dent engagement, and success in advanced
5 courses.

6 “(iii) Parental choice options as fol-
7 lows:

8 “(I) Supplemental educational
9 services consistent with subsection (g).

10 “(II) The option for students en-
11 rolled in the school to transfer to an-
12 other public school served by the local
13 educational agency that has not been
14 identified for school improvement and
15 assistance under this paragraph, sub-
16 ject to State law. The option need not
17 be provided if such option—

18 “(aa) is prohibited by, or
19 violates, State law;

20 “(bb) places the school to
21 which a student may transfer in
22 excess of capacity limits defined
23 by State or local law or regula-
24 tion the local educational agency;

1 “(cc) would violate State or
2 local health and safety codes; or

3 “(dd) is inconsistent with a
4 court-ordered or voluntary deseg-
5 regation plan.

6 “(iv) Extended learning time pro-
7 grams, including extended day, extended
8 week, and extended year programs, which
9 may include intensive instruction in read-
10 ing or language arts and mathematics,
11 based on the findings of the review re-
12 quired by subsection (b)(3).

13 “(v) Supervised or centrally developed
14 intervention models or strategies for low-
15 performing schools, such as response to
16 intervention approaches, involving a se-
17 quential series of instructional approaches,
18 tiered instructional interventions, or dif-
19 ferentiated instruction activities based on
20 the recognized differences among students
21 in the classroom, including English-lan-
22 guage learners and students with disabil-
23 ities.

24 “(vi) Improved supports including
25 specialized instructional services, family

1 supports, and parental involvement based
2 on the findings of the review required by
3 subsection (b)(3). These supports shall in-
4 clude—

5 “(I) specialized instructional
6 services, such as—

7 “(aa) additional supports for
8 students with diverse learning
9 needs including students with
10 disabilities and English Lan-
11 guage Learners; and

12 “(bb) additional counselors,
13 social workers, and mental and
14 behavioral health service pro-
15 viders; and

16 “(II) parent and community in-
17 volvement activities and activities that
18 link students and their families with
19 culturally sensitive support services to
20 strengthen student academic perform-
21 ance, including support services that
22 help meet students’ non-academic
23 needs, based on the findings of the re-
24 view required by subsection (b)(3).

1 “(vii) In the case of a secondary
2 school, activities that serve to personalize
3 the secondary school experience, increase
4 student engagement, attendance, and ef-
5 fort, and enable the school to provide the
6 level and intensity of student support need-
7 ed, such as—

8 “(I) smaller schools, smaller
9 learning communities, or smaller units
10 within schools with their own leader-
11 ship (including 9th grade transition
12 programs or academies, and upper
13 grade programs or academies, includ-
14 ing career academies);

15 “(II) teams of teachers who work
16 with small groups of students;

17 “(III) using extended periods,
18 such as block scheduling, to reduce
19 the number of students for whom
20 teachers are responsible or the num-
21 ber of courses students are taking at
22 any one time;

23 “(IV) promoting professional col-
24 laborations and distributing responsi-

1 bility for school improvement activities
2 across the staff;

3 “(V) establishing school, family,
4 and community partnerships; or

5 “(VI) providing additional coun-
6 selors, behavioral and mental health
7 providers, and social workers.

8 “(C) OTHER ALLOWABLE ACTIVITIES.—

9 The school may also implement other evidence-
10 based activities included in the plan that sub-
11 stantially increase the likelihood of improving
12 the academic achievement of—

13 “(i) low-performing students, particu-
14 larly low-performing groups of students
15 identified under paragraph (1)(A); or

16 “(ii) the school as a whole.

17 “(3) SCHOOL IMPROVEMENT AND ASSISTANCE
18 COMPLETION CRITERIA.—

19 “(A) IN GENERAL.—Except as provided in
20 this paragraph and consistent with subsection
21 (a)(1), a school previously identified under
22 paragraph (1)(A) shall no longer be identified
23 for school improvement and assistance when the
24 same group or groups of students described in
25 paragraph (1)(A) make adequate yearly

1 progress for 2 consecutive years, or 2 out of the
2 3 years of the period covered.

3 “(B) EXTENSION OF SCHOOL IMPROVE-
4 MENT AND ASSISTANCE PERIOD.—

5 “(i) IN GENERAL.—In the case of a
6 school that, in the final year of the plan
7 required by paragraph (1), makes adequate
8 yearly progress for the same group or
9 groups of students in the same subject
10 area or areas that prompted the identifica-
11 tion under paragraph (1)(A), the local edu-
12 cational agency may extend the implemen-
13 tation period for one additional year if nec-
14 essary to meet the 2 consecutive years re-
15 quirement in subparagraph (A).

16 “(ii) HIGH PRIORITY SECONDARY
17 SCHOOLS.—After a secondary school that
18 has been designated as a High Priority
19 school completes the final year of the plan
20 required by paragraph (1), the local edu-
21 cational agency may review the progress of
22 that High Priority secondary school, and
23 may extend the plan for one additional
24 year, if the secondary school—

1 “(I) has implemented an evidence
2 based, whole school reform;

3 “(II) has made continuous and
4 substantial progress on State assess-
5 ments and any other indicator used to
6 determine adequate yearly progress as
7 described in section
8 1111(b)(2)(D)(**【E?】**)

9 “(III) has met State targets for
10 progress on every indicator described
11 in section 1111(b)(2)(C)(vii) and on
12 indicators described in subsection
13 (b)(ii) of this section.

14 “(4) SCHOOL SUPPORT TEAM.—In addition to
15 any other assistance required to be provided by this
16 section, the school support team established under
17 section 1117 shall review data collected under sec-
18 tion 1111 and information collected under sub-
19 section (b) to assist the school in addressing its
20 areas that caused the school not to make adequate
21 yearly progress.

22 “(5) TIMELINE FOR TRANSFER OPTION.—In
23 the case of a local educational agency that provides
24 students with the option to transfer, such as through
25 open enrollment, to magnet schools, and to charter

1 schools, in addition to the option under paragraph
2 (2)(B)(iii), the local educational agency shall—

3 “(A) provide notice of the option to trans-
4 fer under paragraph (2)(B)(iii) to an eligible
5 student prior to the beginning of the school
6 year after the school is identified for school im-
7 provement and assistance under paragraph (1);

8 “(B) provide a timeline of no less than 30
9 calendar days from the date of notification
10 under subparagraph (A) for parents to request
11 a transfer under paragraph (2)(B)(iii); and

12 “(C) provide notice of the option to trans-
13 fer under paragraph (2)(B)(iii) concurrently
14 with the agency’s other public school transfer
15 options if any to an eligible student for the
16 school years following subparagraph (A) in
17 which the school is implementing a school im-
18 provement and intervention plan.

19 “(6) TRANSPORTATION.—In the case of a stu-
20 dent transfer described in paragraph (2)(B)(iii), the
21 local educational agency shall provide, or shall pay
22 for the provision of, transportation for the student
23 to the public school the student attends, consistent
24 with the requirements and limitations of subsection
25 (f).

1 “(7) SPECIAL RULE.—A local educational agen-
2 cy shall permit a child who transferred to another
3 school under this subsection to remain in that school
4 until the child has completed the highest grade in
5 that school. The obligation of the local educational
6 agency to provide, or to pay for, transportation for
7 the child ends at the conclusion of a school year if
8 the local educational agency determines that the
9 school from which the child transferred is no longer
10 identified for school improvement and assistance
11 under this subsection or school redesign under sub-
12 section (h).

13 “(8) PRIORITY.—In providing students the op-
14 tion to transfer under paragraph (2)(B)(iii), the
15 local educational agency shall give priority to the
16 lowest-achieving children from low-income families,
17 as determined by the local educational agency for
18 purposes of allocating funds to schools under section
19 1113(e)(1), if funds allocated under subsection (f)
20 are insufficient to meet the transfer requests.

21 “(9) SAME MANNER.—A student who uses the
22 option to transfer under paragraph (2)(B)(iii) shall
23 be enrolled in classes and other activities in the pub-
24 lic school to which the student transfers in the same
25 manner as all other children at the public school.

1 “(e) PARENTAL NOTIFICATION.—

2 “(1) IN GENERAL.—A local educational agency
3 shall promptly provide notice to a parent or parents
4 of each student enrolled in a public school identified
5 for school improvement and assistance under sub-
6 section (d) regarding that identification. The notice
7 shall be provided in an understandable and uniform
8 format and, to the extent practicable, in a language
9 the parents can understand.

10 “(2) CONTENT OF NOTICE.—The notice re-
11 quired by paragraph (1) shall contain—

12 “(A) an explanation of what the identifica-
13 tion means, and how the school compares in
14 terms of academic achievement to other elemen-
15 tary schools or secondary schools served by the
16 local educational agency and the State edu-
17 cational agency;

18 “(B) the reasons for the identification;

19 “(C) an explanation of what the school,
20 local educational agency, and State educational
21 agency are doing to improve student achieve-
22 ment;

23 “(D) an explanation of how the parents
24 can become involved in addressing the academic

1 issues that caused the school to be identified for
2 school improvement and assistance; and

3 “(E) an explanation of the parents’ option
4 to transfer their child to another public school
5 or obtain supplemental education services for
6 their child under clauses (iii) and (iv) of sub-
7 section (d)(2)(B), if applicable.

8 “(f) REQUIRED EXPENDITURES FOR SCHOOL IM-
9 PROVEMENT AND ASSISTANCE MEASURES.—

10 “(1) IN GENERAL.—A local educational agency
11 with one or more schools designated as a High Pri-
12 ority School shall ensure each of the following:

13 “(A) An amount equal to at least 10 per-
14 cent of the agency’s annual allocation under
15 this subpart, or an amount equal to at least 10
16 percent of each identified school’s allocation
17 under section 1113, is expended for the im-
18 provement and assistance measures specified in
19 subsection (d)(2)(A)(ii).

20 “(B) An amount equal to at least [20 per-
21 cent] of the agency’s annual allocation under
22 the subpart, or an amount equal to at least 20
23 percent of each identified school’s allocation
24 under section 1113, shall be made available for
25 the year in which the funding is set aside or

1 otherwise allocated on supplemental educational
2 services under subsection (d), transportation
3 costs under subsection **[(d)(2)(B)(iii)(II)]**, and
4 limited up to one percent parent outreach and
5 assistance under subsections (g)(2)(A) and
6 (g)(2)(B), unless the State educational agency
7 approves a local educational agency request to
8 spend a lesser amount based on a State review
9 of the agency's demonstrated success in—

10 “(i) informing eligible students and
11 their families of the availability of supple-
12 mental educational services which may in-
13 clude participating with community-based
14 organizations or other groups for this pur-
15 pose;

16 “(ii) ensuring that eligible students
17 are given sufficient notice (which must be
18 a minimum of 30 days prior to the start
19 of such program) of the opportunity to
20 sign up for supplemental educational serv-
21 ices prior to the start of such programs,
22 including notice of enrollment deadlines;

23 “(iii) providing information on how
24 the local educational agency will carry out
25 clauses (i) and (ii) to all approved supple-

1 mental educational service providers in the
2 district; and

3 “(iv) meeting the requirements of sub-
4 section (g)(2)(E).

5 “(C) Of the amount described in subpara-
6 graph (B), the local educational agency may use
7 up to **[10 percent]** for school improvement and
8 assistance measures specified in subsection
9 **[(d)(2)(B)(iv)]**.

10 “(2) EXPENDITURE DETERMINATION AND USE
11 OF FUNDS.—The local educational agency shall de-
12 termine and certify in its local plan under section
13 1112 whether, under subparagraphs (A) and (B) of
14 paragraph (1), to reserve percentages of the agen-
15 cy’s annual allocation or the amount equal to the
16 same percent of the school’s allocation.

17 “(3) RULE OF CONSTRUCTION.—Nothing in
18 this part, including the determinations under para-
19 graphs (1) and (2), shall be construed to prohibit a
20 local educational agency from reserving additional
21 funds for school improvement and assistance activi-
22 ties and allocating those funds based on its assess-
23 ment of the needs of identified schools.

24 **[(g) SUPPLEMENTAL EDUCATIONAL SERVICES.—]**

1 【“(1) IN GENERAL.—In the case of any school
2 designated in subsection (d)(4)(B) or (D) as a High
3 Priority School, the local educational agency shall,
4 not later than the first day of the school year fol-
5 lowing such identification, provide all eligible stu-
6 dents enrolled in the school with the option to re-
7 ceive supplemental educational services from an ap-
8 proved provider that is selected by the parents.】

9 【“(2) LOCAL EDUCATIONAL AGENCY RESPON-
10 SIBILITIES.—Each local educational agency subject
11 to this subsection shall—】

12 【“(A) provide, at a minimum, annual no-
13 tice to parents of children who are eligible for
14 such supplemental educational services in an
15 understandable and uniform format and, to the
16 extent practicable, in a language the parents
17 can understand and made accessible to parents
18 online, of—】

19 【“(i) the availability of services under
20 this subsection;】

21 【“(ii) the identity of approved pro-
22 viders, including the providers that serve
23 children with disabilities and English Lan-
24 guage Learners, that are within the local
25 educational agency or whose services are

1 reasonably available in neighboring local
2 educational agencies;】

3 【“(iii) a brief description of the serv-
4 ices, including minimum qualifications re-
5 quired by the provider for instructors that
6 provide direct instruction to students; and】

7 【“(iv) the demonstrated effectiveness
8 of each such provider;】

9 【“(B) if requested, assist parents in choos-
10 ing a provider from the list of approved pro-
11 viders maintained by the State;】

12 【“(C) apply fair and equitable procedures
13 for serving students if the number of spaces at
14 approved providers is not sufficient to serve all
15 students;】

16 【“(D) not disclose to the public the iden-
17 tity of any student who is eligible for, or receiv-
18 ing, supplemental educational services under
19 this subsection without the written permission
20 of the parents of the student;】

21 【“(E) choose an approved provider or pro-
22 viders, using a fair, open, and objective process,
23 to operate on site in the school or schools on
24 the same basis and terms as are available to
25 other groups that seek access to the school

1 building, if such local educational agency de-
2 sires to permit such providers to operate in
3 such fashion; and】

4 【“(F) post a local educational agency en-
5 rollment form online.】

6 【“(3) AGREEMENT.—In the case of the selec-
7 tion of an approved provider by a parent, the local
8 educational agency shall enter into an agreement
9 with such provider. Such agreement shall—】

10 【“(A) require the local educational agency
11 to develop, in consultation with parents (and
12 the provider chosen by the parents), a state-
13 ment of specific academic achievement goals
14 aligned to the State’s standards for the student
15 and other achievement goals, how the student’s
16 progress will be measured, and a timetable for
17 improving achievement that, in the case of a
18 student with disabilities, is consistent with the
19 student’s individualized education program
20 under section 614(d) of the Individuals with
21 Disabilities Education Act;】

22 【“(B) describe how the student’s parents
23 and the student’s teacher or teachers will be
24 regularly informed of the student’s progress;】

1 【“(C) provide for the termination of such
2 agreement if the provider is unable to meet
3 such goals and timetables;】

4 【“(D) contain provisions with respect to
5 the making of payments to the provider by the
6 local educational agency; and】

7 【“(E) prohibit the provider from disclosing
8 to the public the identity of any student eligible
9 for, or receiving, supplemental educational serv-
10 ices under this subsection without the written
11 permission of the parents of such student.】

12 【“(4) STATE EDUCATIONAL AGENCY RESPON-
13 SIBILITIES.—A State educational agency shall—】

14 【“(A) demonstrate that it has made all
15 reasonable efforts to ensure that eligible
16 English language learners and students with
17 disabilities have access to a choice of supple-
18 mental educational service providers;】

19 【“(B) in consultation with local edu-
20 cational agencies, parents, teachers, and other
21 interested members of the public, promote max-
22 imum participation by qualified providers to en-
23 sure that parents have a wide range of
24 choices;】

1 【“(C) develop and apply objective criteria,
2 consistent with paragraph (5);】

3 【“(D) maintain an updated list of ap-
4 proved providers across the State, by local edu-
5 cational agency, from which parents may se-
6 lect;】

7 【“(E) develop and implement not later
8 than 1 year after the date of enactment of this
9 subparagraph a plan to—】

10 【“(i) monitor the quality and effec-
11 tiveness of the services offered by approved
12 providers, including providers that are
13 local educational agencies, under this sub-
14 section and for withdrawing approval from
15 providers that fail 【, for 2 consecutive
16 years,】 to meet the criteria in paragraph
17 (5); and】

18 【“(ii) measure individual student aca-
19 demic achievement in mathematics, and in
20 reading or language arts, as measured by
21 progress toward meeting challenging State
22 student academic achievement standards
23 under section 1111(b), or as measured by
24 progress on other valid individual student
25 assessment instruments, as a result of the

1 provision of supplemental educational serv-
2 ices;】

3 【“(F) provide annual notice to potential
4 providers of supplemental educational services
5 of the opportunity to provide services under this
6 subsection and of the applicable procedures for
7 obtaining approval from the State educational
8 agency to be an approved provider of those
9 services;】

10 【“(G) provide guidelines to each local edu-
11 cational agency on the development of forms
12 used to enroll students for supplemental edu-
13 cational services under this subsection, includ-
14 ing providing a sample form to the local edu-
15 cational agency; and】

16 【“(H) at its discretion—】

17 【“(i) provide technical assistance to
18 providers, including those offering supple-
19 mental educational services, to assist them
20 in serving children with disabilities,
21 English Language Learners, and students
22 in rural areas, including through the use of
23 distance learning; and】

24 【“(ii) providing assistance to commu-
25 nity based organizations with the approval

1 process to become supplemental edu-
2 cational services providers.】

3 【“(5) CRITERIA FOR PROVIDERS.—In order for
4 a provider to be included on the State list under
5 paragraph (4)(C), a provider shall agree to carry out
6 the following:】

7 【“(A) Provide parents of children receiving
8 supplemental educational services under this
9 subsection and the appropriate local educational
10 agency with information on the progress of the
11 children in increasing achievement, in a format
12 and, to the extent practicable, a language that
13 such parents can understand.】

14 【“(B) Ensure that instruction provided
15 and content used by the provider are consistent
16 with the instruction provided and content used
17 by the local educational agency and State, and
18 are aligned with State academic achievement
19 standards.】

20 【“(C) Meet all applicable Federal, State,
21 and local health, safety, and civil rights laws.】

22 【“(D) Ensure that all instruction and con-
23 tent under this subsection are secular, neutral,
24 and nonideological.】

1 【“(E) Ensure that such provider has been
2 in existence for at least 2 years prior to becom-
3 ing an approved provider under this section, ex-
4 cept that the requirement described in this sub-
5 paragraph shall be effective 2 years after the
6 enactment of 【the short title of the reauthoriza-
7 tion Act】.】

8 【“(F) Ensure, through regulations promul-
9 gated by the Secretary (which shall be pub-
10 lished in final form no later than 2 years after
11 the enactment of 【the short title of the reau-
12 thorization Act】, that such provider is able—】

13 【“(i) to provide the services described
14 in its official publications and statements;】

15 【“(ii) to provide the administrative
16 resources necessary to comply with the re-
17 quirements of this subsection;】

18 【“(iii) to meet all of the financial obli-
19 gations required under this subsection;
20 and】

21 【“(iv) demonstrate academic learning
22 gains of students receiving services under
23 this section as defined by the State.】

24 【“(6) AMOUNTS FOR SUPPLEMENTAL EDU-
25 CATIONAL SERVICES.—】

1 **【“(A) IN GENERAL.—**The amount that a
2 local educational agency shall make available
3 for supplemental educational services for each
4 child receiving those services under this sub-
5 section shall be the lesser of—**】**

6 **【“(i) the amount of the agency’s allo-**
7 cation under subpart 2, divided by the
8 number of children from families below the
9 poverty level counted under section
10 1124(c)(1)(A); or**】**

11 **【“(ii) the actual costs of the supple-**
12 mental educational services received by the
13 child.**】**

14 **【“(B) AMOUNTS FOR SPECIAL POPU-**
15 LATIONS.—Notwithstanding subparagraph (A),
16 the amount that a local educational agency
17 shall make available for supplemental edu-
18 cational services for students with disabilities,
19 English language learners, and students in local
20 educational agencies that are eligible for assist-
21 ance under section 6211 or 6221 of this Act,
22 shall equal 200 percent of the amount deter-
23 mined in subparagraph (A)(i), except that no
24 student shall receive more than the actual costs

1 of the supplemental educational services re-
2 ceived by the child.】

3 【“(7) FUNDS PROVIDED BY STATE EDU-
4 CATIONAL AGENCY.—Each State educational agency
5 may use funds that the agency reserves under this
6 part, and part A of title V, to assist local edu-
7 cational agencies that do not have sufficient funds to
8 provide services under this subsection for all eligible
9 students requesting such services.】

10 【“(8) DURATION.—The local educational agen-
11 cy shall continue to provide supplemental edu-
12 cational services to a child receiving such services
13 under this subsection until the end of the school
14 year in which such services were first received.】

15 【“(9) PROHIBITION.—Nothing contained in
16 this subsection shall permit the making of any pay-
17 ment for religious worship or instruction.】

18 【“(10) WAIVER.—】

19 【“(A) REQUIREMENT.—At the request of
20 a local educational agency, a State educational
21 agency may waive, in whole or in part, the re-
22 quirement of this subsection to provide supple-
23 mental educational services if the State edu-
24 cational agency determines that—】

1 【“(i) none of the providers of those
2 services on the list approved by the State
3 educational agency under paragraph (4)(C)
4 makes those services available in the area
5 served by the local educational agency or
6 within a reasonable distance of that area;
7 and】

8 【“(ii) the local educational agency
9 provides evidence that it is not able to pro-
10 vide those services.】

11 【“(B) NOTIFICATION.—The State edu-
12 cational agency shall notify the local edu-
13 cational agency, within 30 days of receiving the
14 local educational agency’s request for a waiver
15 under subparagraph (A), whether the request is
16 approved or disapproved and, if disapproved,
17 the reasons for the disapproval, in writing.】

18 【“(11) SPECIAL RULE.—If State law prohibits
19 a State educational agency from carrying out one or
20 more of its responsibilities under paragraph (4) with
21 respect to those who provide, or seek approval to
22 provide, supplemental educational services, each
23 local educational agency in the State shall carry out
24 those responsibilities with respect to its students
25 who are eligible for those services.】

1 **【“(12) DEFINITIONS.—In this subsection—】**

2 **【“(A) the term ‘eligible child’ means a**
3 **child from a low-income family, as determined**
4 **by the local educational agency for purposes of**
5 **allocating funds to schools under section**
6 **1113(c)(1);】**

7 **【“(B) the term ‘provider’ means a non-**
8 **profit entity, a for-profit entity, or a local edu-**
9 **catinal agency that—】**

10 **【“(i) has a demonstrated record of ef-**
11 **fectiveness in increasing student academic**
12 **achievement;】**

13 **【“(ii) is capable of providing supple-**
14 **mental educational services that are con-**
15 **sistent with the instructional program of**
16 **the local educational agency and the aca-**
17 **demie standards described under section**
18 **1111; and】**

19 **【“(iii) is financially sound; and】**

20 **【“(C) the term ‘supplemental educational**
21 **services’ means tutoring and other supple-**
22 **mental academic enrichment services that are—**
23 **】**

24 **【“(i) in addition to instruction pro-**
25 **vided during the school day; and】**

1 【“(ii) are of high quality, research–
2 based, and specifically designed to increase
3 the academic achievement of eligible chil-
4 dren on the academic assessments required
5 under section 1111 and attain proficiency
6 in meeting the State’s academic achieve-
7 ment standards.】

8 【“(13) FUNDING FOR MONITORING AND EVAL-
9 UATION OF SUPPLEMENTAL EDUCATIONAL SERV-
10 ICES.—In conducting activities described in para-
11 graph (4), in addition to other 【administrative】
12 funds under this Act, a State educational agency
13 may utilize funds reserved under paragraph (14).】

14 【“(14) LOCAL EDUCATIONAL AGENCY RES-
15 ERVATION OF PROVIDER PAYMENTS.—Each local
16 educational agency shall reserve an amount equal to
17 1 percent of the amounts otherwise payable to any
18 provider under this subsection. Such reserved
19 amount shall be remitted to the State educational
20 agency every 3 months for the activities described in
21 paragraph (13). In determining the amount for each
22 child for supplemental services under paragraph (6),
23 a local educational agency and a provider may not
24 take the reservation required under this paragraph
25 into account.】

1 **【“(h) SCHOOL REDESIGN.—】**

2 **【“(1) DESIGNATIONS AS PRIORITY AND HIGH**
3 **PRIORITY REDESIGN.—**For each school that has fully
4 implemented a school improvement and assistance
5 plan under subsection (d)(2) and has not met the
6 school improvement and assistance completion cri-
7 teria in subsection (d)(3), the local educational agen-
8 cy shall—**】**

9 **【“(A) designate the school as either a**
10 **High Priority Redesign School or a Priority Re-**
11 **design School, based on the same factors as**
12 **subsection (b)(4)(B) or (D) as appropriate;】**

13 **【“(B) establish a process by which it will**
14 rank the High Priority Redesign Schools by the
15 percent of students who are proficient in read-
16 ing or language arts and in mathematics;】

17 **【“(C) provide prompt notice to parents,**
18 teachers, school staff, and the community of the
19 identification of the school for redesign; and**】**

20 **【“(D) establish a process by which local**
21 stakeholders are provided an adequate oppor-
22 tunity to participate in the development of a
23 plan for the implementation of the redesign.】

24 **【“(2) IMPLEMENTATION OF REDESIGN.—**Not
25 later than the beginning of the school year following

1 the year in which the local educational agency en-
2 engages in the process required by paragraph (1) for
3 a school, the local educational agency shall, subject
4 to paragraph (3), over a period of 2 years, redesign
5 the school and continuously monitor and refine the
6 activities used to redesign the school.】

7 【“(3) HIGH PRIORITY REDESIGN.—To redesign
8 a school designated as High Priority, the local edu-
9 cational agency shall, consistent with State law—】

10 【“(A) close the school, which at the discre-
11 tion of the local educational agency may be re-
12 opened, including reopened as a charter school,
13 following a comprehensive redesign of the in-
14 structional program and the staffing of the
15 school, and which also may include alternative
16 governance arrangements; or】

17 【“(B) replace all or some of the school’s
18 leadership and staff, and significantly revise the
19 instructional program in the subject areas for
20 which the school was identified under para-
21 graph (1).】

22 【“(C) enter into a formal contract with an
23 intermediary who will have the authority to ad-
24 minister the school; or】

1 【“(D) require the school to enter into a
2 contract with a nonprofit entity with dem-
3 onstrated expertise and effectiveness in whole
4 school reform.】

5 【“(4) PRIORITY REDESIGN.—To redesign a
6 school designated for Priority Redesign, the local
7 educational agency shall—】

8 【“(A) institute significant revisions in the
9 instructional and leadership program and sup-
10 port services provided to students who are not
11 proficient in reading or language arts or mathe-
12 matics; and】

13 【“(B) review the performance of the school
14 leadership and all staff serving the students de-
15 scribed in subparagraph (A) and may make ap-
16 propriate staffing changes.】

17 【“(5) SUPERVISION BY SUPERINTENDENT.—
18 The superintendent or chief executive of the local
19 educational agency shall directly supervise the rede-
20 sign of each school being redesigned under this sub-
21 section.】

22 【“(6) CAPACITY.—】(A) The local educational
23 agency may limit the number of schools designated
24 for High Priority Redesign to 10 percent of schools
25 in the local educational agency or 50 schools, which-

1 ever is less, based on the academic performance of
2 the schools and the groups of students within the
3 schools. Notwithstanding such a limitation, a local
4 educational agency may identify at its sole discretion
5 additional schools for redesign under this subsection.

6 **【“(B) Allowance for local educational agencies
7 with fewer than 10 schools.】**

8 **“(7) SPECIAL RULE FOR HIGH PRIORITY REDE-
9 SIGN SCHOOLS EXCEEDING 10 PERCENT CAP.—**

10 **【“(8) STATUS OF A HIGH PRIORITY SCHOOL
11 AFTER REDESIGN.—After 2 years of implementation
12 under paragraph (2), a High Priority School that is
13 redesigned under this subsection shall thereafter be
14 considered as a new school for the purposes of this
15 section. The new school shall be subject to the re-
16 quirements of subsection (a).】**

17 **【“(9) STATUS OF PRIORITY SCHOOL IN REDE-
18 SIGN THAT DOES NOT MEET AYP.—After 2 years of
19 implementation under paragraph (2), a Priority
20 School that is redesigned under this subsection shall
21 be presumed to be a High Priority Redesign School
22 if it does not make adequate yearly progress.】**

23 **【“(10) TRANSFERS FOR HIGH PRIORITY
24 SCHOOLS.—A school that is designated as a High
25 Priority Redesign School under paragraph (1) shall**

1 continue to provide students in the school with the
2 option to transfer to another public school, con-
3 sistent with subsection (d)(2)(B)(iv), so long as such
4 school previously was designated as a High Priority
5 School pursuant to subsection (b)(4)(B) or (D), as
6 appropriate.】

7 【“(11) 【TBA】.—A school designated for High
8 Priority Redesign pursuant to paragraph (1) that in
9 the preceding year had been designated a High Pri-
10 ority School pursuant to subsection (b)(4)(B) or (D)
11 shall continue to offer supplemental educational
12 services and public school choice to eligible students
13 pursuant to subsection (d)(2)(B)(iii).】

14 “(i) RULE OF CONSTRUCTION.—Nothing in this part
15 shall be construed to prevent a local educational agency
16 from designating any school for redesign after the school
17 has not made adequate yearly progress for 2 consecutive
18 years.

19 “(j) SPECIAL CIRCUMSTANCES.—Notwithstanding
20 any other provision of this section, the local educational
21 agency may delay, for a period not to exceed one year,
22 implementation of the requirements of subsection (d), or
23 redesign under subsection (g), if the inability of the school
24 to make adequate yearly progress is due to exceptional or
25 uncontrollable circumstances, such as a natural disaster,

1 a dramatic change in student population, or a precipitous
2 and unforeseen decline in the financial resources of the
3 local educational agency or school.

4 “(k) STATE REVIEW AND LOCAL EDUCATIONAL
5 AGENCY IMPROVEMENT.—

6 “(1) IN GENERAL.—A State shall—

7 “(A) annually review the progress of each
8 local educational agency receiving funds under
9 this part to determine whether schools receiving
10 assistance under this part are making adequate
11 yearly progress as defined in section 1111(b)(2)
12 toward meeting the State’s student academic
13 achievement standards and to determine if each
14 local educational agency is carrying out its re-
15 sponsibilities under this section and sections
16 1117, 1118, and 1119; and

17 “(B) publicize and disseminate to local
18 educational agencies, teachers and other staff,
19 parents, students, and the community the re-
20 sults of the State review, including statistically
21 sound disaggregated results, as required by sec-
22 tion 1111(b)(2).

23 “(2) REWARDS.—In the case of a local edu-
24 cational agency that, for 2 consecutive years, has ex-
25 ceeded adequate yearly progress as defined in the

1 State plan under section 1111(b)(2), the State may
2 make rewards of the kinds described under section
3 1117 to the agency.

4 **【“(3) IDENTIFICATION OF LOCAL EDU-**
5 **CATIONAL AGENCY FOR IMPROVEMENT.—**A State
6 shall identify for improvement any local educational
7 agency that, for 2 consecutive years, did not make
8 adequate yearly progress as defined in the State’s
9 plan under section 1111(b)(2) for the same group of
10 students specified in section 1111(b)(2)(C)(v) in the
11 same subject described in section 1111(b)(1)(C).**】**

12 **“(4) TARGETED ASSISTANCE SCHOOLS.—**When
13 reviewing targeted assistance schools served by a
14 local educational agency, a State educational agency
15 may choose to review the progress of only the stu-
16 dents in such schools who are served, or are eligible
17 for services, under this part.

18 **“(5) OPPORTUNITY TO REVIEW AND PRESENT**
19 **EVIDENCE.—**

20 **“(A) REVIEW.—**Before identifying a local
21 educational agency for improvement under
22 paragraph (3) or redesign under paragraph (9),
23 a State educational agency shall provide the
24 local educational agency with an opportunity to
25 review the data, including academic assessment

1 data, on which the proposed identification is
2 based.

3 “(B) EVIDENCE.—If the local educational
4 agency believes that the proposed identification
5 is in error for statistical or other substantive
6 reasons, the agency may provide supporting evi-
7 dence to the State educational agency, which
8 shall consider the evidence before making a
9 final determination not later than 30 days after
10 the State educational agency provides the local
11 educational agency with the opportunity to re-
12 view such data under subparagraph (A).

13 “(6) NOTIFICATION TO PARENTS.—The State
14 educational agency shall promptly provide to the
15 parents (in a format and, to the extent practicable,
16 in a language the parents can understand) of each
17 student enrolled in a school served by a local edu-
18 cational agency identified for improvement, the re-
19 sults of the review under paragraph (1) and, if the
20 agency is identified for improvement, the reasons for
21 that identification and how parents can participate
22 in upgrading the quality of the local educational
23 agency.

24 **【“(7) LOCAL EDUCATIONAL AGENCY IMPROVE-**
25 **MENT AND ASSISTANCE PLAN.—】**

1 **【“(A) PLAN REQUIRED.—**Each local edu-
2 cational agency identified under paragraph (3)
3 shall, during the course of the school year fol-
4 lowing the school year in which the determina-
5 tion was based, develop a comprehensive local
6 educational agency improvement and assistance
7 plan that identifies, analyzes, and addresses
8 systemic causes for the agency not making ade-
9 quate yearly progress. Not later than 60 cal-
10 endar days before the end of such school year,
11 the local educational agency shall submit the
12 plan to the State educational agency.】

13 **【“(B) CONSULTATION.—**The comprehen-
14 sive plan required by subparagraph (A) shall be
15 developed in consultation with—】

16 **【“(i) school improvement specialists**
17 (as described in section 9101);】

18 **【“(ii) parents, including parents of**
19 students in a group or groups that did not
20 make adequate yearly progress;】

21 **【“(iii) principals, teachers and other**
22 school staff, including those with expertise
23 in working with students with diverse
24 learning needs, including English language

1 learners and students with disabilities;
2 and】

3 【“(iv) local community stakeholders,
4 such as business leaders and representa-
5 tives of public and private nonprofit orga-
6 nizations and agencies.】

7 【“(C) CONTENT OF PLAN.—The com-
8 prehensive plan required by subparagraph (A)
9 shall include—】

10 【“(i) a review and analysis of the sys-
11 tem causes for the local educational agency
12 not making adequate yearly progress, in-
13 cluding review of the students not meeting
14 proficiency targets and specific subjects
15 and groups that account for the agency not
16 making adequate yearly progress and
17 achievement data for students not meeting
18 proficiency targets, including—】

19 【“(I) an analysis of the group or
20 groups of students of students speci-
21 fied in section 1111(b)(2)(C)(v) for
22 the schools in the agency that led to
23 the local educational agency not mak-
24 ing adequate yearly progress (which
25 analysis shall inform the reviews con-

1 ducted pursuant to (iii) to identify re-
2 forms tailored to such group or
3 groups, where appropriate);】

4 【“(II) an analysis of teacher ex-
5 pertise and assignment by grade, sub-
6 ject, and group or groups of students
7 not meeting proficiency;】

8 【“(III) an analysis of practices
9 concerning the core academic instruc-
10 tional program described in section
11 1111(b)(1)(C) for the schools in the
12 agency that have caused the achieve-
13 ment differences and the greatest like-
14 lihood of improving the performance
15 of the lowest-performing teachers; im-
16 proving the academic performance of
17 low-achieving students; closing the
18 achievement gaps among groups of
19 students specified in section
20 1111(b)(2)(C)(v), and meeting the
21 State’s proficient level of achievement
22 on the State academic assessment de-
23 scribed in section 1111(b)(3); and】

24 【“(IV) an analysis of the pro-
25 grams for the schools in the agency

1 and their effectiveness in improving
2 student academic achievement, par-
3 ticularly for students not meeting pro-
4 ficiency goals, which may include an
5 evaluation;】

6 【“(ii) a review and analysis of current
7 and prospective strategies, policies, and
8 practices that will directly address the sys-
9 temic causes for the local educational
10 agency not making adequate yearly
11 progress, including—】

12 【“(I) current teacher assign-
13 ments that include a review of out-of-
14 field teacher and data from the local
15 educational agency’s needs assessment
16 under section 2222 of this Act for the
17 schools in the agency to determine
18 whether students who are not pro-
19 ficient are assigned to teachers who
20 are highly-qualified and who are best
21 equipped to help them attain pro-
22 ficiency and how changes to teacher
23 assignments could address causes for
24 the school not making adequate yearly
25 progress;】

1 【“(II) current professional devel-
2 opment activities for teachers and
3 principals for the schools in the agen-
4 cy to determine whether changes to
5 instructional practices, such as com-
6 mon lesson-planning, instructional
7 coaching, and evidence-based interven-
8 tions could address systemic causes
9 for the local educational agency not
10 making adequate yearly progress;】

11 【“(III) the current instructional
12 program for the schools in the agency
13 and its alignment with the curriculum
14 of the local educational agency and
15 with the State standards and assess-
16 ments and availability of curricula in
17 all core academic subjects to all stu-
18 dents to determine whether changes to
19 these areas could address systemic
20 causes for the local educational agen-
21 cy not making adequate yearly
22 progress;】

23 【“(IV) current interventions, in-
24 cluding supervised or centrally devel-
25 oped intervention models or strategies

1 for low-performing schools, for the
2 schools in the agency to determine
3 whether changes to such interventions
4 (which may include school-wide posi-
5 tive behavioral intervention supports,
6 tiered instructional interventions, and
7 other research-based approaches with
8 evidence of improving the learning en-
9 vironment) could address systemic
10 causes for the local educational agen-
11 cy not making adequate yearly
12 progress;】

13 【“(V) current use of (or lack of
14 use of) formative assessments and
15 data-based instructional decision-mak-
16 ing for the schools in the agency to
17 determine whether changes to such
18 formative assessments and data-based
19 instructional decision-making could
20 address systemic causes for the local
21 educational agency not making ade-
22 quate yearly progress;】

23 【“(VI) the current amount of in-
24 structional time (including learning
25 time before school, after school, dur-

1 ing the summer, during any extension
2 of the school year, or through tutoring
3 such as supplemental educational
4 services) for the schools in the agency
5 to determine whether changes to the
6 amount of instructional time could ad-
7 dress systemic causes for the local
8 educational agency not making ade-
9 quate yearly progress;】

10 【“(VII) the current level of ac-
11 cess to and availability of specialized
12 instructional support services that
13 support students with diverse learning
14 needs, including English language
15 learners and students with disabilities,
16 and the use of counselors, social work-
17 ers, and mental and behavioral health
18 service providers, and the level of par-
19 ent and community involvement for
20 the schools in the agency to determine
21 whether changes to such supports
22 could address causes for the local edu-
23 cational agency not making adequate
24 yearly progress; and】

1 “(VIII) the current strategies to
2 promote effective parental and com-
3 munity involvement for the schools in
4 the agency to address academic and
5 nonacademic barriers to determine
6 whether changes to such strategies
7 could address systemic causes for the
8 local educational agency not making
9 adequate yearly progress;

10 【“(iii) a review and analysis of the
11 local educational agency’s capacity to ad-
12 dress the areas for which the agency has
13 identified that changes in the agency’s
14 strategies, policies, and practices could ad-
15 dress systemic causes of the agency’s not
16 making adequate yearly progress and the
17 agency’s current allocation of fiscal re-
18 sources;】

19 【“(iv) a specification of the respective
20 responsibilities of the local educational
21 agency and the State educational agency
22 under the plan, including technical assist-
23 ance providing by the State educational
24 agency and the local educational agency’s
25 responsibilities under section 1120A;】

1 【“(v) a description and assurance
2 that the local educational agency will make
3 changes to the agency and school program
4 identified as necessary after conducting the
5 reviews under clauses (i) through (ii), in-
6 cluding structural changes to its organiza-
7 tion and its operation to improve the edu-
8 cational performance of schools served by
9 the local educational agency, and a
10 timeline for incorporating each change;】

11 【“(vi) an assurance that the local
12 educational agency will establish specific
13 measurable achievement goals and targets
14 for each of the groups of students identi-
15 fied in the disaggregated data pursuant to
16 section 1111(b)(2)(C)(v) enrolled in the
17 school that will ensure that all such groups
18 of students will, in accordance with ade-
19 quate yearly progress as defined under sec-
20 tion 1111(b)(2), meet the State’s proficient
21 level of achievement on the State academic
22 assessment; and】

23 “(vii) a projection of the amount of
24 funding the local educational agency is
25 likely to receive for school improvement

1 purposes and how those funds will be used
2 to implement the plan.

3 **【“(D) PUBLIC NOTICE.—**Upon completion
4 of a local educational agency improvement and
5 assistance plan, the local educational agency
6 shall make the plan available to parents and the
7 public and post the plan on the local edu-
8 cational agency’s website. The plan shall be
9 available in the language and form that parents
10 can understand.**】**

11 **【“(8) LOCAL EDUCATIONAL AGENCY IMPROVE-**
12 **MENT AND ASSISTANCE MEASURES.—】**

13 **【“(A) IN GENERAL.—**A local educational
14 agency that does not make adequate yearly
15 progress during the school year during which
16 the plan was required to be developed under
17 paragraph (7) shall, no later than the first day
18 of the following school year, begin implementing
19 the plan. The implementation shall include each
20 of the following:**】**

21 **【“(i) The measures identified in the**
22 local educational agency improvement and
23 assistance plan as strategies, policies, and
24 practices to address systemic causes for

1 the local educational agency not making
2 adequate yearly progress.】

3 【“(ii) Ongoing, high-quality profes-
4 sional development for principals and
5 teachers in the schools in the agency that
6 is based on the findings of the review re-
7 quired by subsection (b)(3)(A) through (C)
8 and—】

9 【“(I) directly addresses the aca-
10 demic achievement needs of the
11 school’s students;】

12 【“(II) is aligned with the States’
13 standards and the local educational
14 agency’s curriculum;】

15 【“(III) incorporates the results
16 of the formative assessments required
17 by subparagraph (B)(ii);】

18 【“(IV) addresses the issues
19 raised in the needs assessment re-
20 quired by title II, including making
21 any necessary changes to the school’s
22 teacher assignments in order to en-
23 sure that no student in the school is
24 taught the same subject for two con-
25 secutive years by a novice or out-of-

1 field teacher and that students in
2 groups not making adequate yearly
3 progress taking math, reading and
4 language arts, and science are not dis-
5 proportionately taught by out-of-field
6 or novice teachers;】

7 【“(V) includes mentoring and in-
8 duction for all new teachers consistent
9 with title II or, in a case in which
10 there are not enough experienced
11 teachers to include such mentoring
12 and induction for all new teachers, the
13 school shall report this information to
14 the local educational agency and pro-
15 vide an overview of steps it will take
16 to ensure that such requirement can
17 be met; and】

18 【“(VI) increases teacher and
19 principal effectiveness through activi-
20 ties that may include—】

21 【“(aa) providing regular op-
22 portunities for teachers of core
23 academic subjects to collaborate
24 with both subject area and inter-
25 disciplinary groups to review stu-

1 dent achievement data and plan
2 instruction; and】

3 【“(bb) implementing a
4 school-wide literacy or mathe-
5 matics plan that includes hiring
6 literacy coaches or mathematics
7 coaches.】

8 【“(9) STATE EDUCATIONAL AGENCY RESPONSI-
9 BILITY.—】

10 【“(A) TECHNICAL OR OTHER ASSIST-
11 ANCE.—For each local educational agency iden-
12 tified under paragraph (3), the State edu-
13 cational agency shall provide technical or other
14 assistance if requested, as authorized under
15 [section 1117], to better enable the local edu-
16 cational agency to—】

17 【“(i) develop and implement the local
18 educational agency’s plan; and】

19 【“(ii) work with schools needing im-
20 provement and assistance.】

21 【“(B) METHODS AND STRATEGIES.—Tech-
22 nical assistance provided under this section by
23 the State educational agency or an entity au-
24 thorized by such agency shall be supported by
25 effective methods and instructional strategies

1 based on scientifically valid research. Such tech-
2 nical assistance shall address problems, if any,
3 in implementing the parental involvement ac-
4 tivities described in section 1118 and the pro-
5 fessional development activities described in sec-
6 tion 1119.】

7 【“(C) REQUIRED MEASURES.—After pro-
8 viding technical assistance under paragraph (8),
9 the State shall implement at least one of the
10 following measures with respect to any local
11 educational agency that does not make ade-
12 quate yearly progress, as defined by the State,
13 by the end of the second full school year after
14 the identification of the agency under para-
15 graph (3):】

16 【“(i) Deferring programmatic funds
17 or reducing administrative funds.】

18 【“(ii) Instituting and fully imple-
19 menting a new curriculum that is based on
20 State and local academic content and
21 achievement standards as defined under
22 section 1111(b)(2), including providing ap-
23 propriate professional development based
24 on scientifically valid research for all rel-
25 evant staff, that offers substantial promise

1 of improving educational achievement for
2 low-achieving students.】

3 【“(iii) Replacing the local educational
4 agency personnel who are relevant to the
5 local educational agency not making ade-
6 quate yearly progress.】

7 【“(iv) Establishing alternative ar-
8 rangements for public governance and su-
9 pervision of such schools.】

10 【“(v) Appointing, through the State
11 educational agency, a receiver or trustee to
12 administer the affairs of the local edu-
13 cational agency in place of the super-
14 intendent and school board.】

15 【“(vi) Authorizing students to trans-
16 fer from a school operated by the local
17 educational agency to a higher-performing
18 public school operated by another local
19 educational agency in accordance with sub-
20 sections (d)(2)(B)(iii), and providing to
21 such students transportation (or the costs
22 of transportation) to such schools con-
23 sistent with subsection (f), in conjunction
24 with carrying out not less than one addi-

1 tional action described under this subpara-
2 graph.]]

3 【“(D) HEARING.—Prior to implementing
4 any measure under this paragraph, the State
5 educational agency shall provide notice and a
6 hearing to the affected local educational agency,
7 if State law provides for such notice and hear-
8 ing. The hearing shall take place not later than
9 45 days following the decision to implement
10 such measure.】

11 【“(E) NOTICE TO PARENTS.—The State
12 educational agency shall publish, and dissemi-
13 nate to parents and the public, information on
14 any measure the State educational agency takes
15 under this paragraph through such means as
16 the Internet, the media, and public agencies.】

17 【“(F) DELAY.—Notwithstanding para-
18 graph (C), a State educational agency may
19 delay, for a period not to exceed 1 year, imple-
20 mentation of such measure under this para-
21 graph if the local educational agency makes
22 adequate yearly progress for 1 year or it does
23 not make adequate yearly progress due to ex-
24 ceptional or uncontrollable circumstances, such
25 as a natural disaster or a precipitous and un-

1 foreseen decline in the financial resources of the
2 local educational agency. No such period shall
3 be taken into account in determining the num-
4 ber of consecutive years of failure to make ade-
5 quate yearly progress.】

6 【“(10) SPECIAL RULE.—If a local educational
7 agency makes adequate yearly progress for two con-
8 secutive school years beginning after the date of
9 identification of the agency under paragraph (3), the
10 State educational agency need no longer identify the
11 local educational agency for improvement and assist-
12 ance for the succeeding school year.】

13 【“(11) LOCAL EDUCATIONAL AGENCY IMPROVE-
14 MENT AND ASSISTANCE.—In order to help students
15 served under this part meet challenging State stu-
16 dent academic achievement standards, each State
17 shall implement a system of local educational agency
18 improvement and assistance in accordance with the
19 following:】

20 “(12) SPECIAL RULE.—If a local educational
21 agency makes adequate yearly progress for two con-
22 secutive school years beginning after the date of
23 identification of the agency under paragraph (3), the
24 State educational agency need no longer identify the
25 local educational agency for improvement or subject

1 the local educational agency to corrective action for
2 the succeeding school year.

3 “(l) CONSTRUCTION.—Nothing in this section shall
4 be construed to alter or otherwise affect the rights, rem-
5 edies, and procedures afforded school or school district
6 employees under Federal, State, or local laws (including
7 applicable regulations or court orders) or under the terms
8 of collective bargaining agreements, memoranda of under-
9 standing, or other agreements between such employees
10 and their employers.

11 “(m) SCHOOLS FUNDED BY THE BUREAU OF INDIAN
12 AFFAIRS.—

13 “(1) ADEQUATE YEARLY PROGRESS FOR BU-
14 REAU FUNDED SCHOOLS.—

15 “(A) DEVELOPMENT OF DEFINITION.—

16 “(i) DEFINITION.—The Secretary of
17 the Interior, in consultation with the Sec-
18 retary if the Secretary of Interior requests
19 the consultation, using the process set out
20 in section 1138(b) of the Education
21 Amendments of 1978, shall define ade-
22 quate yearly progress, consistent with sec-
23 tion 1111(b), for the schools funded by the
24 Bureau of Indian Affairs on a regional or
25 tribal basis, as appropriate, taking into ac-

1 count the unique circumstances and needs
2 of such schools and the students served by
3 such schools.

4 “(ii) USE OF DEFINITION.—The Sec-
5 retary of the Interior, consistent with
6 clause (i), may use the definition of ade-
7 quate yearly progress that the State in
8 which the school that is funded by the Bu-
9 reau is located uses consistent with section
10 1111(b), or in the case of schools that are
11 located in more than one State, the Sec-
12 retary of the Interior may use whichever
13 State definition of adequate yearly
14 progress that best meets the unique cir-
15 cumstances and needs of such school or
16 schools and the students the schools serve.

17 “(B) WAIVER.—An **【Indian tribe】**, school
18 board of a school funded by the Bureau of In-
19 dian Affairs, or consortium of such entities may
20 waive, in part or in whole, the definition of ade-
21 quate yearly progress established pursuant to
22 subparagraph (A) where such definition is de-
23 termined by such **【Indian tribe】**, school board,
24 or consortium to be inappropriate. If such defi-
25 nition is waived, the **【Indian tribe】**, school

1 board, or consortium shall, within 60 days
2 thereafter, submit to the Secretary of Interior
3 a proposal for an alternative definition of ade-
4 quate yearly progress, consistent with section
5 1111(b), that takes into account the unique cir-
6 cumstances and needs of such school or schools
7 and the students served. The Secretary of the
8 Interior, in consultation with the Secretary if
9 the Secretary of Interior requests the consulta-
10 tion, shall approve such alternative definition
11 unless the Secretary of the Interior determines
12 that the definition does not meet the require-
13 ments of section 1111(b), taking into account
14 the unique circumstances and needs of such
15 school or schools and the students served.

16 “(C) TECHNICAL ASSISTANCE.—The Sec-
17 retary of Interior shall, in consultation with the
18 Secretary if the Secretary of Interior requests
19 the consultation, either directly or through a
20 contract, provide technical assistance, upon re-
21 quest, to an [Indian tribe], school board of a
22 school funded by the Bureau of Indian Affairs,
23 or consortium of such entities that seeks to de-
24 velop an alternative definition of adequate year-
25 ly progress.

1 “(2) ACCOUNTABILITY FOR BUREAU
2 SCHOOLS.—For the purposes of this section, schools
3 funded by the Bureau of Indian Affairs shall be con-
4 sidered schools subject to subsections (b) through
5 (f), and (h) through (j), as specifically provided for
6 in this subsection, except that such schools shall not
7 be subject to subsection (f)(1)(B) or (f)(1)(C), or
8 subsection (k) or the requirement to provide public
9 school choice and supplemental educational services
10 under subsections (d), (e), and (h).

11 “(3) SCHOOL IMPROVEMENT FOR BUREAU
12 SCHOOLS.—

13 “(A) CONTRACT AND GRANT SCHOOLS.—
14 For a school funded by the Bureau of Indian
15 Affairs which is operated under a contract
16 issued by the Secretary of the Interior pursuant
17 to the Indian Self-Determination Act (25
18 U.S.C. 450 et seq.) or under a grant issued by
19 the Secretary of the Interior pursuant to the
20 Tribally Controlled Schools Act of 1988 (25
21 U.S.C. 2501 et seq.), the school board of such
22 school shall be responsible for meeting the re-
23 quirements of subsection (b) relating to devel-
24 opment and implementation of any school im-
25 provement and assistance plan as described in

1 subsection (b). The Bureau of Indian Affairs
2 shall be responsible for meeting the require-
3 ments of subsection (c) relating to technical as-
4 sistance.

5 “(B) BUREAU OPERATED SCHOOLS.—For
6 schools operated by the Bureau of Indian Af-
7 fairs, the Bureau shall be responsible for meet-
8 ing the requirements of subsection (b) relating
9 to development and implementation of any
10 school improvement and assistance plan as de-
11 scribed in subsection (b).

12 “(4) REDESIGN FOR BUREAU-FUNDED
13 SCHOOLS.—

14 “(A) CONTRACT AND GRANT SCHOOLS.—
15 For a school funded by the Bureau of Indian
16 Affairs which is operated under a contract
17 issued by the Secretary of the Interior pursuant
18 to the Indian Self-Determination Act (25
19 U.S.C. 450 et seq.) or under a grant issued by
20 the Secretary of the Interior pursuant to the
21 Tribally Controlled Schools Act of 1988 (25
22 U.S.C. 2501 et seq.), the school board of such
23 school shall be responsible for meeting the re-
24 quirements of subsection (h) relating to rede-
25 sign. Any action taken by such school board

1 under subsection (h) shall take into account the
2 unique circumstances and structure of the Bu-
3 reau of Indian Affairs-funded school system and
4 the laws governing that system.

5 “(B) BUREAU OPERATED SCHOOLS.—For
6 schools operated by the Bureau of Indian Af-
7 fairs, the Bureau shall be responsible for meet-
8 ing the requirements of subsection (h) relating
9 to redesign. Any action taken by the Bureau
10 under subsection (h) shall take into account the
11 unique circumstances and structure of the Bu-
12 reau of Indian Affairs-funded school system and
13 the laws governing that system.

14 “(5) ANNUAL REPORT.—On an annual basis,
15 the Secretary of the Interior shall report to the Sec-
16 retary of Education and to the appropriate commit-
17 tees of Congress regarding any schools funded by
18 the Bureau of Indian Affairs which have been identi-
19 fied for school improvement and assistance. Such re-
20 port shall include—

21 “(A) the identity of each school;

22 “(B) a statement from each affected school
23 board regarding the factors that lead to such
24 identification; and

1 “(C) an analysis by the Secretary of the
2 Interior, in consultation with the Secretary if
3 the Secretary of Interior requests the consulta-
4 tion, as to whether sufficient resources were
5 available to enable such school to achieve ade-
6 quate yearly progress.

7 **“SEC. 1117. SCHOOL SUPPORT, RECOGNITION OF SUCCESS,**
8 **AND BRINGING SUCCESS TO SCALE.**

9 “(a) SYSTEM FOR SUPPORT.—

10 “(1) IN GENERAL.—Each State shall establish
11 a statewide system of intensive and sustained sup-
12 port and improvement for local educational agencies
13 and schools receiving funds under this part, in order
14 to increase the opportunity for all students served by
15 those agencies and schools to meet the State’s aca-
16 demic content standards and student academic
17 achievement standards.

18 “(2) PRIORITIES.—In carrying out this sub-
19 section, a State shall identify schools and school dis-
20 tricts in greatest need of support and assistance
21 and, starting with schools that have the greatest
22 percentage of students served under this title that
23 did not meet expectations for growth in academic
24 achievement, provide support and assistance using
25 funds provided to the State under section 1111 by—

1 “(A) first, providing support and assist-
2 ance to local educational agencies with schools
3 subject to redesign under section 1116 and as-
4 sisting those schools, in accordance with section
5 1116;

6 “(B) second, providing support and assist-
7 ance to other local educational agencies with
8 schools identified as in need of improvement
9 and assistance under section 1116(b); and

10 “(C) third, providing support and assist-
11 ance to other local educational agencies and
12 schools participating under this part that need
13 that support and assistance in order to achieve
14 the purpose of this part.

15 “(3) REGIONAL CENTERS.—Such a statewide
16 system shall, to the extent practicable, work with
17 and receive support and assistance from the com-
18 prehensive regional technical assistance centers and
19 the regional educational laboratories under section
20 941(h) of the Educational Research, Development,
21 Dissemination, and Improvement Act of 1994, or
22 other providers of technical assistance.

23 “(4) STATEWIDE SYSTEM.—

24 “(A) IN GENERAL.—In order to achieve
25 the purpose described in paragraph (1), the

1 statewide system shall include, at a minimum,
2 the following approaches:

3 “(i) Establishing school support teams
4 in accordance with paragraph (5) for as-
5 signment to, and working in, schools in the
6 State that are described in paragraph (2).

7 “(ii) Providing such support as the
8 State educational agency determines nec-
9 essary and available in order to ensure the
10 effectiveness of such teams.

11 “(iii) Designating and using distin-
12 guished teachers and principals who are
13 chosen from schools served under this part
14 that have been especially successful in im-
15 proving academic achievement.

16 “(iv) Devising additional approaches
17 to providing the assistance described in
18 paragraph (1), such as providing assist-
19 ance through institutions of higher edu-
20 cation and educational service agencies, or
21 other local consortia teacher residency pro-
22 grams as specified in section 2113.

23 “(B) PRIORITY.—The State educational
24 agency shall give priority to the approach de-
25 scribed in clause (i) of subparagraph (A).

1 “(5) SCHOOL SUPPORT TEAMS.—

2 “(A) COMPOSITION.—Each school support
3 team established under this section shall be
4 composed of persons knowledgeable about sci-
5 entifically-valid research and practice on teach-
6 ing and learning and about successful
7 schoolwide projects, school reform, and improv-
8 ing educational opportunities for low-achieving
9 students, including—

10 “(i) exemplary teachers who are high-
11 ly qualified;

12 “(ii) exemplary principals;

13 “(iii) specialized instructional support
14 personnel;

15 “(iv) parents;

16 “(v) representatives of institutions of
17 higher education;

18 “(vi) representatives of regional edu-
19 cational laboratories or comprehensive re-
20 gional technical assistance centers;

21 “(vii) representatives of outside con-
22 sultant groups; or

23 “(viii) other individuals as the State
24 educational agency, in consultation with

1 the local educational agency, may deter-
2 mine appropriate.

3 “(B) FUNCTIONS.—Each school support
4 team assigned to a school under this section
5 shall—

6 “(i) review and analyze all facets of
7 the school’s operation, including the design
8 and operation of the instructional program,
9 and assist the school in developing rec-
10 ommendations for improving student per-
11 formance in that school;

12 “(ii) collaborate with parents and
13 school staff and the local educational agen-
14 cy serving the school in the design, imple-
15 mentation, and monitoring of a plan that,
16 if fully implemented, can reasonably be ex-
17 pected to improve student performance and
18 help the school meet its goals for improve-
19 ment, including adequate yearly progress
20 under section 1111(b)(2)(B);

21 “(iii) evaluate, at least semiannually,
22 the effectiveness of school personnel as-
23 signed to the school, including identifying
24 outstanding teachers and principals, and
25 make findings and recommendations to the

1 school, the local educational agency, and,
2 where appropriate, the State educational
3 agency; and

4 “(iv) make additional recommenda-
5 tions as the school implements the plan de-
6 scribed in clause (ii) to the local edu-
7 cational agency and the State educational
8 agency concerning additional assistance
9 that is needed by the school or the school
10 support team.

11 “(C) CONTINUATION OF ASSISTANCE.—
12 After one school year, from the beginning of the
13 activities, such school support team, in con-
14 sultation with the local educational agency, may
15 recommend that the school support team con-
16 tinue to provide assistance to the school, or that
17 the local educational agency or the State edu-
18 cational agency, as appropriate, take alternative
19 actions with regard to the school.

20 “(b) RECOGNITION OF SUCCESS AND BRINGING suc-
21 cess TO SCALE.—

22 “(1) ACADEMIC ACHIEVEMENT AWARDS PRO-
23 GRAM.—The Secretary is authorized to establish a
24 **【Bringing Success to Scale】** program for making
25 academic achievement awards that recognize local

1 educational agencies and schools that meet the re-
2 quirements described in paragraph (2). The **【Bringing**
3 **Success to Scale】** program shall—

4 “(A) award grants that designate and re-
5 ward as Distinguished School Districts such
6 local educational agencies that have made the
7 greatest gains in closing the achievement gap as
8 described in paragraph (2)(A), in order that
9 such local educational agencies may serve as
10 models for and provide support to other school
11 districts;

12 “(B) award grants that designate and re-
13 ward—

14 “(i) as Distinguished Schools such
15 schools that meet the criteria described in
16 paragraph (2)(A); and

17 “(ii) as Distinguished School Support
18 Organizations, school management or sup-
19 port organizations, nonprofit organizations
20 and human capital providers **【in order to**
21 **allow them to work in partnerships with**
22 **the private sector and philanthropic com-**
23 **munity in order to】**—

24 “(I) ensure their sustainability
25 and growth;

1 “(II) sustain and expand innova-
2 tive programs that produce results;
3 and

4 “(III) identify and document the
5 best practices that can be shared with
6 schools and local educational agencies
7 in communities across the country.

8 “(2) REQUIREMENTS.—To receive an award
9 under paragraph (1), a local educational agency or
10 school shall—

11 “(A) have significantly closed the achieve-
12 ment gap between the groups of students de-
13 scribed in section 1111(b)(2);

14 “(B) exceeded the State’s Annual Measur-
15 able Objectives consistent with section
16 1111(b)(2) for two or more consecutive years.

17 “(C) have made **【significant improvement】**
18 on other meaningful data such as graduation
19 rates and increased recruitment and placement
20 of high quality teachers and principals; and

21 “(D) demonstrate that they have estab-
22 lished partnerships with the private sector,
23 which may include philanthropic organizations,
24 and will provide matching funds in order to
25 help bring results to scale.

1 “(3) CRITERIA.—The Secretary shall select, for
2 awards under paragraph (1), local educational agen-
3 cies and schools based on the following criteria:

4 “(A) Demonstrated impact in realizing sig-
5 nificant gains in student achievement.

6 “(B) Demonstrated improvement in at
7 least one of the following indicators:

8 “(i) Increased graduation rates.

9 “(ii) Increased recruitment and place-
10 ment of outstanding teachers and prin-
11 cipals.

12 “(iii) Increase in the quality of profes-
13 sional development including facilitating
14 use of formative assessments and use of
15 data to improve instruction and the imple-
16 mentation of these practices into class-
17 rooms.

18 [“(iv) Increased parental and commu-
19 nity involvement.]

20 “(C) Demonstrate a clear strategy for tak-
21 ing the implications of their work to scale and
22 a sound organizational and growth plan to ex-
23 pand the impact of the organization or pro-
24 gram.

1 “(D) Demonstrate the establishment of
2 clear measures of success that will be used in
3 the ongoing evaluation and management of the
4 program.

5 “(4) AUTHORIZED ACTIVITIES.—Grant funds
6 provided under this subsection may be used to carry
7 out the following activities:

8 “(A) Expansion of highly successful school
9 management organizations.

10 “(B) Supporting the growth of human cap-
11 ital organizations, which could include—

12 “(i) supporting teacher training pro-
13 grams in order to expand the number of
14 teachers they prepare or the number of
15 sites in which they place teachers; and

16 “(ii) supporting principal training
17 programs in order to expand the number
18 of principals they prepare or the number of
19 sites in which they place principals; includ-
20 ing

21 [“(iii) expanding support for resi-
22 dency based training models in order to
23 host more residents through funding more
24 mentors.]

1 “(C) Supporting the replication of highly
2 successful practices within local educational
3 agencies, which may include—

4 “(i) expanding teacher recruitment,
5 training and development strategies;

6 “(ii) expanding innovative teacher
7 compensation strategies;

8 “(iii) supporting principals to become
9 more effective leaders; and

10 “(iv) supporting and training teachers
11 to be more effective grade level and school
12 leaders and to be more effective in identi-
13 fying and meeting the specific needs of
14 each child.

15 “(D) Promoting more effective parent and
16 community involvement in schools, which could
17 include programs that systematically engage
18 networks of parents to support student learn-
19 ing.

20 “(E) Supporting the building and dissemi-
21 nation of educational tools that improve student
22 learning and which could include—

23 “(i) high quality assessment systems
24 that teachers can use to modify instruc-
25 tion;

1 “(ii) classroom technology aids that
2 help target the learning needs of individual
3 students based on past performance; and

4 “(iii) supporting technical assistance
5 and training which improves: principals’
6 ability to manage change, teachers’ ability
7 to improve achievement, and district
8 teams’ ability to implement instructional
9 reform at the school or network level.

10 “(F) Supporting nonprofit organizations or
11 local educational agencies working with net-
12 works of schools with site-based decisionmaking
13 authority, including supporting guidance, tech-
14 nical assistance, and training for implementing
15 a site-based decisionmaking model and scaling
16 up the best and proven practices from these
17 schools across a school network.

18 【“(G) Supporting educational support or-
19 ganizations that provide high quality before
20 school, after school, or in school academic, emo-
21 tional, and behavioral supports that may in-
22 clude—】

23 【“(i) high quality exposure to arts,
24 athletic, and service opportunities for stu-
25 dents;】

1 【“(ii) mentoring programs that pro-
2 vide instructional and behavioral support;
3 and】

4 【“(iii) wrap-around service programs
5 that provide social, emotional, or behav-
6 ioral support to students and parents
7 through school or community-based pro-
8 gramming.】

9 **“SEC. 1118. PARENTAL INVOLVEMENT.**

10 “(a) LOCAL EDUCATIONAL AGENCY POLICY.—

11 “(1) IN GENERAL.—A local educational agency
12 may receive funds under this part only if such agen-
13 cy implements programs, activities, and procedures
14 for the involvement of parents in programs assisted
15 under this part consistent with this section. Such
16 programs, activities, and procedures shall be planned
17 and implemented with meaningful consultation with
18 parents of participating children.

19 “(2) WRITTEN POLICY.—Each local educational
20 agency that receives funds under this part shall de-
21 velop jointly with, agree on with, and distribute to,
22 parents of participating children a written parent in-
23 volvement policy, with parents having a role in the
24 planning process. The policy shall be incorporated
25 into the local educational agency’s plan developed

1 under section 1112, establish the agency's expecta-
2 tions for parent involvement, and describe how the
3 agency will—

4 “(A) involve parents in the joint develop-
5 ment of the plan under section 1112, and the
6 process of school review and improvement under
7 section 1116;

8 “(B) provide opportunities for meaningful
9 parent involvement in the decisions that affect
10 children and families, including school policies,
11 practices, reform issues, and goals;

12 “(C) connect the policy to the school's edu-
13 cational goals;

14 “(D) provide the coordination, technical
15 assistance, and other support necessary to as-
16 sist participating schools in planning and imple-
17 menting effective parent involvement activities
18 to improve student academic achievement and
19 school performance;

20 “(E) build the schools' and parents' capac-
21 ity for strong parental involvement as described
22 in subsection (e);

23 “(F) coordinate and integrate parental in-
24 volvement strategies under this part with paren-
25 tal involvement strategies under other pro-

1 grams, such as the Head Start program, Read-
2 ing First program, Early Reading First pro-
3 gram, Even Start program, Striving Readers,
4 and State-run preschool programs;

5 “(G) conduct, with the involvement of par-
6 ents, an annual evaluation of the content and
7 effectiveness of the parental involvement policy
8 in improving the academic quality of the schools
9 served under this part, including identifying
10 barriers to greater participation by parents in
11 activities authorized by this section (with par-
12 ticular attention to parents who are economi-
13 cally disadvantaged, are disabled, are English
14 language learners, have limited literacy, are In-
15 dian, or are of any racial or ethnic minority
16 background), and use the findings of such eval-
17 uation to design strategies for more effective
18 parental involvement, and to revise, if nec-
19 essary, the parental involvement policies de-
20 scribed in this section;

21 “(H) involve parents in the activities of the
22 schools served under this part;

23 “(I) involve parents in the school safety re-
24 quirements in title IV;

1 “(J) provide details on resources, pro-
2 grams, materials, and activities that help par-
3 ents support the academic achievement of their
4 children both in and outside of the classroom;

5 “(K) identify communication mechanisms
6 between the local educational agency and par-
7 ents that will be used to disseminate informa-
8 tion quickly and using a format and, to the ex-
9 tent practicable, language that is clear and eas-
10 ily understood;

11 “(L) establish how the local educational
12 agency will receive and process feedback and
13 comments from parents and parent groups on
14 their school’s parent involvement policy; and

15 “(M) detail how each school plans to in-
16 crease community involvement, including both
17 in-school and out-of-school activities.

18 “(3) RESERVATION.—

19 “(A) IN GENERAL.—Each local educational
20 agency shall reserve not less than 1 percent of
21 such agency’s allocation under subpart 2 of this
22 part to carry out this section, including pro-
23 moting family literacy and parenting skills, ex-
24 cept that this paragraph shall not apply if 1
25 percent of such agency’s allocation under sub-

1 part 2 of this part for the fiscal year for which
2 the determination is made is \$5,000 or less.

3 “(B) PARENTAL INPUT.—Parents of chil-
4 dren receiving services under this part shall be
5 involved in the decisions regarding how funds
6 reserved under subparagraph (A) are allotted
7 for parental involvement activities.

8 “(C) DISTRIBUTION OF FUNDS.—Not less
9 than 95 percent of the funds reserved under
10 subparagraph (A) shall be distributed to schools
11 served under this part.

12 “(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

13 “(1) IN GENERAL.—Each school served under
14 this part shall jointly develop with, and distribute to,
15 parents of participating children a written parental
16 involvement policy, agreed on by such parents, that
17 shall describe the means for carrying out the re-
18 quirements of subsections (c) through (f). Parents
19 shall be notified of the policy in an understandable
20 and uniform format and, to the extent practicable,
21 provided in a language the parents can understand.
22 Such policy shall be made available to the local com-
23 munity and updated periodically to meet the chang-
24 ing needs of parents and the school.

1 “(2) SPECIAL RULE.—If the school has a pa-
2 rental involvement policy that applies to all parents,
3 such school may amend that policy, if necessary, to
4 meet the requirements of this subsection.

5 “(3) AMENDMENT.—If the local educational
6 agency involved has a school local educational agen-
7 cywide parental involvement policy that applies to all
8 parents, such agency may amend that policy, if nec-
9 essary, to meet the requirements of this subsection.

10 “(4) PARENTAL COMMENTS.—If the plan under
11 section 1112 is not satisfactory to the parents of
12 participating children, the local educational agency
13 shall submit any parent comments with such plan
14 when such local educational agency submits the plan
15 to the State.

16 “(c) POLICY INVOLVEMENT.—Each school served
17 under this part shall—

18 “(1) convene an annual meeting, at a conven-
19 ient time, to which all parents of participating chil-
20 dren shall be invited and encouraged to attend, to
21 inform parents of their school’s participation under
22 this part and to explain the requirements of this
23 part, and the right of the parents to be involved;

24 “(2) offer a flexible number of meetings, such
25 as meetings in the morning or evening, and may

1 provide, with funds provided under this part, trans-
2 portation, child care, or home visits, as such services
3 relate to parental involvement;

4 “(3) involve parents, in an organized, ongoing,
5 and timely way, in the planning, review, and im-
6 provement of programs under this part, including
7 the planning, review, and improvement of the school
8 parental involvement policy and the joint develop-
9 ment of the schoolwide program plan under section
10 1114(b)(2), except that if a school has in place a
11 process for involving parents in the joint planning
12 and design of the school’s programs, the school may
13 use that process, if such process includes an ade-
14 quate representation of parents of participating chil-
15 dren;

16 “(4) provide parents of participating children—
17 “(A) timely information about programs
18 under this part;

19 “(B) a description and explanation of the
20 curriculum in use at the school, the forms of
21 academic assessment used to measure student
22 progress, and the proficiency levels students are
23 expected to meet; and

24 “(C) if requested by parents, opportunities
25 for regular meetings to formulate suggestions

1 and to participate, as appropriate, in decisions
2 relating to the education of their children, and
3 respond to any such suggestions as soon as
4 practicably possible; and

5 “(5) if the schoolwide program plan under sec-
6 tion 1114(b)(2) is not satisfactory to the parents of
7 participating children, submit any parent comments
8 on the plan when the school makes the plan avail-
9 able to the local educational agency.

10 “(d) SHARED RESPONSIBILITIES FOR IMPROVED
11 STUDENT ACADEMIC ACHIEVEMENT.—As a component of
12 the school-level parental involvement policy developed
13 under subsection (b), each school served under this part
14 shall jointly develop with parents for all children served
15 under this part a school-parent compact that outlines how
16 parents, the entire school staff, and students will share
17 the responsibility for improved student academic achieve-
18 ment and the means by which the school and parents will
19 build and develop a partnership to help children achieve
20 the State’s high standards. Such compact shall—

21 “(1) describe the school’s responsibility to pro-
22 vide high-quality curriculum and instruction in a
23 supportive and effective learning environment that
24 enables the children served under this part to meet
25 the State’s student academic achievement standards,

1 and the ways in which each parent will be respon-
2 sible for supporting their children’s learning, such as
3 monitoring attendance, monitoring homework com-
4 pletion, and monitoring television watching; volun-
5 teering in their child’s classroom; and participating,
6 as appropriate, in decisions relating to the education
7 of their children and positive use of extracurricular
8 time;

9 “(2) address the importance of communication
10 between teachers and parents on an ongoing basis
11 through, at a minimum—

12 “(A) parent-teacher conferences in elemen-
13 tary schools, at least annually, during which the
14 compact shall be discussed as the compact re-
15 lates to the individual child’s achievement;

16 “(B) frequent reports to parents on their
17 children’s progress; and

18 “(C) reasonable access to staff, opportuni-
19 ties to volunteer and participate in their child’s
20 class, and observation of classroom activities;
21 and

22 “(3) be based on current student academic
23 achievement data and academic goals that will help
24 strengthen the core academic subjects the data sug-
25 gests need to be improved.

1 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
2 ensure effective involvement of parents and to support a
3 partnership among the school involved, parents, and the
4 community to improve student academic achievement,
5 each school and local educational agency assisted under
6 this part—

7 “(1) shall provide assistance to parents of chil-
8 dren served by the school or local educational agen-
9 cy, as appropriate, in understanding such topics as
10 the State’s academic content standards and State
11 student academic achievement standards, State and
12 local academic assessments, the requirements of this
13 part, and how to monitor a child’s progress and
14 work with educators to improve the achievement of
15 their children;

16 “(2) shall provide materials and training to
17 help parents to work with their children to improve
18 their children’s achievement, such as literacy train-
19 ing and using technology, as appropriate, to foster
20 parental involvement;

21 “(3) shall educate teachers, specialized instruc-
22 tional support personnel, principals, and other staff,
23 with the assistance of parents, in the value and util-
24 ity of contributions of parents, and in how to reach
25 out to, communicate with, and work with parents as

1 equal partners, implement and coordinate parent
2 programs, and build ties between parents and the
3 school;

4 “(4) shall, to the extent feasible and appro-
5 priate, coordinate and integrate parent involvement
6 programs and activities with Head Start, Reading
7 First, Early Reading First, Even Start, Striving
8 Readers, and public preschool and other programs,
9 and conduct other activities, such as parent resource
10 centers, that encourage and support parents in more
11 fully participating in the education of their children;

12 “(5) shall ensure that information related to
13 school and parent programs, meetings, and other ac-
14 tivities is sent to the parents of participating chil-
15 dren using multiple communication tools, such as
16 the Internet, e-mail, newsletters, telephone calls,
17 home visits, television shows, local educational agen-
18 cy publications and websites, and other public rela-
19 tions tools to reach out to parents and inform them
20 about their rights and responsibilities under this
21 Act, in a format and, to the extent practicable, in
22 a language the parents can understand;

23 “(6) may involve parents in the development of
24 training for teachers, principals, and other educators
25 to improve the effectiveness of such training;

1 “(7) may provide necessary literacy training
2 from funds received under this part if the local edu-
3 cational agency has exhausted all other reasonably
4 available sources of funding for such training;

5 “(8) may pay reasonable and necessary ex-
6 penses associated with local parental involvement ac-
7 tivities, including transportation and child care
8 costs, to enable parents to participate in school-re-
9 lated meetings and training sessions;

10 “(9) may train parents to enhance the involve-
11 ment of other parents;

12 “(10) may arrange school meetings at a variety
13 of times, or conduct in-home conferences between
14 teachers or other educators, who work directly with
15 participating children, with parents who are unable
16 to attend such conferences at school, in order to
17 maximize parental involvement and participation;

18 “(11) may adopt and implement model ap-
19 proaches to improving parental involvement;

20 “(12) may establish a local educational agency-
21 wide parent advisory council to provide advice on all
22 matters related to parental involvement in programs
23 supported under this section;

1 “(13) may develop appropriate roles for com-
2 munity-based organizations and businesses in parent
3 involvement activities; and

4 “(14) shall provide such other reasonable sup-
5 port for parental involvement activities under this
6 section as parents may request.

7 “(f) ACCESSIBILITY.—In carrying out the parental
8 involvement requirements of this part, local educational
9 agencies and schools, to the extent practicable, shall pro-
10 vide full opportunities for the participation of parents who
11 are English language learners, parents with disabilities,
12 and parents of migratory children, parents of homeless
13 children and youth, including providing information and
14 school reports required under section 1111 in a format
15 and, to the extent practicable, in a language such parents
16 understand.

17 “(g) INFORMATION FROM PARENTAL INFORMATION
18 AND RESOURCE CENTERS.—In a State where a parental
19 information and resource center is established to provide
20 training, information, and support to parents and individ-
21 uals who work with local parents, local educational agen-
22 cies, and schools receiving assistance under this part, each
23 local educational agency or school that receives assistance
24 under this part and is located in the State shall assist
25 parents and parental organizations by informing such par-

1 ents and organizations of the existence and purpose of
2 such centers.

3 “(h) REVIEW.—The State educational agency shall
4 review the local educational agency’s parental involvement
5 policies and practices to determine if the policies and prac-
6 tices meet the requirements of this section.

7 **【“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-
8 PROFESSIONALS.**

9 **【“(a) TEACHER QUALIFICATIONS AND MEASURABLE
10 OBJECTIVES.—】**

11 **【“(1) IN GENERAL.—**Each local educational
12 agency receiving assistance under this part shall en-
13 sure that all teachers hired and teaching in a pro-
14 gram supported with funds under this part are high-
15 ly qualified.**】**

16 **【“(2) STATE PLAN.—**As part of the plan de-
17 scribed in section 1111, each State educational
18 agency receiving assistance under this part shall de-
19 velop a plan to ensure that its compliance with the
20 requirement that all teachers teaching in core aca-
21 demic subjects within the State be highly qualified.
22 Such plan—**】**

23 **【“(A) shall demonstrate how each local
24 educational agency and school will ensure that
25 all teachers of core academic subjects in each**

1 public elementary school and secondary school
2 are highly qualified;】

3 【“(B) shall demonstrate that teachers are
4 receiving high quality professional development
5 to enable teachers to meet the requirement in
6 this paragraph and become effective classroom
7 teachers and】

8 【“(C) shall meet the requirements of sec-
9 tion 【1111(b)(11)(C)】 regarding the equitable
10 distribution of highly qualified teachers; and】

11 【“(D) may include such measures as the
12 State educational agency determines to be ap-
13 propriate to increase teacher qualifications and
14 classroom effectiveness.】

15 【“(3) LOCAL PLAN.—As part of the plan de-
16 scribed in section 1112, each local educational agen-
17 cy receiving assistance under this part shall develop
18 a plan to ensure its compliance with the requirement
19 that all teachers teaching within the school district
20 served by the local educational agency are highly
21 qualified.】

22 【“(b) REPORTS.—】

23 【“(1) ANNUAL STATE AND LOCAL REPORTS.—
24 】

1 **【“(A) LOCAL REPORTS.—**Until such time
2 as the Secretary determines that the State edu-
3 cational agency has met the requirement de-
4 scribed in subsection (a)(2), such educational
5 agency described in subsection (a)(2) shall re-
6 quire each local educational agency receiving
7 funds under this part to publicly report, each
8 year, the annual progress of the local edu-
9 cational agency as a whole and of each of the
10 schools served by the agency, in meeting the re-
11 quirements described in subsection (a)(2).**】**

12 **【“(B) STATE REPORTS.—**Until such time
13 as the Secretary determines that the State edu-
14 cational agency has met the requirements de-
15 scribed in subsection (a)(2), the State edu-
16 cational agency receiving assistance under this
17 part shall prepare and submit each year, a re-
18 port to the Secretary, describing the State edu-
19 cational agency’s progress in meeting the re-
20 quirements described in subsection (a)(2).**】**

21 **【“(C) INFORMATION FROM OTHER RE-**
22 **REPORTS.—**A State educational agency or local
23 educational agency may submit information
24 from the reports described in section **【1111(h)】**
25 for the purposes of this subsection, if such re-

1 port is modified, as may be necessary, to con-
2 tain the information required by this sub-
3 section, and may submit such information as a
4 part of the reports required under section
5 **【1111(h).】**

6 **【“(2) ANNUAL REPORTS BY THE SEC-
7 RETARY.—Each year the Secretary shall publicly re-
8 port the annual progress of State educational agen-
9 cies, local educational agencies, and schools, in meet-
10 ing the requirements described in subsection (a)(2).】**

11 **【“(c) PARAPROFESSIONALS.—】**

12 **【“(1) IN GENERAL.—Each local educational
13 agency receiving assistance under this part shall en-
14 sure that all paraprofessionals working in a program
15 supported with funds under this part shall have—】**

16 **【“(A) completed at least 2 years of study
17 at an institution of higher education;】**

18 **【“(B) obtained an associate’s (or higher)
19 degree; or】**

20 **【“(C) met a rigorous standard of quality
21 and can demonstrate, through a formal State or
22 local academic assessment—】**

23 **【“(i) knowledge of, and the ability to
24 assist in instructing, reading, writing, and
25 mathematics; or】**

1 【“(ii) knowledge of, and the ability to
2 assist in instructing, reading readiness,
3 writing readiness, and mathematics readi-
4 ness, as appropriate.】

5 【“(2) CLARIFICATION.—The receipt of a high
6 school diploma (or its recognized equivalent) shall be
7 necessary but not sufficient to satisfy the require-
8 ments of paragraph (1)(C).】

9 【“(d) EXCEPTIONS FOR TRANSLATION AND PAREN-
10 TAL INVOLVEMENT ACTIVITIES.—Subsection (c) shall not
11 apply to a paraprofessional—】

12 【“(1) who is proficient in English and a lan-
13 guage other than English and who provides services
14 primarily to enhance the participation of children in
15 programs under this part by acting as a translator;
16 or】

17 【“(2) whose duties consist solely of conducting
18 parental involvement activities consistent with sec-
19 tion 1118.】

20 【“(e) DUTIES OF PARAPROFESSIONALS.—】

21 【“(1) IN GENERAL.—Each local educational
22 agency receiving assistance under this part shall en-
23 sure that a paraprofessional working in a program
24 supported with funds under this part is not assigned
25 a duty inconsistent with this subsection.】

1 **【“(2) RESPONSIBILITIES PARAPROFESSIONALS**
2 **MAY BE ASSIGNED.—A paraprofessional described in**
3 **paragraph (1) may be assigned—】**

4 **【“(A) to provide one-on-one tutoring for**
5 **eligible students, if the tutoring is scheduled at**
6 **a time when a student would not otherwise re-**
7 **ceive instruction from a teacher;】**

8 **【“(B) to assist with classroom manage-**
9 **ment, such as organizing instructional and**
10 **other materials;】**

11 **【“(C) to provide assistance in a computer**
12 **laboratory;】**

13 **【“(D) to conduct parental involvement ac-**
14 **tivities;】**

15 **【“(E) to provide support in a library or**
16 **media center;】**

17 **【“(F) to act as a translator; or】**

18 **【“(G) to provide instructional services to**
19 **students in accordance with paragraph (3).】**

20 **【“(3) ADDITIONAL LIMITATIONS.—A para-**
21 **professional described in paragraph (1)—】**

22 **【“(A) may not provide any instructional**
23 **service to a student unless the paraprofessional**
24 **is working under the direct supervision of a**
25 **teacher consistent with this section; and】**

1 【“(B) may assume limited duties that are
2 assigned to similar personnel who are not work-
3 ing in a program supported with funds under
4 this part, including duties beyond classroom in-
5 struction or that do not benefit participating
6 children, so long as the amount of time spent
7 on such duties is the same proportion of total
8 work time as prevails with respect to similar
9 personnel at the same school.】

10 【“(f) USE OF FUNDS.—A local educational agency
11 receiving funds under this part may use such funds to sup-
12 port ongoing training and professional development to as-
13 sist teachers and paraprofessionals in satisfying the re-
14 quirements of this section.】

15 【“(g) VERIFICATION OF COMPLIANCE.—】

16 【“(1) IN GENERAL.—In verifying compliance
17 with this section, each local educational agency, at
18 a minimum, shall require that the principal of each
19 school operating a program under 【section 1114 or
20 1115】 attest annually in writing as to whether such
21 school is in compliance with the requirements of this
22 section.】

23 【“(2) AVAILABILITY OF INFORMATION.—Copies
24 of attestations under paragraph (1)—】

1 **【“(A) shall be maintained at each school**
2 **operating a program under section 1114 or**
3 **1115 and at the main office of the local edu-**
4 **catational agency; and】**

5 **【“(B) shall be available to any member of**
6 **the general public on request.】**

7 **【“(h) COMBINATIONS OF FUNDS.—Funds provided**
8 **under this part that are used for professional development**
9 **purposes may be combined with funds provided under title**
10 **II of this Act, other Acts, and other sources.】**

11 **【“(i) SPECIAL RULE.—Except as provided in sub-**
12 **section (j), no State educational agency shall require a**
13 **school or a local educational agency to expend a specific**
14 **amount of funds for professional development activities**
15 **under this part, except that this paragraph shall not apply**
16 **with respect to requirements under section 1116(c)(3).】**

17 **“(j) MINIMUM EXPENDITURES.—Until such time as**
18 **the Secretary determines that the State educational agen-**
19 **cy has met the requirements of subsection (a)(2), each**
20 **local educational agency within such State shall use not**
21 **less than 5 percent or more than 10 percent of funds for**
22 **professional development activities to ensure that such**
23 **local educational agency meets such requirements, except**
24 **that this subsection shall not apply to a local educational**
25 **agency if such State educational agency can demonstrate**

1 to the Secretary that such local educational agency has
2 met the requirements in subsection (a)(2).

3 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
4 **PRIVATE SCHOOLS.**

5 “(a) GENERAL REQUIREMENT.—

6 “(1) IN GENERAL.—To the extent consistent
7 with the number of eligible children identified under
8 section 1115(b) in the school district served by a
9 local educational agency who are enrolled in private
10 elementary schools and secondary schools, a local
11 educational agency shall, after timely and meaning-
12 ful consultation with appropriate private school offi-
13 cials, provide such children, on an equitable basis,
14 special educational services or other benefits under
15 this part (such as dual enrollment, educational radio
16 and television, computer equipment and materials,
17 other technology, and mobile educational services
18 and equipment) that address their needs, and shall
19 ensure that teachers and families of the children
20 participate, on an equitable basis, in services and ac-
21 tivities developed pursuant to sections 1118 and
22 1119.

23 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—

24 Such educational services or other benefits, including

1 materials and equipment, shall be secular, neutral,
2 and nonideological.

3 “(3) EQUITY.—

4 “(A) IN GENERAL.—Educational services
5 and other benefits for such private school chil-
6 dren shall be equitable in comparison to serv-
7 ices and other benefits for public school chil-
8 dren participating under this part, and shall be
9 provided in a timely manner.

10 “(B) RESERVED FUNDS.—If a local edu-
11 cational agency reserves funds under this part
12 to provide instructional and related activities
13 for public elementary or secondary school stu-
14 dents at the district level, the local educational
15 agency must also provide from those funds, as
16 applicable, equitable services to eligible private
17 school children, except that this requirement
18 shall not apply to funds reserved for school im-
19 provement activities, including funds reserved
20 under subparagraphs (B) and (C) of section
21 1116(f)(1).

22 “(C) NOTIFICATION.—To help ensure equi-
23 table services to private school students, teach-
24 ers, and other personnel, the State educational
25 agency annually shall notify private school offi-

1 cials of the identity of the State official or offi-
2 cials responsible for implementation of the re-
3 quirements of this section.

4 “(4) EXPENDITURES.—Expenditures for edu-
5 cational services and other benefits to eligible private
6 school children shall be equal to the proportion of
7 funds allocated to participating school attendance
8 areas based on the number of children from low-in-
9 come families who attend private schools, which the
10 local educational agency may determine each year or
11 every 2 years.

12 “(5) PROVISION OF SERVICES.—The local edu-
13 cational agency may provide services under this sec-
14 tion directly or through contracts with public and
15 private agencies, organizations, and institutions.

16 “(b) CONSULTATION.—

17 “(1) IN GENERAL.—To ensure timely and
18 meaningful consultation, a local educational agency
19 shall consult with appropriate private school officials
20 during the design and development of such agency’s
21 programs under this part, on issues such as—

22 “(A) how the children’s needs will be iden-
23 tified;

24 “(B) what services will be offered;

1 “(C) how, where, and by whom the services
2 will be provided;

3 “(D) how the services will be academically
4 assessed, and how the results of that assess-
5 ment will be used to improve those services;

6 “(E) the size and scope of the equitable
7 services to be provided to the eligible private
8 school children, the proportion of funds that is
9 allocated under subsection (a)(4) for such serv-
10 ices, and how that proportion of funds is deter-
11 mined (which determination may include con-
12 sideration of any formula by which such funds
13 are made available to the local educational
14 agency);

15 “(F) the method or sources of data that
16 are used under subsection (c) and section
17 1113(c)(1) to determine the number of children
18 from low-income families in participating school
19 attendance areas who attend private schools;

20 “(G) how and when the agency will make
21 decisions about the delivery of services to such
22 children, including a thorough consideration
23 and analysis of the views of the private school
24 officials on the provision of services through a

1 contract with potential third-party providers;
2 and

3 “(H) how, if the agency disagrees with the
4 views of the private school officials on the provi-
5 sion of services through a contract or the on-
6 site delivery of services to private school stu-
7 dents, the local educational agency will provide
8 in writing to such private school officials an
9 analysis of the reasons why the local edu-
10 cational agency has chosen not to use a con-
11 tractor or not to deliver services on-site at the
12 private schools.

13 “(2) TIMING.—Such consultation shall include
14 meetings of agency and private school officials and
15 shall occur before the local educational agency
16 makes any decision that affects the opportunities of
17 eligible private school children to participate in pro-
18 grams under this part. Such meetings shall continue
19 throughout implementation and assessment of serv-
20 ices provided under this section.

21 “(3) DISCUSSION.—Such consultation shall in-
22 clude a discussion of service delivery mechanisms a
23 local educational agency can use to provide equitable
24 services to eligible private school children.

1 “(4) DOCUMENTATION.—Each local educational
2 agency shall maintain in the agency’s records and
3 provide to the State educational agency involved a
4 written affirmation signed by officials of each par-
5 ticipating private school that the consultation re-
6 quired by this section has occurred. If such officials
7 do not provide such affirmation within a reasonable
8 period of time, the local educational agency shall for-
9 ward the documentation that such consultation, or
10 attempts at consultation, have taken place to the
11 State educational agency.

12 “(5) COMPLIANCE.—

13 “(A) IN GENERAL.—A private school offi-
14 cial shall have the right to complain to the
15 State educational agency that the local edu-
16 cational agency did not comply with the re-
17 quirements of this section.

18 “(B) PROCEDURE.—If the private school
19 official wishes to complain, the official shall
20 provide the basis of the noncompliance with this
21 section by the local educational agency to the
22 State educational agency, and the local edu-
23 cational agency shall forward the appropriate
24 documentation to the State educational agency.

1 “(c) ALLOCATION FOR EQUITABLE SERVICE TO PRI-
2 VATE SCHOOL STUDENTS.—

3 “(1) CALCULATION.—A local educational agen-
4 cy shall have the final authority, consistent with this
5 section, to calculate the number of children, ages 5
6 through 17, who are from low-income families and
7 attend private schools by—

8 “(A) using the same measure of low in-
9 come used to count public school children;

10 “(B) using the results of a survey that, to
11 the extent possible, protects the identity of fam-
12 ilies of private school students, and allowing
13 such survey results to be extrapolated if com-
14 plete actual data are unavailable;

15 “(C) applying the low-income percentage of
16 each participating public school attendance
17 area, determined pursuant to this section, to
18 the number of private school children who re-
19 side in that school attendance area; or

20 “(D) using an equated measure of low in-
21 come correlated with the measure of low income
22 used to count public school children.

23 “(2) COMPLAINT PROCESS.—Any dispute re-
24 garding low-income data for private school students

1 shall be subject to the complaint process authorized
2 in section 9505.

3 “(d) PUBLIC CONTROL OF FUNDS.—

4 “(1) IN GENERAL.—The control of funds pro-
5 vided under this part, and title to materials, equip-
6 ment, and property purchased with such funds, shall
7 be in a public agency, and a public agency shall ad-
8 minister such funds, materials, equipment, and
9 property.

10 “(2) PROVISION OF SERVICES.—

11 “(A) PROVIDER.—The provision of services
12 under this section shall be provided—

13 “(i) by employees of a public agency;

14 or

15 “(ii) through contract by such public
16 agency with an individual, association,
17 agency, or organization.

18 “(B) REQUIREMENT.—In the provision of
19 such services, such employee, individual, asso-
20 ciation, agency, or organization shall be inde-
21 pendent of such private school and of any reli-
22 gious organization, and such employment or
23 contract shall be under the control and super-
24 vision of such public agency.

1 “(e) STANDARDS FOR A BYPASS.—If a local edu-
2 cational agency is prohibited by law from providing for
3 the participation in programs on an equitable basis of eli-
4 gible children enrolled in private elementary schools and
5 secondary schools, or if the Secretary determines that a
6 local educational agency has substantially failed or is un-
7 willing, to provide for such participation, as required by
8 this section, the Secretary shall—

9 “(1) waive the requirements of this section for
10 such local educational agency;

11 “(2) arrange for the provision of services to
12 such children through arrangements that shall be
13 subject to the requirements of this section and sec-
14 tions 9503 and 9504; and

15 “(3) in making the determination under this
16 subsection, consider one or more factors, including
17 the quality, size, scope, and location of the program
18 and the opportunity of eligible children to partici-
19 pate.

20 **“SEC. 1121. FISCAL REQUIREMENTS.**

21 “(a) MAINTENANCE OF EFFORT.—A local edu-
22 cational agency may receive funds under this part for any
23 fiscal year only if the State educational agency involved
24 finds that the local educational agency has maintained the
25 agency’s fiscal effort in accordance with section 9521.

1 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
2 PLANT, NON-FEDERAL FUNDS.—

3 “(1) IN GENERAL.—A State educational agency
4 or local educational agency shall use Federal funds
5 received under this part only to supplement the
6 funds that would, in the absence of such Federal
7 funds, be made available from non-Federal sources
8 for the education of pupils participating in programs
9 assisted under this part, and not to supplant such
10 funds.

11 “(2) SPECIAL RULE.—No local educational
12 agency shall be required to provide services under
13 this part through a particular instructional method
14 or in a particular instructional setting in order to
15 demonstrate such agency’s compliance with para-
16 graph (1).

17 “(c) COMPARABILITY OF SERVICES.—

18 “(1) IN GENERAL.—

19 “(A) COMPARABLE FUNDING IN GEN-
20 ERAL.—Except as provided in paragraphs (4)
21 and (5), a local educational agency may receive
22 funds under this part only if the average ex-
23 penditure per pupil, of State and local funds for
24 teacher salaries, in the schools served under
25 this part is equal to or greater than the average

1 expenditure per pupil, of State and local funds
2 on teacher salaries, in schools that are not re-
3 ceiving funds under this part.

4 “(B) COMPARABLE FUNDING AMONG
5 SCHOOLS SERVED UNDER THIS PART.—If the
6 local educational agency is serving all of such
7 agency’s schools under this part, such agency
8 may receive funds under this part only if the
9 average expenditure per pupil, of State and
10 local funds on teacher salaries, in schools in the
11 two highest quintiles of the percentage of pupils
12 from low-income families is equal to or greater
13 than the average expenditure per pupil, of State
14 and local funds on teacher salaries, in schools
15 in the two lowest quintiles of the percentage of
16 pupils from low-income families.

17 “(C) BASIS.—A local educational agency
18 may meet the requirements of subparagraphs
19 (A) and (B) on a grade-span by grade-span
20 basis or a school-by-school basis.

21 “(2) EQUIVALENCE.—

22 “(A) IN GENERAL.—A local educational
23 agency shall be considered to have met the re-
24 quirements of paragraph (1) if such agency has
25 filed with the State educational agency an up to

1 date school-by-school listing of per-pupil ex-
2 penditures, **[on teacher salaries]** from State
3 and local sources, demonstrating comparability
4 across schools as required by subparagraphs
5 (A) and (B) of paragraph (1). For the purposes
6 of meeting the requirements of paragraph (1),
7 a local educational agency shall be considered to
8 have equal average expenditures per pupil on
9 teachers salaries from State and local funds if
10 such expenditures in schools served under this
11 part are 98 percent of the expenditures of
12 schools not served under this part.

13 “(B) DETERMINATIONS.—For the purpose
14 of this subsection, in the determination of ex-
15 penditures per pupil from State and local funds,
16 or instructional salaries per pupil from State
17 and local funds, staff salary differentials for
18 years of employment shall be included in such
19 determination.

20 “(3) MONITORING.—

21 “(A) REGULATIONS BY SECRETARY.—No
22 later than six months after the date of the en-
23 actment of **[short title of 2007 reauth]**, the
24 Secretary shall issue regulations to States on

1 their responsibility for meeting the require-
2 ments of this section.

3 “(B) REGULATIONS BY STATES.—Within
4 one year after the date on which regulations re-
5 quired by paragraph (1) are issued, each State
6 educational agency shall create and distribute
7 to local educational agencies, and make avail-
8 able to the public, regulations on the respon-
9 sibilities of local educational agencies for meet-
10 ing the requirements of this section.

11 “(C) PLAN BY LOCAL EDUCATIONAL AGEN-
12 CIES.—Within six months after the date on
13 which regulations required by paragraph (2) are
14 distributed, each local educational agency shall
15 develop and submit to the State educational
16 agency a plan, including a timeline and annual
17 benchmarks, that will ensure comparability as
18 described in subparagraphs (A) and (B) of
19 paragraph (1) not later than **【three years】**
20 after the date on which regulations required by
21 paragraph (2) are distributed. The plan shall be
22 made available, upon request, to the public.

23 “(D) PROGRESS.—Each State educational
24 agency shall issue guidelines or regulations to

1 local educational agencies to determine progress
2 in meeting the requirements of this section.

3 “(E) AUDIT.—In each of fiscal years 2008
4 and 2009, the Inspector General of the Depart-
5 ment shall audit 5 States and 10 local edu-
6 cational agencies to determine progress in meet-
7 ing the requirements of this section.

8 “(4) INAPPLICABILITY.—This subsection shall
9 not apply to a local educational agency that does not
10 have more than one building for each grade span.

11 “(5) COMPLIANCE.—For the purpose of deter-
12 mining compliance with paragraph (1), a local edu-
13 cational agency may exclude State and local funds
14 expended for—

15 “(A) language instruction educational pro-
16 grams;

17 “(B) the excess costs of providing services
18 to children with disabilities as determined by
19 the local educational agency; and

20 “(C) supplemental State or local funds in
21 any school attendance area or school for pro-
22 grams that meet the intent and purpose of this
23 part.

24 “(6) FORCED TRANSFERS.—Nothing in this
25 subsection shall be construed to require the forced or

1 involuntary transfer of any school personnel to com-
2 ply with subparagraph (A) of paragraph (1).

3 **“SEC. 1122. COORDINATION REQUIREMENTS.**

4 “(a) IN GENERAL.—Each local educational agency
5 receiving assistance under this part shall carry out the ac-
6 tivities described in subsection (b) with Head Start agen-
7 cies and, if feasible, other entities carrying out early child-
8 hood development programs such as the Early Reading
9 First program.

10 “(b) ACTIVITIES.—The activities referred to in sub-
11 section (a) are activities that increase coordination be-
12 tween the local educational agency and a Head Start agen-
13 cy and, if feasible, other entities carrying out early child-
14 hood development programs, such as the Early Reading
15 First program, serving children who will attend the
16 schools of the local educational agency, including—

17 “(1) developing and implementing a systematic
18 procedure for receiving records regarding such chil-
19 dren, transferred with parental consent from a Head
20 Start program or, where applicable, another early
21 childhood development program such as the Early
22 Reading First program;

23 “(2) establishing channels of communication be-
24 tween school staff and their counterparts (including
25 teachers, social workers, and health staff) in such

1 Head Start agencies or other entities carrying out
2 early childhood development programs such as the
3 Early Reading First program, as appropriate, to fa-
4 cilitate coordination of programs;

5 “(3) conducting meetings involving parents,
6 kindergarten or elementary school teachers, and
7 Head Start teachers or, if appropriate, teachers
8 from other early childhood development programs
9 such as the Early Reading First program, to discuss
10 the developmental and other needs of individual chil-
11 dren;

12 “(4) organizing and participating in joint tran-
13 sition-related training of school staff, Head Start
14 program staff, Early Reading First program staff,
15 and, where appropriate, other early childhood devel-
16 opment program staff; and

17 “(5) linking the educational services provided
18 by such local educational agency with the services
19 provided by local Head Start agencies and entities
20 carrying out Early Reading First programs.

21 “(c) COORDINATION OF REGULATIONS.—The Sec-
22 retary shall work with the Secretary of Health and Human
23 Services to coordinate regulations promulgated under this
24 part with regulations promulgated under the Head Start
25 Act.

1 **“SEC. 1123. DATA SYSTEMS AND REQUIREMENTS.**

2 “(a) IN GENERAL.—A State that receives funds
3 under this part shall, not later than 4 years after the date
4 of the enactment of the [insert short title of 2007 reau-
5 thorization], develop and implement a longitudinal data
6 system, which shall include public charter schools, that
7 meets the requirements of this section.

8 “(b) ADVISORY COMMITTEE.—

9 “(1) IN GENERAL.—In developing the data sys-
10 tem described in subsection (a), each State that re-
11 ceives funds under this section shall form a com-
12 mittee to advise the State on the development and
13 implementation of such system. Such committee
14 shall be established within 6 months of the date of
15 enactment of the [insert short title of 2007 reau-
16 thorization].

17 “(2) MEMBERSHIP.—Each individual serving on
18 the committee established under paragraph (1) shall
19 be selected by the State and have sufficient experi-
20 ence in and knowledge of the development, imple-
21 mentation, maintenance, and use of such data sys-
22 tems. In establishing the membership of the com-
23 mittee, each State shall ensure that such committee
24 includes, at a minimum—

1 “(A) public elementary and secondary
2 school teachers and members of organizations
3 representing teachers, including unions;

4 “(B) operating unions that represent
5 teachers;

6 “(C) principals and administrators of pro-
7 grams under this Act;

8 “(D) representatives of small and large
9 business operating or representing businesses;

10 “(E) representatives of civil rights organi-
11 zations; and

12 “(F) experts in educational research, sta-
13 tistical analysis and data privacy from institu-
14 tions of higher education or other research or-
15 ganizations.

16 “(c) ESSENTIAL ELEMENTS.—The data system re-
17 quired by subsection (a) shall include the following ele-
18 ments:

19 “(1) A unique statewide student identifier that
20 remains stable and consistent across time.

21 “(2) Student-level enrollment, demographic,
22 and program participation information, including in-
23 formation on individual students’ membership in the
24 groups described under section 1111(b)(2)(C),

1 school, grade, classroom level, enrollment, and at-
2 tendance.

3 “(3) The ability to match individual students’
4 scores on academic assessments required under this
5 Act from year to year.

6 “(4) Information described in paragraph (2) on
7 students that have not participated in the academic
8 assessments required under section 1111(b)(3) and
9 the reasons such students did not participate.

10 “(5) Student-level data on the entrance and exit
11 of the education system of each student, including
12 first time grade enrollment, grade level retention,
13 confirmed transfer status, dropout rates, receipt of
14 a regular high school diploma or nonstandard di-
15 ploma, passage of a General Educational Develop-
16 ment exam, incarceration, and death.

17 “(6) A statewide audit system to ensure the
18 quality, validity, and reliability of data in such sys-
19 tem.

20 “(7) A unique statewide teacher identifier that
21 remains consistent over time and matches all stu-
22 dent records described in this subsection to the ap-
23 propriate teacher.

1 “(8) Student-level transcript information, in-
2 cluding information on courses completed and
3 grades earned.

4 “(9) Includes, at a minimum, all data elements
5 required for reporting under this Act.

6 “(d) OTHER ELEMENTS.—The data system required
7 by subsection (a) may include the following elements:

8 “(1) Student-level data on participation in and
9 performance on college admissions and placement
10 assessments.

11 “(2) Ability to link information from preschool
12 through grade 12, including that of students with
13 disabilities, to data systems in higher education, and
14 to gather information on college enrollment, place-
15 ment, persistence, and attainment, and ability to
16 link data systems to data from workforce develop-
17 ment, unemployment insurance, child welfare, juve-
18 nile justice, and military services information sys-
19 tems.

20 “(e) REQUIREMENTS.—The data system required by
21 subsection (a) shall be developed and implemented to en-
22 sure the following:

23 “(1) That the State—

24 “(A) meets the requirements of section
25 444 of the General Education Provisions Act

1 (20 U.S.C. 1232g) (commonly known as the
2 Family Educational Rights and Privacy Act of
3 1974);

4 “(B) limits the use of information in the
5 longitudinal data system by institutions of high-
6 er education and State or local educational
7 agencies or institutions to the activities set
8 forth in paragraph (1) or State law regarding
9 education, consistent with the purposes of this
10 subtitle;

11 “(C) prohibits the disclosure of personally
12 identifiable information except as permitted
13 under section 444 of the General Education
14 Provisions Act and any additional limitations
15 set forth in State law;

16 “(D) keeps an accurate accounting of the
17 date, nature, and purpose of each disclosure of
18 personally identifiable information in the longi-
19 tudinal data system, a description of the infor-
20 mation disclosed, and the name and address of
21 the person, agency, institution, or entity to
22 whom the disclosure is made, which accounting
23 shall be made available on request to parents of
24 any student whose information has been dis-
25 closed;

1 “(E) notwithstanding section 444 of the
2 General Education Provisions Act, requires any
3 non-governmental party obtaining personally
4 identifiable information to sign a data use
5 agreement prior to disclosure that—

6 “(i) prohibits the party from further
7 disclosing the information;

8 “(ii) prohibits the party from using
9 the information for any purpose other than
10 the purpose specified in the agreement;
11 and

12 “(iii) requires the party to destroy the
13 information when the purpose for which
14 the disclosure was made is accomplished;

15 “(F) maintains adequate security measures
16 to ensure the confidentiality and integrity of the
17 longitudinal data system, such as protecting a
18 student record from identification by a unique
19 identifier;

20 “(G) where rights are provided to parents
21 under this clause, provides those rights to the
22 student instead of the parent if the student has
23 reached the age of 18 or is enrolled in a post-
24 secondary educational institution; and

1 “(H) ensures adequate enforcement of the
2 requirements of this paragraph.

3 “(2) The privacy of student records, consistent
4 with the Family Educational Rights and Privacy Act
5 of 1974 (20 U.S.C. 1232g).

6 “(3) Effective data architecture and storage, in-
7 cluding standard definitions and formatting, and
8 warehousing, including the ability to link student
9 records over time and across databases and to
10 produce standardized or customized reports for use
11 by local educators and policymakers, that—

12 “(A) is based on informational needs at
13 the classroom, school, local educational agency,
14 State, and Federal levels;

15 “(B) allows for longitudinal analysis of
16 student achievement growth and program eval-
17 uations; and

18 “(C) supports analyses and research to
19 evaluate the effectiveness of education related
20 programs and initiatives.

21 “(4) Interoperability among software interfaces
22 utilized to input, access, and analyze the data of
23 such system.

24 “(5) Interoperability with other systems **【devel-**
25 **oped and implemented pursuant to this section.】**

1 within the State and local educational agencies with
2 the State.

3 **【“(6) Interoperability with the system linking**
4 **migratory student records required under part C.】**

5 “(7) Electronic portability of data and records.

6 “(8) Professional development for **【those that**
7 **use and operate such system.】**

8 **【“(9) Researcher access to the data in such**
9 **system, consistent with the Family Educational**
10 **Rights and Privacy Act of 1974 (20 U.S.C.**
11 **1232g).】**

12 “(f) **PREEXISTING DATA SYSTEMS.**—A State that de-
13 veloped and implemented or was in the process of devel-
14 oping and implementing a longitudinal data system prior
15 to the date of the enactment of this section may use that
16 system for the purpose of this section, if the system other-
17 wise meets the requirements of this section.

18 “(g) **CERTIFICATION.**—Prior to the implementation
19 of the data system required by subsection (a), a State shall
20 submit an independently conducted audit to the Secretary
21 certifying that the data system developed and proposed to
22 be implemented by the State pursuant to this section
23 meets the requirements of this section.

24 “(h) **ALLOCATION.**—After reserving funds under sub-
25 section (l), from the funds appropriated under subsection

1 (m), the Secretary shall make an allocation to each State.
2 In making such allocation, the Secretary shall allocate 50
3 percent of such funds in a manner that provides an equal
4 amount to each State. The remainder of such funds shall
5 be allocated to each State based on each State's enroll-
6 ment of students in kindergarten through grade 12, com-
7 pared to all States.

8 “(i) APPLICATION.—The Secretary shall allot the
9 funds described in subsection (i) after the State submits
10 an application for such funds at such time, in such man-
11 ner, and containing such information, as the Secretary
12 may require.

13 “(j) PENALTIES.—Where any State is found not to
14 have made substantial progress toward implementation of
15 such a system three years after the date of the enactment
16 of [short title of 2007 reauthorization], the Secretary
17 may withhold up to 25 percent of the State's funds re-
18 served under section 1004.

19 “(k) ALLOWABLE USES OF FUNDS.—The State may
20 use the funds received under this section to—

21 “(1) develop, maintain, operate, and upgrade its
22 data systems;

23 “(2) provide data integrity training at the
24 school and State and local educational agency levels
25 to address technology maintenance needs at the

1 school and district levels, privacy policies (including
2 training related to the Family Educational Rights
3 and Privacy Act of 1974), data integrity issues, re-
4 port planning and processes;

5 “(3) provide professional development to teach-
6 ers, office personnel, principals, and administrators
7 on how to appropriately collect, report, and use data;

8 “(4) develop processes to analyze and dissemi-
9 nate best practices, strategies, and approaches re-
10 garding pedagogical advancement that will leverage
11 the data system to enhance teaching and learning,
12 including creating opportunities for individualized
13 instruction;

14 “(5) align statewide longitudinal data systems
15 with local student information management systems
16 and curriculum management systems, instructional
17 management systems, or learning management sys-
18 tems; or

19 “(6) conduct and publicly report on the findings
20 of data analyses to identify and fill areas in need of
21 improvement in policy and instructional practice.

22 “(1) RESERVATION FOR STATE EDUCATION DATA
23 CENTER.—

24 “(1) IN GENERAL.—From funds appropriated
25 under subsection (g), the Secretary shall reserve

1 【____】 percent, but no more than 【\$____】, for the
2 purpose of awarding a grant to 【one or more non-
3 profit entities】 to support the operation of a State
4 education data center.

5 “(2) APPLICATION.—A nonprofit entity that de-
6 sires a grant under this subpart shall submit an ap-
7 plication to the Secretary at such time, in such man-
8 ner, and accompanied by such information as the
9 Secretary may require. The Secretary shall award
10 such grant through a competitive process. Each ap-
11 plication for a grant shall—

12 “(A) provide an assurance that the entity
13 will seek private, non-Federal funds, in addition
14 the funds awarded under this subsection, to
15 support the operation of the State education
16 data center;

17 “(B) include a plan for continued financial
18 support of such center by private, non-Federal
19 funds;

20 “(C) describe the experience and knowl-
21 edge pertaining to education data system devel-
22 opment, implementation and use that the entity
23 will employ to operate such center; and

24 “(D) 【to be supplied?】.

1 “(3) USES OF FUNDS.—An entity which re-
2 ceives grant funds under this subsection shall use
3 such funds to—

4 “(A) provide technical assistance to the
5 States in the development, implementation and
6 user of State education longitudinal data sys-
7 tems required under this section;

8 “(B) disseminate best practices on the de-
9 velopment, implementation, and use of such
10 systems; and

11 “(C) [serve as a central repository for edu-
12 cation related data required under this Act.]

13 “(m) USE OF UNIQUE IDENTIFIERS.—

14 “(1) GOVERNMENTAL USE OF UNIQUE IDENTIFI-
15 FIERS.—It shall be unlawful for any Federal, State,
16 or local governmental agency to use the identifiers
17 employed in the longitudinal data systems for any
18 purpose other than as authorized by Federal or
19 State law regarding education, or to deny any indi-
20 vidual any right, benefit, or privilege provided by law
21 because of such individual’s refusal to disclose the
22 individual’s unique identifier.

23 “(2) REGULATIONS.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary shall promulgate regulations governing the

1 use by governmental and non-governmental entities
2 of the unique identifiers employed in longitudinal
3 data systems, including, where necessary, regula-
4 tions requiring States desiring grants for longitu-
5 dinal data systems under this section to implement
6 specified measures, with the goal of safeguarding in-
7 dividual privacy to the maximum extent practicable
8 consistent with the uses of the information author-
9 ized in this Act or other Federal or State law re-
10 garding education.

11 “(n) AUTHORIZATION OF APPROPRIATIONS.—For the
12 purposes of meeting the requirements of this section, there
13 are authorized to be appropriated [\$ _____] for
14 fiscal year 2008 and each of the 3 succeeding fiscal years.

15 **["SEC. 1124. GRADUATION RATES.**

16 **["(a) MAJOR DEFINITIONS.—In this subpart:]**

17 **["(1) ADJUSTED COHORT RATE.—The term**
18 **‘adjusted cohort rate’ means the rate in which—]**

19 **["(A) the denominator consists of the**
20 **number of students in the original cohort of**
21 **students who entered the entry grade together**
22 **in the entry year, adjusted by—]**

23 **["(i) adding the students who joined**
24 **that cohort, after the beginning of the**

1 entry year and before the conclusion of the
2 exit year, by enrolling; and】

3 【“(ii) subtracting only those students
4 who left that cohort, after the beginning of
5 the entry year and before the conclusion of
6 the exit year, by confirmed qualified trans-
7 fer, confirmed departure, or confirmed
8 death; and】

9 【“(B) the numerator consists of the num-
10 ber of students in the cohort, as adjusted under
11 subparagraph (A), who earned a regular high
12 school diploma before, during, or at the conclu-
13 sion of—】

14 【“(i) the exit year; or】

15 【“(ii) a summer session immediately
16 following the exit year.】

17 【“(2) EXTRA-YEAR ADJUSTED COHORT
18 RATE.—The term ‘extra-year adjusted cohort rate’
19 means the rate in which—】

20 【“(A) the denominator consists of the
21 number of students in the original cohort of
22 students who entered the entry grade together
23 in the entry year, adjusted by—】

24 【“(i) adding the students who joined
25 that cohort, after the beginning of the

1 entry year and before the conclusion of the
2 extra year, by enrolling; and】

3 【“(ii) subtracting only those students
4 who left that cohort, after the beginning of
5 the entry year and before the conclusion of
6 the extra year, by confirmed qualified
7 transfer, confirmed departure, or con-
8 firmed death; and】

9 【“(B) the numerator consists of the num-
10 ber of students in the cohort, as adjusted under
11 subparagraph (A), who earned a regular high
12 school diploma before, during, or at the conclu-
13 sion of—】

14 【“(i) the extra year; or】

15 【“(ii) a summer session immediately
16 following the extra year.】

17 【“(3) GRADUATION RATE.—The term ‘gradua-
18 tion rate’ includes the adjusted cohort rate and the
19 extra-year adjusted cohort rate.】

20 “(b) ANCILLARY DEFINITIONS.—In this section:

21 “(1) CONFIRMED DEATH.—The term ‘con-
22 firmed death’ means death, confirmed by the school
23 or local educational agency through formal docu-
24 mentation that the student has died.

1 “(2) CONFIRMED QUALIFIED TRANSFER.—The
2 term ‘confirmed qualified transfer’—

3 “(A) means a transfer—

4 “(i) by a student to another school,
5 local educational agency, or other edu-
6 cational program for which the student is
7 expected to receive a regular high school
8 diploma; and

9 “(ii) that is confirmed by the school
10 or the local educational agency through
11 formal documentation that the student has
12 enrolled in that other school, local edu-
13 cational agency, or other educational pro-
14 gram; and

15 “(B) does not include enrollment in a
16 GED or other alternative educational program
17 that does not issue or provide credit toward the
18 issuance of a regular diploma.

19 **【“(3) CONFIRMED DEPARTURE.—The term**
20 **‘confirmed departure’ means departure, confirmed**
21 **by the school or local educational agency through**
22 **formal documentation that the student has moved**
23 **out of the State or country.】**

24 “(4) ENTRY GRADE.—The term ‘entry grade’,
25 with respect to a secondary school, means the lowest

1 secondary school grade (e.g., grade 9) provided by
2 that secondary school.

3 “(5) ENTRY YEAR.—The term ‘entry year’, with
4 respect to a cohort of students, means the school
5 year at the beginning of which that cohort entered
6 the entry grade.

7 “(6) EXIT GRADE.—The term ‘exit grade’, with
8 respect to a secondary school, means the highest sec-
9 ondary school grade (e.g., grade 12) provided by
10 that school.

11 “(7) EXIT YEAR.—The term ‘exit year’, with re-
12 spect to a cohort of students, means the school year
13 at the end of which that cohort would be expected
14 to complete the exit grade, assuming the cohort com-
15 petes one grade per school year.

16 “(8) EXTRA YEAR.—The term ‘extra year’, with
17 respect to a cohort of students, means the school
18 year after the exit year.

19 “(9) REGULAR HIGH SCHOOL DIPLOMA.—

20 “(A) IN GENERAL.—The term ‘regular
21 high school diploma’—

22 “(i) means the standard diploma
23 awarded to the preponderance of students
24 in the State that is fully aligned with State
25 standards, or a higher diploma; and

1 “(ii) does not include a diploma
2 earned through passage of a General Edu-
3 cational Development Exam, certificate of
4 attendance, or any alternative diploma
5 award.

6 “(B) SPECIAL RULE.—In the case of a stu-
7 dent who has significant cognitive disabilities
8 and is assessed using an alternate assessment
9 aligned to alternate achievement standards, the
10 student shall, upon receipt of a regular high
11 school diploma or State-defined alternate di-
12 ploma aligned with completion of the student’s
13 entitlement under the Individuals with Disabil-
14 ities Education Act and consistent with State
15 law, be counted as a graduate with a regular
16 high school diploma for the purposes of this
17 Act. No more than one percent of students in
18 a local educational agency or State educational
19 agency may be counted as graduates with a reg-
20 ular high school diploma under this subpara-
21 graph.

22 “(c) GRADUATION RATE REQUIREMENTS.—

23 “(1) IN GENERAL.—Whenever a provision of
24 this Act requires or allows the reporting or other use

1 of graduation rates, the graduation rates to be so re-
2 ported or otherwise used are—

3 “(A) the adjusted cohort rate;

4 “(B) the extra-year adjusted cohort rate;

5 and

6 **【**“(C) the number of students who have
7 been removed from the cohort as described in
8 subsection (a)(2)(A)(ii) in the aggregate and
9 disaggregated by group described in paragraph
10 (2).**】**

11 “(2) DISAGGREGATION.—The graduation rates
12 specified in paragraph (1) shall be calculated at the
13 school, local educational agency, and State levels in
14 the aggregate and disaggregated by race, ethnicity,
15 gender, disability status, migratory status, English
16 proficiency, and status as economically disadvan-
17 taged, except that such disaggregation for the pur-
18 poses of determining adequate yearly progress—

19 “(A) shall not be required to the same ex-
20 tent disaggregation is not required under sec-
21 tion 1111(b)(2)(C)(v); and

22 “(B) shall not be required in the case in
23 which the number of students in a category is
24 insufficient to yield statistically reliable infor-
25 mation.

1 “(3) INTERIM RATE.—

2 “(A) IN GENERAL.—Subject to the other
3 provisions of this paragraph, a State that does
4 not have in effect a statewide longitudinal data
5 system with individual student identifiers may
6 use, instead of the graduation rates specified in
7 paragraph (1), an interim graduation rate that
8 meets the following requirements:

9 “(i) The calculation must measure or
10 estimate the number of students receiving
11 a standard high school diploma in the exit
12 year, as compared to the number of stu-
13 dents entering the school in the entry year.

14 “(ii) The calculation must not use
15 dropout data.

16 “(iii) The calculation is able to be
17 disaggregated under paragraph (2).

18 “(iv) The calculation may be used on
19 an annual basis to determine a rate of
20 growth.

21 “(B) INCLUSION IN PLAN.—The interim
22 graduation rate specified in subparagraph (A)
23 must be included by the State in its State plan
24 and approved by the Secretary.

1 “(C) LIMITATION.—The authority to use
2 an interim graduation rate does not apply for
3 school years after 2011-2012.

4 “(4) ALTERNATIVE EXPECTED COMPLETION
5 TIMES FOR ALTERNATIVE EDUCATIONAL SET-
6 TINGS.—

7 “(A) IN GENERAL.—If the State plan pro-
8 vides and the Secretary approves, a State may
9 provide an exemption to a local educational
10 agency under which an alternative educational
11 setting in that local educational agency may
12 use, instead of the graduation rates specified in
13 paragraph (1), an alternative expected comple-
14 tion time.

15 “(B) APPLICATION.—For each alternative
16 educational setting, in the local educational
17 agency seeking such a waiver, the local edu-
18 cational agency shall submit an application for
19 the waiver that shall include—

20 “(i) description of the educational
21 program; and

22 “(ii) the proposed alternative expected
23 completion time.

24 “(C) LIMITATION.—A student enrolled in
25 an alternative educational setting shall continue

1 to be counted as part of one cohort of the local
2 educational agency, for purposes of this section.

3 “(D) DEFINITION.—In this paragraph, the
4 term ‘alternative educational setting’ means a
5 secondary school or secondary educational pro-
6 gram that is designed—

7 “(i) for a student who has dropped
8 out of secondary school or is one or more
9 years behind the expected accumulation of
10 credits or courses toward an on-time grad-
11 uation, as determined by the secondary
12 school graduation requirements of the local
13 educational agency and State educational
14 agency and will receive a regular high
15 school diploma upon completion of the
16 course of study at such setting; or

17 “(ii) to issue a regular high school di-
18 ploma concurrently with either a postsec-
19 ondary degree or with up to two years of
20 college credit.

21 “(d) REPORTING OF ADDITIONAL COMPLEMENTARY
22 INDICATORS.—

23 “(1) IN GENERAL.—Whenever a provision of
24 this Act requires the reporting of graduation rates,

1 additional complementary indicators of secondary
2 school completion may also be reported, such as—

3 “(A) extended year graduation rates be-
4 yond the extra-year adjusted cohort rate;

5 “(B) a college-ready graduation rate;

6 “(C) a dropout rate;

7 “(D) in-grade retention rates;

8 “(E) percentages of continuing students
9 who have not graduated but are still in school;
10 and

11 “(F) in a State with exit exams, students
12 who have completed course requirements but
13 failed a State exam required for graduation.

14 “(2) REGULATIONS.—The Secretary shall de-
15 velop definitions for the indicators described in para-
16 graph (1), consistent with the National Center for
17 Educational Statistics, and provide those definitions
18 in regulations, to ensure that those indicators are
19 comparable across schools and districts within the
20 State.

21 “(e) DATA ANOMALIES.—When an individual student
22 record indicates that a student was enrolled in more than
23 one local educational agency, or indicates enrollment but
24 no subsequent information, that individual student record
25 shall be assigned to one cohort of one local educational

1 agency only, for purposes of this section. A student that
2 stays in school beyond the extra year considered under
3 paragraph (2), returns to school after dropping out, or re-
4 ceives a diploma from more than one school in a given
5 local educational agency shall be counted only once for re-
6 porting and accountability under sections 1111 and 1116
7 and this section, as part of their original cohort. Students
8 who were enrolled, but for whom there is no confirmation
9 of transfer, departure, or completion, shall remain in the
10 cohort as nongraduates for reporting under section 1111
11 and 1116 and this section or accountability purposes.

12 “(f) MONITORING OF DATA COLLECTION.—Each
13 State shall conduct regular audits of data collection, re-
14 porting, and calculations by local educational agencies re-
15 lating to secondary school graduation rates and additional
16 complementary indicators to confirm the accuracy of such
17 data. The Secretary shall assist States in their efforts to
18 develop and retain capacity for collection, analysis, and
19 public reporting of graduation rates and additional com-
20 plementary indicators.

21 “(g) SCHOOL, DISTRICT, AND STATE ACCOUNT-
22 ABILITY.—

23 “(1) GRADUATION RATE GOAL.—Each State
24 shall seek to have all students graduate from sec-

1 ondary school prepared for success in college and
2 work.

3 “(2) ADEQUATE YEARLY PROGRESS.—

4 “(A) IN GENERAL.—Beginning in the
5 2008–2009 school year, the secondary school or
6 local educational agency may not make ade-
7 quate yearly progress if the graduation rate or
8 for any group defined in section
9 1111(b)(2)(C)(v) is less than 90 percent, and
10 did not increase an average of—

11 “(i) 2.5 percentage points per year
12 since the baseline was established, if using
13 the adjusted cohort rate;

14 “(ii) 3 percentage points per year
15 since the baseline was established, if using
16 the extra-year adjusted cohort rate; or

17 “(iii) 2.5 percentage points per year
18 since the baseline was established, if using
19 the alternative expected completion time
20 rate described in subsection (c)(4).

21 “(B) DEFINITION OF BASELINE.—For
22 purposes of subparagraph (A), the adjusted co-
23 hort rate and the extra-year adjusted cohort
24 rate calculated and reported for the 2007-2008
25 school year shall serve as the baseline rates.

1 Annually thereafter, graduation rates calculated
2 at the school, local educational agency, and
3 State levels in the aggregate and the
4 disaggregate shall be evaluated for annual
5 growth in accordance with this section. The
6 baseline may be adjusted once, if the State has
7 been using an interim rate, when the State cal-
8 culates a new graduation rate using the data
9 from the individual student identifier longitu-
10 dinal data system.

11 “(3) CREDIT TOWARD ADEQUATE YEARLY
12 PROGRESS.—If a district meets the adequate yearly
13 progress requirement of paragraph (2), the State
14 may give credit to a school of up to 15 percent of
15 the school’s adequate yearly progress determination.

16 “(h) ALTERNATE GROWTH TARGETS.—A State may
17 develop an alternate system of determining annual targets
18 to that described in subsection (g)(2) if the system is peer
19 reviewed and is approved by the Secretary. Any such alter-
20 nate system shall—

21 “(1) be of equivalent rigor to the system de-
22 scribed in subsection (g)(2);

23 “(2) include annual growth targets for each
24 group described in 1111(b)(2)(C)(v) based on clos-
25 ing the gap between the baseline established for each

1 group and 100 percent in continuing, substantially
2 even increments over the timeline described in para-
3 graph (3);

4 “(3) for the purposes of this section, require
5 that all groups described in section 1111(b)(2)(C)(v)
6 achieve at least a 90 percent graduation rate by
7 2019-2020; and

8 “(4) allow schools the option to meet the aver-
9 age growth rates described in subsection (g)(2).

10 “(i) REPORTS TO SECRETARY.—The State edu-
11 cational agency shall submit to the Secretary, and make
12 publicly available, an annual report on the implementation
13 of this section. The first such report shall be submitted
14 not later than the end of the school year after the date
15 of the enactment of this section. Each such report shall
16 include—

17 “(1) a description of each category, code, and
18 the corresponding definitions that the State has au-
19 thorized for identifying, tracking, calculating, and
20 publicly reporting transfers out and other students
21 for which there is no information; and

22 “(2) if using an interim graduation rate, a de-
23 scription of efforts to implement the adjusted cohort
24 rate and the extra-year adjusted cohort rate and the
25 expected date of implementation.

1 **“SEC. 1125. PILOT PROGRAM TO INCLUDE LOCALLY DEVELOPED MEASURES.**
2

3 “(a) PILOT PROGRAM ESTABLISHED.—The Secretary may carry out a pilot program under this section under which up to 15 States may include, as part of the assessment system and in addition to State assessments described in section 1111, locally developed, classroom-embedded assessments. Such assessments may be different across local educational agencies and such assessment systems may be used for the purposes of determining adequate yearly progress under section 1111(b)(2).
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11

12 “(b) APPLICATION.—The State shall submit an application including information on how the State will comply with the requirement of this section and any other information the Secretary may require.
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16 “(c) PEER REVIEW REQUIRED.—The Secretary may approve an application under subsection (a) only after a peer review process has been conducted.
17
18

19 “(d) REQUIREMENTS.—To be eligible to participate in the pilot program, the State shall—
20

21 “(1) have its current assessment system approved by the Secretary;
22

23 “(2) demonstrate that it has developed a process to certify that the locally developed assessments are aligned with State standards, are comparable and measure the same level and range of rigorous
24
25
26

1 skills and content across all local educational agen-
2 cies;

3 “(3) demonstrate that it has in place an ongo-
4 ing review process to maintain such alignment and
5 comparability in all local educational agencies and in
6 particular, ensure continuous review of local edu-
7 cational agencies with high percentages of students
8 from groups of students referred to in section
9 1111(b)(2)(C)(v)(II);

10 “(4) demonstrate that the locally developed as-
11 sessments—

12 “(A) are developed in close and ongoing
13 collaboration with classroom teachers from the
14 local educational agency and experts on edu-
15 cational assessment in institutions of higher
16 education or other research institutions;

17 “(B) are aligned with State standards
18 under section 1111(b)(1);

19 “(C) measure what students have been
20 taught in the classroom;

21 “(D) include a substantial proportion of
22 both short and extended constructed response
23 items, such as performance-based measures,
24 that measure higher order thinking skills and
25 understanding, application and transferability

1 of knowledge, problem solving, analysis, and
2 synthesis;

3 “(E) are scored independently and objec-
4 tively based on a common, State developed ru-
5 bric;

6 “(F) meet all relevant assessment quality
7 requirements including technical quality stand-
8 ards in section 1111(b)(3);

9 “(G) include any other criteria the State
10 may choose to include; and

11 “(H) are not designed to be used to prac-
12 tice for, replicate, or predict performance on the
13 State assessment;

14 “(5) demonstrate how it will provide profes-
15 sional development to teachers and principals on
16 how to administer such assessments and how to
17 draw inferences from the results to benefit instruc-
18 tion and student learning;

19 “(6) demonstrate how it will provide training to
20 individuals scoring exams to ensure objectivity and
21 accuracy in scoring such assessments;

22 “(7) demonstrate that it has established an
23 independent peer review and quality control system
24 that includes experts in elementary and secondary
25 educational measurement and accountability and

1 representatives of local educational agencies, teach-
2 ers, principals, and school administrators, commu-
3 nity based organizations with expertise in edu-
4 cational assessment, and parent groups; and

5 “(8) demonstrate that it will—

6 “(A) allow an independent, rigorous, sci-
7 entifically based evaluation of the assessment
8 system that—

9 “(i) will evaluate whether the assess-
10 ment system is fully aligned to State
11 standards;

12 “(ii) measures the same level and
13 range of rigorous skills and content across
14 all local educational agencies, with par-
15 ticular focus on local educational agencies
16 with high percentages of students from the
17 groups described in section
18 1111(b)(2)(C)(v);

19 “(iii) is otherwise comparable across
20 local educational agencies; and

21 “(iv) improves instruction and ad-
22 vances individual student achievement;

23 “(B) amend or suspend the assessment
24 program approved under this section based on
25 the results of the evaluation; and

1 “(C) report the results of the evaluation
2 and its amendments to the Secretary.

3 “(e) PILOT EXPANSION.—After three years, the Sec-
4 retary shall review the results of the evaluations of partici-
5 pating States. If the Secretary finds that models used
6 under this section are effective and preserve the rigor and
7 comparability of the State-developed assessments, the Sec-
8 retary may expand the pilot to additional States.

9 “(f) RULE OF CONSTRUCTION.—This section shall
10 not be interpreted to require a net increase in classroom
11 based assessment on the part of schools or teachers.”.

12 **SEC. 103. AMENDMENTS TO SUBPART 2 OF PART A (ALLO-**
13 **CATIONS).**

14 (a) REDESIGNATIONS.—Subpart 2 of part A of title
15 I (20 U.S.C. 6331 et seq.) is amended by redesignating
16 sections 1121, 1122, 1124, 1124A, 1125, 1125AA,
17 1125A, 1126, and 1127 as sections 1151 through 1159,
18 respectively.

19 (b) CONFORMING AMENDMENTS.—

20 (1) WITHIN SUBPART 2 OF PART A.—

21 (A) FORMER 1121.—Section 1151 (as re-
22 designated by subsection (a)) is amended in
23 subsection (a) by striking “1125A(f)” and in-
24 serting “1157”.

1 (B) FORMER 1122.—Section 1152 (as so
2 redesignated) is amended—

3 (i) by striking “1124” each place such
4 term appears and inserting “1153”;

5 (ii) by striking “1124A” each place
6 such term appears (including, in subsection
7 (c)(2), where it appears as part of
8 “1124A(a)(1)(A)”) and inserting “1154”;

9 (iii) by striking “1125” each place
10 such term appears and inserting “1155”;
11 and

12 (iv) in subsection (e) by striking
13 “1125A” and inserting “1157”.

14 (C) FORMER 1124.—Section 1153 (as so
15 redesignated) is amended—

16 (i) in subsection (a)(1) by striking
17 “1126” and inserting “1158”; and

18 (ii) in subsection (d) by striking “sec-
19 tion 1122” and inserting “section 1152”.

20 (D) FORMER 1124A.—Section 1154 (as so
21 redesignated) is amended—

22 (i) in subsection (a)(1)(A) by striking
23 “1124” and “1124(e)” and inserting
24 “1153” and “1153(c)”, respectively;

1 (ii) in subsection (a)(1)(B) by striking
2 “section 1122” and inserting “section
3 1152”;

4 (iii) in subsection (a)(2) by striking
5 “1124(c)”, “1124(a)(1)(B)”, and
6 “1124(a)(4)” and inserting “1153(c)”,
7 “1153(a)(1)(B)”, and “1153(a)(4)”, re-
8 spectively;

9 (iv) in subsection (a)(4)(A) by strik-
10 ing “1124(a)(2)” and inserting
11 “1153(a)(2)”; and

12 (v) in subsection (b) by striking
13 “1124(c)” each place such term appears
14 and inserting “1153(c)”.

15 (E) FORMER 1125.—Section 1155 (as so
16 redesignated) is amended—

17 (i) in subsection (a)(1) by striking
18 “1124(c)” both places such term appears
19 and inserting “1153(c)”;

20 (ii) in subsection (b)(1)(B) by striking
21 “1124(a)(1)(B)” and inserting
22 “1153(a)(1)(B)”;

23 (iii) in subsection (b)(2) by striking
24 “1124(a)(4)” and inserting “1153(a)(4)”;

1 (iv) in subsection (c), in each of para-
2 graphs (1)(B)(i), (1)(C)(i), (1)(D),
3 (2)(B)(i), (2)(C)(i), and (2)(D), by striking
4 “1124(c)” and inserting “1153(c)”;

5 (v) in subsection (d) by striking
6 “1124(a)(2)” and inserting “1153(a)(2)”;
7 and

8 (vi) in subsection (e)—

9 (I) by striking “1122” and in-
10 serting “1152”; and

11 (II) in paragraph (2)(B), by
12 striking “1124(c)” both places such
13 term appears and inserting
14 “1153(c)”.

15 (F) FORMER 1125AA.—Section 1156 (as so
16 redesignated) is amended in subsection (b)—

17 (i) by striking “1122,” and inserting
18 “1152,”; and

19 (ii) by striking “1122(a)” and insert-
20 ing “1152(a)”.

21 (G) FORMER 1125A.—Section 1156 (as so
22 redesignated) is amended—

23 (i) in subsection (b)(1)(A) by striking
24 “1124(c)”, “1124(a)(1)(B)”,
25 “1124(a)(4)”, and “1124(a)(4)(A)(ii)” and

1 inserting “1153(c)”, “1153(a)(1)(B)”,
2 “1153(a)(4)”, and “1153(a)(4)(A)(ii)”, re-
3 spectively;

4 (ii) in subsection (b)(1)(B) by striking
5 “section 1122” and inserting “section
6 1152”;

7 (iii) in subsection (b)(1)(B)(ii)(II) by
8 striking “1124(c)” both places such term
9 appears and inserting “1153(c)”;

10 (iv) in subsection (b)(3)(A)(ii)(III) by
11 striking “1124(c)” and inserting
12 “1153(c)”;

13 (v) in subsection (c), in each of sub-
14 paragraphs (A) and (B), by striking
15 “1124(c)” and inserting “1153(c)”;

16 (vi) in subsection (d) by striking
17 “1124(c)” each place such term appears
18 and inserting “1153(c)”; and

19 (vii) in subsection (g)(3)(A) by strik-
20 ing “1124” and inserting “1153”.

21 (H) FORMER 1126.—Section 1158 (as so
22 redesignated) is amended—

23 (i) in subsection (a)(1)—

24 (I) by striking “1124(c)(1)(B)”

25 and inserting “1153(c)(1)(B)”; and

1 (II) by striking “1124, 1124A,
2 1125, and 1125A” and inserting
3 “1153, 1154, 1155, and 1157”; and
4 (ii) in each of subsections (b) and (c)
5 by striking “1124, 1124A, 1125, and
6 1125A” and inserting “1153, 1154, 1155,
7 and 1157”.

8 (2) ELSEWHERE IN ESEA.—

9 (A) 1003.—Section 1003(d)(2) is amended
10 by striking “1126(c)” and inserting “1158(e)”.

11 (B) 1202.—Section 1202(c)(6)(B)(ii) is
12 amended by striking “1124(c)” and inserting
13 “1153(c)”.

14 (C) 1204.—Section 1204(c)(1) is amended
15 by striking “1124(c)” and inserting “1153(c)”.

16 (D) 1208.—Section 1208(1)(B)(iii) is
17 amended by striking “1124(c)” and inserting
18 “1153(c)”.

19 (E) 1602.—Section 1602(a)(2)(B) is
20 amended by striking “1124” both places such
21 term appears and inserting “1153”.

22 (F) 1704.—Section 1704(b) is amended by
23 striking “1124(c)” and inserting “1153(c)”.

24 (G) 1707.—Section 1707(3) is amended by
25 striking “1124” and inserting “1153”.

1 (H) 4111.—Section 4111(b)(1)(B) is
2 amended by striking “1124A” and inserting
3 “1154”.

4 (I) 4126.—Section 4126(b)(2) is amended
5 by striking “1124A” and inserting “1154”.

6 (J) 5477.—Section 5477(2)(B)(i) is
7 amended by striking “1121(d)(1)(A)” and in-
8 serting “1151(d)(1)(A)”.

9 (K) 9101.—Section 9101(30) is amended
10 by striking “1121(b)” and inserting “1151(b)”.

11 (c) GRANTS FOR THE OUTLYING AREAS AND THE
12 SECRETARY OF THE INTERIOR.—Section 1151 (as redes-
13 igned by subsection (a)) is further amended—

14 (1) in subsection (b)—

15 (A) by striking paragraph (2) and insert-
16 ing the following:

17 “(2) COMPETITIVE GRANTS.—The Secretary
18 shall carry out the competition described in para-
19 graph (3), except that the amount reserved to carry
20 out such competition shall not exceed \$5,000,000.”;

21 (B) in paragraph (3) by striking subpara-
22 graph (A) and inserting the following:

23 “(A) COMPETITIVE GRANTS.—The Sec-
24 retary shall use funds described in paragraph
25 (2) to award grants to the outlying areas and

1 the Republic of Palau (consistent with para-
2 graph (5)) to carry out the purposes of this
3 part.”;

4 (C) in paragraph (4) by striking “the free-
5 ly associated States” and inserting “the Repub-
6 lic of Palau”; and

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

8 “(5) LIMITATION.—The Republic of Palau shall
9 be eligible for the competitive grants described under
10 paragraph (2) for fiscal year 2008 and the 4 suc-
11 ceeding fiscal years.”; and

12 (2) by amending subsection (c) to read as fol-
13 lows:

14 “(c) DEFINITION.—For the purpose of subsections
15 (a) and (b), the term ‘outlying area’ means the United
16 States Virgin Islands, Guam, American Samoa, and the
17 Commonwealth of the Northern Mariana Islands”.

18 **SEC. 104. AMENDMENTS TO PART C (EDUCATION OF MIGRA-
19 TORY CHILDREN AND YOUTH).**

20 (a) TITLE CHANGE.—Part C of title I (20 U.S.C.
21 6391 et seq.) is amended by striking the part heading and
22 inserting the following:

1 **“PART C—EDUCATION OF MIGRATORY CHILDREN**
2 **AND YOUTH”.**

3 (b) PROGRAM PURPOSE.—Section 1301 (20 U.S.C.
4 6391) is amended by striking “It is the purpose of this
5 part to assist States to—” and all that follows through
6 the period at the end and inserting “It is the purpose of
7 this part to assist States in providing high-quality, com-
8 prehensive education programs (including instructional
9 and supportive services, as appropriate) that address the
10 special educational needs of migratory children and youth
11 that result from their migratory lifestyle, in order to help
12 those children and youth succeed in school, meet the same
13 challenging State academic content standards and student
14 academic achievement standards that all children are ex-
15 pected to meet, and prepare those children and youth to
16 make a successful transition to postsecondary education
17 and employment.”.

18 (c) PROGRAM AUTHORIZED.—Section 1302 (20
19 U.S.C. 6392) is amended by striking “children” and in-
20 serting “children and youth”.

21 (d) STATE ALLOCATIONS.—Section 1303 (20 U.S.C.
22 6393) is amended—

23 (1) by amending subsection (a) to read as fol-
24 lows:

25 “(a) STATE ALLOCATIONS.—

1 “(1) IN GENERAL.—For each fiscal year, each
2 State (other than the Commonwealth of Puerto
3 Rico) is entitled to receive under this part an
4 amount equal to—

5 “(A) the sum of the estimated number of
6 migratory children and youth aged 3 through
7 21 who reside in the State, as determined in ac-
8 cordance with subsection (e) of this section;
9 multiplied by

10 “(B) 40 percent of the average per-pupil
11 expenditure in the State, except that the
12 amount determined under this subsection shall
13 not be less than 32 percent, nor more than 48
14 percent, of the average per-pupil expenditure in
15 the United States.

16 “(2) SPECIAL RULE.—Notwithstanding para-
17 graph (1), for each of fiscal years 2008 through
18 2010, each such State shall receive at least **[90]**
19 percent of the amount it received the previous fiscal
20 year.”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “children” and insert-
24 ing “children and youth”; and

- 1 (ii) by striking “subsection (a)(1)(A)”
2 and inserting “(a)(1)”; and
3 (B) by striking paragraphs (2) and (3);
4 (3) in subsection (c)(2)—
5 (A) by striking “children” both places such
6 term appears and inserting “children and
7 youth”;
8 (B) in subparagraph (A), by striking “ and
9 needs” and inserting “and identified edu-
10 cational needs”; and
11 (C) by adding at the end the following:
12 **【“(C) EXCEPTION.—The Secretary shall not**
13 **further reduce the amount of any grant to a State**
14 **under this part for any fiscal year when the State’s**
15 **discrepancy rate as determined by the Secretary in**
16 **(e) is not more than 4 percent.”;】**
17 (4) in subsection (d)(3)(B), by striking “chil-
18 dren” and inserting “children and youth”;
19 (5) in subsection (e)—
20 (A) in the subsection heading, by striking
21 “CHILDREN” and inserting “CHILDREN AND
22 YOUTH”;
23 (B) by striking paragraphs (1) through (4)
24 and inserting the following:

1 “(1) require each State to submit documenta-
2 tion on the number of migratory children and youth
3 who reside in the State, including evidence of the ac-
4 curacy of such documentation, of which the Sec-
5 retary shall on a periodic basis select a random sam-
6 pling of States on which to conduct an audit of such
7 documentation and evidence; and

8 “(2) develop and implement a procedure for
9 monitoring the accuracy of such information pro-
10 vided that—

11 【“(A) a State’s reported information is
12 deemed accurate if the discrepancy between the
13 reported information and the monitored infor-
14 mation is not more than 4 percent; and】

15 “(B) such procedure does not act as or
16 create a barrier to the access to services under
17 this part or educational success of migratory
18 children and youth who are eligible for services
19 under this part.”; and

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

21 【“(f) ERROR RATE.—In submitting the information
22 required to make the determination required by subsection
23 (e)(1), a State may not exceed a standard error rate of
24 4 percent.”.】

- 1 (e) STATE APPLICATIONS; SERVICES.—Section 1304
2 (20 U.S.C. 6394) is amended—
3 (1) in subsection (b)—
4 (A) in paragraph (1)—
5 (i) in the matter preceding subpara-
6 graph (A), by striking “migratory children,
7 including preschool migratory children,”
8 and inserting “migratory children and
9 youth, including preschool migratory chil-
10 dren and out-of-school migratory youth”;
11 (ii) in subparagraph (A), by striking
12 “migratory children” and inserting “mi-
13 gratory children and youth”; and
14 (iii) in subparagraph (B)—
15 (I) by striking “migrant chil-
16 dren” and inserting “migratory chil-
17 dren and youth”; and
18 (II) by inserting before the semi-
19 colon the following: “and educational
20 programs under part A of this title”;
21 (B) in paragraph (2), by striking “all chil-
22 dren” and inserting “all children and youth”;
23 (C) by redesignating paragraphs (3)
24 through (7) as (4) through (8), respectively;

1 (D) by inserting after paragraph (2) the
2 following:

3 “(3) a description of how the State will ensure
4 the timely, electronic transfer of student records
5 under section 1308 and how the State will use such
6 records transfer to meet the special educational
7 needs of migratory children and youth;”;

8 (E) in paragraph (4) (as so redesignated),
9 by striking “migratory children” and all that
10 follows through the semicolon at the end and
11 inserting “migratory children and youth;”;

12 (F) in paragraph (5) (as so redesignated),
13 by striking “needs” and inserting “identified
14 educational needs”;

15 (G) in paragraph (6) (as so redesignated)—
16 nated)—

17 (i) by striking “needs” and inserting
18 “identified educational needs”; and

19 (ii) by striking “children” and insert-
20 ing “children and youth”;

21 (H) in paragraph (7) (as so redesignated),
22 by striking “and” at the end;

23 (I) in paragraph (8) (as so redesignated)—

24 (i) by striking “children” and insert-
25 ing “children and youth”; and

1 (ii) by striking the period at the end
2 and inserting a semicolon; and

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

4 “(9) a description of how the State will facili-
5 tate the participation of migratory parents in their
6 children’s education; and

7 “(10) an assurance that the State will require
8 that paraprofessionals supported with funds under
9 this part meet the requirements set forth under sub-
10 sections (c), (f), and (g) of section 1119, except that
11 paraprofessionals who were hired before the date of
12 the enactment of the [short title of 2007 reauth]
13 shall meet the requirements set forth under section
14 1119(c) not later than four years after such date of
15 enactment.”;

16 (2) in subsection (c)—

17 (A) in paragraph (1)(B), by striking “chil-
18 dren” and inserting “children and youth”;

19 (B) in paragraph (4)—

20 (i) by striking “unmet education
21 needs” and inserting “unmet identified
22 educational needs”; and

23 (ii) by striking “children” and insert-
24 ing “children and out-of-school youth”;

1 (C) in paragraph (6)(A), by striking “chil-
2 dren” each place such term appears and insert-
3 ing “children and youth”; and

4 (D) in paragraph (7)—

5 (i) by striking “children” and insert-
6 ing “children and youth”;

7 (ii) by striking “paragraphs (1)(A)
8 and (2)(B)(i) of”; and

9 (iii) by inserting before the period at
10 the end the following: “, except that the
11 Secretary may not require additional infor-
12 mation that is not directly related to deter-
13 mining the migratory status of the child or
14 youth, as defined in section 1311(2)”.

15 (3) by amending subsection (d) to read as fol-
16 lows:

17 “(d) PRIORITY FOR SERVICES.—In providing services
18 with funds received under this part, each recipient of
19 funds shall give priority to migratory children and youth
20 who are not meeting, or most at risk of not meeting, the
21 State’s challenging State academic content standards and
22 challenging State student academic achievement stand-
23 ards, and whose education has been disrupted within the
24 past 12 months as a result of a qualifying move, which

1 may include preschool children and out of school migra-
2 tory youth.”; and

3 (4) in subsection (e), by striking “child” each
4 place such term appears and inserting “child or
5 youth”.

6 (f) SECRETARIAL APPROVAL; PEER REVIEW.—Sec-
7 tion 1305(b) (20 U.S.C. 6395(b)) is amended by striking
8 “may” and inserting “shall”.

9 (g) COMPREHENSIVE NEEDS ASSESSMENT AND
10 SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.—
11 Section 1306 (20 U.S.C. 6396) is amended—

12 (1) in subsection (a)(1)—

13 (A) in the matter preceding subparagraph

14 (A)—

15 (i) by striking “special educational
16 needs” and inserting “identified edu-
17 cational needs”; and

18 (ii) by striking “children” and insert-
19 ing “children and youth”;

20 (B) in subparagraph (B)—

21 (i) by striking “children” both places
22 such term appears and inserting “children
23 and youth”; and

1 (ii) in clause (i), by striking “special
2 needs” and inserting “identified edu-
3 cational needs”;

4 (C) in subparagraph (C) by striking “chil-
5 dren” both places such term appears and in-
6 serting “children and youth”;

7 (D) in subparagraph (E) by striking “chil-
8 dren” and inserting “children and youth”; and
9 (2) in subsection (b)—

10 (A) by striking “children” each place such
11 term appears and inserting “children and
12 youth”; and

13 (B) in paragraph (4), by striking “special
14 educational needs” and inserting “identified
15 educational needs”.

16 (h) **BYPASS.**—Section 1307 (20 U.S.C. 6397) is
17 amended in each of paragraphs (1) and (3) by striking
18 “children” and inserting “children and youth”.

19 (i) **COORDINATION OF MIGRANT EDUCATION ACTIVI-**
20 **TIES.**—Part C of title I is amended—

21 (1) by striking section 1308 (20 U.S.C. 6398);

22 and

23 (2) by inserting after section 1307 the fol-
24 lowing:

1 **“SEC. 1308. TRANSFER OF MIGRATORY STUDENT RECORDS.**

2 “(a) ASSISTANCE.—The Secretary shall maintain an
3 effective system for the electronic transfer of student
4 records and in determining the number of migratory chil-
5 dren and youth in each State.

6 “(b) INFORMATION SYSTEM.—

7 “(1) IN GENERAL.—The Secretary, in consulta-
8 tion with the States, shall—

9 “(A) ensure the linkage of migratory stu-
10 dent records in a cost effective manner for the
11 purpose of electronically exchanging, among the
12 States, health and educational information re-
13 garding all migratory students; and

14 “(B) utilize, at a minimum, the minimum
15 data elements promulgated in regulation by the
16 Secretary.

17 “(2) CONSULTATION.—The Secretary shall
18 maintain ongoing consultation with the States, local
19 educational agencies, and other migratory student
20 service providers on the effectiveness of the system
21 of electronic records transfer and ongoing improve-
22 ment to such system.

23 “(3) TECHNICAL ASSISTANCE.—The Secretary
24 shall provide technical assistance to the States to
25 help them meet the requirements for the collection
26 and transfer of migratory student data.

1 “(c) NO COST FOR CERTAIN TRANSFERS.—A State
2 educational agency or local educational agency receiving
3 assistance under this part shall make student records
4 available to another State educational agency or local edu-
5 cational agency that requests the records at no cost to the
6 requesting agency, if the request is made in order to meet
7 the needs of a migratory child or youth.

8 “(d) REPORT TO CONGRESS.—Not later than 2 years
9 after the date of the enactment of the [short title of 2007
10 reauth], the Secretary shall report to the Committee on
11 Health, Education, Labor, and Pensions of the Senate and
12 the Committee on Education and Labor of the House of
13 Representatives, the Secretary’s findings and rec-
14 ommendations regarding the maintenance and transfer of
15 health and educational information for migratory students
16 by the States.

17 “(e) AVAILABILITY OF FUNDS.—For the purpose of
18 carrying out this section in any fiscal year, the Secretary
19 shall reserve not more than [\$4,500,000] of the amount
20 appropriated to carry out this part for such year.

21 **“SEC. 1309. IMPROVEMENTS AND COORDINATION.**

22 “(a) IN GENERAL.—The Secretary, in consultation
23 with the States, may make grants to, or enter into con-
24 tracts with, State educational agencies, local educational
25 agencies, institutions of higher education, and other public

1 and private nonprofit entities to improve the interstate
2 and intra-State coordination among such agencies' pro-
3 grams, including the establishment or improvement of pro-
4 grams for credit accrual and exchange, available to migra-
5 tory students.

6 “(b) INCENTIVE GRANTS.—The Secretary may award
7 grants of not more than \$250,000 on a competitive basis
8 to State educational agencies that propose a consortium
9 arrangement with another State or other appropriate eligi-
10 ble entity described in subsection (a) that the Secretary
11 determines, pursuant to criteria that the Secretary shall
12 establish, will improve the delivery of services to migratory
13 children and youth whose education is disrupted and who
14 are described in section 1304(d).

15 “(c) DURATION.—Grants under this section may be
16 awarded for not more than 5 years.

17 “(d) AVAILABILITY OF FUNDS.—From the funds ap-
18 propriated under this part, the Secretary may reserve no
19 more than **[\$7,500,000]** for grants under this section.

20 **“SEC. 1310. DATA COLLECTION.**

21 “(a) IN GENERAL.—The Secretary shall direct the
22 National Center for Education Statistics to collect data
23 on migratory children and youth from preschool through
24 postsecondary education that shall not include any person-
25 ally identifiable information.

1 “(b) LIMITATION.—Migratory children and youth or
2 their parents, guardian, or spouse, shall not be required
3 or compelled to provide data under this section as a re-
4 quirement for eligibility of services under this part.

5 **“SEC. 1311. PROGRAM EVALUATION.**

6 “(a) EVALUATION REQUIRED.—From funds appro-
7 priated to carry out this part for fiscal years 2008 through
8 2013, the Secretary may reserve a total of not more than
9 **[\$3,500,000]** to carry out a national evaluation of the
10 program under this part, including an examination of the
11 success of State efforts to identify and meet the unique
12 educational needs of migratory children.

13 “(b) INSTITUTE OF EDUCATION SCIENCES.—The
14 Secretary shall carry out the evaluation through the Insti-
15 tute of Education Sciences.”.

16 (j) DEFINITIONS.—Section 1309 (20 U.S.C. 6399)
17 is—

18 (1) redesignated as section 1312; and

19 (2) amended—

20 (A) in paragraph (1)(C), by striking “mi-
21 grant education” and inserting “migratory edu-
22 cation”; and

23 (B) by striking paragraph (2) and insert-
24 ing the following:

1 “(2) MIGRATORY CHILD OR YOUTH.—The term
2 ‘migratory child or youth’ means a child or youth
3 who is, or whose parent, guardian, or spouse is, an
4 individual who—

5 “(A) has made a qualifying move within
6 the preceding 36 months, provided that in the
7 case of a parent, guardian, or spouse, such
8 child or youth accompanies such parent, guard-
9 ian, or spouse; and

10 “(B) is employed, or has sought temporary
11 employment (of not longer than 12 months) or
12 seasonal employment, in qualifying work.

13 “(3) QUALIFYING MOVE.—The term ‘qualifying
14 move’ means any of the following, if made in order
15 to obtain qualifying work:

16 “(A) A move from one school district to
17 another.

18 “(B) Within a State that is comprised of
19 a single school district, a move from one admin-
20 istrative area to another within such district.

21 “(C) Within a school district of more than
22 15,000 square miles, a migration of a distance
23 of 20 miles or more to a temporary residence
24 to engage in a fishing activity.

1 “(4) QUALIFYING WORK.—The term ‘qualifying
2 work’ means any activity directly related to—

3 “(A) the production of crops, dairy prod-
4 ucts, poultry, or livestock, for initial commercial
5 sale or personal subsistence;

6 “(B) the cultivation or harvesting of trees;

7 “(C) fish farms or fishing activity, for ini-
8 tial commercial sale or personal subsistence;

9 “(D) working with raw agricultural or fish-
10 ing products and processing them into a more
11 refined product for initial commercial sale.”.

12 **SEC. 105. AMENDMENTS TO PART D (PREVENTION AND**
13 **INTERVENTION PROGRAMS FOR CHILDREN**
14 **AND YOUTH WHO ARE NEGLECTED, DELIN-**
15 **QUENT, OR AT-RISK).**

16 (a) STATE PLAN AND STATE AGENCY APPLICA-
17 TIONS.—Section 1414 (20 U.S.C. 6434) is amended—

18 (1) in subsection (a)(2)(B) by striking “to
19 achieve” and inserting “to achieve in all core aca-
20 demic subjects”; and

21 (2) in subsection (c)(13) by striking “alter-
22 native programs” and inserting “alternative pro-
23 grams, such as adult education, dropout recovery, or
24 other educational programs,”.

1 (b) USE OF FUNDS.—Section 1415(a) (20 U.S.C.
2 6435(a)) is amended—

3 (1) in paragraph (1)(B) by striking “vocational
4 or technical training,” and inserting “adult edu-
5 cation, career and technical education,”; and

6 (2) in paragraph (2)(B)—

7 (A) in clause (ii) by striking “and” at the
8 end;

9 (B) in clause (iii) by adding “and” at the
10 end; and

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

12 “(iv) ensure such children and youth
13 have access to instruction in all core aca-
14 demic subjects;”.

15 (c) INSTITUTION-WIDE PROJECTS.—Section 1416
16 (20 U.S.C. 6436) is amended—

17 (1) in paragraph (3)—

18 (A) by inserting after “achievement stand-
19 ards” the following: “and to be instructed in all
20 core academic subjects”; and

21 (B) by inserting after “equivalent,” the fol-
22 lowing: “enroll in an institution of higher edu-
23 cation,”; and

1 (2) in paragraph (4) by striking “pupil serv-
2 ices” and inserting “specialized instructional support
3 services”.

4 (d) **TRANSITION SERVICES.**—Section 1418(a)(2) (20
5 U.S.C. 6438(a)(2)) is amended—

6 (1) in the matter preceding subparagraph (A)
7 by striking “vocational and technical training pro-
8 grams” both places such term appears and inserting
9 “career and technical education programs”; and

10 (2) in subparagraph (C)(i) by striking “voca-
11 tional and technical,” and inserting “career and
12 technical education,”.

13 (e) **LOCAL EDUCATIONAL AGENCY APPLICATIONS.**—
14 Section 1423(3) (20 U.S.C. 6453(3)) is amended by in-
15 serting after “such children and youth” the following:
16 “have access to instruction in all core academic subjects
17 and”.

18 (f) **PROGRAM REQUIREMENTS FOR CORRECTIONAL**
19 **FACILITIES.**—Section 1425(6) (20 U.S.C. 6455(6)) is
20 amended by striking “facility are” and inserting “facility
21 include instruction in all core academic subjects that is”.

22 **SEC. 106. AMENDMENTS TO PART E (NATIONAL ASSESS-**
23 **MENT OF TITLE D).**

24 (a) **EVALUATIONS.**—Section 1501(a) (20 U.S.C.
25 6491(a)) is amended—

1 (1) in paragraph (2)—

2 (A) in subparagraph (A) by inserting after
3 “poverty)” the following: “and graduation
4 rates”; and

5 (B) in subparagraph (B) by inserting be-
6 fore the period at the end the following: “and
7 the types of programs and services that have
8 demonstrated the greatest likelihood of helping
9 students graduate from secondary school on
10 time”;

11 (C) in subparagraph (I)—

12 (i) in the matter preceding clause (i)
13 by inserting after “low-performing schools”
14 the following: “and increase graduation
15 rates”;

16 (ii) in clause (ii) by inserting before
17 the period at the end the following: “and
18 increasing graduation rates”; and

19 (iii) by amending clause (iv) to read
20 as follows:

21 “(iv) The number of students who re-
22 ceived supplemental educational services,
23 the criteria used by the States to deter-
24 mine the quality of providers, the kinds of
25 services that are available and utilized (in-

1 cluding services for children with disabil-
2 ities and English language learners), the
3 costs associated with implementing this op-
4 tion, the allocations and expenditures for
5 supplemental educational services by local
6 educational agencies, and the impact of re-
7 ceiving supplemental educational services
8 on student achievement, using criteria for
9 success to evaluate such impact, including
10 criteria consistent with scientifically valid
11 research.”;

12 (D) in subparagraph (N) by inserting after
13 “achievement” the following: “and graduation
14 rates”;

15 (E) by redesignating subparagraph (O) as
16 (P); and

17 (F) by inserting after subparagraph (N)
18 the following:

19 “(O) The extent to which students with
20 disabilities and English language learners are
21 represented as compared to all students receiv-
22 ing supplemental educational services.”; and

23 (2) in paragraph (6), in each of subparagraphs
24 (A) and (B), by striking “No Child Left Behind Act

1 of 2001” and inserting “[short title of 2007
2 reauth]”.

3 (b) ASSESSMENT EVALUATION.—Section 1503 (20
4 U.S.C. 6393) is amended—

5 (1) in subsection (b) by striking “Assistant Sec-
6 retary of Educational Research and Improvement”
7 and inserting “Director of the Institute for Edu-
8 cation Sciences”;

9 (2) in subsection (c)(3) by striking “the Work-
10 force” and inserting “Labor”;

11 (3) in subsection (d)(4) by striking “using na-
12 tionally recognized professional and technical stand-
13 ards” and inserting “, consistent with the Standards
14 for Educational and Psychological Testing”; and

15 (4) in subsection (e)—

16 (A) by striking “the Workforce” and in-
17 serting “Labor”; and

18 (B) by striking “the President and”.

19 (c) CLOSE UP FELLOWSHIP PROGRAM.—Section
20 1504 (20 U.S.C. 6494) is amended—

21 (1) by transferring subsection (b) so that it ap-
22 pears after subsection (c);

23 (2) by redesignating subsection (c) as (b), and
24 subsection (b) (as so transferred) as (c);

25 (3) in subsection (b) (as so redesignated)—

1 (A) by striking the subsection heading and
2 inserting “PROGRAMS FOR NEW AMERICAN
3 STUDENTS.—”; and

4 (B) in paragraph (1)—

5 (i) in subparagraph (C) by striking
6 “and their teachers”; and

7 (ii) in subparagraph (D)—

8 (I) by striking “and teachers”;
9 and

10 (II) by striking “New Ameri-
11 cans” and inserting “New American
12 Students”; and

13 (C) in paragraph (2)(B)(i) by striking
14 “New Americans” and inserting “New Amer-
15 ican Students”;

16 (4) in subsection (c) (as so redesignated)—

17 (A) in paragraph (1)(A) by striking “mid-
18 dle school and secondary school teachers” and
19 inserting “middle school, secondary school, and
20 New American teachers”; and

21 (B) in paragraph (2)(B)(i) by inserting “or
22 (b)(1)(A)” before the semicolon at the end; and

23 **[(5)** in subsection (d)(2) by striking “part G of
24 title X before the date of enactment of the No Child
25 Left Behind Act of 2001” and inserting “this sec-

1 tion before the date of the enactment of the [short
2 title of 2007 reauth]”.]

3 (d) NATIONAL ACADEMY OF SCIENCES REPORT.—
4 Part E of title I is further amended by adding at the end
5 the following:

6 **“SEC. 1505. NATIONAL ACADEMY OF SCIENCES REPORT ON**
7 **MEASURING THE MAGNITUDE OF CHANGE IN**
8 **THE ACHIEVEMENT GAP.**

9 “(a) IN GENERAL.—The Secretary shall enter into
10 an agreement with the National Academy of Sciences to
11 conduct a study identifying an appropriate measure of the
12 magnitude of change in the achievement gap among var-
13 ious racial and ethnic groups, such as the role of an effect
14 size, that provides information about the meaningfulness
15 of such changes.

16 “(b) REPORT.—The agreement under subsection (a)
17 shall require that the National Academy of Sciences sub-
18 mit to the Secretary, the Committee on Health, Edu-
19 cation, Labor and Pensions of the Senate, and the Com-
20 mittee on Education and Labor of the House of Rep-
21 resentatives a final report regarding such a measure not
22 later than one year after the date of enactment of [short
23 title of 2007 reauth].”.

1 **SEC. 107. AMENDMENTS TO PART F (COMPREHENSIVE**
2 **SCHOOL REFORM).**

3 Part F of title I (20 U.S.C. 6511 et seq.) is amended
4 to read as follows:

5 **“PART F—COMPREHENSIVE SCHOOL REFORM**

6 **“SEC. 1601. PURPOSE.**

7 “The purpose of this part is to establish the next gen-
8 eration of Comprehensive School reform as a national
9 demonstration program of public-private partnerships in
10 which local educational agencies partner with nonprofit or-
11 ganizations, school networks, and the philanthropic com-
12 munity to provide school districts with guidance, technical
13 assistance, and training for implementing site-based man-
14 agement and scaling up best practices. This will include
15 technical assistance to local educational agencies for the
16 purpose of—

17 “(1) sharing and creating knowledge;

18 “(2) delivering hands-on workshops and tech-
19 nical assistance in key skills;

20 “(3) providing guidance in site-based evalua-
21 tion; and

22 “(4) executing an overall evaluation of the ini-
23 tiative.

24 **“SEC. 1602. GRANTS.**

25 “The Secretary is authorized to award up to 20
26 grants to partnerships. The Secretary shall only fund

1 partnerships that agree to create networks of schools with
2 high concentrations of students from low-income families
3 and shall ensure that grantees include both urban and
4 rural schools.

5 **“SEC. 1603. LOCAL APPLICATIONS.**

6 “(a) IN GENERAL.—Each partnership desiring a
7 grant under this part shall submit an application at such
8 a time and in such a manner as required by the Secretary.
9 The Secretary shall give a preference to those partnerships
10 that focus on schools that are—

11 “(1) identified as High Priority Schools under
12 section 1116; and

13 “(2) committed to providing financial support
14 and expertise in school improvement and systemic
15 change.

16 “(b) REQUIREMENT.—An applicant must dem-
17 onstrate the capacity to—

18 “(1) produce and significant, measurable im-
19 provements in student achievement; and

20 “(2) scale up their results to additional net-
21 works in their district after three years.

22 **“SEC. 1604. USES OF FUNDS.**

23 “A local education agency or consortium that receives
24 a grant under this part shall provide the subgrant funds
25 to schools that are eligible for assistance under part A and

1 served by the agency, to enable the schools to implement
2 a comprehensive school reform program that—

3 “(1) includes measurable goals for student aca-
4 demic achievement and benchmarks for meeting
5 such goals;

6 “(2) employs proven strategies and proven
7 methods for student learning, teaching, and school
8 management that based on research and effective
9 practices that have been replicated successfully in
10 schools;

11 “(3) integrates comprehensive design for site-
12 based management, including improvements in the
13 quality of classroom instruction aligned to State
14 standards; improvements in parent and community
15 involvement; and investments in the capacity of
16 school leadership, including professional development
17 for both principals and teachers into a comprehen-
18 sive school reform plan for school-wide change de-
19 signed to enable all students to meet challenging
20 State content and student academic achievement
21 standards and address need identified through a
22 school needs assessment and the local needs assess-
23 ment required under title II;

24 “(4) provides high quality and continuous
25 teacher and staff professional development con-

1 sistent with professional development activities in
2 section 1116 and integrated with the local edu-
3 cational agency’s local needs assessment as required
4 by title II and implementation of the local education
5 agency’s title II activities;

6 “(5) is supported by and provides support for
7 teachers, principals, administrators, school personnel
8 staff, and other professional staff;

9 “(6) provides for the meaningful involvement of
10 parents and the local community in planning, imple-
11 menting, and evaluating school improvement activi-
12 ties consistent with section 1118; and

13 “(7) identifies other resources, including Fed-
14 eral, State, local, and private resources, that shall be
15 used to coordinate services that will support and
16 sustain the comprehensive school reform effort.

17 **“SEC. 1605. DEMONSTRATIONS.**

18 “(a) REQUIREMENT.—Successful applicants will con-
19 duct multi-year demonstrations to design and implement
20 site-based management in networks of schools, scale them
21 up across additional networks in the district, and docu-
22 ment new, effective practices, materials, and training de-
23 signs.

24 “(b) SITE-BASED MANAGEMENT STRATEGY.—The
25 site-based management strategy will provide the training

1 and coaching that the leadership of both the schools and
2 the district need for effective design and implementation,
3 including—

4 “(1) design and implementation of research-
5 based curriculum and instruction;

6 “(2) budgeting;

7 “(3) selection and professional development of
8 staff; and

9 “(4) parental and community involvement.

10 “(c) SCALING UP BEST PRACTICE STRATEGY.—The
11 scaling up best practice strategy will include—

12 “(1) supporting principals to become more ef-
13 fective leaders;

14 “(2) supporting and training teachers to be in
15 identifying and meeting the specific needs of each
16 child; and

17 “(3) promoting more effective parent engage-
18 ment in student learning at home.

19 **“SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
21 this part [\$ _____] for each of fiscal years 2008
22 through 2013.”.

1 **SEC. 108. AMENDMENTS TO PART G (ADVANCED PLACE-**
2 **MENT).**

3 Part G of title I (20 U.S.C. 6531 et seq.) is amended
4 to read as follows:

5 **“PART G—ADVANCED PLACEMENT AND**
6 **INTERNATIONAL BACCALAUREATE PROGRAMS**

7 **“SEC. 1701. PURPOSE.**

8 “It is the purpose of this part—

9 “(1) to raise academic achievement through Ad-
10 vanced Placement and International Baccalaureate
11 programs by increasing, by 70,000, over a 4-year pe-
12 riod beginning in 2008, the number of teachers serv-
13 ing high-need schools who are qualified to teach Ad-
14 vanced Placement or International Baccalaureate
15 courses;

16 “(2) to increase, to 700,000 per year, the num-
17 ber of students attending high-need schools who—

18 “(A) take and score a 3, 4, or 5 on an Ad-
19 vanced Placement examination administered by
20 the College Board; or

21 “(B) achieve a passing score on an exam-
22 ination administered by the International Bac-
23 calaureate Organization;

24 “(3) to increase the availability of, and enroll-
25 ment in, Advanced Placement or International Bac-
26 calaureate course, and pre-Advanced Placement or

1 pre-International Baccalaureate courses in high-need
2 schools; and

3 “(4) to support statewide efforts to increase the
4 availability of, and enrollment in, Advanced Place-
5 ment or International Baccalaureate courses and
6 pre-Advanced Placement or pre-International Bacca-
7 laureate courses in high-need schools.

8 **“SEC. 1702. DEFINITIONS.**

9 “In this part:

10 “(1) **ADVANCED PLACEMENT OR INTER-**
11 **NATIONAL BACCALAUREATE COURSE.**—The term
12 ‘Advanced Placement or International Baccalaureate
13 course’ means a course of college-level instruction
14 provided to middle or secondary school students, ter-
15 minating in an examination administered by the Col-
16 lege Board or the International Baccalaureate Orga-
17 nization, or another such examination approved by
18 the Secretary, or another highly rigorous course that
19 includes a terminating examination that is widely ac-
20 cepted for credit at institutions of higher education.

21 “(2) **ELIGIBLE ENTITY.**—The term ‘eligible en-
22 tity’ means—

23 “(A) a State educational agency;

24 “(B) a local educational agency; or

25 “(C) a partnership consisting of—

1 “(i) a national, regional, or statewide
2 nonprofit organization, with expertise and
3 experience in providing Advanced Place-
4 ment or International Baccalaureate serv-
5 ices; and

6 “(ii) a State educational agency or
7 local educational agency.

8 “(5) HIGH-NEED LOCAL EDUCATIONAL AGEN-
9 CY.—The term ‘high-need local educational agency’
10 means a local educational agency or educational
11 service agency described in **section 3112(3)(A)**.

12 “(6) HIGH-NEED SCHOOL.—The term ‘high-
13 need school’ means a middle school or secondary
14 school—

15 “(A) with a pervasive need for Advanced
16 Placement or International Baccalaureate
17 courses or for additional Advanced Placement
18 or International Baccalaureate courses; and

19 “(B)(i) with a high concentration of low-
20 income students; or

21 “(ii) designated with a school locale
22 code of **6, 7, or 8**, as determined by the
23 Secretary.

1 **“SEC. 1703. ADVANCED PLACEMENT AND INTERNATIONAL**
2 **BACCALAUREATE PROGRAMS.**

3 “(a) PROGRAM AUTHORIZED.—From the amounts
4 appropriated under subsection (l), the Secretary is author-
5 ized to award grants, on a competitive basis, to eligible
6 entities to enable the eligible entities to carry out the au-
7 thorized activities described in subsection (g).

8 “(b) DURATION OF GRANTS.—The Secretary may
9 award grants under this section for a period of not more
10 than 5 years.

11 “(c) COORDINATION.—The Secretary shall coordinate
12 the activities carried out under this section with the activi-
13 ties carried out under section 1705.

14 **【“(d) PRIORITY.—In awarding grants under this sec-**
15 **tion, the Secretary shall give priority to eligible entities**
16 **that—】**

17 **【“(1) are part of a statewide strategy for in-**
18 **creasing the availability of Advanced Placement or**
19 **International Baccalaureate courses, and pre-Ad-**
20 **vanced Placement or pre-International Bacca-**
21 **laureate course, in high-need schools;】**

22 **【“(2) make Advanced Placement courses avail-**
23 **able to students who are prepared for such work in**
24 **earlier grades than traditionally made available;**
25 **and】**

1 【“(3) use funds to support courses in science,
2 math, and critical foreign languages.】

3 “(e) EQUITABLE DISTRIBUTION.—The Secretary, to
4 the extent practicable, shall—

5 “(1) ensure an equitable geographic distribution
6 of grants under this section among the States; and

7 “(2) promote an increase in participation in Ad-
8 vanced Placement or International Baccalaureate
9 courses and examinations in all States.

10 “(f) APPLICATION.—

11 “(1) IN GENERAL.—Each eligible entity desir-
12 ing a grant under this section shall submit an appli-
13 cation to the Secretary at such time, in such man-
14 ner, and containing such information as the Sec-
15 retary may reasonably require.

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

18 “(A) the goals and objectives for the
19 project, including—

20 “(i) increasing the number of teachers
21 serving high-need schools who are qualified
22 to teach Advanced Placement or Inter-
23 national Baccalaureate courses;

24 “(ii) increasing the number of Ad-
25 vanced Placement or International Baccala-

1 laureate courses that are available to stu-
2 dents attending high-need schools; and

3 “(iii) increasing the number of stu-
4 dents attending a high-need school, par-
5 ticularly low-income students, who enroll in
6 and pass—

7 “(I) Advanced Placement or
8 International Baccalaureate courses;
9 and

10 “(II) pre-Advanced Placement or
11 pre-International Baccalaureate
12 courses (where provided in accordance
13 with subparagraph (B));

14 “(B) how the eligible entity will ensure
15 that students have access to courses, including
16 pre-Advanced Placement and pre-International
17 Baccalaureate courses, that will prepare the
18 students to enroll and succeed in Advanced
19 Placement or International Baccalaureate
20 courses;

21 “(C) how the eligible entity will provide
22 professional development for teachers assisted
23 under this section;

24 “(D) how the eligible entity will ensure
25 that teachers serving high-need schools are

1 qualified to teach Advanced Placement or Inter-
2 national Baccalaureate courses;

3 “(E) how the eligible entity will provide for
4 the involvement of business and community or-
5 ganizations and other entities, including institu-
6 tions of higher education, in the activities to be
7 assisted; and

8 “(F) how the eligible entity will use funds
9 received under this section, including how the
10 eligible entity will evaluate the success of its
11 project.

12 “(g) AUTHORIZED ACTIVITIES.—

13 “(1) IN GENERAL.—Each eligible entity that re-
14 ceives a grant under this section shall use the grant
15 funds to carry out activities designed to increase—

16 “(A) the number of qualified teachers serv-
17 ing high-need schools who are teaching Ad-
18 vanced Placement or International Bacca-
19 laureate courses; and

20 “(B) the number of students attending
21 high-need schools who enroll in, and pass, the
22 examinations for such courses including reim-
23 bursing low-income students attending high-
24 need schools for part or all of the cost of Ad-

1 vanded Placement or International Bacca-
2 laureate examination fees.

3 “(2) PERMISSIVE ACTIVITIES.—The activities
4 described in paragraph (1) may include—

5 “(A) teacher professional development, in
6 order to expand the pool of teachers in the par-
7 ticipating State, local educational agency, or
8 high-need school who are qualified to teach Ad-
9 vanced Placement or International Bacca-
10 laureate courses;

11 “(B) pre-Advanced Placement or pre-Inter-
12 national Baccalaureate course development and
13 professional development;

14 “(C) coordination and articulation between
15 grade levels to prepare students to enroll and
16 succeed in Advanced Placement or International
17 Baccalaureate courses;

18 “(D) purchase of instructional materials;

19 “(E) activities to increase the availability
20 of, and participation in, online Advanced Place-
21 ment or International Baccalaureate courses;

22 “(F) carrying out subsection (j), relating
23 to collecting and reporting data;

24 “(G) in the case of a State educational
25 agency that receives a grant under this section,

1 awarding subgrants to local educational agen-
2 cies to enable the local educational agencies to
3 carry out authorized activities described in sub-
4 paragraphs (A) through (F); and

5 “(H) providing salary increments or bo-
6 nuses to teachers serving high-need schools
7 who—

8 “(i) become qualified to teach, and
9 teach, Advanced Placement or Inter-
10 national Baccalaureate courses in mathe-
11 matics, science, or a critical foreign lan-
12 guage; or

13 “(ii) increase the number of low-in-
14 come students, who take Advanced Place-
15 ment or International Baccalaureate ex-
16 aminations with the goal of successfully
17 passing such examinations.

18 “(h) MATCHING REQUIREMENT.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 each eligible entity that receives a grant under this
21 section shall provide, toward the cost of the activities
22 assisted under the grant, from non-Federal sources,
23 an amount equal to 200 percent of the amount of
24 the grant, except that an eligible entity that is a
25 high-need local educational agency shall provide an

1 amount equal to **[not more than]** 100 percent of
2 the amount of the grant.

3 “(2) WAIVER.—The Secretary may waive all or
4 part of the matching requirement described in para-
5 graph (1) for any fiscal year for an eligible entity
6 described in subparagraph (A) or (B) of section
7 1702(2), if the Secretary determines that applying
8 the matching requirement to such eligible entity
9 would result in serious hardship or an inability to
10 carry out the authorized activities described in sub-
11 section (g).

12 “(i) SUPPLEMENT NOT SUPPLANT.—Grant funds
13 provided under this section shall be used to supplement,
14 not supplant, other Federal and non-Federal funds avail-
15 able to carry out the activities described in subsection (g).

16 “(j) COLLECTING AND REPORTING REQUIRE-
17 MENTS.—

18 “(1) REPORT.—Each eligible entity receiving a
19 grant under this section shall collect and report to
20 the Secretary annually such data on the results of
21 the grant as the Secretary may reasonably require,
22 including data regarding—

23 “(A) the number of students enrolling in
24 Advanced Placement or International Bacca-
25 laureate courses and pre-Advanced Placement

1 or pre-International Baccalaureate courses, by
2 the grade the student is enrolled in, and the
3 distribution of grades those students receive;

4 “(B) the number of students taking Ad-
5 vanced Placement or International Bacca-
6 laureate examination and the distribution of
7 scores on those examinations by the grade the
8 student is enrolled in at the time of the exam-
9 ination;

10 “(C) the number of teachers receiving
11 training in teaching Advanced Placement or
12 International Baccalaureate courses who will be
13 teaching such courses in the next school year;

14 “(D) the number of teachers becoming
15 qualified to teach Advanced Placement or Inter-
16 national Baccalaureate courses; and

17 “(E) the number of qualified teachers who
18 are teaching Advanced Placement or Inter-
19 national Baccalaureate courses in a high-need
20 school.

21 “(2) REPORTING OF DATA.—Each eligible enti-
22 ty receiving a grant under this section shall report
23 data required under paragraph (1)—

24 “(A) disaggregated by subject area;

1 “(B) in the case of student data,
2 disaggregated in the same manner as informa-
3 tion is disaggregated under [section
4 1111(b)(2)(C)(v)]; and

5 “(C) to the extent feasible, in a manner
6 that allows comparison of conditions before,
7 during, and after the project.

8 “(k) EVALUATION AND REPORT.—From the amount
9 made available for any fiscal year under subsection (l),
10 the Secretary shall reserve such sums as may be nec-
11 essary—

12 “(1) to conduct an annual independent evalua-
13 tion, by grant or by contract, of the program carried
14 out under this section, which shall include an assess-
15 ment of the impact of the program on student aca-
16 demic achievement; and

17 “(2) to prepare and submit an annual report on
18 the results of the evaluation described in paragraph
19 (1) to—

20 “(A) the Committee on Health, Education,
21 Labor, and Pensions and the Committee on Ap-
22 propriations of the Senate; and

23 “(B) the Committee on Education and
24 Labor and the Committee on Appropriations of
25 the House of Representatives.

1 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 **【\$_____】** for fiscal year 2008 and such sums as
4 may be necessary for each of the 4 succeeding fiscal years.

5 “(m) NATIONAL ACTIVITIES.—The Secretary shall
6 reserve up to 4 percent of the amount appropriated for
7 a fiscal year under **【section 1002(g)】** for this part to be
8 used for the peer review of applications for grants under
9 this part, as well as for research, evaluation and technical
10 assistance.”.

11 **SEC. 109. AMENDMENTS TO PART H (SCHOOL DROPOUT**
12 **PREVENTION).**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
14 1803 (20 U.S.C. 6553) is amended to read as follows:

15 **“SEC. 1803. AUTHORIZATION OF APPROPRIATIONS.**

16 “For the purpose of carrying out this part, there are
17 authorized to be appropriated—

18 “(1) for section 1811, **【\$_____】** for
19 fiscal year 2008 and such sums as may be necessary
20 for each of the 5 succeeding fiscal years; and

21 “(2) for section 1822, **【\$_____】** for
22 fiscal year 2008 and such sums as may be necessary
23 for each of the 5 succeeding fiscal years.”.

24 (b) SUBPART 2.—Subpart 2 of part H of title I is
25 amended to read as follows:

1 “(c) ELIGIBLE STATE.—To be eligible to receive a
2 grant under this section, a State shall comply with each
3 of the following:

4 “(1) The State shall have implemented, or be in
5 the process of developing, a statewide longitudinal
6 data system with individual student identifiers.

7 “(2) The Governor of the State, and any indi-
8 vidual, entity, or agency designated under subsection
9 (d)(1) by the Governor, shall regularly consult with
10 each other and with the State board of education,
11 the State educational agency, the head of the State
12 higher education entity, the head of career and tech-
13 nical education in the State, and other agencies as
14 appropriate, regarding carrying out the activities re-
15 quired under this section.

16 “(3) The State shall meet any additional cri-
17 teria determined by the Secretary to be necessary to
18 carry out the purposes of this section.

19 “(d) APPLICATION.—

20 “(1) IN GENERAL.—If a State desires a grant
21 under this section, the Governor of the State, or an
22 individual, entity, or agency designated by the Gov-
23 ernor, shall submit an application to the Secretary
24 at such time, in such manner, and containing such
25 information as the Secretary may require.

1 “(2) CONTENTS.—Each application submitted
2 under this section shall include the following:

3 “(A) A description of the State’s plan to
4 conduct the policy gap and impact analysis de-
5 scribed in subsection (e)(1).

6 “(B) A description of the State’s plan for
7 using the findings of the policy gap and impact
8 analysis to strengthen the policies of the State
9 in effect as of the date of enactment of [short
10 title of 2007 reauthorization].

11 “(C) A description of how the State will
12 ensure that the State elementary and secondary
13 education content standards and academic as-
14 sessments described in section 1111(b) are
15 aligned to college and work readiness.

16 “(D) A description of how the State will
17 ensure that all students have access to a college
18 preparatory curriculum.

19 “(E) A plan to ensure the statewide longi-
20 tudinal student data system, other statewide
21 data systems, and data protocols are designed
22 and implemented in such a way that allows for
23 data interoperability and portability across local
24 educational agencies and among pre-kinder-
25 garten through grade 12 systems, institutions

1 of higher education, and systems that identify
2 whether students enter the Armed Forces.

3 “(F) A plan to grant additional flexibility
4 and autonomy to schools and local educational
5 agencies working to increase the graduation
6 rates and college readiness of secondary school
7 students.

8 “(G) A plan to stimulate the development
9 of multiple pathways and expanded educational
10 options to help secondary students, including
11 struggling students and dropouts, attain a reg-
12 ular high school diploma (as defined in section
13 1124) that prepares the student with the nec-
14 essary skills to succeed in higher education and
15 work.

16 “(H) An assurance that the following
17 stakeholders are committed to achieving the
18 goals and objectives set forth in the grant appli-
19 cation:

20 “(i) The Governor of the State.

21 “(ii) The chief executive officer of the
22 State higher education coordinating board.

23 “(iii) The chief State school officer.

24 “(iv) The head of the State board of
25 education.

1 “(v) The head of career and technical
2 education in the State.

3 “(vi) Other agency heads, as deter-
4 mined appropriate by the Governor and the
5 individuals, entities, and agencies involved
6 in the consultation under [section
7 303(3)].

8 “(e) USE OF FUNDS.—A State receiving a grant
9 under this section shall carry out the following:

10 “(1) Conduct, or enter into a contract with a
11 third party to conduct, a policy gap and impact
12 analysis to determine how to strengthen the policies
13 of the State in order to substantially raise the grad-
14 uation rate in the State while ensuring rigorous sec-
15 ondary education content standards and assess-
16 ments. Such analysis shall—

17 “(A) examine the policies of the State, and
18 of the local educational agencies within the
19 State, affecting—

20 “(i) school funding;

21 “(ii) data capacity;

22 “(iii) accountability systems;

23 “(iv) interventions in high priority
24 secondary schools;

25 “(v) new school development; and

1 “(vi) the dissemination and implemen-
2 tation of effective local school improvement
3 activities throughout the State; and

4 “(B) provide recommendations regarding
5 how the State can strengthen the policies of the
6 State to substantially raise the graduation rate
7 in the State while ensuring rigorous postsec-
8 ondary and work-ready academic standards, in-
9 cluding recommendations on—

10 “(i) innovative finance models, such
11 as weighted student funding;

12 “(ii) data capacity that enables longi-
13 tudinal and cross-sectoral analysis of State
14 education and other systems, such as juve-
15 nile justice, social services, and early child-
16 hood;

17 “(iii) improving a differentiated sys-
18 tem of supports, sanctions, and interven-
19 tions for high priority secondary schools;

20 “(iv) the development of additional
21 secondary educational options, including
22 both the development of small school mod-
23 els and recovery or alternative models for
24 struggling students and dropouts;

1 “(v) additional accountability meas-
2 ures in the State accountability system;

3 “(vi) dual student enrollment in sec-
4 ondary schools and institutions of higher
5 education; and

6 “(vii) the development of school-fam-
7 ily-community partnerships to improve stu-
8 dent achievement.

9 “(2) Implement or enact—

10 “(A) the changes to the policies of the
11 State recommended by the policy gap and im-
12 pact analysis under paragraph (1)(B), as ap-
13 propriate; and

14 “(B) any additional changes to the policies
15 of the State necessary to enable the State to
16 carry out all of the plans described in the appli-
17 cation under subsection (d).

18 “(3) Develop a system to—

19 “(A) measure how the changes to the poli-
20 cies of the State carried out under this title im-
21 prove student outcomes at the State and local
22 levels; and

23 “(B) adjust the policies of the State ac-
24 cordingly in order to achieve the desired policy

1 targets and student outcomes at the State and
2 local levels.

3 “(4) Devote resources to ensure the sustain-
4 ability of the activities carried out under this section
5 and the long-term success of the secondary schools
6 within the State.

7 “(f) EVALUATION AND REPORTING.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of [short title of 2007
10 reauthorization], and annually thereafter for the pe-
11 riod of the grant, each State receiving a grant under
12 this section shall—

13 “(A) conduct an evaluation of the State’s
14 progress regarding the impact of the changes
15 made to the policies of the State in accordance
16 with this section on substantially raising the
17 graduation rate in the State while ensuring rig-
18 orous postsecondary and work-ready academic
19 standards, including—

20 “(i) a description of the specific
21 changes made, or in the process of being
22 made, to policies as a result of the grant;

23 “(ii) a discussion of any barriers hin-
24 dering the identified changes in policies,
25 and strategies to overcome such barriers;

1 “(iii) evidence of the impact of
2 changes to policies on desired behavior and
3 actions at the local educational agency and
4 school level;

5 “(iv) after the first year of the grant
6 period, a description of how the results of
7 the previous year’s evaluation were used to
8 adjust policies of the State as necessary to
9 achieve the purposes of this section; and

10 “(v) evidence of the impact of the
11 changes to policies in accordance with this
12 section on improving graduation rates or
13 other measures, such as percent of stu-
14 dents who are making sufficient progress
15 toward graduating secondary school in the
16 standard number of years;

17 “(B) use the results of the evaluation con-
18 ducted under paragraph (1) to adjust the poli-
19 cies of the State as necessary to achieve the
20 purposes of this section; and

21 “(C) submit the results of the evaluation
22 to the Secretary.

23 “(2) AVAILABILITY.—The Secretary shall make
24 the results of each State’s evaluation under para-

1 graph (1) available to other States and local edu-
2 cational agencies.”.

3 **SEC. 110. NEW PARTS I (CORE CURRICULUM DEVELOP-**
4 **MENT) AND J (EXPANDED LEARNING TIME**
5 **DEMONSTRATION PROGRAM).**

6 (a) IN GENERAL.—Title I is amended by redesi-
7 gnating part I as K and inserting after part H the fol-
8 lowing:

9 **“PART I—CORE CURRICULUM DEVELOPMENT**
10 **“SEC. 1851. GRANTS AUTHORIZED.**

11 “(a) PURPOSE.—The purpose of this section is to
12 support systemic, comprehensive education reform by
13 strengthening the instruction of music and arts, foreign
14 languages, civics and government, economics, history, ge-
15 ography, and physical education and health as an integral
16 part of the elementary and secondary school curriculum.

17 “(b) AUTHORITY.—The Secretary is authorized to
18 award grants to local educational agencies to promote and
19 strengthen one or more of the subjects specified in sub-
20 section (a) as an integral part of the elementary school
21 and secondary school curriculum.

22 “(c) APPLICATION.—To seek a grant under this sec-
23 tion, a local educational agency shall submit an application
24 to the Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may require.

1 “(d) PRIORITY.—In awarding grants to local edu-
2 cational agencies under this section, the Secretary shall
3 give priority to—

4 “(1) local educational agencies with greater per-
5 centages of children from families below the poverty
6 line; and

7 “(2) local educational agencies with greater
8 numbers of children from families below the poverty
9 line.

10 “(e) USE OF FUNDS.—Funds may be used to expand
11 access to the subjects specified in subsection (a) by—

12 “(1) expanding the amount of instructional
13 time on these subjects;

14 “(2) providing for curriculum development that
15 is aligned with State standards as appropriate;

16 “(3) providing essential materials and text
17 books that are aligned with State standards as ap-
18 propriate; and

19 “(4) partnering with Federal, State, and com-
20 munity-based organizations and institutions to in-
21 crease student learning in these subjects;

22 “(5) providing professional development to en-
23 sure curricula are implemented effectively; and

1 “(6) creating and using formative assessments
2 where appropriate to advance student achievement
3 and improve instruction.

4 “(f) CONDITIONS.—As a condition of receiving assist-
5 ance made available under this section, the Secretary shall
6 require each local educational agency receiving such assist-
7 ance—

8 “(1) to coordinate, to the extent practicable,
9 each project or program carried out with such assist-
10 ance with appropriate activities of public or private
11 cultural agencies, institutions, and organizations, in-
12 cluding museums, education associations, libraries,
13 and theaters; and

14 “(2) to use such assistance only to supplement,
15 and not to supplant, any other assistance or funds
16 made available from non-Federal sources for the ac-
17 tivities assisted under this section.

18 “(g) EVALUATIONS.—

19 “(1) IN GENERAL.—Each local educational
20 agency that receives funds under this section shall
21 provide the Secretary, at the conclusion of every fis-
22 cal year during which the funds are received, with
23 an evaluation, in a form prescribed by the Secretary.
24 This evaluation shall include—

1 “(A) a description of the programs and ac-
2 tivities conducted by the local educational agen-
3 cy with funds received;

4 “(B) data on curriculum and partnerships
5 developed;

6 “(C) data on the amount of time spent on
7 subjects allowed for under the grant, including
8 increases in the amount of time spent on such
9 subjects compared to the amount spent prior to
10 receipt of the grant; and

11 “(D) other information as determined by
12 the Secretary.

13 “(2) USE OF EVALUATION.—An evaluation pro-
14 vided by a local educational agency shall be used by
15 the local educational agency and provided to the
16 State educational agency for improvement of pro-
17 grams and activities.

18 “(h) CONSULTATION.—In carrying out this section,
19 the Secretary shall consult with relevant Federal and
20 State agencies or institutions, educators (including profes-
21 sional education associations), organizations representing
22 subjects funded under this part.

23 “(i) DURATION OF GRANT.—A grant awarded under
24 this section shall be for 5 years.

1 **[(j) AUTHORIZATION OF APPROPRIATIONS.—**There
2 are authorized to be appropriated for grants under this
3 section the following:]

4 **[(1) [\$_____] for fiscal year 2008.]**

5 **[(2) [\$_____] for fiscal year 2009.]**

6 **[(3) [\$_____] for fiscal year 2010.]**

7 **[(4) [\$_____] for fiscal year 2011.]**

8 **[(5) [\$_____] for fiscal year 2012.]**

9 **[(6) [\$_____] for fiscal year 2013.]**

10 **["PART J—EXPANDED LEARNING TIME**
11 **DEMONSTRATION PROGRAM]**

12 **["SEC. 1871. PURPOSES.**

13 “The purposes of this part are to provide support
14 through competitive grants to local education agencies and
15 State education agencies to develop expanded learning
16 time schools and—]

17 **[(1) to expand learning time in the form of**
18 longer school days, additional school days or a com-
19 bination of longer school days and additional school
20 days;]

21 **[(2) to spur innovation within participating**
22 schools and local education agencies adding time to
23 the school schedule for all students, redesigning
24 their educational program, and offering challenging,

1 well-integrated learning experiences focused on rais-
2 ing student achievement and engagement;】

3 【“(3) to allow schools and local education agen-
4 cies to provide more in-depth learning opportunities
5 in mathematics, literacy, science and other core sub-
6 jects to support academic excellence;】

7 【“(4) to provide schools and local education
8 agencies with the opportunity to add or expand pro-
9 grams and curricula such as arts, music, health,
10 sports, drama, and other learning opportunities for
11 which they do not have time in the current school
12 calendar;】

13 【“(5) to offer students engaging learning op-
14 portunities that develop 21st century skills related to
15 the use of technology, planning of oral presentation
16 and team building skills, project-based learning and
17 exposure to community resources through activities
18 including apprenticeships;】

19 【“(6) to encourage the participation of teachers
20 and teacher union representatives in school redesign
21 efforts associated with expanded learning time in
22 order to create the most effective redesign efforts;】

23 【“(7) to provide educators in participating
24 schools with increased opportunities to work collabo-

1 ratively and to participate in professional planning
2 to improve instruction and student achievement;】

3 【“(8) to encourage schools and local education
4 agencies to form partnerships with community-based
5 organizations and institutions of higher learning to
6 provide additional learning opportunities to chil-
7 dren;】

8 【“(9) to provide for accountability to ensure
9 the efficient and effective implementation of ex-
10 panded learning time initiatives in participating local
11 education agencies; and】

12 【“(10) to determine through a rigorous evalua-
13 tion whether expanding the school day and/or year
14 is a feasible and effective way to help students meet
15 challenging State academic standards and close the
16 achievement gap.】

17 **【“SEC. 1872. EXPANDED LEARNING TIME GRANTS.】**

18 【“(a) AUTHORIZATION TO MAKE GRANTS.—The Sec-
19 retary shall award Expanded Learning Time and School
20 Redesign Grants, on a competitive basis, to eligible entities
21 and State education agencies to enable schools and local
22 education agencies served by the participating eligible en-
23 tities and State education agencies to expand learning
24 time and improve student achievement and engagement.

1 The Secretary, from amounts appropriated under section
2 1002(b)(1) shall award, on a competitive basis—】

3 【“(1) Expanded Learning Time and School Re-
4 design Planning Grants to eligible entities as speci-
5 fied in section 1873;】

6 【“(2) State Expanded Learning Time Initiative
7 Grants to eligible State education agencies, as speci-
8 fied in section 1874; and】

9 【“(3) Expanded Learning Time and School Re-
10 design Implementation Grants to eligible entities as
11 specified in section 1875.】

12 【“(b) DETERMINATION OF AMOUNT OF ALLOT-
13 MENTS.—】

14 【“(1) RESERVATIONS FROM APPROPRIA-
15 TIONS.—From the total amount made available to
16 carry out this part for a fiscal year, the Secretary—
17 】

18 【“(A) shall reserve not more than
19 \$3,000,000 to carry out section 1878 (relating
20 to evaluation) and section 1879 (relating to in-
21 formation dissemination and technical assist-
22 ance); and】

23 【“(B) shall reserve not more than
24 \$1,000,000 to be used for planning and admin-

1 istration relating to the uses of funds author-
2 ized under this part, including—】

3 【“(i) administering the review, selec-
4 tion, and distribution of competitive sub-
5 grants to eligible entities and State edu-
6 cation agencies under section 1873, 1874,
7 and 1875; and】

8 【“(ii) assessing and evaluating, on a
9 regular basis, activities of eligible entities
10 and State education agencies allowed
11 under this part, with respect to whether
12 they have been effective in implementing
13 expanded learning time and school rede-
14 sign initiatives.】

15 【“(2) STATE ALLOTMENTS.—】

16 【“(A) IN GENERAL.—In accordance with
17 paragraph (3), the Secretary shall allot among
18 participating eligible entities and State edu-
19 cation agencies the total amount made available
20 to carry out this part for any fiscal year and
21 not reserved under paragraph (1).】

22 【“(B) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There are authorized to be appro-
24 priated to carry out this part
25 【\$_____】 for fiscal year 2008,

1 section 1873, shall make grants to the eligible entity for
2 the uses specified in section 1875.】

3 【“(b) APPLICATION FOR PLANNING GRANTS.—An el-
4 igible entity that desires to receive an Expanded Learning
5 Time and School Redesign planning grant pursuant to this
6 subsection shall submit an application to the Secretary at
7 such time, in such manner as the Secretary may require.
8 The application shall contain, but need not be limited to
9 the information described in subsection (c).】

10 【“(c) REVIEW OF EXPANDED LEARNING TIME AND
11 SCHOOL REDESIGN PLANNING GRANT APPLICATIONS.—
12 Upon receiving qualifying applications for the expanded
13 learning time and school redesign planning grant program,
14 the Secretary shall review all applications and award ex-
15 panded learning time and school redesign planning grants
16 the most qualified applications pursuant to subsection
17 (d).】

18 【“(d) APPLICATION CONTENTS.—An applications for
19 an expanded learning time and school redesign planning
20 grant or planning subgrant under this section shall con-
21 tain the following:】

22 【“(1) The process and selection criteria the eli-
23 gible entity will use to select schools to participate
24 in creating Expanded Learning Time and School Re-
25 design Implementation Plans.】

1 【“(2) How the eligible entity will encourage
2 participating schools or local education agencies to
3 expand learning time to spur innovation, redesign
4 and improve their educational program, improve in-
5 struction and teacher collaboration, and improve the
6 academic achievement of all students in participating
7 schools.】

8 【“(3) How the eligible entity will assess the
9 leadership capacity of participating schools to imple-
10 ment successfully a complex school improvement ini-
11 tiative, and to use data effectively to align cur-
12 riculum, instruction, and assessment.】

13 【“(4) The requirement that participating
14 schools expand learning time for all students attend-
15 ing any participating school and be in the form of
16 longer school days, additional school days or a com-
17 bination thereof.】

18 【“(5) The requirement that each participating
19 schools will develop an Expanded Learning Time
20 and School Redesign Implementation Plan as speci-
21 fied on subsection 1875.】

22 【“(6) The process by which the eligible entity
23 will ensure the meaningful involvement of teachers,
24 union representatives, parents, and the local commu-

1 nity in the planning of the expanded learning time
2 and school redesign initiative.】

3 【“(7) A description of the eligible entity’s ra-
4 tionale for redesigning schools with expanded learn-
5 ing time including, but not limited to, an analysis of
6 relevant school performance data and how expanded
7 learning time will help meet student learning needs
8 and achieve academic excellence.】

9 【“(8) A description of how the expanded learn-
10 ing time initiative integrates into the eligible entity’s
11 plan for improving academic achievement and for
12 improving schools identified as being in need of im-
13 provement, corrective action, or restructuring.】

14 【“(9) A description of how the eligible entity
15 will collect, maintain, and report data required by
16 the Secretary including, but not limited to, formative
17 student achievement data that is collected at regular
18 intervals during a school year.】

19 【“(10) A description of how the eligible entity
20 or State education agency will review annually the
21 implementation and impact of its ELT initiative.】

22 【“(11) A description of the process the eligible
23 entity will use to disseminate materials, information
24 and lessons learned about how participating schools

1 effectively expand learning time to other schools
2 served by the eligible entity.】

3 【“(12) A memorandum of understanding be-
4 tween the eligible entity and a qualified external or-
5 ganization or organizations that has a successful
6 track record of helping schools comprehensively re-
7 design their educational program to better meet stu-
8 dent needs and improve student achievement ex-
9 plaining that includes—】

10 【“(A) a description of how they will work
11 together to effectively provide support and tech-
12 nical assistance to participating schools includ-
13 ing providing materials, planning support, and
14 on-site assistance during the planning and im-
15 plementation phases; and】

16 【“(B) a budget detailing the costs associ-
17 ated with the technical assistance specified in
18 subparagraph (A).】

19 【“(13) An agreement to participate in the fed-
20 eral evaluation of the impact and effectiveness of ex-
21 panded learning time as it relates to this grant pro-
22 gram including, but not limited to, the reporting of
23 data as requested by the Secretary.】

1 【“(e) PRIORITY.—In awarding subgrants under this
2 subsection, the Secretary shall give priority to applica-
3 tions—】

4 【“(1) submitted by eligible entities that have
5 more than 25 percent of students eligible for the
6 Federal free or reduced-price meals program;】

7 【“(2) proposing to target high-need schools—】

8 【“(A) with 50 percent or more students el-
9 ible for the Federal free or reduced-price
10 meals program;】

11 【“(B) that are identified as being in need
12 of improvement, corrective action, or restruc-
13 turing as defined in section 1116 of title I; or】

14 【“(C) that are eligible to receive assistance
15 under part A of title I; and】

16 【“(3) that, at the time of application, are
17 using, or have plans to use during the implementa-
18 tion of expanded learning time, formative assess-
19 ments to assess growth in student learning during a
20 school year and from year to year; and】

21 【“(4) that have the greatest potential for dis-
22 trict-wide impact.】

23 【“(f) TIMEFRAME.—Each eligible entity that applies
24 for an expanded learning time and school redesign plan-
25 ning grant may submit a plan that consists of no more

1 than two cohorts of schools that complete expanded learn-
2 ing time and school redesign implementation plans pursu-
3 ant to section 1875.】

4 【“(g) BROAD GEOGRAPHIC DISTRIBUTION.—The
5 Secretary shall ensure that grants awarded under this
6 part are distributed among diverse geographical regions,
7 including rural, suburban, and urban areas.】

8 【“(h) DURATION OF GRANTS.—Each expanded
9 learning time and school redesign planning grant awarded
10 under this part shall be for a period of not more than
11 2 years.】

12 【“(i) LOCAL ADMINISTRATION.—An eligible entity
13 that receives a subgrant under this section may use not
14 more than 5 percent of the funds provided under the
15 subgrant for administration.】

16 【“SEC. 1874. STATE EXPANDED LEARNING TIME AND
17 SCHOOL REDESIGN INITIATIVE GRANTS.】

18 【“(a) GRANTS AUTHORIZED.—From amounts appro-
19 priated under this section, the Secretary shall award
20 grants, on a competitive basis, to State education agencies
21 for the purpose of creating State expanded learning time
22 and school redesign initiatives that will enable local edu-
23 cation agencies within a participating State to expand
24 learning time to improve student achievement and engage-

1 ment in a subset of schools served by such local education
2 agency.】

3 【“(b) SUBGRANTS AUTHORIZED.—A State education
4 agency that receives a grant under this section shall award
5 subgrants, on a competitive basis, to local education agen-
6 cies for the purpose of planning and implementing ex-
7 panded learning time and school redesign efforts.】

8 【“(c) APPLICATIONS.—A State educational agency
9 that desires to receive a grant under this section shall sub-
10 mit an application to the Secretary at such time and in
11 such form as the Secretary may require. The application
12 shall contain the information described in subsection (d).】

13 【“(d) CONTENTS.—An application under this section
14 shall contain the following:】

15 【“(1) A provision for awarding expanded learn-
16 ing time and school redesign planning subgrants and
17 expanded learning time and school redesign imple-
18 mentation subgrants—】

19 【“(A) Expanded Learning Time and
20 School Redesign Planning grants shall be
21 awarded on a competitive basis to local edu-
22 cation agencies to develop expanded learning
23 time implementation plans pursuant to guide-
24 lines set forth by the State education agency

1 and in accordance with the requirements of sec-
2 tion 1873(d); and】

3 【“(B) Expanded Learning Time and
4 School Redesign Implementation grants shall be
5 awarded, on a competitive basis, to those local
6 education agencies that have completed quali-
7 fying implementation plans as specified by the
8 State education agency and by section 1875, in
9 order to implement such plans fully.】

10 【“(2) The process and selection criteria the
11 State educational agency will use to select local edu-
12 cational agencies for planning subgrants including,
13 but not limited to how the State educational agency
14 will assess the local education agency’s and school’s
15 leadership capacity and it’s ability to successfully
16 implement a complex school improvement initiative,
17 and to use data to effectively align curriculum, in-
18 struction, and assessment.】

19 【“(3) A description of how the State will en-
20 courage participating schools and local education
21 agencies to expand learning time to spur innovation,
22 redesign and improve their educational program, im-
23 prove instruction and teacher collaboration, and im-
24 prove the academic achievement of all students in
25 participating schools.】

1 【“(4) The requirement for each participating
2 school within a participating local education agency
3 to add no less than the equivalent of two hours per
4 day to the school schedule that is standard for the
5 participating local education agency and that the ad-
6 ditional time may be added in the form of additional
7 days or longer days or a combination of longer days
8 and additional days.】

9 【“(5) The requirement that participating
10 schools expand learning time for all students attend-
11 ing any participating school and be in the form of
12 longer school days, additional school days or a com-
13 bination thereof.】

14 【“(6) A description of how expanded learning
15 time will support the State intervention strategy for
16 schools identified as being in need of improvement,
17 corrective action, or restructuring.】

18 【“(7) A description of the process for dissemi-
19 nating materials, information and lessons learned
20 about how to effectively expand learning time to
21 other schools and local education agencies within the
22 State.】

23 【“(8) A description of how the State education
24 agency shall support the planning and implementa-
25 tion phases of any participating schools and Local

1 education agencies by providing technical assistance
2 during the planning and implementation phases in-
3 cluding, but not limited to, the creation of a partner-
4 ship between the eligible entity and one or more ex-
5 ternal organizations that have a successful track
6 record of helping schools comprehensively redesign
7 their educational program to better meet student
8 needs, and have the capacity to deliver high quality
9 materials, professional planning, and on-site assist-
10 ance during the planning and implementation
11 phases.】

12 【“(9) An assurance that the State educational
13 agency, and any local educational agencies receiving
14 a subgrant from that State educational agency
15 under this section, will, if requested, participate in
16 the national activities as specified in section 1876.】

17 【“(10) Any other information that the Sec-
18 retary may reasonably require.】

19 【“(e) PRIORITY.—In awarding grants under this sec-
20 tion, the Secretary shall give priority to applications—】

21 【“(1) submitted by States that target local edu-
22 cation agencies that have more than 25 percent of
23 students eligible for the Federal free or reduced-
24 price meals program;】

25 【“(2) proposing to target high-need schools—】

1 【“(A) with 50 percent or more students el-
2 igible for the Federal free or reduced-price
3 meals program; or】

4 【“(B) that are identified as being in need
5 of improvement, corrective action, or restruc-
6 turing as defined in section 1116 of title I; or】

7 【“(C) that are eligible to receive assistance
8 under part A of title I;】

9 【“(3) submitted by State education agencies
10 that, at the time of application, are using, or have
11 plans to use during the implementation of expanded
12 learning time, formative assessments to assess
13 growth in student learning during a school year and
14 from year to year;】

15 【“(4) submitted by State education agencies
16 that demonstrate a higher correlation between stu-
17 dent results on NAEP and the student results on
18 that State administered achievement test; and】

19 【“(5) that have the greatest potential for State-
20 wide impact.】

21 【“(f) TIMEFRAME.—Each State education agency
22 that applies for an expanded learning time and school re-
23 design grant must submit a plan for not more than two
24 cohorts of local education agencies that complete expanded

1 learning time and school redesign implementation plans
2 pursuant to subsection 1875.】

3 【“(g) BROAD DISTRIBUTION.—The Secretary shall
4 ensure that grants awarded under this part are distributed
5 among diverse geographical regions and to a diverse range
6 of States of different sizes and populations.】

7 【“(h) DURATION OF GRANTS.—Each State expanded
8 learning time and school redesign initiative grant awarded
9 under this part shall be for a period of five years and be
10 eligible for renewal for a period of up to five years.】

11 【“(i) STATE USES OF FUNDS.—】

12 【“(1) IN GENERAL.—A State educational agen-
13 cy that receives a grant under this section may ex-
14 pend not more than a total of 10 percent of the
15 grant funds to carry out the activities described in
16 paragraphs (2) and (3).】

17 【“(2) TECHNICAL ASSISTANCE FOR LOCAL
18 EDUCATIONAL AGENCIES AND SCHOOLS.—A State
19 educational agency may expend not more than 70
20 percent of the amount of the funds made available
21 under paragraph (1) for assisting local educational
22 agencies in accomplishing the tasks required to de-
23 sign and implement a program under this part, in-
24 cluding, but not limited to—】

1 【“(A) the facilitation of planning and de-
2 velopment processes;】

3 【“(B) the identification and utilization of
4 eligible external organizations to help provide
5 technical assistance to participating local edu-
6 cation agencies and schools;】

7 【“(C) disseminating research, information,
8 and guidance on best practices including, but
9 not limited to instruction, budgeting, labor
10 agreements, staffing, and communications;
11 and】

12 【“(D) Providing coaching, professional de-
13 velopment, technical assistance, and training re-
14 lated to the development and implementation of
15 an expanded learning time plan.】

16 【“(3) PLANNING, ADMINISTRATION, AND RE-
17 PORTING.—A State educational agency may expend
18 not more than 30 percent of the amount of the
19 funds made available under paragraph (1) for one or
20 more of the following:】

21 【“(A) PLANNING AND ADMINISTRATION.—
22 A State educational agency that receives a
23 grant under this section may expend funds
24 made available under subsection (a) for plan-
25 ning and administration relating to the State

1 uses of funds authorized under this part, in-
2 cluding the following:】

3 【“(i) Administering the review, ap-
4 proval and distribution of competitive sub-
5 grants to eligible local educational agencies
6 under subsection (c).】

7 【“(ii) Assessing and evaluating, on a
8 regular basis, eligible local educational
9 agency activities assisted under this part.】

10 【“(B) ANNUAL REPORTING.—】

11 【“(i) IN GENERAL.—A State edu-
12 cational agency that receives a grant under
13 this section shall expend funds made avail-
14 able under subsection (a) to provide the
15 Secretary annually with a report on the
16 implementation of this part.】

17 【“(ii) INFORMATION INCLUDED.—
18 Each report under this subparagraph shall
19 include information on the following:】

20 【“(I) A review of the progress
21 being made on implementation by
22 each local education agency with an
23 approved implementation plan.】

24 【“(II) Attendance data for each
25 participating school.】

1 【“(III) Retention, mobility and
2 transfer rates into and out of each
3 participating school.】

4 【“(IV) Formative achievement
5 data collected at regular intervals dur-
6 ing each school year for each partici-
7 pating school.】

8 【“(V) Summative achievement
9 data including standardized test
10 scores for each participating school.】

11 【“(iii) PRIVACY PROTECTION.—Data
12 in the report shall be reported in a manner
13 that protects the privacy of individuals.】

14 【“(j) REVIEW.—】

15 【“(1) PROGRESS REPORT.—】

16 【“(A) SUBMISSION.—Not later than 60
17 days after the termination of the second year of
18 the grant period and for each successive year
19 after that until the termination of this grant,
20 each State educational agency receiving a grant
21 under this section shall submit a progress re-
22 port to the Secretary in such manner as the
23 Secretary may require.】

24 【“(B) INFORMATION INCLUDED.—The
25 progress report shall include information on the

1 progress the State educational agency and local
2 educational agencies within the State are mak-
3 ing in implementing expanded learning time ini-
4 tiatives and the impact such initiatives have
5 had on improving academic achievement, and
6 any additional information and data as the Sec-
7 retary may require.】

8 【“(2) CONSEQUENCES OF INSUFFICIENT
9 PROGRESS.—After submission of the progress report
10 described in paragraph (1), if the Secretary deter-
11 mines that the State educational agency is not mak-
12 ing significant progress in meeting the purposes of
13 this part, the Secretary may withhold from the State
14 educational agency, in whole or in part, further pay-
15 ments under this section in accordance with section
16 455 of the General Education Provisions Act or take
17 such other action authorized by law as the Secretary
18 determines necessary, including providing technical
19 assistance upon request of the State educational
20 agency.】

21 【“(k) FUNDS NOT USED FOR STATE LEVEL ACTIVI-
22 TIES.—Any portion of funds described in subsection (d)(1)
23 that a State educational agency does not expend in accord-
24 ance with subsection (d)(1) shall be expended for the pur-

1 pose of making subgrants in accordance with subsection
2 (c).】

3 **【“SEC. 1875. EXPANDED LEARNING TIME AND SCHOOL RE-
4 DESIGN IMPLEMENTATION GRANTS.】**

5 **【“(a) IN GENERAL.—**An eligible entity or a local
6 education agency that receives a planning grant pursuant
7 to sections 1873 or a planning subgrant pursuant to sec-
8 tion 1875 shall be required to use said funds and the plan-
9 ning and redesign process approved as part of their ELT
10 planning process to create an expanded learning time and
11 school redesign implementation plan as specified in sub-
12 section (b). The expanded learning time and school rede-
13 sign implementation plan shall be submitted for review in
14 such time and containing such information as the Sec-
15 retary may require and shall include, but not be limited
16 to the information specified in subsection (b).】

17 **【“(b) CONTENT.—**A qualifying expanded learning
18 time and school redesign implementation plan shall con-
19 tain such information as the Secretary may require includ-
20 ing—】

21 **【“(1) the requirement for each participating
22 school to add no less than the equivalent of two
23 hours per day to the school schedule that is stand-
24 ard for the participating local education agency;】**

1 【“(2) the requirement to add time in the form
2 of longer school days or additional school days or a
3 combination of longer days and additional days;】

4 【“(3) the requirement for participating schools
5 to expand time for all students attending the partici-
6 pating school;】

7 【“(4) an increase in instructional time on core
8 academics and enrichment, and more time for teach-
9 er planning and professional planning;】

10 【“(5) a comprehensive restructuring of the en-
11 tire school day and/or year to maximize the use of
12 the additional learning time and improve student
13 achievement;】

14 【“(6) documentation of leadership capacity to
15 implement the complex process required to the ex-
16 pand of learning time and redesign the school pro-
17 gram as well as a track record of instituting complex
18 school improvement processes;】

19 【“(7) an assurance that core academic subjects
20 shall be taught by qualified, certified teachers while
21 other academic and enrichment programs may be
22 taught by certified teachers, or other qualified per-
23 sonnel;】

24 【“(8) evidence of an agreement between the
25 governing body of a participating local education

1 agency and employees, including teachers, at partici-
2 pating schools or their legal representatives to work
3 the expanded schedule;】

4 【“(9) an audit of how time is currently used in
5 the participating school’s existing schedule prior to
6 implementation of expanded learning time;】

7 【“(10) an agreement to provide high quality
8 technical support and assistance during the planning
9 and implementation phases with an external organi-
10 zation that has demonstrated the capacity to deliver
11 high quality materials, professional planning, and
12 on-site assistance to schools and local education
13 agencies;】

14 【“(11) a description of how the local education
15 agency or participating schools will utilize partner-
16 ships with external organizations during the plan-
17 ning and implementation phases that have a dem-
18 onstrated capacity for implementing high quality
19 programs for public school students in the planning
20 and implementation of the expanded learning time
21 programs including organizations such as institu-
22 tions of higher education, community-based organi-
23 zations, health and mental health agencies, cultural
24 organizations, and after-school program providers;
25 and】

1 【“(12) include a comprehensive budget suffi-
2 cient to fund the approved plan that uses funds allo-
3 cated pursuant to this Act and includes no less than
4 5 percent of total funding from sources other than
5 those allocated as part of this Act. The match may
6 include, but need not be limited to funds from other
7 Federal, State, local, or private sources, to assist
8 with implementation of the expanded learning time
9 program.】

10 【“(c) REVIEW OF EXPANDED LEARNING TIME AND
11 SCHOOL REDESIGN PLANNING GRANT APPLICATIONS.—
12 Upon receiving qualifying expanded learning time and
13 school redesign implementation plans, the Secretary or
14 State education agency shall review all implementation
15 plans and award expanded learning time and school rede-
16 sign implementation grants to the most qualified applica-
17 tions pursuant to subsection (d).】

18 【“(d) PRIORITY.—In awarding grants under this sec-
19 tion, the Secretary or State education agency shall give
20 priority to applications—】

21 【“(1) submitted by eligible entities that have
22 more than 25 percent of students eligible for the
23 Federal free or reduced-price meals program;】

24 【“(2) proposing to target high-need schools—】

1 【“(A) with 50 percent or more students el-
2 igible for the Federal free or reduced-price
3 meals program; or】

4 【“(B) that are identified as being in need
5 of improvement, corrective action, or restruc-
6 turing as defined in section 1116 of title I; or】

7 【“(C) that are eligible to receive assistance
8 under part A of title I;】

9 【“(3) submitted by eligible entities that, at the
10 time of application, are using, or have plans to use
11 during the implementation of expanded learning
12 time, formative assessments to assess growth in stu-
13 dent learning during a school year and from year to
14 year; and】

15 【“(4) that have the greatest potential for dis-
16 trict-wide impact.】

17 【“(e) DURATION OF GRANTS.—each expanded learn-
18 ing time and school redesign implementation grant award-
19 ed under this part shall be for a period of not less than
20 5 years and shall be renewable for a period of up to 5
21 years.】

22 【“(f) LOCAL ADMINISTRATION.—An eligible local
23 educational agency that receives a subgrant under this
24 section may use not more than 7.5 percent of the funds
25 provided under the subgrant for administration, review,

1 assessment, and reporting as described in the approved
2 planning grant application and as required by the Sec-
3 retary.】

4 **【“SEC. 1876. NATIONAL ACTIVITIES.**

5 “From funds reserved under section 1872(b)(1)(C),
6 the Secretary shall authorize not less than \$3,000,000 for
7 each of fiscal years 2008 through 2012 for external eval-
8 uation pursuant to section 1875 and the national technical
9 assistance activities and information dissemination pursu-
10 ant to section 1876—】

11 **【“(1) the Secretary shall carry out the external**
12 **evaluation as described in section 1875 and expend**
13 **not less than 66 percent of the funds authorized in**
14 **this section to carry out the evaluation activities**
15 **pursuant to section 1875; and】**

16 **【“(2) the Secretary shall expend not more than**
17 **34 percent of the funds authorized in this section for**
18 **national technical assistance activities and informa-**
19 **tion dissemination pursuant to section 1876.】**

20 **【“SEC. 1877. EXTERNAL EVALUATION.】**

21 **【“(a) IN GENERAL.—From funds reserved under**
22 **section 1872(b)(1)(C), the Secretary shall contract with**
23 **an independent organization outside of the Department**
24 **for a 5-year, rigorous, scientifically valid evaluation of this**
25 **part.】**

1 **【“(b) PROCESS.—**The evaluation under subsection
2 (a) shall be conducted by an organization that is capable
3 of designing and carrying out an independent evaluation
4 that identifies the effects of specific activities carried out
5 by Eligible entities and local educational agencies under
6 this part on student achievement and engagement. Such
7 evaluation shall also be designed to analyze the relation-
8 ship between the implementation process and changes ob-
9 served in student performance and other outcomes and
10 take into account factors influencing student performance
11 that are not controlled by teachers or education adminis-
12 trators.】

13 **【“(c) ANALYSIS.—**The evaluation under subsection
14 (a) shall include—】

15 **【“(1) a summative analysis to assess outcomes,**
16 particularly in student performance, over the short
17 and long tem for an analysis of expanded learning
18 time schools and their impact on various stake-
19 holders over a five year period and shall include—
20 **】**

21 **【“(A) a quantitative analysis of all ex-**
22 panded learning time schools;】

23 **【“(B) an in-depth analysis of a sub-sample**
24 of expanded learning time schools, that in-
25 cludes, but is not limited to, trends in test

1 scores changes in educational practices, satis-
2 faction of different constituencies , teacher re-
3 tention, school choice, impact on key indicators
4 of student success including, but not limited to
5 engagement in learning, social competencies,
6 collaboration skills and other 21st Century
7 Skills, retention; and disciplinary action; and】

8 【“(C) an analysis of how variation in cer-
9 tain factors including, but not limited to school
10 design, instructional practices, existing condi-
11 tions influence outcomes;】

12 【“(2) a formative analysis to gain under-
13 standing about the conditions and activities that im-
14 pacted the planning and implementation of expanded
15 learning time initiatives including but not limited
16 to—】

17 【“(A) teaching and leadership practices;】

18 【“(B) student and teacher schedules;】

19 【“(C) the added costs of operating an
20 ELT school and where these added costs reside
21 in the budget, and whether the schools needed
22 to seek revenues beyond those provided by the
23 State and/or local district;】

1 【“(1) assist State education agencies with the
2 planning of expanded learning time initiatives in-
3 cluding, but not limited to the dissemination of in-
4 formation and research on existing State and local
5 expanded learning time efforts;】

6 【“(2) convene participating State and local
7 education agencies and relevant State technical as-
8 sistance partners through the use of regional and
9 national networks to train and educate them on best
10 practices for expanding learning time in the areas of
11 finance, educational programming, human resources
12 and staffing, labor agreements, and public-private
13 partnerships;】

14 【“(3) identify and disseminate information
15 about schools, local educational agencies, and Eligi-
16 ble entities that have effectively developed and im-
17 plemented expanded learning time initiatives, includ-
18 ing those Eligible entities, local educational agencies,
19 and schools that have been identified as effective
20 through the evaluation provisions of this part; and】

21 【“(4) support the continued identification and
22 dissemination of information expanded learning time
23 programs that can lead to improved learning out-
24 comes for children, youth, and adults.】

1 **["(b) CRITERIA.—**In naming an organization to be
2 the national technical assistance provider for the expanded
3 learning time initiative, the Secretary shall select from or-
4 ganizations that have a proven track record of providing
5 technical assistance related to developing and imple-
6 menting expanded learning time initiatives to State edu-
7 cation agencies and local education agencies for a min-
8 imum of two years prior to the enactment of this section.
9 In addition, the Secretary shall consider an organization’s
10 financial capacity, leadership capacity, and ability to at-
11 tract a broad range of financial support.】

12 **["SEC. 1879. DEFINITIONS.**

13 **“In this part:】**

14 **["(1) ELIGIBLE ENTITY.—**The term ‘eligible
15 entity’ means—】

16 **["(A) a local educational agency; or】**

17 **["(B) a consortium that consists of two or**
18 **more local education agencies.】**

19 **["(2) EXPANDED LEARNING TIME AND SCHOOL**
20 **REDESIGN DEVELOPMENT GRANT OR DEVELOPMENT**
21 **GRANT.—**The terms ‘expanded learning time and
22 school redesign planning grant’ or ‘planning grant’
23 mean a subgrant awarded by a State education
24 agency to a local education agency for the purpose

1 of developing an implementation plan for expanding
2 the school day and/or year.】

3 【“(3) EXPANDED LEARNING TIME AND SCHOOL
4 REDESIGN IMPLEMENTATION SUBGRANT OR IMPLE-
5 MENTATION SUBGRANT.—The terms ‘expanded
6 learning time and school redesign implementation
7 grant’ or ‘implementation grant’ mean a subgrant
8 awarded by a State education agency to a local edu-
9 cation agency to enact its expanded learning time
10 and school redesign implementation plan to expand
11 learning time by lengthening school days or the
12 school year at selected schools.】

13 【“(4) EXPANDED LEARNING TIME AND SCHOOL
14 REDESIGN IMPLEMENTATION PLAN OR IMPLEMENTA-
15 TION PLAN.—The terms ‘expanded learning time
16 and school redesign implementation plan’ or ‘imple-
17 mentation grant’ mean the plan developed by a local
18 education agency to expand the school day and/or
19 year at selected schools that is submitted to a State
20 education agency for review.】

21 【“(5) DEFINED PER PUPIL ALLOTMENT.—The
22 term ‘defined per pupil allotment’ means the amount
23 determined by the Secretary to be the cost of ex-
24 panding learning time pursuant to this act. The ‘de-
25 fined per pupil amount’ shall be equal to \$1,500 and

1 adjusted higher or lower depending on regional dif-
2 ferences in per pupil cost as determined by the Sec-
3 retary.】

4 【“(6) 21ST CENTURY COMMUNITY LEARNING
5 CENTER PROGRAM.—The term ‘21st century com-
6 munity learning center program’ means a program
7 that receives assistance under part B of title IV of
8 this Act.】

9 【“(7) SCHOOL-BASED AFTER-SCHOOL PRO-
10 GRAM.—The term ‘school-based after-school pro-
11 gram’ means a program that carries out a broad
12 array of before- and after-school activities (including
13 activities during summer recess periods and other
14 vacations) that advance student academic achieve-
15 ment and youth planning with the majority of these
16 activities taking place at a public school facility.】

17 【“(8) ELIGIBLE ENTITY.—The term ‘eligible
18 entity’ means a partnership that includes—】

19 【“(A) 1 or more local educational agencies;
20 and】

21 【“(B) 1 or more of any of the following:】

22 【“(i) A community-based organiza-
23 tion, such as an organization focused on
24 after-school learning, alternative learning,
25 or dropout prevention.】

1 【“(ii) An institution of higher edu-
2 cation.”】

3 【“(iii) A community learning center,
4 as defined in section 4201(b), that receives
5 assistance under part B of this title.”】

6 【“(iv) Any other public or private en-
7 tity.”】

8 (b) CONFORMING AMENDMENTS.—The following pro-
9 visions are each amended by striking “part I” and insert-
10 ing “part K”:

11 (1) Section 1304(c)(2) (20 U.S.C. 6394(c)(2)).

12 (2) Section 1415(a)(2)(C) (20 U.S.C.
13 6435(a)(2)(C)).

14 **SEC. 111. AMENDMENTS TO FORMER PART I (REDESIG-**
15 **NATED AS K; GENERAL PROVISIONS).**

16 (a) FEDERAL REGULATIONS.—Section 1901 (20
17 U.S.C. 6571) is amended in subsection (b)(3)(A) by strik-
18 ing “, at a minimum, standards and assessments” and in-
19 serting “【, at a minimum, standards and assessments】”.

20 (b) STATE ADMINISTRATION.—Section
21 1903(b)(2)(G) (20 U.S.C. 6573(b)(2)(G)) is amended by
22 striking “pupil services personnel” and inserting “special-
23 ized instructional support personnel”.

24 (c) PROHIBITION AGAINST FEDERAL MANDATES, DI-
25 RECTION, OR CONTROL.—Section 1905 (20 U.S.C. 6575)

1 is amended—**[Does this need to be made consistent with**
2 **conflict language we are adding – probably yes]**

3 (d) REGULATIONS FOR SECTIONS 1111 AND 1116.—

4 Section 1908 (20 U.S.C. 6578) is amended—**[Hold to de-**
5 **termine at end of bill what we want regulations expedited**
6 **on]**.