

Union Calendar No. 321

112TH CONGRESS
2^D SESSION

H. R. 3990

[Report No. 112-459, Part I]

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2012

Mr. KLINE (for himself, Mr. HUNTER, Mr. ROE of Tennessee, Mr. PETRI, Mr. WILSON of South Carolina, Mr. DESJARLAIS, Mrs. NOEM, Mrs. ROBY, and Mr. HECK) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

APRIL 27, 2012

Additional sponsors: Mr. KELLY and Mr. BARLETTA

APRIL 27, 2012

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 27, 2012

The Committees on Armed Services and Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 9, 2012]

A BILL

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Encouraging Innovation*
 5 *and Effective Teachers Act”.*

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

7 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Transition.

Sec. 5. Effective dates.

Sec. 6. Authorization of appropriations.

TITLE I—TEACHER PREPARATION AND EFFECTIVENESS

Sec. 101. Teacher preparation and effectiveness.

Sec. 102. Conforming repeals.

TITLE II—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 201. Parental engagement and local flexibility.

TITLE III—IMPACT AID

Sec. 301. Purpose.

Sec. 302. Payments relating to Federal acquisition of real property.

Sec. 303. Payments for eligible federally connected children.

Sec. 304. Policies and procedures relating to children residing on Indian lands.

Sec. 305. Application for payments under sections 8002 and 8003.

Sec. 306. Construction.

Sec. 307. Facilities.

Sec. 308. State consideration of payments providing State aid.

Sec. 309. Federal administration.

Sec. 310. Administrative hearings and judicial review.

Sec. 311. Definitions.

Sec. 312. Authorization of appropriations.

Sec. 313. Conforming amendments.

TITLE IV—TROOPS-TO-TEACHERS PROGRAM

Sec. 401. Troops-to-teachers program.

TITLE V—REPEAL

Sec. 501. Repeal of title VI.

TITLE VI—HOMELESS EDUCATION

Sec. 601. Statement of policy.

Sec. 602. Grants for State and local activities for the education of homeless children and youths.

Sec. 603. Local educational agency subgrants for the education of homeless children and youths.

Sec. 604. Secretarial responsibilities.

Sec. 605. Definitions.

Sec. 606. Authorization of appropriations.

1 SEC. 3. REFERENCES.

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

8 SEC. 4. TRANSITION.

9 *Unless otherwise provided in this Act, any person or*
 10 *agency that was awarded a grant under the Elementary*
 11 *and Secondary Education Act of 1965 (20 U.S.C. 6301 et*
 12 *seq.) prior to the date of the enactment of this Act shall*
 13 *continue to receive funds in accordance with the terms of*
 14 *such award, except that funds for such award may not con-*
 15 *tinue more than one year after the date of the enactment*
 16 *of this Act.*

17 SEC. 5. EFFECTIVE DATES.

18 *(a) IN GENERAL.—Except as otherwise provided in*
 19 *this Act, this Act, and the amendments made by this Act,*
 20 *shall be effective upon the date of enactment of this Act.*

21 *(b) NONCOMPETITIVE PROGRAMS.—With respect to*
 22 *noncompetitive programs under which any funds are allot-*

1 *ted by the Secretary of Education to recipients on the basis*
2 *of a formula, this Act, and the amendments made by this*
3 *Act, shall take effect on July 1, 2012.*

4 *(c) COMPETITIVE PROGRAMS.—With respect to pro-*
5 *grams that are conducted by the Secretary on a competitive*
6 *basis, this Act, and the amendments made by this Act, shall*
7 *take effect with respect to appropriations for use under those*
8 *programs for fiscal year 2013.*

9 *(d) IMPACT AID.—With respect to title IV of the Act*
10 *(20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the*
11 *amendments made by this Act, shall take effect with respect*
12 *to appropriations for use under that title for fiscal year*
13 *2013.*

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 *The Act (20 U.S.C. 6301 et seq.) is amended by insert-*
16 *ing after section 2 the following:*

17 **“SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

18 *“(a) TITLE II.—There are authorized to be appro-*
19 *priated to carry out title II \$2,988,070,000 for fiscal year*
20 *2013.*

21 *“(b) TITLE III.—*

22 *“(1) PART A.—*

23 *“(A) SUBPART 1.—There are authorized to*
24 *be appropriated to carry out subpart 1 of part*
25 *A of title III \$300,000,000 for fiscal year 2013.*

1 “(B) *SUBPART 2.*—*There are authorized to*
2 *be appropriated to carry out subpart 2 of part*
3 *A of title III \$99,611,000 for fiscal year 2013.*

4 “(C) *SUBPART 3.*—*There are authorized to*
5 *be appropriated to carry out subpart 3 of part*
6 *A of title III \$25,000,000 for fiscal year 2013.*

7 “(2) *PART B.*—*There are authorized to be appro-*
8 *priated to carry out part B of title III \$2,677,476,000*
9 *for fiscal year 2013.*

10 “(c) *TITLE IV.*—

11 “(1) *PAYMENTS FOR FEDERAL ACQUISITION OF*
12 *REAL PROPERTY.*—*For the purpose of making pay-*
13 *ments under section 4002, there are authorized to be*
14 *appropriated \$66,947,000 for fiscal year 2013.*

15 “(2) *BASIC PAYMENTS; PAYMENTS FOR HEAVILY*
16 *IMPACTED LOCAL EDUCATIONAL AGENCIES.*—*For the*
17 *purpose of making payments under section 4003(b),*
18 *there are authorized to be appropriated*
19 *\$1,153,540,000 for fiscal year 2013.*

20 “(3) *PAYMENTS FOR CHILDREN WITH DISABIL-*
21 *ITIES.*—*For the purpose of making payments under*
22 *section 4003(d), there are authorized to be appro-*
23 *priated \$48,413,000 for fiscal year 2013.*

1 “(4) *CONSTRUCTION.*—For the purpose of car-
 2 rying out section 4007, there are authorized to be ap-
 3 propriated \$17,441,000 for fiscal year 2013.

4 “(5) *FACILITIES MAINTENANCE.*—For the pur-
 5 pose of carrying out section 4008, there are author-
 6 ized to be appropriated \$4,845,000 for fiscal year
 7 2013.

8 “(d) *OUT YEARS.*—The amounts authorized in sub-
 9 sections (a), (b), and (c) shall be increased for each of fiscal
 10 years 2014 through 2018 by a percentage equal to the per-
 11 centage of inflation according to the Consumer Price Index,
 12 for the calendar year ending prior to the beginning of that
 13 fiscal year.”.

14 **TITLE I—TEACHER PREPARA-**
 15 **TION AND EFFECTIVENESS**

16 **SEC. 101. TEACHER PREPARATION AND EFFECTIVENESS.**

17 (a) *HEADING.*—The title heading for title II (20
 18 U.S.C. 6601 et seq.) is amended to read as follows:

19 **“TITLE II—TEACHER PREPARA-**
 20 **TION AND EFFECTIVENESS”.**

21 (b) *PART A.*—Part A of title II (20 U.S.C. 6601 et
 22 seq.) is amended to read as follows:

1 **“PART A—SUPPORTING EFFECTIVE INSTRUCTION**

2 **“SEC. 2101. PURPOSE.**

3 *“The purpose of this part is to provide grants to State*
4 *educational agencies and subgrants to local educational*
5 *agencies to—*

6 *“(1) increase student achievement consistent with*
7 *State academic standards under section 1111;*

8 *“(2) improve teacher and school leader effective-*
9 *ness;*

10 *“(3) provide evidence-based, continuous, job-em-*
11 *bedded professional development; and*

12 *“(4) develop and implement teacher evaluation*
13 *systems to link teacher performance with student*
14 *achievement to determine teacher effectiveness.*

15 **“Subpart 1—Grants to States**

16 **“SEC. 2111. ALLOTMENTS TO STATES.**

17 *“(a) IN GENERAL.—Of the amounts appropriated*
18 *under section 3(a), the Secretary shall reserve 75 percent*
19 *to make grants to States with applications approved under*
20 *section 2112 to pay for the Federal share of the cost of car-*
21 *rying out the activities specified in section 2113. Each*
22 *grant shall consist of the allotment determined for a State*
23 *under subsection (b).*

24 *“(b) DETERMINATION OF ALLOTMENTS.—*

1 “(1) *RESERVATION OF FUNDS.*—Of the amount
2 *reserved under subsection (a) for a fiscal year, the*
3 *Secretary shall reserve—*

4 “(A) *not more than 1 percent to carry out*
5 *national activities under section 2132;*

6 “(B) *one-half of 1 percent for allotments to*
7 *outlying areas on the basis of their relative need,*
8 *as determined by the Secretary, in accordance*
9 *with the purpose of this part; and*

10 “(C) *one-half of 1 percent for the Secretary*
11 *of the Interior for programs under this part in*
12 *schools operated or funded by the Bureau of In-*
13 *Indian Education.*

14 “(2) *STATE ALLOTMENTS.*—

15 “(A) *IN GENERAL.*—Subject to subpara-
16 *graph (B), from the funds reserved under sub-*
17 *section (a) for any fiscal year and not reserved*
18 *under paragraph (1), the Secretary shall allot to*
19 *each State the sum of—*

20 “(i) *an amount that bears the same re-*
21 *lationship to 50 percent of the funds as the*
22 *number of individuals age 5 through 17 in*
23 *the State, as determined by the Secretary on*
24 *the basis of the most recent satisfactory*
25 *data, bears to the number of those individ-*

1 uals in all such States, as so determined;
2 and

3 “(ii) an amount that bears the same
4 relationship to 50 percent of the funds as
5 the number of individuals age 5 through 17
6 from families with incomes below the pov-
7 erty line in the State, as determined by the
8 Secretary on the basis of the most recent
9 satisfactory data, bears to the number of
10 those individuals in all such States, as so
11 determined.

12 “(B) SMALL STATE MINIMUM.—No State re-
13 ceiving an allotment under subparagraph (A)
14 may receive less than one-half of 1 percent of the
15 total amount of funds allotted under such sub-
16 paragraph for a fiscal year.

17 “(c) ALTERNATE DISTRIBUTION OF FUNDS.—

18 “(1) IN GENERAL.—Subject to paragraphs (2)
19 through (5), if a State does not apply to the Secretary
20 for an allotment under this section, a local edu-
21 cational agency located in such State may apply to
22 the Secretary for a portion of the funds that would
23 have been allotted to the State had such State applied
24 for an allotment under this section to carry out the
25 activities under this part.

1 “(2) *APPLICATION.*—*In order to receive an allot-*
2 *ment under paragraph (1), a local educational agency*
3 *shall submit to the Secretary an application at such*
4 *time, in such manner, and containing the informa-*
5 *tion described in section 2122.*

6 “(3) *USE OF FUNDS.*—*A local educational agen-*
7 *cy receiving an allotment under paragraph (1)—*

8 “(A) *shall use such funds to carry out the*
9 *activities described in section 2123(1); and*

10 “(B) *may use such funds to carry out the*
11 *activities described in section 2123(2).*

12 “(4) *REPORTING REQUIREMENTS.*—*A local edu-*
13 *cational agency receiving an allotment under para-*
14 *graph (1) shall carry out the reporting requirements*
15 *described in section 2131(a), except that annual re-*
16 *ports shall be submitted to the Secretary and not a*
17 *State educational agency.*

18 “(5) *AMOUNT OF ALLOTMENT.*—*An allotment*
19 *made to a local educational agency under paragraph*
20 *(1) for a fiscal year shall be equal to the amount of*
21 *subgrant funds that the local educational agency*
22 *would have received under subpart 2 had such agency*
23 *applied for a subgrant under such subpart for such*
24 *fiscal year.*

1 “(d) *REALLOTMENT.*—*If a State does not apply for an*
2 *allotment under this section for any fiscal year or only a*
3 *portion of the State’s allotment is allotted under subsection*
4 *(c), the Secretary shall reallocate the State’s entire allotment*
5 *or the remaining portion of its allotment, as the case may*
6 *be, to the remaining States in accordance with subsection*
7 *(b).*

8 “**SEC. 2112. STATE APPLICATION.**

9 “(a) *IN GENERAL.*—*For a State to be eligible to receive*
10 *a grant under this subpart, the State educational agency*
11 *shall submit an application to the Secretary at such time*
12 *and in such a manner as the Secretary may reasonably*
13 *require, which shall include the following:*

14 “(1) *A description of how the State educational*
15 *agency will meet the requirements of this subpart.*

16 “(2) *A description of how the State educational*
17 *agency will use a grant received under section 2111,*
18 *including the grant funds the State will reserve for*
19 *State-level activities under section 2113(a)(2).*

20 “(3) *A description of how the State educational*
21 *agency will facilitate the sharing of evidence-based*
22 *and other effective strategies among local educational*
23 *agencies.*

24 “(4) *In the case of a State educational agency*
25 *that is not developing or implementing a statewide*

1 *teacher evaluation system, a description of how the*
2 *State educational agency will ensure that each local*
3 *educational agency in the State receiving a subgrant*
4 *under subpart 2 will implement a teacher evaluation*
5 *system that meets the requirements of clauses (i)*
6 *through (v) of section 2123(1)(A).*

7 *“(5) In the case of a State educational agency*
8 *that is developing or implementing a statewide teach-*
9 *er evaluation system—*

10 *“(A) a description of how the State edu-*
11 *cational agency will work with local educational*
12 *agencies in the State to implement the statewide*
13 *teacher evaluation system within 3 years of the*
14 *date of enactment of the Encouraging Innovation*
15 *and Effective Teachers Act; and*

16 *“(B) an assurance that the statewide teach-*
17 *er evaluation system complies with clauses (i)*
18 *through (v) of section 2123(1)(A).*

19 *“(6) An assurance that the State educational*
20 *agency will comply with section 5501 (regarding par-*
21 *ticipation by private school children and teachers).*

22 *“(b) DEEMED APPROVAL.—An application submitted*
23 *by a State educational agency under subsection (a) shall*
24 *be deemed to be approved by the Secretary unless the Sec-*
25 *retary makes a written determination, prior to the expira-*

1 *tion of the 120-day period beginning on the date on which*
2 *the Secretary received the application, that the application*
3 *is not in compliance with this subpart.*

4 “(c) *DISAPPROVAL.—The Secretary shall not finally*
5 *disapprove an application, except after giving the State*
6 *educational agency notice and an opportunity for a hear-*
7 *ing.*

8 “(d) *NOTIFICATION.—If the Secretary finds that an*
9 *application is not in compliance, in whole or in part, with*
10 *this subpart, the Secretary shall—*

11 “(1) *give the State educational agency notice*
12 *and an opportunity for a hearing; and*

13 “(2) *notify the State educational agency of the*
14 *finding of noncompliance and, in such notification,*
15 *shall—*

16 “(A) *cite the specific provisions in the ap-*
17 *plication that are not in compliance; and*

18 “(B) *request additional information, only*
19 *as to the noncompliant provisions, needed to*
20 *make the application compliant.*

21 “(e) *RESPONSE.—If a State educational agency re-*
22 *sponds to a notification from the Secretary under subsection*
23 *(d)(2) during the 45-day period beginning on the date on*
24 *which the agency received the notification, and resubmits*
25 *the application with the requested information described in*

1 subsection (d)(2)(B), the Secretary shall approve or dis-
2 approve such application prior to the later of—

3 “(1) the expiration of the 45-day period begin-
4 ning on the date on which the application is resub-
5 mitted; or

6 “(2) the expiration of the 120-day period de-
7 scribed in subsection (b).

8 “(f) *FAILURE TO RESPOND.*—If a State educational
9 agency does not respond to a notification from the Secretary
10 under subsection (d)(2) during the 45-day period beginning
11 on the date on which the agency received the notification,
12 such application shall be deemed to be disapproved.

13 **“SEC. 2113. STATE USE OF FUNDS.**

14 “(a) *IN GENERAL.*—A State educational agency that
15 receives a grant under section 2111 shall—

16 “(1) reserve 95 percent of the grant funds to
17 make subgrants to local educational agencies under
18 subpart 2; and

19 “(2) use the remainder of the funds, after reserv-
20 ing funds under paragraph (1), for the State activi-
21 ties described in subsection (b), except that the State
22 may reserve not more than 1 percent of the grant
23 funds for planning and administration related to car-
24 rying out activities described in subsection (b).

1 “(b) *STATE-LEVEL ACTIVITIES.*—A State educational
2 agency that receives a grant under section 2111—

3 “(1) shall use the amount described in subsection
4 (a)(2) to—

5 “(A) provide training and technical assist-
6 ance to local educational agencies on—

7 “(i) in the case of a State educational
8 agency not implementing a statewide teach-
9 er evaluation system—

10 “(I) the development and imple-
11 mentation of a teacher evaluation sys-
12 tem that meets the requirements of
13 clauses (i) through (v) of section
14 2123(1)(A); and

15 “(II) training school leaders in
16 using such evaluation system; or

17 “(ii) in the case of a State educational
18 agency implementing a statewide teacher
19 evaluation system, implementing such eval-
20 uation system; and

21 “(B) fulfill the State educational agency’s
22 responsibilities with respect to the proper and ef-
23 ficient administration of the subgrant program
24 carried out under this part; and

1 *by the local educational agency, as determined by the*
 2 *State on the basis of the most recent satisfactory data,*
 3 *bears to the number of those individuals in the geo-*
 4 *graphic areas served by all the local educational agen-*
 5 *cies in the State, as so determined; and*

6 *“(2) an amount that bears the same relationship*
 7 *to 50 percent of the funds as the number of individ-*
 8 *uals age 5 through 17 from families with incomes*
 9 *below the poverty line in the geographic area served*
 10 *by the local educational agency, as determined by the*
 11 *State on the basis of the most recent satisfactory data,*
 12 *bears to the number of those individuals in the geo-*
 13 *graphic areas served by all the local educational agen-*
 14 *cies in the State, as so determined.*

15 **“SEC. 2122. LOCAL APPLICATIONS.**

16 *“To be eligible to receive a subgrant under this sub-*
 17 *part, a local educational agency shall submit an applica-*
 18 *tion to the State educational agency involved at such time,*
 19 *in such a manner, and containing such information as the*
 20 *State educational agency may reasonably require that, at*
 21 *a minimum, shall include the following:*

22 *“(1) A description of—*

23 *“(A) how the local educational agency will*
 24 *meet the requirements of this subpart;*

1 “(B) how the activities to be carried out by
2 the local educational agency under this subpart
3 will be evidence-based, improve student academic
4 achievement, and improve teacher and school
5 leader effectiveness;

6 “(C) in the case of a local educational agen-
7 cy not in a State with a statewide teacher eval-
8 uation system, the teacher evaluation system that
9 will be developed and implemented under section
10 2123(1) and how such system will meet the re-
11 quirements described in clauses (i) through (v) of
12 section 2123(1)(A);

13 “(D) how, in developing and implementing
14 such a teacher evaluation system, the local edu-
15 cational agency will work with parents, teachers,
16 school leaders, and other staff of the schools
17 served by the local educational agency; and

18 “(E) how the local educational agency will
19 develop and implement such a teacher evaluation
20 system within 3 years of the date of enactment
21 of the *Encouraging Innovation and Effective*
22 *Teachers Act*.

23 “(2) In the case of a local educational agency in
24 a State with a statewide teacher evaluation system, a
25 description of how the local educational agency will

1 *work with the State educational agency to implement*
2 *the statewide teacher evaluation system within 3*
3 *years of the date of enactment of the Encouraging In-*
4 *novation and Effective Teachers Act.*

5 *“(3) An assurance that the local educational*
6 *agency will comply with section 5501 (regarding par-*
7 *ticipation by private school children and teachers).*

8 **“SEC. 2123. LOCAL USE OF FUNDS.**

9 *“A local educational agency receiving a subgrant*
10 *under this subpart—*

11 *“(1) shall use such funds—*

12 *“(A) to develop and implement a teacher*
13 *evaluation system that—*

14 *“(i) uses student achievement data de-*
15 *derived from a variety of sources as a signifi-*
16 *cant factor in determining a teacher’s eval-*
17 *uation, with the weight given to such data*
18 *defined by the local educational agency;*

19 *“(ii) uses multiple measures of evalua-*
20 *tion for evaluating teachers;*

21 *“(iii) has more than 2 categories for*
22 *rating the performance of teachers;*

23 *“(iv) shall be used to make personnel*
24 *decisions, as determined by the local edu-*
25 *cational agency; and*

1 “(v) is based on input from parents,
2 school leaders, teachers, and other staff of
3 schools served by the local educational agen-
4 cy; or

5 “(B) in the case of a local educational agen-
6 cy located in a State implementing a statewide
7 teacher evaluation system, to implement such
8 evaluation system; and

9 “(2) may use such funds for—

10 “(A) the training of school leaders for the
11 purpose of evaluating teachers under a teacher
12 evaluation system described in subparagraph (A)
13 or (B) of paragraph (1), as appropriate;

14 “(B) professional development for teachers
15 and school leaders that is evidence-based, job-em-
16 bedded, and continuous, such as—

17 “(i) subject-based professional develop-
18 ment for teachers;

19 “(ii) professional development aligned
20 with the State’s academic standards;

21 “(iii) professional development for
22 teachers of students with disabilities and
23 English learners;

24 “(iv) professional development for
25 teachers identified as in need of additional

1 *support through data provided by a teacher*
2 *evaluation system described in subpara-*
3 *graph (A) or (B) of paragraph (1), as ap-*
4 *propriate;*

5 *“(v) professional development based on*
6 *the current science of learning, which in-*
7 *cludes research on positive brain change*
8 *and cognitive skill development;*

9 *“(vi) professional development for*
10 *school leaders, including mentorship pro-*
11 *grams for such leaders; or*

12 *“(vii) professional development on in-*
13 *tegrated, interdisciplinary, and project-*
14 *based teaching strategies, including for ca-*
15 *reer and technical education teachers;*

16 *“(C) partnering with a public or private*
17 *organization or a consortium of such organiza-*
18 *tions to develop and implement a teacher evalua-*
19 *tion system described in subparagraph (A) or*
20 *(B) of paragraph (1), as appropriate;*

21 *“(D) any activities authorized under section*
22 *2222(a); or*

23 *“(E) class size reduction, except that the*
24 *local educational agency may use not more than*
25 *10 percent of such funds for this purpose.*

1 **“Subpart 3—General Provisions**

2 **“SEC. 2131. REPORTING REQUIREMENTS.**

3 “(a) *LOCAL EDUCATIONAL AGENCIES.*—Each local
4 educational agency receiving a subgrant under subpart 2
5 shall submit to the State educational agency involved, on
6 an annual basis until the last year in which the local edu-
7 cational agency receives such subgrant funds, a report on—

8 “(1) *how the local educational agency is meeting*
9 *the purposes of this part described in section 2101;*

10 “(2) *how the local educational agency is using*
11 *such subgrant funds;*

12 “(3) *the number and percentage of teachers in*
13 *each category established under clause (iii) of section*
14 *2123(1)(A), except that such report shall not reveal*
15 *personally identifiable information about an indi-*
16 *vidual teacher; and*

17 “(4) *any such other information as the State*
18 *educational agency may require.*

19 “(b) *STATE EDUCATIONAL AGENCIES.*—Each State
20 educational agency receiving a grant under subpart 1 shall
21 submit to the Secretary a report, on an annual basis until
22 the last year in which the State educational agency receives
23 such grant funds, on—

24 “(1) *how the State educational agency is meeting*
25 *the purposes of this part described in section 2101;*
26 *and*

1 “(2) how the State educational agency is using
2 such grant funds.

3 **“SEC. 2132. NATIONAL ACTIVITIES.**

4 “From the funds reserved by the Secretary under sec-
5 tion 2111(b)(1)(A), the Secretary shall, directly or through
6 grants and contracts—

7 “(1) provide technical assistance to States and
8 local educational agencies in carrying out activities
9 under this part; and

10 “(2) acting through the Institute of Education
11 Sciences, conduct national evaluations of activities
12 carried out by State educational agencies and local
13 educational agencies under this part.

14 **“SEC. 2133. STATE DEFINED.**

15 “*In this part, the term ‘State’ means each of the 50*
16 *States, the District of Columbia, and the Commonwealth*
17 *of Puerto Rico.*”.

18 (c) *PART B.—Part B of title II (20 U.S.C. 6661 et*
19 *seq.) is amended to read as follows:*

20 **“PART B—TEACHER AND SCHOOL LEADER**
21 **FLEXIBLE GRANT**

22 **“SEC. 2201. PURPOSE.**

23 “*The purpose of this part is to improve student aca-*
24 *demic achievement in the core academic subjects by—*

1 “(1) supporting all State educational agencies,
2 local educational agencies, schools, teachers, and
3 school leaders to help all students meet the State’s
4 academic standards; and

5 “(2) increasing the number of teachers and
6 school leaders who are effective in increasing student
7 academic achievement.

8 **“Subpart 1—Formula Grants to States**

9 **“SEC. 2211. STATE ALLOTMENTS.**

10 “(a) RESERVATIONS.—From the amount appropriated
11 under section 3(a) for any fiscal year, the Secretary—

12 “(1) shall reserve 25 percent to award grants to
13 States under this subpart; and

14 “(2) of the amount reserved under paragraph
15 (1), shall reserve—

16 “(A) not more than 1 percent for national
17 activities described in section 2233;

18 “(B) one-half of 1 percent for allotments to
19 outlying areas on the basis of their relative need,
20 as determined by the Secretary, in accordance
21 with the purpose of this part; and

22 “(C) one-half of 1 percent for the Secretary
23 of the Interior for programs under this part in
24 schools operated or funded by the Bureau of In-
25 dian Education.

1 “(b) *STATE ALLOTMENTS.*—

2 “(1) *IN GENERAL.*—From the total amount re-
3 served under subsection (a)(1) for each fiscal year and
4 not reserved under subparagraphs (A) through (C) of
5 subsection (a)(2), the Secretary shall allot, and make
6 available in accordance with this section, to each
7 State an amount that bears the same ratio to such
8 sums as the school-age population of the State bears
9 to the school-age population of all States.

10 “(2) *SMALL STATE MINIMUM.*—No State receiv-
11 ing an allotment under paragraph (1) may receive
12 less than one-half of 1 percent of the total amount al-
13 lotted under such paragraph.

14 “(3) *REALLOTMENT.*—If a State does not receive
15 an allotment under this subpart for a fiscal year, the
16 Secretary shall reallocate the amount of the State’s allot-
17 ment to the remaining States in accordance with this
18 section.

19 “(c) *STATE APPLICATION.*—In order to receive an al-
20 lotment under this section for any fiscal year, a State shall
21 submit an application to the Secretary, at such time and
22 in such manner as the Secretary may reasonably require.
23 Such application shall—

1 “(1) designate the State educational agency as
2 the agency responsible for the administration and su-
3 pervision of programs assisted under this part;

4 “(2) describe how the State educational agency
5 will use funds received under this section for State
6 level activities described in subsection (d)(3);

7 “(3) describe the procedures and criteria the
8 State educational agency will use for reviewing appli-
9 cations and awarding subgrants to eligible entities
10 under section 2221 on a competitive basis;

11 “(4) describe how the State educational agency
12 will ensure that subgrants made under section 2221
13 are of sufficient size and scope to support effective
14 programs that will help increase academic achieve-
15 ment in the classroom and are consistent with the
16 purposes of this part;

17 “(5) describe the steps the State educational
18 agency will take to ensure that eligible entities use
19 subgrant funds received under section 2221 to carry
20 out programs that implement effective strategies, in-
21 cluding by providing ongoing technical assistance and
22 training, and disseminating evidence-based and other
23 effective strategies to such eligible entities;

1 “(6) describe how programs under this part will
2 be coordinated with other programs under this Act;
3 and

4 “(7) include an assurance that, other than pro-
5 viding technical and advisory assistance and moni-
6 toring compliance with this part, the State edu-
7 cational agency has not exercised, and will not exer-
8 cise, any influence in the decision-making processes of
9 eligible entities as to the expenditure of funds made
10 pursuant to an application submitted under section
11 2221(b).

12 “(d) STATE USE OF FUNDS.—

13 “(1) IN GENERAL.—Each State that receives an
14 allotment under this section shall reserve not less than
15 92 percent of the amount allotted to such State under
16 subsection (b), for each fiscal year, for subgrants to el-
17 igible entities under subpart 2.

18 “(2) STATE ADMINISTRATION.—A State edu-
19 cational agency may reserve not more than 1 percent
20 of the amount made available to the State under sub-
21 section (b) for the administrative costs of carrying out
22 such State educational agency’s responsibilities under
23 this subpart.

24 “(3) STATE-LEVEL ACTIVITIES.—

1 “(A) *INNOVATIVE TEACHER AND SCHOOL*
2 *LEADER ACTIVITIES.*—A State educational agen-
3 *cy shall reserve not more than 4 percent of the*
4 *amount made available to the State under sub-*
5 *section (b) to carry out 1 or more of the fol-*
6 *lowing activities:*

7 “(i) *Reforming teacher and school lead-*
8 *er certification, recertification, licensing,*
9 *and tenure systems to ensure that—*

10 “(I) *each teacher has the subject*
11 *matter knowledge and teaching skills*
12 *necessary to help students meet the*
13 *State’s academic standards; and*

14 “(II) *school leaders have the in-*
15 *structional leadership skills to help*
16 *teachers instruct and students learn.*

17 “(ii) *Carrying out programs that es-*
18 *tablish, expand, or improve alternative*
19 *routes for State certification or licensure of*
20 *teachers and school leaders, including such*
21 *programs for—*

22 “(I) *mid-career professionals from*
23 *other occupations, including science,*
24 *technology, engineering, and math*
25 *fields;*

1 “(II) former military personnel;
2 and

3 “(III) recent graduates of an in-
4 stitution of higher education, with a
5 record of academic distinction, who
6 demonstrate the potential to become ef-
7 fective teachers or school leaders.

8 “(iii) Developing, or assisting eligible
9 entities in developing—

10 “(I) performance-based pay sys-
11 tems for teachers and school leaders;

12 “(II) strategies that provide dif-
13 ferential, incentive, or bonus pay for
14 teachers; or

15 “(III) teacher advancement initia-
16 tives that promote professional growth
17 and emphasize multiple career paths
18 and pay differentiation.

19 “(iv) Developing, or assisting eligible
20 entities in developing, new teacher and
21 school leaders induction and mentoring pro-
22 grams that are designed to—

23 “(I) improve instruction and stu-
24 dent learning and achievement; and

1 “(II) increase the retention of ef-
2 fective teachers and school leaders.

3 “(v) Providing professional develop-
4 ment for teachers and school leaders that is
5 focused on—

6 “(I) improving teaching and stu-
7 dent learning and achievement in the
8 core academic subjects; and

9 “(II) improving teaching, student
10 learning, and achievement for students
11 with disabilities, English learners, and
12 other special populations.

13 “(vi) Providing training and technical
14 assistance to eligible entities that receive a
15 subgrant under section 2221.

16 “(vii) Other activities identified by the
17 State educational agency that meet the pur-
18 poses of this part, including those activities
19 authorized under subparagraph (B).

20 “(B) *TEACHER OR SCHOOL LEADER PREPA-*
21 *RATION ACADEMIES.—*

22 “(i) *IN GENERAL.—*In the case of a
23 State in which teacher or school leader
24 preparation academies are allowable under
25 State law, a State educational agency may

1 *reserve not more than 3 percent of the*
2 *amount made available to the State under*
3 *subsection (b) to support the establishment*
4 *or expansion of one or more teacher or*
5 *school leader preparation academies and,*
6 *subject to the limitation under clause (iii),*
7 *to support State authorizers for such acad-*
8 *emies.*

9 “(ii) *MATCHING REQUIREMENT.—A*
10 *State educational agency shall not provide*
11 *funds under this subparagraph to support*
12 *the establishment or expansion of a teacher*
13 *or school leader preparation academy unless*
14 *the academy agrees to provide, either di-*
15 *rectly or through private contributions, non-*
16 *Federal matching funds equal to not less*
17 *than 10 percent of the amount of the funds*
18 *the academy will receive under this sub-*
19 *paragraph.*

20 “(iii) *FUNDING FOR STATE AUTHOR-*
21 *IZERS.—Not more than 5 percent of funds*
22 *provided to a teacher or school leader prepa-*
23 *ration academy under this subparagraph*
24 *may be used to support activities of State*
25 *authorizers for such academy.*

1 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
2 **CATIONS.**

3 “(a) *DEEMED APPROVAL.*—*An application submitted*
4 *by a State pursuant to section 2211(c) shall be deemed to*
5 *be approved by the Secretary unless the Secretary makes*
6 *a written determination, prior to the expiration of the 120-*
7 *day period beginning on the date on which the Secretary*
8 *received the application, that the application is not in com-*
9 *pliance with section 2211(c).*

10 “(b) *DISAPPROVAL PROCESS.*—

11 “(1) *IN GENERAL.*—*The Secretary shall not fi-*
12 *nally disapprove an application submitted under sec-*
13 *tion 2211(c), except after giving the State educational*
14 *agency notice and an opportunity for a hearing.*

15 “(2) *NOTIFICATION.*—*If the Secretary finds that*
16 *an application is not in compliance, in whole or in*
17 *part, with section 2211(c) the Secretary shall—*

18 “(A) *give the State educational agency no-*
19 *tice and an opportunity for a hearing; and*

20 “(B) *notify the State educational agency of*
21 *the finding of noncompliance and, in such notifi-*
22 *cation, shall—*

23 “(i) *cite the specific provisions in the*
24 *application that are not in compliance; and*

1 “(ii) request additional information,
2 only as to the noncompliant provisions,
3 needed to make the application compliant.

4 “(3) *RESPONSE.*—If a State educational agency
5 responds to a notification from the Secretary under
6 paragraph (2)(B) during the 45-day period beginning
7 on the date on which the State educational agency re-
8 ceived the notification, and resubmits the application
9 with the requested information described in para-
10 graph (2)(B)(ii), the Secretary shall approve or dis-
11 approve such application prior to the later of—

12 “(A) the expiration of the 45-day period be-
13 ginning on the date on which the application is
14 resubmitted; or

15 “(B) the expiration of the 120-day period
16 described in subsection (a).

17 “(4) *FAILURE TO RESPOND.*—If the State edu-
18 cational agency does not respond to a notification
19 from the Secretary under paragraph (2)(B) during
20 the 45-day period beginning on the date on which the
21 State educational agency received the notification,
22 such application shall be deemed to be disapproved.

1 **“Subpart 2—Local Competitive Grant Program**

2 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

3 “(a) *IN GENERAL.*—A State that receives an allotment
4 under section 2211(b) for a fiscal year shall use the amount
5 reserved under section 2211(d)(1) to award subgrants, on
6 a competitive basis, to eligible entities in accordance with
7 this section to enable such entities to carry out the programs
8 and activities described in section 2222.

9 “(b) *APPLICATION.*—

10 “(1) *IN GENERAL.*—To be eligible to receive a
11 subgrant under this section, an eligible entity shall
12 submit an application to the State educational agen-
13 cy at such time, in such manner, and including such
14 information as the State educational agency may rea-
15 sonably require.

16 “(2) *CONTENTS.*—Each application submitted
17 under paragraph (1) shall include—

18 “(A) a description of the programs and ac-
19 tivities to be funded and how they are consistent
20 with the purposes of this part; and

21 “(B) an assurance that the eligible entity
22 will comply with section 5501 (regarding par-
23 ticipation by private school children and teach-
24 ers).

25 “(c) *PEER REVIEW.*—In reviewing applications under
26 this section, a State educational agency shall use a peer

1 *review process or other methods of assuring the quality of*
2 *such applications but the review shall only judge the likeli-*
3 *hood of the activity to increase student academic achieve-*
4 *ment. The reviewers shall not make a determination based*
5 *on the policy of the proposed activity.*

6 “(d) *GEOGRAPHIC DIVERSITY.—A State educational*
7 *agency shall distribute funds under this section equitably*
8 *among geographic areas within the State, including rural,*
9 *suburban, and urban communities.*

10 “(e) *DURATION OF AWARDS.—A State educational*
11 *agency may award subgrants under this section for a period*
12 *of not more than 5 years.*

13 “(f) *MATCHING.—An eligible entity receiving a*
14 *subgrant under this section shall provide, either directly or*
15 *through private contributions, non-Federal matching funds*
16 *equal to not less than 10 percent of the amount of the*
17 *subgrant.*

18 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

19 “(a) *IN GENERAL.—Each eligible entity receiving a*
20 *subgrant under section 2221 shall use such subgrant funds*
21 *to develop, implement, and evaluate comprehensive pro-*
22 *grams and activities, that are in accordance with the pur-*
23 *pose of this part and—*

24 “(1) *are consistent with the principles of effec-*
25 *tiveness described in subsection (b); and*

1 “(2) may include, among other programs and
2 activities—

3 “(A) developing and implementing initia-
4 tives to assist in recruiting, hiring, and retain-
5 ing highly effective teachers and school leaders,
6 including initiatives that provide—

7 “(i) differential, incentive, or bonus
8 pay for teachers;

9 “(ii) performance-based pay systems
10 for teachers and school leaders;

11 “(iii) teacher advancement initiatives
12 that promote professional growth and em-
13 phasize multiple career paths and pay dif-
14 ferentiation;

15 “(iv) new teacher and school leader in-
16 duction and mentoring programs that are
17 designed to improve instruction, student
18 learning and achievement, and to increase
19 teacher and school leader retention; and

20 “(v) teacher residency programs, and
21 school leader residency programs, designed
22 to develop and support new teachers or new
23 school leaders, respectively;

1 “(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2221(d)(3)(B);

2
3
4 “(C) recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

5
6
7
8
9 “(D) establishing, improving, or expanding model instructional programs in the core academic subjects to ensure that all children meet the State’s academic standards;

10
11
12
13 “(E) providing high-quality professional development for teachers and school leaders focused on improving teaching and student learning and achievement in the core academic subjects;

14
15
16
17 “(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development; and

18
19
20
21 “(G) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

22
23
24 “(b) *PRINCIPLES OF EFFECTIVENESS.*—For a program or activity developed pursuant to this section to meet

1 *the principles of effectiveness, such program or activity*
2 *shall—*

3 “(1) *be based upon an assessment of objective*
4 *data regarding the need for programs and activities*
5 *in the elementary schools and secondary schools served*
6 *to increase the number of teachers and school leaders*
7 *who are effective in improving student academic*
8 *achievement;*

9 “(2) *reflect evidence-based research, or in the ab-*
10 *sence of a strong research base, reflect effective strate-*
11 *gies in the field, that provide evidence that the pro-*
12 *gram or activity will improve student academic*
13 *achievement in the core academic subjects; and*

14 “(3) *include meaningful and ongoing consulta-*
15 *tion with, and input from, teachers, school leaders,*
16 *and parents, in the development of the application*
17 *and administration of the program or activity.*

18 **“Subpart 3—General Provisions**

19 **“SEC. 2231. PERIODIC EVALUATION.**

20 “(a) *IN GENERAL.—Each eligible entity and each*
21 *teacher or school leader preparation academy that receives*
22 *funds under this part shall undergo a periodic evaluation*
23 *by the State educational agency involved to assess such enti-*
24 *ty’s or such academy’s progress toward achieving the pur-*
25 *poses of this part.*

1 “(b) *USE OF RESULTS.*—*The results of an evaluation*
2 *described in subsection (a) of an eligible entity or academy*
3 *shall be—*

4 “(1) *used to refine, improve, and strengthen such*
5 *eligible entity or such academy, respectively; and*

6 “(2) *made available to the public upon request,*
7 *with public notice of such availability provided.*

8 **“SEC. 2232. REPORTING REQUIREMENTS.**

9 “(a) *ELIGIBLE ENTITIES AND ACADEMIES.*—*Each eli-*
10 *gible entity and each teacher or school leader preparation*
11 *academy that receives funds from a State educational agen-*
12 *cy under this part shall prepare and submit annually to*
13 *such State educational agency a report that includes—*

14 “(1) *a description of the progress of the eligible*
15 *entity or teacher or school leader preparation acad-*
16 *emy, respectively, in meeting the purposes of this*
17 *part;*

18 “(2) *a description of the programs and activities*
19 *conducted by the eligible entity or teacher or school*
20 *leader preparation academy, respectively, with funds*
21 *received under this part;*

22 “(3) *how the eligible entity or teacher or school*
23 *leader preparation academy, respectively, is using*
24 *such funds; and*

1 “(4) any such other information as the State
2 educational agency may require.

3 “(b) *STATE EDUCATIONAL AGENCIES.*—Each State
4 educational agency that receives a grant under this part
5 shall prepare and submit, annually, to the Secretary a re-
6 port that includes—

7 “(1) a description of the programs and activities
8 conducted by the State educational agency with grant
9 funds received under this part;

10 “(2) a description of the progress of the State
11 educational agency in meeting the purposes of this
12 part described in section 2201;

13 “(3) how the State educational agency is using
14 grant funds received under this part;

15 “(4) the methods and criteria the State edu-
16 cational agency used to award subgrants to eligible
17 entities under section 2221 and, if applicable, funds
18 to teacher or school leader academies under section
19 2211(d)(3)(B); and

20 “(5) the results of the periodic evaluations con-
21 ducted under section 2231.

22 **“SEC. 2233. NATIONAL ACTIVITIES.**

23 “From the funds reserved by the Secretary under sec-
24 tion 2211(a)(1), the Secretary shall, directly or through
25 grants and contracts—

1 “(1) *provide technical assistance to States and*
2 *eligible entities in carrying out activities under this*
3 *part; and*

4 “(2) *acting through the Institute of Education*
5 *Sciences, conduct national evaluations of activities*
6 *carried out by States and eligible entities under this*
7 *part.*

8 **“SEC. 2234. DEFINITIONS.**

9 *“In this part:*

10 “(1) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
11 *ty’ means—*

12 “(A) *a local educational agency or consor-*
13 *tium of local educational agencies;*

14 “(B) *an institution of higher education or*
15 *consortium of such institutions in partnership*
16 *with a local educational agency or consortium of*
17 *local educational agencies;*

18 “(C) *a for-profit organization, a nonprofit*
19 *organization, or a consortium of for-profit or*
20 *nonprofit organizations in partnership with a*
21 *local educational agency or consortium of local*
22 *educational agencies; or*

23 “(D) *a consortium of the entities described*
24 *in subparagraphs (B) and (C).*

1 “(2) *STATE*.—The term ‘State’ means each of the
2 50 States, the District of Columbia, and the Common-
3 wealth of Puerto Rico.

4 “(3) *STATE AUTHORIZER*.—The term ‘State au-
5 thorizer’ means an entity designated by the Governor
6 of a State to authorize teacher or school leader prepa-
7 ration academies within the State that—

8 “(A) enters into an agreement with a teach-
9 er or school leader preparation academy that—

10 “(i) specifies the goals expected of the
11 academy, which, at a minimum, include the
12 goals described in paragraph (4); and

13 “(ii) does not reauthorize the academy
14 if such goals are not met; and

15 “(B) may be a nonprofit organization, a
16 State educational agency, or other public entity,
17 or consortium of such entities (including a con-
18 sortium of State educational agencies).

19 “(4) *TEACHER OR SCHOOL LEADER PREPARA-*
20 *TION ACADEMY*.—The term ‘teacher or school leader
21 preparation academy’ means a public or private enti-
22 ty, or a nonprofit or for-profit organization, which
23 may be an institution of higher education or an orga-
24 nization affiliated with an institution of higher edu-

1 *cation, that will prepare teachers or school leaders to*
2 *serve in schools, and that—*

3 *“(A) enters into an agreement with a State*
4 *authorizer that specifies the goals expected of the*
5 *academy, including—*

6 *“(i) a requirement that prospective*
7 *teachers or school leaders who are enrolled*
8 *in a teacher or school leader preparation*
9 *academy receive a significant part of their*
10 *training through clinical preparation that*
11 *partners the prospective candidate with an*
12 *effective teacher or school leader, respec-*
13 *tively, with a demonstrated record of in-*
14 *creasing student achievement, while also re-*
15 *ceiving concurrent instruction from the*
16 *academy in the content area (or areas) in*
17 *which the prospective teacher or school lead-*
18 *er will become certified or licensed;*

19 *“(ii) the number of effective teachers or*
20 *school leaders, respectively, who will dem-*
21 *onstrate success in increasing student*
22 *achievement that the academy will produce;*
23 *and*

24 *“(iii) a requirement that a teacher or*
25 *school leader preparation academy will only*

1 *award a certificate of completion after the*
2 *graduate demonstrates that the graduate is*
3 *an effective teacher or school leader, respec-*
4 *tively, with a demonstrated record of in-*
5 *creasing student achievement, except that*
6 *an academy may award a provisional cer-*
7 *tificate for the period necessary to allow the*
8 *graduate to demonstrate such effectiveness;*

9 “(B) does not have restrictions on the meth-
10 *ods the academy will use to train prospective*
11 *teacher or school leader candidates, including—*

12 “(i) obligating (or prohibiting) the
13 *academy’s faculty to hold advanced degrees*
14 *or conduct academic research;*

15 “(ii) restrictions related to the acad-
16 *emy’s physical infrastructure;*

17 “(iii) restrictions related to the number
18 *of course credits required as part of the pro-*
19 *gram of study;*

20 “(iv) restrictions related to the under-
21 *graduate coursework completed by teachers*
22 *teaching or working on alternative certifi-*
23 *cates, licenses, or credentials, as long as*
24 *such teachers have successfully passed all*

1 *relevant State-approved content area exami-*
2 *nations; or*

3 “(v) *restrictions related to obtaining*
4 *accreditation from an accrediting body for*
5 *purposes of becoming an academy;*

6 “(C) *limits admission to its program to*
7 *prospective teacher or school leader candidates*
8 *who demonstrate strong potential to improve stu-*
9 *dent achievement, based on a rigorous selection*
10 *process that reviews a candidate’s prior aca-*
11 *ademic achievement or record of professional ac-*
12 *complishment; and*

13 “(D) *results in a certificate of completion*
14 *that the State may recognize as at least the*
15 *equivalent of a master’s degree in education for*
16 *the purposes of hiring, retention, compensation,*
17 *and promotion in the State.*

18 “(5) *TEACHER RESIDENCY PROGRAM.—The term*
19 *‘teacher residency program’ means a school-based*
20 *teacher preparation program in which a prospective*
21 *teacher—*

22 “(A) *for one academic year, teaches along-*
23 *side an effective teacher, as determined by a*
24 *teacher evaluation system implemented under*
25 *part A, who is the teacher of record;*

1 “(B) receives concurrent instruction during
2 the year described in subparagraph (A) from the
3 partner institution (as defined in section 200 of
4 the Higher Education Act of 1965 (20 U.S.C.
5 1021)), which courses may be taught by local
6 educational agency personnel or residency pro-
7 gram faculty, in the teaching of the content area
8 in which the teacher will become certified or li-
9 censed; and

10 “(C) acquires effective teaching skills.”.

11 (d) *PART C.—Part C of title II (20 U.S.C. 6671 et*
12 *seq.) is amended—*

13 (1) *by striking subparts 1 through 4;*

14 (2) *by striking the heading relating to subpart 5;*

15 (3) *by striking sections 2361 and 2368;*

16 (4) *in section 2362, by striking “principals” and*
17 *inserting “school leaders”;*

18 (5) *in section 2363(6)(A), by striking “prin-*
19 *cipal” and inserting “school leader”;*

20 (6) *in section 2366(b), by striking “ate law” and*
21 *inserting “(3) A State law”;*

22 (7) *by redesignating section 2362 as section*
23 *2361;*

24 (8) *by redesignating sections 2364 through 2367*
25 *as sections 2362 through 2365, respectively; and*

1 (9) by redesignating section 2363 as section 2366
2 and transferring such section to appear after section
3 2365 (as so redesignated).

4 (e) *PART D.—Part D of title II (20 U.S.C. 6751 et*
5 *seq.) is amended to read as follows:*

6 **“PART D—GENERAL PROVISIONS**

7 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

8 *“In this title, the term ‘local educational agency’ in-*
9 *cludes a charter school (as defined in section 5101) that,*
10 *in the absence of this section, would not have received funds*
11 *under this title.*

12 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

13 *“At the beginning of each school year, a local edu-*
14 *cational agency that receives funds under this title shall no-*
15 *tify the parents of each student attending any school receiv-*
16 *ing funds under this title that the parents may request, and*
17 *the agency will provide the parents on request (and in a*
18 *timely manner), information regarding the professional*
19 *qualifications of the student’s classroom teachers.*

20 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

21 *“Funds received under this title shall be used to sup-*
22 *plement, and not supplant, non-Federal funds that would*
23 *otherwise be used for activities authorized under this title.”.*

1 **SEC. 102. CONFORMING REPEALS.**

2 (a) *CONFORMING REPEALS.*—*Title II of the Higher*
 3 *Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended*
 4 *by repealing sections 201 through 204.*

5 (b) *EFFECTIVE DATE.*—*The repeals made by sub-*
 6 *section (a) shall take effect October 1, 2012.*

7 **TITLE II—PARENTAL ENGAGE-**
 8 **MENT AND LOCAL FLEXI-**
 9 **BILITY**

10 **SEC. 201. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
 11 **BILITY.**

12 *Title III (20 U.S.C. 6801 et seq.) is amended to read*
 13 *as follows:*

14 **“TITLE III—PARENTAL ENGAGE-**
 15 **MENT AND LOCAL FLEXI-**
 16 **BILITY**

17 **“PART A—PARENTAL ENGAGEMENT**

18 **“Subpart 1—Charter School Program**

19 **“SEC. 3101. SENSE OF THE HOUSE OF REPRESENTATIVES.**

20 *“It is the sense of the House of Representatives that*
 21 *the programs for public charter schools under part B of title*
 22 *V be reauthorized as such part was amended under the pro-*
 23 *visions of H.R. 2218, as passed by the House of Representa-*
 24 *tives on September 13, 2011, and be transferred and reded-*
 25 *ignated to this subpart.*

1 **“Subpart 2—Magnet School Assistance**

2 **“SEC. 3121. PURPOSE.**

3 *“The purpose of this subpart is to assist in the desegre-*
4 *gation of schools served by local educational agencies by*
5 *providing financial assistance to eligible local educational*
6 *agencies for—*

7 *“(1) the elimination, reduction, or prevention of*
8 *minority group isolation in elementary schools and*
9 *secondary schools with substantial proportions of mi-*
10 *nority students, which shall include assisting in the*
11 *efforts of the United States to achieve voluntary deseg-*
12 *regation in public schools;*

13 *“(2) the development and implementation of*
14 *magnet school programs that will assist local edu-*
15 *cational agencies in achieving systemic reforms and*
16 *providing all students the opportunity to meet State*
17 *academic standards;*

18 *“(3) the development and design of innovative*
19 *educational methods and practices that promote di-*
20 *versity and increase choices in public elementary*
21 *schools and public secondary schools and public edu-*
22 *cational programs;*

23 *“(4) courses of instruction within magnet schools*
24 *that will substantially strengthen the knowledge of*
25 *academic subjects and the attainment of tangible and*

1 *marketable career, technical, and professional skills of*
2 *students attending such schools;*

3 *“(5) improving the ability of local educational*
4 *agencies, including through professional development,*
5 *to continue operating magnet schools at a high per-*
6 *formance level after Federal funding for the magnet*
7 *schools is terminated; and*

8 *“(6) ensuring that students enrolled in the mag-*
9 *net school programs have equitable access to a quality*
10 *education that will enable the students to succeed aca-*
11 *demically and continue with postsecondary education*
12 *or employment.*

13 **“SEC. 3122. DEFINITION.**

14 *“For the purpose of this subpart, the term ‘magnet*
15 *school’ means a public elementary school, public secondary*
16 *school, public elementary education center, or public sec-*
17 *ondary education center that offers a special curriculum ca-*
18 *pable of attracting substantial numbers of students of dif-*
19 *ferent racial backgrounds.*

20 **“SEC. 3123. PROGRAM AUTHORIZED.**

21 *“From the amount appropriated under section*
22 *3(b)(1)(B), the Secretary, in accordance with this subpart,*
23 *is authorized to award grants to eligible local educational*
24 *agencies, and consortia of such agencies where appropriate,*

1 *to carry out the purpose of this subpart for magnet schools*
2 *that are—*

3 “(1) *part of an approved desegregation plan;*
4 *and*

5 “(2) *designed to bring students from different so-*
6 *cial, economic, ethnic, and racial backgrounds to-*
7 *gether.*

8 **“SEC. 3124. ELIGIBILITY.**

9 “*A local educational agency, or consortium of such*
10 *agencies where appropriate, is eligible to receive a grant*
11 *under this subpart to carry out the purpose of this subpart*
12 *if such agency or consortium—*

13 “(1) *is implementing a plan undertaken pursu-*
14 *ant to a final order issued by a court of the United*
15 *States, or a court of any State, or any other State*
16 *agency or official of competent jurisdiction, that re-*
17 *quires the desegregation of minority-group-segregated*
18 *children or faculty in the elementary schools and sec-*
19 *ondary schools of such agency; or*

20 “(2) *without having been required to do so, has*
21 *adopted and is implementing, or will, if a grant is*
22 *awarded to such local educational agency, or consor-*
23 *tium of such agencies, under this subpart, adopt and*
24 *implement a plan that has been approved by the Sec-*
25 *retary as adequate under title VI of the Civil Rights*

1 *Act of 1964 for the desegregation of minority-group-*
2 *segregated children or faculty in such schools.*

3 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

4 “(a) *APPLICATIONS.*—*An eligible local educational*
5 *agency, or consortium of such agencies, desiring to receive*
6 *a grant under this subpart shall submit an application to*
7 *the Secretary at such time and in such manner as the Sec-*
8 *retary may reasonably require.*

9 “(b) *INFORMATION AND ASSURANCES.*—*Each applica-*
10 *tion submitted under subsection (a) shall include—*

11 “(1) *a description of—*

12 “(A) *how a grant awarded under this sub-*
13 *part will be used to promote desegregation, in-*
14 *cluding how the proposed magnet school pro-*
15 *grams will increase interaction among students*
16 *of different social, economic, ethnic, and racial*
17 *backgrounds;*

18 “(B) *the manner and extent to which the*
19 *magnet school program will increase student*
20 *academic achievement in the instructional area*
21 *or areas offered by the school;*

22 “(C) *how the applicant will continue the*
23 *magnet school program after assistance under*
24 *this subpart is no longer available, and, if appli-*
25 *cable, an explanation of why magnet schools es-*

1 *tablished or supported by the applicant with*
2 *grant funds under this subpart cannot be contin-*
3 *ued without the use of grant funds under this*
4 *subpart;*

5 *“(D) how grant funds under this subpart*
6 *will be used—*

7 *“(i) to improve student academic*
8 *achievement for all students attending the*
9 *magnet school programs; and*

10 *“(ii) to implement services and activi-*
11 *ties that are consistent with other programs*
12 *under this Act, and other Acts, as appro-*
13 *priate; and*

14 *“(E) the criteria to be used in selecting stu-*
15 *dents to attend the proposed magnet school pro-*
16 *gram; and*

17 *“(2) assurances that the applicant will—*

18 *“(A) use grant funds under this subpart for*
19 *the purposes specified in section 3121;*

20 *“(B) employ effective teachers in the courses*
21 *of instruction assisted under this subpart;*

22 *“(C) not engage in discrimination based on*
23 *race, religion, color, national origin, sex, or dis-*
24 *ability in—*

1 “(i) the hiring, promotion, or assign-
2 ment of employees of the applicant or other
3 personnel for whom the applicant has any
4 administrative responsibility;

5 “(ii) the assignment of students to
6 schools, or to courses of instruction within
7 the schools, of such applicant, except to
8 carry out the approved plan; and

9 “(iii) designing or operating extra-
10 curricular activities for students;

11 “(D) carry out a quality education program
12 that will encourage greater parental decision-
13 making and involvement; and

14 “(E) give students residing in the local at-
15 tendance area of the proposed magnet school pro-
16 gram equitable consideration for placement in
17 the program, consistent with desegregation guide-
18 lines and the capacity of the applicant to accom-
19 modate the students.

20 “(c) *SPECIAL RULE.*—No grant shall be awarded
21 under this subpart unless the Assistant Secretary of Edu-
22 cation for Civil Rights determines that the assurances de-
23 scribed in subsection (b)(2)(C) will be met.

1 **“SEC. 3126. PRIORITY.**

2 *“In awarding grants under this subpart, the Secretary*
3 *shall give priority to applicants that—*

4 *“(1) demonstrate the greatest need for assistance,*
5 *based on the expense or difficulty of effectively car-*
6 *rying out approved desegregation plans and the mag-*
7 *net school program for which the grant is sought;*

8 *“(2) propose to carry out new magnet school pro-*
9 *grams, or significantly revise existing magnet school*
10 *programs;*

11 *“(3) propose to select students to attend magnet*
12 *school programs by methods such as lottery, rather*
13 *than through academic examination; and*

14 *“(4) propose to serve the entire student popu-*
15 *lation of a school.*

16 **“SEC. 3127. USE OF FUNDS.**

17 *“(a) IN GENERAL.—Grant funds made available under*
18 *this subpart may be used by an eligible local educational*
19 *agency, or consortium of such agencies—*

20 *“(1) for planning and promotional activities di-*
21 *rectly related to the development, expansion, continu-*
22 *ation, or enhancement of academic programs and*
23 *services offered at magnet schools;*

24 *“(2) for the acquisition of books, materials, and*
25 *equipment, including computers and the maintenance*
26 *and operation of materials, equipment, and com-*

1 *puters, necessary to conduct programs in magnet*
2 *schools;*

3 *“(3) for the compensation, or subsidization of the*
4 *compensation, of elementary school and secondary*
5 *school teachers, and instructional staff where applica-*
6 *ble, who are necessary to conduct programs in magnet*
7 *schools;*

8 *“(4) with respect to a magnet school program of-*
9 *fered to less than the entire student population of a*
10 *school, for instructional activities that—*

11 *“(A) are designed to make available the spe-*
12 *cial curriculum that is offered by the magnet*
13 *school program to students who are enrolled in*
14 *the school but who are not enrolled in the magnet*
15 *school program; and*

16 *“(B) further the purpose of this subpart;*

17 *“(5) for activities, which may include profes-*
18 *sional development, that will build the recipient’s ca-*
19 *capacity to operate magnet school programs once the*
20 *grant period has ended;*

21 *“(6) to enable the local educational agency, or*
22 *consortium of such agencies, to have more flexibility*
23 *in the administration of a magnet school program in*
24 *order to serve students attending a school who are not*
25 *enrolled in a magnet school program; and*

1 “(7) to enable the local educational agency, or
2 consortium of such agencies, to have flexibility in de-
3 signing magnet schools for students in all grades.

4 “(b) *SPECIAL RULE.*—Grant funds under this subpart
5 may be used for activities described in paragraphs (2) and
6 (3) of subsection (a) only if the activities are directly related
7 to improving student academic achievement based on the
8 State’s academic standards or directly related to improving
9 student reading skills or knowledge of mathematics, science,
10 history, geography, English, foreign languages, art, or
11 music, or to improving career, technical, and professional
12 skills.

13 **“SEC. 3128. LIMITATIONS.**

14 “(a) *DURATION OF AWARDS.*—A grant under this sub-
15 part shall be awarded for a period that shall not exceed
16 3 fiscal years.

17 “(b) *LIMITATION ON PLANNING FUNDS.*—A local edu-
18 cational agency, or consortium of such agencies, may ex-
19 pend for planning (professional development shall not be
20 considered to be planning for purposes of this subsection)
21 not more than 50 percent of the grant funds received under
22 this subpart for the first year of the program and not more
23 than 15 percent of such funds for each of the second and
24 third such years.

1 “(c) *AMOUNT.*—No local educational agency, or con-
2 sortium of such agencies, awarded a grant under this sub-
3 part shall receive more than \$4,000,000 under this subpart
4 for any 1 fiscal year.

5 “(d) *TIMING.*—To the extent practicable, the Secretary
6 shall award grants for any fiscal year under this subpart
7 not later than July 1 of the applicable fiscal year.

8 **“SEC. 3129. EVALUATIONS.**

9 “(a) *RESERVATION.*—The Secretary may reserve not
10 more than 2 percent of the funds appropriated under section
11 3(b)(1)(B) for any fiscal year to carry out evaluations, pro-
12 vide technical assistance, and carry out dissemination
13 projects with respect to magnet school programs assisted
14 under this subpart.

15 “(b) *CONTENTS.*—Each evaluation described in sub-
16 section (a), at a minimum, shall address—

17 “(1) how and the extent to which magnet school
18 programs lead to educational quality and academic
19 improvement;

20 “(2) the extent to which magnet school programs
21 enhance student access to a quality education;

22 “(3) the extent to which magnet school programs
23 lead to the elimination, reduction, or prevention of
24 minority group isolation in elementary schools and

1 *secondary schools with substantial proportions of mi-*
2 *nority students; and*

3 “(4) *the extent to which magnet school programs*
4 *differ from other school programs in terms of the or-*
5 *ganizational characteristics and resource allocations*
6 *of such magnet school programs.*

7 “(c) *DISSEMINATION.—The Secretary shall collect and*
8 *disseminate to the general public information on successful*
9 *magnet school programs.*

10 **“SEC. 3130. RESERVATION.**

11 *“In any fiscal year for which the amount appropriated*
12 *under section 3(b)(1)(B) exceeds \$75,000,000, the Secretary*
13 *shall give priority in using such amounts in excess of*
14 *\$75,000,000 to awarding grants to local educational agen-*
15 *cies or consortia of such agencies that did not receive a*
16 *grant under this subpart in the preceding fiscal year.*

17 **“Subpart 3—Family Engagement in Education**
18 **Programs**

19 **“SEC. 3141. PURPOSES.**

20 *“The purposes of this subpart are the following:*

21 “(1) *To provide financial support to organiza-*
22 *tions to provide technical assistance and training to*
23 *State and local educational agencies in the implemen-*
24 *tation and enhancement of systemic and effective fam-*
25 *ily engagement policies, programs, and activities that*

1 *lead to improvements in student development and*
2 *academic achievement.*

3 “(2) *To assist State educational agencies, local*
4 *educational agencies, community-based organizations,*
5 *schools, and educators in strengthening partnerships*
6 *among parents, teachers, school leaders, administra-*
7 *tors, and other school personnel in meeting the edu-*
8 *cational needs of children and fostering greater paren-*
9 *tal engagement.*

10 “(3) *To support State educational agencies, local*
11 *educational agencies, schools, educators, and parents*
12 *in developing and strengthening the relationship be-*
13 *tween parents and their children’s school in order to*
14 *further the developmental progress of children.*

15 “(4) *To coordinate activities funded under this*
16 *subpart with parent involvement initiatives funded*
17 *under section 1118 and other provisions of this Act.*

18 “(5) *To assist the Secretary, State educational*
19 *agencies, and local educational agencies in the coordi-*
20 *nation and integration of Federal, State, and local*
21 *services and programs to engage families in edu-*
22 *cation.*

23 **“SEC. 3142. GRANTS AUTHORIZED.**

24 “(a) *STATEWIDE FAMILY ENGAGEMENT CENTERS.—*
25 *From the amount appropriated under section 3(b)(1)(C),*

1 *the Secretary is authorized to award grants for each fiscal*
2 *year to statewide organizations (and consortia of such orga-*
3 *nizations and State educational agencies), to establish*
4 *Statewide Family Engagement Centers that provide com-*
5 *prehensive training and technical assistance to State edu-*
6 *cational agencies, local educational agencies, schools identi-*
7 *fied by State educational agencies and local educational*
8 *agencies, organizations that support family-school partner-*
9 *ships, and other organizations that carry out, or carry out*
10 *directly, parent education and family engagement in edu-*
11 *cation programs.*

12 “(b) *MINIMUM AWARD.—In awarding grants under*
13 *this section, the Secretary shall, to the extent practicable,*
14 *ensure that a grant is awarded for a Statewide Family En-*
15 *gagement Center in an amount not less than \$500,000.*

16 **“SEC. 3143. APPLICATIONS.**

17 “(a) *SUBMISSIONS.—Each statewide organization, or*
18 *a consortium of such an organization and a State edu-*
19 *cational agency, that desires a grant under this subpart*
20 *shall submit an application to the Secretary at such time,*
21 *in such manner, and including the information described*
22 *in subsection (b).*

23 “(b) *CONTENTS.—Each application submitted under*
24 *subsection (a) shall include, at a minimum, the following:*

1 “(1) A description of the applicant’s approach to
2 *family engagement in education.*

3 “(2) A description of the support that the State-
4 *wide Family Engagement Center that will be oper-*
5 *ated by the applicant will have from the applicant,*
6 *including a letter from the applicant outlining the*
7 *commitment to work with the center.*

8 “(3) A description of the applicant’s plan for
9 *building a statewide infrastructure for family engage-*
10 *ment in education, that includes—*

11 “(A) management and governance;

12 “(B) statewide leadership; or

13 “(C) systemic services for family engage-
14 *ment in education.*

15 “(4) A description of the applicant’s dem-
16 *onstrated experience in providing training, informa-*
17 *tion, and support to State educational agencies, local*
18 *educational agencies, schools, educators, parents, and*
19 *organizations on family engagement in education*
20 *policies and practices that are effective for parents*
21 *(including low-income parents) and families, English*
22 *learners, minorities, parents of students with disabil-*
23 *ities, parents of homeless students, foster parents and*
24 *students, and parents of migratory students, includ-*

1 *ing evaluation results, reporting, or other data exhib-*
2 *iting such demonstrated experience.*

3 *“(5) An assurance that the applicant will—*

4 *“(A) establish a special advisory committee,*
5 *the membership of which includes—*

6 *“(i) parents, who shall constitute a*
7 *majority of the members of the special advi-*
8 *sory committee;*

9 *“(ii) representatives of education pro-*
10 *fessionals with expertise in improving serv-*
11 *ices for disadvantaged children;*

12 *“(iii) representatives of local elemen-*
13 *tary schools and secondary schools, includ-*
14 *ing students;*

15 *“(iv) representatives of the business*
16 *community; and*

17 *“(v) representatives of State edu-*
18 *cational agencies and local educational*
19 *agencies;*

20 *“(B) use not less than 65 percent of the*
21 *funds received under this subpart in each fiscal*
22 *year to serve local educational agencies, schools,*
23 *and community-based organizations that serve*
24 *high concentrations of disadvantaged students,*
25 *including English learners, minorities, parents*

1 *of students with disabilities, parents of homeless*
2 *students, foster parents and students, and par-*
3 *ents of migratory students;*

4 “(C) *operate a Statewide Family Engage-*
5 *ment Center of sufficient size, scope, and quality*
6 *to ensure that the Center is adequate to serve the*
7 *State educational agency, local educational agen-*
8 *cies, and community-based organizations;*

9 “(D) *ensure that the Center will retain staff*
10 *with the requisite training and experience to*
11 *serve parents in the State;*

12 “(E) *serve urban, suburban, and rural local*
13 *educational agencies and schools;*

14 “(F) *work with—*

15 “(i) *other Statewide Family Engage-*
16 *ment Centers assisted under this subpart;*
17 *and*

18 “(ii) *parent training and information*
19 *centers and community parent resource cen-*
20 *ters assisted under sections 671 and 672 of*
21 *the Individuals with Disabilities Education*
22 *Act;*

23 “(G) *use not less than 30 percent of the*
24 *funds received under this subpart for each fiscal*

1 *year to establish or expand technical assistance*
2 *for evidence-based parent education programs;*

3 “(H) *provide assistance to State edu-*
4 *cational agencies and local educational agencies*
5 *and community-based organizations that support*
6 *family members in supporting student academic*
7 *achievement;*

8 “(I) *work with State educational agencies,*
9 *local educational agencies, schools, educators,*
10 *and parents to determine parental needs and the*
11 *best means for delivery of services to address*
12 *such needs; and*

13 “(J) *conduct sufficient outreach to assist*
14 *parents, including parents who the applicant*
15 *may have a difficult time engaging with a school*
16 *or local educational agency.*

17 **“SEC. 3144. USES OF FUNDS.**

18 “(a) *IN GENERAL.—Grantees shall use grant funds re-*
19 *ceived under this subpart, based on the needs determined*
20 *under section 3143(b)(5)(I), to provide training and tech-*
21 *nical assistance to State educational agencies, local edu-*
22 *cational agencies, and organizations that support family-*
23 *school partnerships, and activities, services, and training*
24 *for local educational agencies, school leaders, educators, and*
25 *parents—*

1 “(1) to assist parents in participating effectively
2 in their children’s education and to help their chil-
3 dren meet State standards, such as assisting par-
4 ents—

5 “(A) to engage in activities that will im-
6 prove student academic achievement, including
7 understanding how they can support learning in
8 the classroom with activities at home and in
9 afterschool and extracurricular programs;

10 “(B) to communicate effectively with their
11 children, teachers, school leaders, counselors, ad-
12 ministrators, and other school personnel;

13 “(C) to become active participants in the
14 development, implementation, and review of
15 school-parent compacts, family engagement in
16 education policies, and school planning and im-
17 provement;

18 “(D) to participate in the design and provi-
19 sion of assistance to students who are not mak-
20 ing academic progress;

21 “(E) to participate in State and local deci-
22 sionmaking;

23 “(F) to train other parents; and

24 “(G) to help the parents learn and use tech-
25 nology applied in their children’s education;

1 “(2) to develop and implement, in partnership
2 with the State educational agency, statewide family
3 engagement in education policy and systemic initia-
4 tives that will provide for a continuum of services to
5 remove barriers for family engagement in education
6 and support school reform efforts; and

7 “(3) to develop, implement, and assess parental
8 involvement policies under sections 1112 and 1118.

9 “(b) *MATCHING FUNDS FOR GRANT RENEWAL.*—For
10 each fiscal year after the first fiscal year for which an orga-
11 nization or consortium receives assistance under this sec-
12 tion, the organization or consortium shall demonstrate in
13 the application that a portion of the services provided by
14 the organization or consortium is supported through non-
15 Federal contributions, which may be in cash or in-kind.

16 “(c) *TECHNICAL ASSISTANCE.*—The Secretary shall re-
17 serve not more than 2 percent of the funds appropriated
18 under section 3(b)(C) to carry out this subpart to provide
19 technical assistance, by grant or contract, for the establish-
20 ment, development, and coordination of Statewide Family
21 Engagement Centers.

22 “(d) *RULE OF CONSTRUCTION.*—Nothing in this sec-
23 tion shall be construed to prohibit a Statewide Family En-
24 gagement Center from—

1 “(1) *having its employees or agents meet with a*
2 *parent at a site that is not on school grounds; or*

3 “(2) *working with another agency that serves*
4 *children.*

5 “(e) *PARENTAL RIGHTS.—Notwithstanding any other*
6 *provision of this section—*

7 “(1) *no person (including a parent who educates*
8 *a child at home, a public school parent, or a private*
9 *school parent) shall be required to participate in any*
10 *program of parent education or developmental screen-*
11 *ing under this section; and*

12 “(2) *no program or center assisted under this*
13 *section shall take any action that infringes in any*
14 *manner on the right of a parent to direct the edu-*
15 *cation of their children.*

16 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

17 *“The Secretary of the Interior, in consultation with*
18 *the Secretary of Education, shall establish, or enter into*
19 *contracts and cooperative agreements with local Indian*
20 *nonprofit parent organizations to establish and operate*
21 *Family Engagement Centers.*

22 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

23 **“SEC. 3201. PURPOSE.**

24 *“The purpose of this part is to—*

1 “(1) provide local educational agencies with the
2 opportunity to access funds to support the initiatives
3 important to their schools and students to improve
4 academic achievement; and

5 “(2) provide nonprofit and for-profit entities the
6 opportunity to work with students to improve aca-
7 demic achievement.

8 **“SEC. 3202. ALLOTMENTS TO STATES.**

9 “(a) *RESERVATIONS.*—From the funds appropriated
10 under section 3(b)(2) for any fiscal year, the Secretary shall
11 reserve—

12 “(1) not more than one-half of 1 percent for na-
13 tional activities to provide technical assistance to eli-
14 gible entities in carrying out programs under this
15 part; and

16 “(2) not more than one-half of 1 percent for pay-
17 ments to the outlying areas and the Bureau of Indian
18 Education, to be allotted in accordance with their re-
19 spective needs for assistance under this part, as deter-
20 mined by the Secretary, to enable the outlying areas
21 and the Bureau to carry out the purpose of this part.

22 “(b) *STATE ALLOTMENTS.*—

23 “(1) *DETERMINATION.*—From the funds appro-
24 priated under section 3(b)(2) for any fiscal year and
25 remaining after the Secretary makes reservations

1 *under subsection (a), the Secretary shall allot to each*
2 *State for the fiscal year an amount that bears the*
3 *same relationship to the remainder as the amount the*
4 *State received under chapter B of subpart 1 of part*
5 *A of title I for the preceding fiscal year bears to the*
6 *amount all States received under that chapter for the*
7 *preceding fiscal year, except that no State shall re-*
8 *ceive less than an amount equal to one-half of 1 per-*
9 *cent of the total amount made available to all States*
10 *under this subsection.*

11 *“(2) REALLOTMENT OF UNUSED FUNDS.—If a*
12 *State does not receive an allotment under this part*
13 *for a fiscal year, the Secretary shall reallocate the*
14 *amount of the State’s allotment to the remaining*
15 *States in accordance with this section.*

16 *“(c) STATE USE OF FUNDS.—*

17 *“(1) IN GENERAL.—Each State that receives an*
18 *allotment under this part shall reserve not less than*
19 *75 percent of the amount allotted to the State under*
20 *subsection (b) for each fiscal year for awards to eligi-*
21 *ble entities under section 3204.*

22 *“(2) AWARDS TO NONGOVERNMENTAL ENTITIES*
23 *TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—*
24 *Each State that receives an allotment under sub-*
25 *section (b) for each fiscal year shall reserve not less*

1 *than 10 percent of the amount allotted to the State*
2 *for awards to nongovernmental entities under section*
3 *3205.*

4 *“(3) STATE ACTIVITIES AND STATE ADMINISTRA-*
5 *TION.—A State educational agency may reserve not*
6 *more than 15 percent of the amount allotted to the*
7 *State under subsection (b) for each fiscal year for the*
8 *following:*

9 *“(A) Enabling the State educational agen-*
10 *cy—*

11 *“(i) to pay the costs of developing the*
12 *State assessments and standards required*
13 *under section 1111(b), which may include*
14 *the costs of working, at the sole discretion of*
15 *the State, in voluntary partnerships with*
16 *other States to develop such assessments and*
17 *standards; or*

18 *“(ii) if the State has developed the as-*
19 *sessments and standards required under sec-*
20 *tion 1111(b), to administer those assess-*
21 *ments or carry out other activities related*
22 *to ensuring that the State’s schools and*
23 *local educational agencies are helping stu-*
24 *dents meet the State’s academic standards*
25 *under such section.*

1 “(B) *The administrative costs of carrying*
2 *out its responsibilities under this part, except*
3 *that not more than 5 percent of the reserved*
4 *amount may be used for this purpose.*

5 “(C) *Monitoring and evaluation of pro-*
6 *grams and activities assisted under this part.*

7 “(D) *Providing training and technical as-*
8 *sistance under this part.*

9 “(E) *Statewide academic focused programs.*

10 “(F) *Sharing evidence-based and other effec-*
11 *tive strategies with eligible entities.*

12 **“SEC. 3203. STATE APPLICATION.**

13 “(a) *IN GENERAL.—In order to receive an allotment*
14 *under section 3202 for any fiscal year, a State shall submit*
15 *to the Secretary, at such time as the Secretary may require,*
16 *an application that—*

17 “(1) *designates the State educational agency as*
18 *the agency responsible for the administration and su-*
19 *per vision of programs assisted under this part;*

20 “(2) *describes how the State educational agency*
21 *will use funds reserved for State-level activities;*

22 “(3) *describes the procedures and criteria the*
23 *State educational agency will use for reviewing appli-*
24 *cations and awarding funds to eligible entities on a*
25 *competitive basis, which shall include reviewing how*

1 *the proposed project will help increase student aca-*
2 *demie achievement;*

3 *“(4) describes how the State educational agency*
4 *will ensure that awards made under this part are—*

5 *“(A) of sufficient size and scope to support*
6 *high-quality, effective programs that are con-*
7 *sistent with the purpose of this part; and*

8 *“(B) in amounts that are consistent with*
9 *section 3204(f);*

10 *“(5) describes the steps the State educational*
11 *agency will take to ensure that programs implement*
12 *effective strategies, including providing ongoing tech-*
13 *nical assistance and training, and dissemination of*
14 *evidence-based and other effective strategies;*

15 *“(6) describes how the State educational agency*
16 *will consider students across all grades when making*
17 *these awards;*

18 *“(7) an assurance that, other than providing*
19 *technical and advisory assistance and monitoring*
20 *compliance with this part, the State educational*
21 *agency has not exercised and will not exercise any in-*
22 *fluence in the decision-making process of eligible enti-*
23 *ties as to the expenditure of funds received by the eli-*
24 *gible entities under this part;*

1 “(8) describes how programs under this part will
2 be coordinated with programs under this Act, and
3 other programs as appropriate;

4 “(9) contains an assurance that the State edu-
5 cational agency—

6 “(A) will make awards for programs for a
7 period of not more than 5 years; and

8 “(B) will require each eligible entity seeking
9 such an award to submit a plan describing how
10 the project to be funded through the award will
11 continue after funding under this part ends, if
12 applicable; and

13 “(10) contains an assurance that funds appro-
14 priated to carry out this part will be used to supple-
15 ment, and not supplant, State and local public funds
16 expended to provide programs and activities author-
17 ized under this part and other similar programs.

18 “(b) *DEEMED APPROVAL.*—An application submitted
19 by a State educational agency pursuant to subsection (a)
20 shall be deemed to be approved by the Secretary unless the
21 Secretary makes a written determination, prior to the expi-
22 ration of the 120-day period beginning on the date on which
23 the Secretary received the application, that the application
24 is not in compliance with this part.

1 “(c) *DISAPPROVAL.*—*The Secretary shall not finally*
2 *disapprove the application, except after giving the State*
3 *educational agency notice and an opportunity for a hear-*
4 *ing.*

5 “(d) *NOTIFICATION.*—*If the Secretary finds that the*
6 *application is not in compliance, in whole or in part, with*
7 *this part, the Secretary shall—*

8 “(1) *give the State educational agency notice*
9 *and an opportunity for a hearing; and*

10 “(2) *notify the State educational agency of the*
11 *finding of noncompliance, and, in such notification,*
12 *shall—*

13 “(A) *cite the specific provisions in the ap-*
14 *plication that are not in compliance; and*

15 “(B) *request additional information, only*
16 *as to the noncompliant provisions, needed to*
17 *make the application compliant.*

18 “(e) *RESPONSE.*—*If the State educational agency re-*
19 *sponds to the Secretary’s notification described in sub-*
20 *section (d)(2) during the 45-day period beginning on the*
21 *date on which the agency received the notification, and re-*
22 *submits the application with the requested information de-*
23 *scribed in subsection (d)(2)(B), the Secretary shall approve*
24 *or disapprove such application prior to the later of—*

1 “(1) the expiration of the 45-day period begin-
2 ning on the date on which the application is resub-
3 mitted; or

4 “(2) the expiration of the 120-day period de-
5 scribed in subsection (b).

6 “(f) *FAILURE TO RESPOND.*—If the State educational
7 agency does not respond to the Secretary’s notification de-
8 scribed in subsection (d)(2) during the 45-day period begin-
9 ning on the date on which the agency received the notifica-
10 tion, such application shall be deemed to be disapproved.

11 “(g) *RULE OF CONSTRUCTION.*—An application sub-
12 mitted by a State educational agency pursuant to sub-
13 section (a) shall not be approved or disapproved based upon
14 the activities for which the agency may make funds avail-
15 able to eligible entities under section 3204 if the agency’s
16 use of funds is consistent with section 3204(b).

17 “**SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

18 “(a) *IN GENERAL.*—A State that receives funds under
19 this part for a fiscal year shall provide the amount made
20 available under section 3202(c)(1) to eligible entities in ac-
21 cordance with this section.

22 “(b) *USE OF FUNDS.*—

23 “(1) *IN GENERAL.*—An eligible entity that re-
24 ceives an award under this part shall use the funds
25 for activities that—

1 “(A) are evidence-based;

2 “(B) will improve student academic
3 achievement;

4 “(C) are allowable under State law; and

5 “(D) focus on one or more projects from the
6 following two categories:

7 “(i) Supplemental student support ac-
8 tivities such as before, after, or summer
9 school activities, tutoring, and expanded
10 learning time, but not including athletics or
11 in-school learning activities.

12 “(ii) Activities designed to support stu-
13 dents, such as academic subject specific pro-
14 grams, adjunct teacher programs, extended
15 learning time programs, and parent engage-
16 ment, but not including activities to—

17 “(I) support smaller class sizes or
18 construction; or

19 “(II) provide compensation or
20 benefits to teachers, school leaders,
21 other school officials, or local edu-
22 cational agency staff.

23 “(2) PARTICIPATION OF CHILDREN ENROLLED IN
24 PRIVATE SCHOOLS.—An eligible entity that receives
25 an award under this part shall ensure compliance

1 *with section 5501 (relating to participation of chil-*
2 *dren enrolled in private schools).*

3 “(c) *APPLICATION.—*

4 *“(1) IN GENERAL.—To be eligible to receive an*
5 *award under this part, an eligible entity shall submit*
6 *an application to the State educational agency at*
7 *such time, in such manner, and including such infor-*
8 *mation as the State educational agency may reason-*
9 *ably require, including the contents required by para-*
10 *graph (2).*

11 *“(2) CONTENTS.—Each application submitted*
12 *under paragraph (1) shall include—*

13 *“(A) a description of the activities to be*
14 *funded and how they are consistent with sub-*
15 *section (b);*

16 *“(B) an assurance that funds under this*
17 *part will be used to increase the level of State,*
18 *local, and other non-Federal funds that would,*
19 *in the absence of funds under this part, be made*
20 *available for programs and activities authorized*
21 *under this part, and in no case supplant State,*
22 *local, or non-Federal funds;*

23 *“(C) an assurance that the community will*
24 *be given notice of an intent to submit an appli-*
25 *cation with an opportunity for comment, and*

1 *that the application will be available for public*
2 *review after submission of the application; and*

3 “(D) *an assurance that students who benefit*
4 *from any activity funded under this part shall*
5 *continue to maintain enrollment in a public ele-*
6 *mentary or secondary school.*

7 “(d) *REVIEW.—In reviewing local applications under*
8 *this section, a State educational agency shall use a peer*
9 *review process or other methods of assuring the quality of*
10 *such applications but the review shall be limited to the like-*
11 *lihood that the project will increase student academic*
12 *achievement.*

13 “(e) *GEOGRAPHIC DIVERSITY.—A State educational*
14 *agency shall distribute funds under this part equitably*
15 *among geographic areas within the State, including rural,*
16 *suburban, and urban communities.*

17 “(f) *AWARD.—A grant shall be awarded to all eligible*
18 *entities that submit an application that meets the require-*
19 *ments of this section in an amount that is not less than*
20 *\$10,000, but there shall be only one minimum award grant-*
21 *ed to any one local educational agency.*

22 “(g) *DURATION OF AWARDS.—Grants under this part*
23 *may be awarded for a period of not more than 5 years.*

24 “(h) *ELIGIBLE ENTITY DEFINED.—In this section, the*
25 *term ‘eligible entity’ means—*

1 “(1) a local educational agency in partnership
2 with a community-based organization, business enti-
3 ty, or nongovernmental entity;

4 “(2) a consortium of local educational agencies
5 working in partnership with a community-based or-
6 ganization, business entity, or nongovernmental enti-
7 ty;

8 “(3) a community-based organization in part-
9 nership with a local educational agency and, if appli-
10 cable, a business entity or nongovernmental entity; or

11 “(4) a business entity in partnership with a
12 local educational agency and, if applicable, a commu-
13 nity-based organization or nongovernmental entity.

14 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
15 **IMPROVE ACADEMIC ACHIEVEMENT.**

16 “(a) *IN GENERAL.*—From the amount reserved under
17 section 3202(c)(2), a State educational agency shall award
18 grants to nongovernmental entities, including public or pri-
19 vate organizations, community-based or faith-based organi-
20 zations, and business entities for a program or project to
21 increase the academic achievement of public school students
22 attending public elementary or secondary schools (or both)
23 in compliance with the requirements in this section. Subject
24 to the availability of funds, the State educational agency
25 shall award a grant to each eligible applicant that meets

1 *the requirements in a sufficient size and scope to support*
2 *the program.*

3 “(b) *APPLICATION.—The State educational agency*
4 *shall require an application that includes the following in-*
5 *formation:*

6 “(1) *A description of the program or project the*
7 *applicant will use the funds to support.*

8 “(2) *A description of how the applicant is using*
9 *or will use other State, local, or private funding to*
10 *support the program or project.*

11 “(3) *A description of how the program or project*
12 *will help increase student academic achievement, in-*
13 *cluding the evidence to support this claim.*

14 “(4) *A description of the student population the*
15 *program or project is targeting to impact, and if the*
16 *program will prioritize students in high-need local*
17 *educational agencies.*

18 “(5) *A description of how the applicant will con-*
19 *duct sufficient outreach to ensure students can par-*
20 *ticipate in the program or project.*

21 “(6) *A description of any partnerships the appli-*
22 *cant has entered into with the local educational agen-*
23 *cies or other entities the applicant will work with, if*
24 *applicable.*

1 “(7) *A description of how the applicant will*
2 *work to share evidence-based and other effective strat-*
3 *egies from the program or project with local edu-*
4 *cational agencies and other entities working with stu-*
5 *dents to increase academic achievement.*

6 “(8) *An assurance that students who benefit from*
7 *any program or project funded under this section*
8 *shall continue to maintain enrollment in a public ele-*
9 *mentary or secondary school.*

10 “(c) *MATCHING CONTRIBUTION.—An eligible appli-*
11 *cant receiving a grant under this section shall provide, ei-*
12 *ther directly or through private contributions, non-Federal*
13 *matching funds equal to not less than 50 percent of the*
14 *amount of the grant.*

15 “(d) *REVIEW.—The State educational agency shall re-*
16 *view the application to ensure that—*

17 “(1) *the applicant is an eligible applicant;*

18 “(2) *the application clearly describes the re-*
19 *quired elements in subsection (b);*

20 “(3) *the entity meets the matching requirement*
21 *described in subsection (c); and*

22 “(4) *the program is allowable and complies with*
23 *Federal, State, and local laws.*

24 “(e) *DISTRIBUTION OF FUNDS.—If the application re-*
25 *quests exceed the funds available, the State educational*

1 *agency shall prioritize projects that support students in*
2 *high-need local educational agencies and ensure geographic*
3 *diversity, including serving rural, suburban, and urban*
4 *areas.*

5 “(f) *ADMINISTRATIVE COSTS.*—*Not more than 1 per-*
6 *cent of a grant awarded under this section may be used*
7 *for administrative costs.*

8 **“SEC. 3206. REPORT.**

9 “*Each recipient of a grant under section 3204 or 3205*
10 *shall report to the State educational agency on—*

11 “(1) *the success of the program in reaching the*
12 *goals of the program;*

13 “(2) *a description of the students served by the*
14 *program and how the students’ academic achievement*
15 *improved; and*

16 “(3) *the results of any evaluation conducted on*
17 *the success of the program.”.*

18 **TITLE III—IMPACT AID**

19 **SEC. 301. PURPOSE.**

20 *Section 8001 (20 U.S.C. 7701) is amended by striking*
21 *“challenging State standards” and inserting “State aca-*
22 *demic standards”.*

23 **SEC. 302. PAYMENTS RELATING TO FEDERAL ACQUISITION**
24 **OF REAL PROPERTY.**

25 *Section 8002 (20 U.S.C. 7702) is amended—*

1 (1) *in subsection (a)—*

2 (A) *in the matter preceding paragraph (1),*
3 *by striking “2003” and inserting “2018”; and*

4 (B) *in paragraph (1)(C), by amending the*
5 *matter preceding clause (i) to read as follows:*

6 “(C) *had an assessed value according to*
7 *original records (including facsimiles or other re-*
8 *productions of those records) or other records*
9 *that the Secretary determines to be appropriate*
10 *and reliable, including Federal agency records or*
11 *local historical records, aggregating 10 percent*
12 *or more of the assessed value of—”;*

13 (2) *in subsection (b)—*

14 (A) *in paragraph (1)(B), by striking “sec-*
15 *tion 8014(a)” and inserting “section 3(c)(1)”;*

16 (B) *by amending paragraph (2) to read as*
17 *follows:*

18 “(2) *DETERMINATION OF ESTIMATED TAXABLE*
19 *VALUE FOR ELIGIBLE FEDERAL PROPERTY.—*

20 “(A) *IN GENERAL.—Subject to subpara-*
21 *graph (B), in determining the estimated taxable*
22 *value of eligible Federal property located within*
23 *the boundaries of a local educational agency for*
24 *fiscal year 2013 and each succeeding fiscal year,*
25 *the Secretary shall carry out the following:*

1 “(i) Determine the total taxable value
2 of real property located within the bound-
3 aries of such local educational agency for
4 the purpose of levying a property tax for
5 current expenditures.

6 “(ii) Determine the per acre value of
7 the eligible Federal property by dividing—

8 “(I) the total taxable value deter-
9 mined under clause (i), by

10 “(II) the difference between the
11 total acres located within the bound-
12 aries of the local educational agency
13 and the number of Federal acres in
14 that agency eligible under this section.

15 “(iii) Multiply—

16 “(I) the per acre value calculated
17 under clause (ii), by

18 “(II) the number of Federal acres
19 in that agency eligible under this sec-
20 tion.

21 “(B) SPECIAL RULE.—In a case in which a
22 local educational agency shares eligible Federal
23 property with 2 or more local educational agen-
24 cies, the local educational agency may elect to
25 have the Secretary—

1 “(i) calculate the per acre value of the
2 eligible Federal property of each such local
3 educational agency in accordance with sub-
4 paragraph (A); and

5 “(ii) carry out the calculation under
6 subparagraph (A)(iii) by multiplying—

7 “(I) the average of the per acre
8 values of such eligible Federal prop-
9 erties, by

10 “(II) the acres of the Federal
11 property in that agency eligible under
12 this section.”; and

13 (C) by amending paragraph (3) to read as
14 follows:

15 “(3) *APPLICATION OF CURRENT LEVIED REAL*
16 *PROPERTY TAX RATE.—In calculating the amount*
17 *that a local educational agency is eligible to receive*
18 *for a fiscal year, the Secretary shall apply the current*
19 *levied real property tax rate for current expenditures*
20 *levied by fiscally independent local educational agen-*
21 *cies, or imputed for fiscally dependent local edu-*
22 *cational agencies, to the current annually determined*
23 *estimated taxable value of such acquired Federal*
24 *property as calculated under paragraph (2).”;*

25 (3) by amending subsection (f) to read as follows:

1 “(f) *SPECIAL RULE.*—Beginning with fiscal year
 2 2013, a local educational agency shall be deemed to meet
 3 the requirements of subsection (a)(1)(C) if records to deter-
 4 mine eligibility under such subsection were destroyed prior
 5 to fiscal year 2000 and the agency received funds under
 6 subsection (b) in the previous year.”;

7 (4) by amending subsection (g) to read as fol-
 8 lows:

9 “(g) *FORMER DISTRICTS.*—

10 “(1) *CONSOLIDATIONS.*—For fiscal year 2006
 11 and each succeeding fiscal year, if a local educational
 12 agency described in paragraph (2) is formed at any
 13 time after 1938 by the consolidation of two or more
 14 former school districts, the local educational agency
 15 may elect to have the Secretary determine its eligi-
 16 bility and any amount for which the local edu-
 17 cational agency is eligible under this section for such
 18 fiscal year on the basis of one or more of those former
 19 districts, as designated by the local educational agen-
 20 cy.

21 “(2) *ELIGIBLE LOCAL EDUCATIONAL AGEN-*
 22 *CIES.*—A local educational agency described in this
 23 paragraph is—

24 “(A) any local educational agency that, for
 25 fiscal year 1994 or any preceding fiscal year,

1 *applied for, and was determined to be eligible*
2 *under section 2(c) of the Act of September 20,*
3 *1950 (Public Law 874, 81st Congress) as that*
4 *section was in effect for that fiscal year; or*

5 *“(B) a local educational agency formed by*
6 *the consolidation of 2 or more school districts, at*
7 *least one of which was eligible for assistance*
8 *under this section for the fiscal year preceding*
9 *the year of the consolidation, if—*

10 *“(i) for fiscal years 2006 through 2012,*
11 *the local educational agency notifies the*
12 *Secretary not later than 30 days after the*
13 *date of enactment of the Encouraging Inno-*
14 *vation and Effective Teachers Act of the des-*
15 *ignation described in paragraph (1); and*

16 *“(ii) for fiscal year 2013, and each*
17 *subsequent fiscal year, the local educational*
18 *agency includes the designation in its ap-*
19 *plication under section 8005 or any timely*
20 *amendment to such application.*

21 *“(3) AVAILABILITY OF FUNDS.—Notwithstanding*
22 *any other provision of law limiting the period during*
23 *which the Secretary may obligate funds appropriated*
24 *for any fiscal year after fiscal year 2005, the Sec-*
25 *retary may obligate funds remaining after final pay-*

1 *ments have been made for any of such fiscal years to*
2 *carry out this subsection.”;*

3 *(5) in subsection (h)—*

4 *(A) by striking “section 8014(a)” and in-*
5 *serting “section 3(c)(1)”;*

6 *(B) by amending paragraph (1) to read as*
7 *follows:*

8 *“(1) FOUNDATION PAYMENTS.—*

9 *“(A) IN GENERAL.—From the amount ap-*
10 *propriated under section 3(c)(1) for the fiscal*
11 *year involved, the Secretary shall first make a*
12 *payment to the following local educational agen-*
13 *cies:*

14 *“(i) Each local educational agency that*
15 *received a payment under this section for*
16 *fiscal year 2006 and was eligible for a pay-*
17 *ment under this section for fiscal year 2006.*

18 *“(ii) Each local educational agency*
19 *that did not receive a payment under this*
20 *section for fiscal year 2006 but was newly*
21 *eligible for a payment under this section*
22 *after fiscal year 2006.*

23 *“(B) AMOUNT.—The amount of payment*
24 *under subparagraph (A) for a local educational*
25 *agency shall be determined as follows:*

1 “(i) For a local educational agency de-
2 scribed in subparagraph (A)(i) the amount
3 of payment shall be equal to 90 percent of
4 the amount received by such local edu-
5 cational agency under subsection (b) for fis-
6 cal year 2006.

7 “(ii) For a local educational agency
8 described in subparagraph (A)(ii) the
9 amount of payment shall be determined
10 by—

11 “(I) calculating a payment esti-
12 mate for fiscal year 2006 for such local
13 educational agency under subsection
14 (b) in the same manner as payments
15 were determined for local educational
16 agencies eligible for and receiving pay-
17 ments for fiscal year 2006 under such
18 section; and

19 “(II) multiplying the amount de-
20 termined under subclause (I) by 90
21 percent.

22 “(C) FOUNDATION PAYMENT.—The amount
23 of payments calculated under clause (i) or (ii) of
24 subparagraph (B) for a local educational agency
25 shall be considered the local educational agency’s

1 *foundation payments for each succeeding fiscal*
2 *year.*

3 “(D) *INSUFFICIENT APPROPRIATIONS.—If*
4 *the amount appropriated under section 3(c)(1) is*
5 *insufficient to pay the full amount determined*
6 *under this paragraph for all eligible local edu-*
7 *cational agencies for the fiscal year, then the*
8 *Secretary shall ratably reduce the payment to*
9 *each such local educational agency under this*
10 *paragraph.”;*

11 (C) *by amending paragraph (2) to read as*
12 *follows:*

13 “(2) *REMAINING FUNDS.—From any amounts*
14 *remaining after making payments under paragraph*
15 *(1) for the fiscal year involved, the Secretary shall—*

16 “(A) *sum the amounts determined for all el-*
17 *igible local educational agencies under subsection*
18 *(b)(2);*

19 “(B) *determine each eligible local edu-*
20 *cational agency’s proportional share of the*
21 *amount calculated under subparagraph (A); and*

22 “(C) *pay each eligible local educational*
23 *agency its share of the remaining funds based on*
24 *the proportion calculated under subparagraph*
25 *(B).”;* and

1 (D) by striking paragraphs (3) and (4);
2 (6) by repealing subsections (i) and (k);
3 (7) by redesignating subsection (l) as subsection
4 (i);
5 (8) by amending subsection (i) (as so redesign-
6 ated) by striking “(h)(4)(B)” and inserting “(h)(2)”;
7 (9) by repealing subsection (m); and
8 (10) by redesignating subsection (n) as sub-
9 section (j).

10 **SEC. 303. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
11 **NECTED CHILDREN.**

12 (a) *COMPUTATION OF PAYMENT.*—Section 8003(a) (20
13 *U.S.C. 7703(a)*) is amended—

14 (1) in the matter preceding subparagraph (A) of
15 paragraph (1), by inserting after “schools of such
16 agency” the following: “(including those children en-
17 rolled in such agency as a result of the open enroll-
18 ment policy of the State in which the agency is lo-
19 cated, but not including children who are enrolled in
20 a distance education program at such agency and
21 who are not residing within the geographic bound-
22 aries of such agency)”;

23 (2) in paragraph (4)—

1 (A) *in the heading, by striking “OR RE-*
2 *BUILDING” and inserting “, REBUILDING, OR AU-*
3 *THORIZED FOR DEMOLITION”;*

4 (B) *in subparagraph (A), by striking “or*
5 *rebuilding” each place it appears and inserting*
6 *“, rebuilding, or authorized for demolition by the*
7 *Secretary of Defense or the head of another Fed-*
8 *eral agency”;* and

9 (C) *in subparagraph (B)—*

10 (i) *by striking “or rebuilding” each*
11 *place it appears and inserting “, rebuild-*
12 *ing, or authorized for demolition by the Sec-*
13 *retary of Defense or the head of another*
14 *Federal agency”;* and

15 (ii) *by striking “3 fiscal years” each*
16 *place it appears and inserting “4 fiscal*
17 *years (which are not required to run con-*
18 *secutively)”;* and

19 (3) *in paragraph (5)(A), by inserting after*
20 *“1984,” the following: “or under lease of off-base*
21 *property under subchapter IV of chapter 169 of title*
22 *10, United States Code,”.*

23 (b) *BASIC SUPPORT PAYMENTS FOR HEAVILY IM-*
24 *PACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b)*
25 *(20 U.S.C. 7703(b)) is amended—*

1 (1) *by striking “section 8014(b)” each place it*
2 *appears and inserting “section 3(c)(2)”;*

3 (2) *in paragraph (1), by repealing subparagraph*
4 *(E);*

5 (3) *in paragraph (2)—*

6 (A) *in subparagraph (A), by inserting at*
7 *the end the following:*

8 *“(iii) The Secretary shall—*

9 *“(I) deem each local educational*
10 *agency that received a basic support*
11 *payment under this paragraph for fis-*
12 *cal year 2009 as eligible to receive a*
13 *basic support payment under this*
14 *paragraph for each of fiscal years*
15 *2010, 2011, and 2012; and*

16 *“(II) make a payment to each*
17 *such local educational agency under*
18 *this paragraph for each of fiscal years*
19 *2010, 2011, and 2012.”; and*

20 (B) *in subparagraph (B)—*

21 (i) *by striking “CONTINUING” in the*
22 *heading;*

23 (ii) *by amending clause (i) to read as*
24 *follows:*

1 “(i) *IN GENERAL.*—*A heavily impacted*
2 *local educational agency is eligible to re-*
3 *ceive a basic support payment under sub-*
4 *paragraph (A) with respect to a number of*
5 *children determined under subsection (a)(1)*
6 *if the agency—*

7 “(I) *is a local educational agen-*
8 *cy—*

9 “(aa) *whose boundaries are*
10 *the same as a Federal military*
11 *installation or an island property*
12 *designated by the Secretary of the*
13 *Interior to be property that is*
14 *held in trust by the Federal Gov-*
15 *ernment; and*

16 “(bb) *that has no taxing au-*
17 *thority;*

18 “(II) *is a local educational agency*
19 *that—*

20 “(aa) *has an enrollment of*
21 *children described in subsection*
22 *(a)(1) that constitutes a percent-*
23 *age of the total student enrollment*
24 *of the agency that is not less than*
25 *45 percent;*

1 “(bb) has a per-pupil ex-
2 penditure that is less than—

3 “(AA) for an agency
4 that has a total student en-
5 rollment of 500 or more stu-
6 dents, 125 percent of the av-
7 erage per-pupil expenditure
8 of the State in which the
9 agency is located; or

10 “(BB) for any agency
11 that has a total student en-
12 rollment less than 500, 150
13 percent of the average per-
14 pupil expenditure of the
15 State in which the agency is
16 located; or the average per-
17 pupil expenditure of 3 or
18 more comparable local edu-
19 cational agencies in the State
20 in which the agency is lo-
21 cated; and

22 “(cc) is an agency that—

23 “(AA) has a tax rate for
24 general fund purposes that is
25 not less than 95 percent of

1 *the average tax rate for gen-*
2 *eral fund purposes of com-*
3 *parable local educational*
4 *agencies in the State; or*

5 *“(BB) was eligible to re-*
6 *ceive a payment under this*
7 *subsection for fiscal year*
8 *2012 and is located in a*
9 *State that by State law has*
10 *eliminated ad valorem tax as*
11 *a revenue for local edu-*
12 *cational agencies;*

13 *“(III) is a local educational agen-*
14 *cy that—*

15 *“(aa) has an enrollment of*
16 *children described in subsection*
17 *(a)(1) that constitutes a percent-*
18 *age of the total student enrollment*
19 *of the agency that is not less than*
20 *20 percent;*

21 *“(bb) for the 3 fiscal years*
22 *preceding the fiscal year for which*
23 *the determination is made, the av-*
24 *erage enrollment of children who*
25 *are not described in subsection*

1 *(a)(1) and who are eligible for a*
2 *free or reduced price lunch under*
3 *the Richard B. Russell National*
4 *School Lunch Act constitutes a*
5 *percentage of the total student en-*
6 *rollment of the agency that is not*
7 *less than 65 percent; and*

8 *“(cc) has a tax rate for gen-*
9 *eral fund purposes which is not*
10 *less than 125 percent of the aver-*
11 *age tax rate for general fund pur-*
12 *poses for comparable local edu-*
13 *cational agencies in the State;*

14 *“(IV) is a local educational agen-*
15 *cy that has a total student enrollment*
16 *of not less than 25,000 students, of*
17 *which—*

18 *“(aa) not less than 50 per-*
19 *cent are children described in sub-*
20 *section (a)(1); and*

21 *“(bb) not less than 5,500 of*
22 *such children are children de-*
23 *scribed in subparagraphs (A) and*
24 *(B) of subsection (a)(1); or*

1 “(V) is a local educational agency
2 that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) including, for purposes of
6 determining eligibility, those chil-
7 dren described in subparagraphs
8 (F) and (G) of such subsection,
9 that is not less than 35 percent of
10 the total student enrollment of the
11 agency; and

12 “(bb) was eligible to receive
13 assistance under subparagraph
14 (A) for fiscal year 2001.”; and

15 (iii) in clause (ii)—

16 (I) by striking “A heavily” and
17 inserting the following:

18 “(I) IN GENERAL.—Subject to
19 subclause (II), a heavily”; and

20 (II) by adding at the end the fol-
21 lowing:

22 “(II) LOSS OF ELIGIBILITY DUE
23 TO FALLING BELOW 95 PERCENT OF
24 THE AVERAGE TAX RATE FOR GENERAL
25 FUND PURPOSES.—In a case of a heav-

1 *ily impacted local educational agency*
2 *that fails to meet the requirements of*
3 *clause (i) for a fiscal year by reason of*
4 *having a tax rate for general fund pur-*
5 *poses that falls below 95 percent of the*
6 *average tax rate for general fund pur-*
7 *poses of comparable local educational*
8 *agencies in the State, subclause (I)*
9 *shall be applied as if ‘and the subse-*
10 *quent fiscal year’ were inserted before*
11 *the period at the end.’;*

12 *(C) by striking subparagraph (C);*

13 *(D) by redesignating subparagraphs (D)*
14 *through (H) as subparagraphs (C) through (G),*
15 *respectively;*

16 *(E) in subparagraph (C) (as so redesign-*
17 *ated)—*

18 *(i) in the heading, by striking “REG-*
19 *ULAR”;*

20 *(ii) by striking “Except as provided in*
21 *subparagraph (E)” and inserting “Except*
22 *as provided in subparagraph (D)”;*

23 *(iii) by amending subclause (I) of*
24 *clause (i) to read as follows:*

1 “(i)(I)(aa) For a local educational agency
2 with respect to which 35 percent or more of the
3 total student enrollment of the schools of the
4 agency are children described in subparagraph
5 (D) or (E) (or a combination thereof) of sub-
6 section (a)(1), and that has an enrollment of
7 children described in subparagraphs (A), (B), or
8 (C) of such subsection equal to at least 10 per-
9 cent of the agency’s total enrollment, the Sec-
10 retary shall calculate the weighted student units
11 of those children described in subparagraph (D)
12 or (E) of such subsection by multiplying the
13 number of such children by a factor of 0.55.

14 “(bb) Notwithstanding subitem (aa), a local
15 educational agency that received a payment
16 under this paragraph for fiscal year 2006 shall
17 not be required to have an enrollment of children
18 described in subparagraphs (A), (B), or (C) of
19 subsection (a)(1) equal to at least 10 percent of
20 the agency’s total enrollment.”; and

21 (iv) by amending subclause (III) of
22 clause (ii) by striking “(B)(i)(II)(aa)” and
23 inserting “subparagraph (B)(i)(I)”;

1 (F) in subparagraph (D)(i)(II) (as so redesi-
2 gnated), by striking “6,000” and inserting
3 “5,500”;

4 (G) in subparagraph (E) (as so redesign-
5 ated)—

6 (i) by striking “Secretary” and all
7 that follows through “shall use” and insert-
8 ing “Secretary shall use”;

9 (ii) by striking “; and” and inserting
10 a period; and

11 (iii) by striking clause (ii);

12 (H) in subparagraph (F) (as so redesign-
13 ated), by striking “subparagraph
14 (C)(i)(II)(bb)” and inserting “subparagraph
15 (B)(i)(II)(bb)”;

16 (I) in subparagraph (G) (as so redesign-
17 ated)—

18 (i) in clause (i)—

19 (I) by striking “subparagraph
20 (B), (C), (D), or (E)” and inserting
21 “subparagraph (B), (C), or (D)”;

22 (II) by striking “by reason of”
23 and inserting “due to”;

24 (III) by inserting after “clause
25 (iii)” the following “, or as the direct

1 *result of base realignment and closure*
2 *or modularization as determined by*
3 *the Secretary of Defense and force*
4 *structure change or force relocation”;*
5 *and*

6 *(IV) by inserting before the pe-*
7 *riod, the following: “or during such*
8 *time as activities associated with base*
9 *closure and realignment,*
10 *modularization, force structure change,*
11 *or force relocation are ongoing”;* and

12 *(ii) in clause (ii), by striking “(D) or*
13 *(E)” each place it appears and inserting*
14 *“(C) or (D)”;*

15 *(4) in paragraph (3)—*

16 *(A) in subparagraph (B)—*

17 *(i) by amending clause (iii) to read as*
18 *follows:*

19 *“(iii) In the case of a local educational*
20 *agency providing a free public education to stu-*
21 *dents enrolled in kindergarten through grade 12,*
22 *but which enrolls students described in subpara-*
23 *graphs (A), (B), and (D) of subsection (a)(1)*
24 *only in grades 9 through 12, and which received*
25 *a final payment in fiscal year 2009 calculated*

1 *under this paragraph (as this paragraph was in*
2 *effect on the day before the date of enactment of*
3 *the Encouraging Innovation and Effective*
4 *Teachers Act) for students in grades 9 through*
5 *12, the Secretary shall, in calculating the agen-*
6 *cy's payment, consider only that portion of such*
7 *agency's total enrollment of students in grades 9*
8 *through 12 when calculating the percentage*
9 *under clause (i)(I) and only that portion of the*
10 *total current expenditures attributed to the oper-*
11 *ation of grades 9 through 12 in such agency*
12 *when calculating the percentage under clause*
13 *(i)(II)."; and*

14 *(ii) by adding at the end the following:*

15 *"(v) In the case of a local educational agen-*
16 *cy that is providing a program of distance edu-*
17 *cation to children not residing within the geo-*
18 *graphic boundaries of the agency, the Secretary*
19 *shall—*

20 *"(I) for purposes of the calculation*
21 *under clause (i)(I), disregard such children*
22 *from the total number of children in aver-*
23 *age daily attendance at the schools served*
24 *by such agency; and*

1 “(II) for purposes of the calculation
2 under clause (i)(II), disregard any funds re-
3 ceived for such children from the total cur-
4 rent expenditures for such agency.”;

5 (B) in subparagraph (C), by striking “sub-
6 paragraph (D) or (E) of paragraph (2), as the
7 case may be” and inserting “paragraph (2)(D)”;
8 and

9 (C) by amending subparagraph (D) to read
10 as follows:

11 “(D) *RATABLE DISTRIBUTION.*—For any
12 fiscal year described in subparagraph (A) for
13 which the sums available exceed the amount re-
14 quired to pay each local educational agency 100
15 percent of its threshold payment, the Secretary
16 shall distribute the excess sums to each eligible
17 local educational agency that has not received its
18 full amount computed under paragraph (1) or
19 (2) (as the case may be) by multiplying—

20 “(i) a percentage, the denominator of
21 which is the difference between the full
22 amount computed under paragraph (1) or
23 (2) (as the case may be) for all local edu-
24 cational agencies and the amount of the
25 threshold payment (as calculated under sub-

1 paragraphs (B) and (C)) of all local edu-
2 cational agencies, and the numerator of
3 which is the aggregate of the excess sums,
4 by;

5 “(ii) the difference between the full
6 amount computed under paragraph (1) or
7 (2) (as the case may be) for the agency and
8 the amount of the threshold payment as cal-
9 culated under subparagraphs (B) and (C) of
10 the agency.”; and

11 (D) by inserting at the end the following
12 new subparagraphs:

13 “(E) *INSUFFICIENT PAYMENTS.*—For each
14 fiscal year described in subparagraph (A) for
15 which the sums appropriated under section
16 3(c)(2) are insufficient to pay each local edu-
17 cational agency all of the local educational agen-
18 cy’s threshold payment described in subpara-
19 graph (D), the Secretary shall ratably reduce the
20 payment to each local educational agency under
21 this paragraph.

22 “(F) *INCREASES.*—If the sums appropriated
23 under section 3(c)(2) are sufficient to increase
24 the threshold payment above the 100 percent
25 threshold payment described in subparagraph

1 *(D), then the Secretary shall increase payments*
2 *on the same basis as such payments were re-*
3 *duced, except no local educational agency may*
4 *receive a payment amount greater than 100 per-*
5 *cent of the maximum payment calculated under*
6 *this subsection.”; and*

7 *(5) in paragraph (4)—*

8 *(A) in subparagraph (A), by striking*
9 *“through (D)” and inserting “and (C)”;* and

10 *(B) in subparagraph (B), by striking “sub-*
11 *paragraph (D) or (E)” and inserting “subpara-*
12 *graph (C) or (D)”.*

13 *(c) PRIOR YEAR DATA.—Paragraph (2) of section*
14 *8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:*

15 *“(2) EXCEPTION.—Calculation of payments for a*
16 *local educational agency shall be based on data from*
17 *the fiscal year for which the agency is making an ap-*
18 *plication for payment if such agency—*

19 *“(A) is newly established by a State, for the*
20 *first year of operation of such agency only;*

21 *“(B) was eligible to receive a payment*
22 *under this section for the previous fiscal year*
23 *and has had an overall increase in enrollment*
24 *(as determined by the Secretary in consultation*
25 *with the Secretary of Defense, the Secretary of*

1 *Interior, or the heads of other Federal agen-*
2 *cies)—*

3 *“(i) of not less than 10 percent, or 100*
4 *students, of children described in—*

5 *“(I) subparagraph (A), (B), (C),*
6 *or (D) of subsection (a)(1); or*

7 *“(II) subparagraph (F) and (G)*
8 *of subsection (a)(1), but only to the ex-*
9 *tent such children are civilian depend-*
10 *ents of employees of the Department of*
11 *Defense or the Department of Interior;*
12 *and*

13 *“(ii) that is the direct result of closure*
14 *or realignment of military installations*
15 *under the base closure process or the reloca-*
16 *tion of members of the Armed Forces and*
17 *civilian employees of the Department of De-*
18 *fense as part of the force structure changes*
19 *or movements of units or personnel between*
20 *military installations or because of actions*
21 *initiated by the Secretary of the Interior or*
22 *the head of another Federal agency; or*

23 *“(C) was eligible to receive a payment*
24 *under this section for the previous fiscal year*

1 *and has had an increase in enrollment (as deter-*
2 *mined by the Secretary)—*

3 *“(i) of not less than 10 percent of chil-*
4 *dren described in subsection (a)(1) or not*
5 *less than 100 of such children; and*

6 *“(ii) that is the direct result of the clo-*
7 *sure of a local educational agency that re-*
8 *ceived a payment under subsection (b)(1) or*
9 *(b)(2) in the previous fiscal year.”.*

10 (d) *CHILDREN WITH DISABILITIES.—Section*
11 8003(d)(1) (20 U.S.C. 7703(d)) *is amended by striking*
12 “section 8014(c)” *and inserting “section 3(c)(3)”.*

13 (e) *HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.*
14 7703(e)) *is amended—*

15 (1) *by amending paragraph (1) to read as fol-*
16 *lows:*

17 “*(1) IN GENERAL.—Subject to paragraph (2), the*
18 *total amount the Secretary shall pay a local edu-*
19 *cational agency under subsection (b)—*

20 *“(A) for fiscal year 2013, shall not be less*
21 *than 90 percent of the total amount that the*
22 *local educational agency received under sub-*
23 *section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal*
24 *year 2012;*

1 “(B) for fiscal year 2014, shall not be less
2 than 85 percent of the total amount that the
3 local educational agency received under sub-
4 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
5 year 2012; and

6 “(C) for fiscal year 2015, shall not be less
7 than 80 percent of the total amount that the
8 local educational agency received under sub-
9 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
10 year 2012.”; and

11 (2) by amending paragraph (2) to read as fol-
12 lows:

13 “(2) *MAXIMUM AMOUNT.*—The total amount pro-
14 vided to a local educational agency under subpara-
15 graph (A), (B), or C of paragraph (1) for a fiscal
16 year shall not exceed the maximum basic support
17 payment amount for such agency determined under
18 paragraph (1) or (2) of subsection (b), as the case
19 may be, for such fiscal year.”.

20 (f) *MAINTENANCE OF EFFORT.*—Section 8003 (20
21 U.S.C. 7703) is amended by striking subsection (g).

1 **SEC. 304. POLICIES AND PROCEDURES RELATING TO CHIL-**
2 **DREN RESIDING ON INDIAN LANDS.**

3 *Section 8004(e)(9) is amended by striking “Bureau of*
4 *Indian Affairs” and inserting “Bureau of Indian Edu-*
5 *cation”.*

6 **SEC. 305. APPLICATION FOR PAYMENTS UNDER SECTIONS**
7 **8002 AND 8003.**

8 *Section 8005(b) (20 U.S.C. 7705(b)) is amended in the*
9 *matter preceding paragraph (1) by striking “and shall con-*
10 *tain such information,”.*

11 **SEC. 306. CONSTRUCTION.**

12 *Section 8007 (20 U.S.C. 7707) is amended—*

13 *(1) in subsection (a)—*

14 *(A) in paragraph (1), by striking “section*
15 *8014(e)” and inserting “section 3(c)(4)”;*

16 *(B) in paragraph (2), by adding at the end*
17 *the following:*

18 *“(C) The agency is eligible under section*
19 *4003(b)(2) or is receiving basic support pay-*
20 *ments under circumstances described in section*
21 *4003(b)(2)(B)(ii).”;* and

22 *(C) in paragraph (3), by striking “section*
23 *8014(e)” each place it appears and inserting*
24 *“section 3(c)(4)”;* and

25 *(2) in subsection (b)—*

1 (A) in paragraph (1), by striking “section
2 8014(e)” and inserting “section 3(c)(4)”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (C)(i)(I), by add-
5 ing at the end the following:

6 “(cc) At least 10 percent of the
7 property in the agency is exempt from
8 State and local taxation under Federal
9 law.”; and

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

11 “(F) LIMITATIONS ON ELIGIBILITY RE-
12 QUIREMENTS.—The Secretary shall not limit eli-
13 gibility—

14 “(i) under subparagraph (C)(i)(I)(aa),
15 to those local educational agencies in which
16 the number of children determined under
17 section 8003(a)(1)(C) for each such agency
18 for the preceding school year constituted
19 more than 40 percent of the total student
20 enrollment in the schools of each such agen-
21 cy during the preceding school year; and

22 “(ii) under subparagraph (C)(i)(I)(cc),
23 to those local educational agencies in which
24 more than 10 percent of the property in

1 *each such agency is exempt from State and*
2 *local taxation under Federal law.”; and*

3 *(C) in paragraph (6)—*

4 *(i) in the matter preceding subpara-*
5 *graph (A), by striking “in such manner,*
6 *and accompanied by such information” and*
7 *inserting “and in such manner”; and*

8 *(ii) by striking subparagraph (F).*

9 **SEC. 307. FACILITIES.**

10 *Section 8008 (20 U.S.C. 7708) is amended in sub-*
11 *section (a), by striking “section 8014(f)” and inserting “sec-*
12 *tion 3(c)(5)”.*

13 **SEC. 308. STATE CONSIDERATION OF PAYMENTS PRO-**
14 **VIDING STATE AID.**

15 *Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is*
16 *amended by striking “and contain the information”.*

17 **SEC. 309. FEDERAL ADMINISTRATION.**

18 *Section 8010 (20 U.S.C. 7710) is amended—*

19 *(1) in subsection (c), by striking “paragraph*
20 *(3)” each place it appears and inserting “paragraph*
21 *(2)”;* and

22 *(2) by adding at the end the following new sub-*
23 *section:*

24 *“(d) TIMELY PAYMENTS.—*

1 “(1) *IN GENERAL.*—*The Secretary shall pay the*
2 *full amount that a local educational agency is eligible*
3 *to receive under this title not later than September 30*
4 *of the second fiscal year following the fiscal year for*
5 *which such amount has been appropriated if, not*
6 *later than 1 calendar year following the fiscal year in*
7 *which such amount has been appropriated, such local*
8 *educational agency submits to the Secretary all the*
9 *data and information necessary for the Secretary to*
10 *pay the full amount that the agency is eligible to re-*
11 *ceive under this title for such fiscal year.*

12 “(2) *PAYMENTS WITH RESPECT TO FISCAL YEARS*
13 *IN WHICH INSUFFICIENT FUNDS ARE APPRO-*
14 *PRIATED.*—*For a fiscal year in which the amount ap-*
15 *propriated under section 3(c) is insufficient to pay*
16 *the full amount a local educational agency is eligible*
17 *to receive under this title, paragraph (1) shall be ap-*
18 *plied by substituting ‘is available to pay the agency’*
19 *for ‘the agency is eligible to receive’ each place it ap-*
20 *pears.’.*

21 **SEC. 310. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
22 **VIEW.**

23 *Section 8011(a) (20 U.S.C. 7711(a)) is amended by*
24 *striking “or under the Act” and all the follows through*
25 *“1994”).*

1 **SEC. 311. DEFINITIONS.**

2 *Section 8013 is amended—*

3 (1) *in paragraph (1), by striking “and Marine*
4 *Corps” and inserting “Marine Corps, and Coast*
5 *Guard”;*

6 (2) *in paragraph (4), by striking “and title VI”;*

7 (3) *in paragraph (5)(A)(iii)—*

8 (A) *in subclause (II), by striking “Stewart*
9 *B. McKinney Homeless Assistance Act” and in-*
10 *serting “McKinney-Vento Homeless Assistance*
11 *Act (42 U.S.C. 114111 et seq.)”;* and

12 (B) *in subclause (III), by inserting before*
13 *the semicolon, “(26 U.S.C. 4101 et seq.)”;*

14 (4) *in paragraph (8)(A), by striking “and*
15 *verified by” and inserting “, and verified by,”; and*

16 (5) *in paragraph (9)(B), by inserting a comma*
17 *before “on a case-by-case basis”.*

18 **SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

19 *Section 8014 (20 U.S.C. 7801) is repealed.*

20 **SEC. 313. CONFORMING AMENDMENTS.**

21 (a) *REPEAL.—Title IV (20 U.S.C. 7101 et seq.), as*
22 *amended by section 201(b)(2) of the Student Success Act,*
23 *is repealed.*

24 (b) *TRANSFER AND REDESIGNATION.—Title VIII (20*
25 *U.S.C. 7701 et seq.), as amended by this title, is redesi-*

1 *nated as title IV (20 U.S.C. 7101 et seq.), and transferred*
2 *and inserted after title III (as amended by this Act).*

3 (c) *TITLE IV.—The heading relating to title IV of such*
4 *Act (20 U.S.C. 7101 et seq.) is amended to read as follows:*

5 ***“TITLE IV—IMPACT AID”.***

6 (d) *TITLE VIII REFERENCES.—The Act (20 U.S.C.*
7 *6301 et seq.) is amended—*

8 (1) *by redesignating sections 8001 through 8005*
9 *as sections 4001 through 4005, respectively;*

10 (2) *by redesignating sections 8007 through 8013*
11 *as sections 4007 through 4013, respectively;*

12 (3) *by striking “section 8002” each place it ap-*
13 *pears and inserting “section 4002”;*

14 (4) *by striking “section 8002(b)” each place it*
15 *appears and inserting “section 4002(b)”;*

16 (5) *by striking “section 8003” each place it ap-*
17 *pears and inserting “section 4003”, respectively;*

18 (6) *by striking “section 8003(a)” each place it*
19 *appears and inserting “section 4003(a)”;*

20 (7) *by striking “section 8003(a)(1)” each place it*
21 *appears and inserting “section 4003(a)(1)”;*

22 (8) *by striking “section 8003(a)(1)(C)” each*
23 *place it appears and inserting “section*
24 *4003(a)(1)(C)”;*

1 (9) by striking “section 8002(a)(2)” each place it
2 appears and inserting “section 4002(a)(2)”;

3 (10) by striking “section 8003(b)” each place it
4 appears and inserting “section 4003(b)”;

5 (11) by striking “section 8003(b)(1)” each place
6 it appears and inserting “section 4003(b)(1)”;

7 (12) in section 4002(b)(1)(C), by striking “sec-
8 tion 8003(b)(1)(C)” and inserting “section
9 4003(b)(1)(C)”;

10 (13) in section 4002(j)(1) (as so redesignated),
11 by striking “section 8013(5)(C)(iii)” and inserting
12 “section 4013(5)(C)(iii)”;

13 (14) in section 4005 (as so redesignated)—

14 (A) in the section heading, by striking
15 “**8002 AND 8003**” and inserting “**4002 AND**
16 **4003**”;

17 (B) by striking “or 8003” each place it ap-
18 pears and inserting “or 4003”;

19 (C) in subsection (b)(2), by striking “section
20 8004” and inserting “section 4004”; and

21 (D) in subsection (d)(2), by striking “sec-
22 tion 8003(e)” and inserting “section 4003(e)”;

23 (15) in section 4007(a)(3)(A)(i) (as so redesi-
24 gnated), by striking “section 8008(a)” and inserting
25 “section 4008(a)”;

1 (16) in section 4007(a)(4) (as so redesignated),
 2 by striking “section 8013(3)” and inserting “section
 3 4013(3)”; and

4 (17) in section 4009 (as so redesignated)—

5 (A) in subsection (b)(1)—

6 (i) by striking “or 8003(b)” and in-
 7 serting “or 4003(b)”;

8 (ii) by striking “section
 9 8003(a)(2)(B)” and inserting “section
 10 4003(a)(2)(B)”; and

11 (iii) by striking “section 8003(b)(2)”
 12 and inserting “section 4003(b)(2)”;

13 (B) by striking “section 8011(a)” each place
 14 it appears and inserting “section 4011(a)”; and

15 (18) in section 4010(c)(2)(D) (as so redesi-
 16 gnated) by striking “section 8009(b)” and inserting
 17 “section 4009(b)”.

18 **TITLE IV—TROOPS-TO-** 19 **TEACHERS PROGRAM**

20 **SEC. 401. TROOPS-TO-TEACHERS PROGRAM.**

21 (a) *TRANSFER OF FUNCTIONS.*—The responsibility
 22 and authority for operation and administration of the
 23 Troops-to-Teachers Program is transferred from the Sec-
 24 retary of Education to the Secretary of Defense.

1 (b) *ENACTMENT AND MODIFICATION OF PROGRAM AU-*
2 *THORITY IN TITLE 10, UNITED STATES CODE.—*

3 (1) *IN GENERAL.—Chapter 58 of title 10, United*
4 *States Code, is amended by adding at the end the fol-*
5 *lowing new section:*

6 **“§ 1154. Assistance to eligible members to obtain em-**
7 **ployment as teachers: troops-to-teachers**
8 **program**

9 “(a) *DEFINITIONS.—In this section:*

10 “(1) *PROGRAM.—The term ‘Program’ means the*
11 *Troops-to-Teachers Program authorized by this sec-*
12 *tion.*

13 “(2) *CHARTER SCHOOL.—The term ‘charter*
14 *school’ has the meaning given that term in section*
15 *5101 of the Elementary and Secondary Education*
16 *Act of 1965 (20 U.S.C. 7221i).*

17 “(3) *MEMBER OF THE ARMED FORCES.—The*
18 *term ‘member of the Armed Forces’ includes a former*
19 *member of the Armed Forces.*

20 “(4) *ADDITIONAL TERMS.—The terms ‘elemen-*
21 *tary school’, ‘local educational agency’, ‘secondary*
22 *school’, and ‘State’ have the meanings given those*
23 *terms in section 5101 of the Elementary and Sec-*
24 *ondary Education Act of 1965 (20 U.S.C. 7801).*

1 “(b) *PROGRAM AUTHORIZATION.*—*The Secretary of*
2 *Defense (in this section referred to as the ‘Secretary’) may*
3 *carry out a program (to be known as the ‘Troops-to-Teach-*
4 *ers Program’)*—

5 “(1) *to assist eligible members of the armed*
6 *forces described in subsection (c) to obtain certifi-*
7 *cation or licensing as elementary school teachers, sec-*
8 *ondary school teachers, or career or technical teachers;*
9 *and*

10 “(2) *to facilitate the employment of such mem-*
11 *bers*—

12 “(A) *by local educational agencies or public*
13 *charter schools that the Secretary of Education*
14 *identifies as*—

15 “(i) *receiving grants under subpart 1*
16 *of part A of title I of the Elementary and*
17 *Secondary Education Act of 1965 (20*
18 *U.S.C. 6311 et seq.) as a result of having*
19 *within their jurisdictions concentrations of*
20 *children from low-income families; or*

21 “(ii) *experiencing a shortage of effec-*
22 *tive teachers, in particular a shortage of*
23 *science, mathematics, special education, or*
24 *career or technical teachers; and*

1 “(B) *in elementary schools or secondary*
2 *schools, or as career or technical teachers.*

3 “(c) *ELIGIBILITY AND APPLICATION PROCESS.—*

4 “(1) *ELIGIBLE MEMBERS.—The following mem-*
5 *bers of the armed forces are eligible for selection to*
6 *participate in the Program:*

7 “(A) *Any member who—*

8 “(i) *on or after October 1, 1999, be-*
9 *comes entitled to retired or retainer pay*
10 *under this title or title 14;*

11 “(ii) *has an approved date of retire-*
12 *ment that is within one year after the date*
13 *on which the member submits an applica-*
14 *tion to participate in the Program; or*

15 “(iii) *transfers to the Retired Reserve.*

16 “(B) *Any member who, on or after January*
17 8, 2002—

18 “(i)(I) *is separated or released from*
19 *active duty after 6 or more years of contin-*
20 *uous active duty immediately before the sep-*
21 *aration or release; or*

22 “(II) *has completed a total of at*
23 *least ten years of active duty service,*
24 *10 years of service computed under sec-*

1 *tion 12732 of this title, or 10 years of*
2 *any combination of such service; and*

3 *“(ii) executes a reserve commitment*
4 *agreement for a period of not less than 3*
5 *years under paragraph (5)(B).*

6 *“(C) Any member who, on or after January*
7 *8, 2002, is retired or separated for physical dis-*
8 *ability under chapter 61 of this title.*

9 *“(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-*
10 *tion of eligible members of the armed forces to partici-*
11 *pate in the Program shall be made on the basis of ap-*
12 *plications submitted to the Secretary. An application*
13 *shall be in such form as the Secretary may require.*

14 *“(B) An application may be considered to be*
15 *submitted on a timely basis under subparagraph*
16 *(A)(i), (B), or (C) of paragraph (1) if the application*
17 *is submitted not later than 4 years after the date on*
18 *which the member is retired or separated or released*
19 *from active duty, whichever applies to the member.*

20 *“(3) SELECTION CRITERIA; EDUCATIONAL BACK-*
21 *GROUND REQUIREMENTS AND HONORABLE SERVICE*
22 *REQUIREMENT.—(A) Subject to subparagraphs (B)*
23 *and (C), the Secretary shall prescribe the criteria to*
24 *be used to select eligible members of the armed forces*
25 *to participate in the Program.*

1 “(B)(i) *If a member of the armed forces is apply-*
2 *ing for assistance for placement as an elementary*
3 *school or secondary school teacher, the Secretary shall*
4 *require the member to have received a baccalaureate*
5 *or advanced degree from an accredited institution of*
6 *higher education.*

7 “(ii) *If a member of the armed forces is applying*
8 *for assistance for placement as a career or technical*
9 *teacher, the Secretary shall require the member—*

10 “(I) *to have received the equivalent of one*
11 *year of college from an accredited institution of*
12 *higher education or the equivalent in military*
13 *education and training as certified by the De-*
14 *partment of Defense; or*

15 “(II) *to otherwise meet the certification or*
16 *licensing requirements for a career or technical*
17 *teacher in the State in which the member seeks*
18 *assistance for placement under the Program.*

19 “(iii) *A member of the armed forces is eligible to*
20 *participate in the Program only if the member’s last*
21 *period of service in the armed forces was honorable,*
22 *as characterized by the Secretary concerned. A mem-*
23 *ber selected to participate in the Program before the*
24 *retirement of the member or the separation or release*
25 *of the member from active duty may continue to par-*

1 *ticipate in the Program after the retirement, separa-*
2 *tion, or release only if the member's last period of*
3 *service is characterized as honorable by the Secretary*
4 *concerned.*

5 *“(4) SELECTION PRIORITIES.—In selecting eligi-*
6 *ble members of the armed forces to receive assistance*
7 *under the Program, the Secretary shall give priority*
8 *to members who—*

9 *“(A) have educational or military experi-*
10 *ence in science, mathematics, special education,*
11 *or career and technical subjects; and*

12 *“(B) agree to seek employment as science,*
13 *mathematics, or special education teachers in el-*
14 *ementary schools or secondary schools or in other*
15 *schools under the jurisdiction of a local edu-*
16 *cational agency.*

17 *“(5) OTHER CONDITIONS ON SELECTION.—(A)*
18 *The Secretary may not select an eligible member of*
19 *the armed forces to participate in the Program and*
20 *receive financial assistance unless the Secretary has*
21 *sufficient appropriations for the Program available at*
22 *the time of the selection to satisfy the obligations to*
23 *be incurred by the United States under subsection (d)*
24 *with respect to the member.*

1 “(B) *The Secretary may not select an eligible*
2 *member of the armed forces described in paragraph*
3 *(1)(B)(i) to participate in the Program under this*
4 *section and receive financial assistance under sub-*
5 *section (d) unless the member executes a written*
6 *agreement to serve as a member of the Selected Re-*
7 *serve of a reserve component of the armed forces for*
8 *a period of not less than 3 years (in addition to any*
9 *other reserve commitment the member may have).*

10 “(d) *PARTICIPATION AGREEMENT AND FINANCIAL AS-*
11 *SISTANCE.—*

12 “(1) *PARTICIPATION AGREEMENT.—(A) An eligi-*
13 *ble member of the armed forces selected to participate*
14 *in the Program under subsection (c) and receive fi-*
15 *nancial assistance under this subsection shall be re-*
16 *quired to enter into an agreement with the Secretary*
17 *in which the member agrees—*

18 “(i) *within such time as the Secretary may*
19 *require, to obtain certification or licensing as an*
20 *elementary school teacher, secondary school*
21 *teacher, or career and technical teacher; and*

22 “(ii) *to accept an offer of full-time employ-*
23 *ment beginning the school year after obtaining*
24 *such certification or licensing as an elementary*
25 *school teacher, secondary school teacher, or career*

1 *and technical teacher for not less than three*
2 *school years with a local educational agency re-*
3 *ceiving grants under subpart 1 of part A of title*
4 *I of the Elementary and Secondary Education*
5 *Act of 1965 (20 U.S.C.6311 et seq.) or a public*
6 *charter school.*

7 “(B) *The Secretary may waive the three-year*
8 *commitment described in subparagraph (A)(ii) for a*
9 *participant if the Secretary determines the waiver to*
10 *be appropriate. If the Secretary provides the waiver,*
11 *the participant shall not be considered to be in viola-*
12 *tion of the agreement and shall not be required to*
13 *provide reimbursement under subsection (e), for fail-*
14 *ure to meet the three-year commitment.*

15 “(2) *VIOLATION OF PARTICIPATION AGREEMENT;*
16 *EXCEPTIONS.—A participant in the Program shall*
17 *not be considered to be in violation of the participa-*
18 *tion agreement entered into under paragraph (1) dur-*
19 *ing any period in which the participant—*

20 “(A) *is pursuing a full-time course of study*
21 *related to the field of teaching at an institution*
22 *of higher education;*

23 “(B) *is serving on active duty as a member*
24 *of the armed forces;*

1 “(C) is temporarily totally disabled for a
2 period of time not to exceed 3 years as estab-
3 lished by sworn affidavit of a qualified physi-
4 cian;

5 “(D) is unable to secure employment for a
6 period not to exceed 12 months by reason of the
7 care required by a spouse who is disabled;

8 “(E) is an effective teacher who is seeking
9 and unable to find full-time employment as a
10 teacher in an elementary school or secondary
11 school or as a career and technical teacher for a
12 single period not to exceed 27 months; or

13 “(F) satisfies such other criteria as may be
14 prescribed by the Secretary.

15 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject
16 to subparagraph (B), the Secretary may pay to a
17 participant in the Program selected under this section
18 a stipend in an amount of not more than \$5,000.

19 “(B) The total number of stipends that may be
20 paid under subparagraph (A) in any fiscal year may
21 not exceed 5,000.

22 “(4) BONUS FOR PARTICIPANTS.—(A) Subject to
23 subparagraph (B), the Secretary may, in lieu of pay-
24 ing a stipend under paragraph (3), pay a bonus of
25 \$10,000 to a participant in the Program selected

1 *under this section who agrees in the participation*
2 *agreement under paragraph (1) to accept full-time*
3 *employment as an elementary school teacher, sec-*
4 *ondary school teacher, or career and technical teacher*
5 *for not less than 3 school years in a high-need school.*

6 *“(B) The total number of bonuses that may be*
7 *paid under subparagraph (A) in any fiscal year may*
8 *not exceed 3,000.*

9 *“(C) For purposes of subparagraph (A), the term*
10 *‘high-need school’ means a public elementary school,*
11 *public secondary school, or public charter school that*
12 *meets one or more of the following criteria:*

13 *“(i) At least 50 percent of the students en-*
14 *rolled in the school were from low-income fami-*
15 *lies (as described in subsection (b)(2)(A)(i)).*

16 *“(ii) The school has a large percentage of*
17 *students who qualify for assistance under part B*
18 *of the Individuals with Disabilities Education*
19 *Act (20 U.S.C. 1411 et seq.).*

20 *“(5) TREATMENT OF STIPEND AND BONUS.—A*
21 *stipend or bonus paid under this subsection to a par-*
22 *ticipant in the Program shall be taken into account*
23 *in determining the eligibility of the participant for*
24 *Federal student financial assistance provided under*

1 *title IV of the Higher Education Act of 1965 (20*
2 *U.S.C. 1070 et seq.).*

3 “(e) *REIMBURSEMENT UNDER CERTAIN CIR-*
4 *CUMSTANCES.—*

5 “(1) *REIMBURSEMENT REQUIRED.—A partici-*
6 *part in the Program who is paid a stipend or bonus*
7 *under subsection (d) shall be required to repay the sti-*
8 *pend or bonus under the following circumstances:*

9 “(A) *The participant fails to obtain teacher*
10 *certification or licensing or to obtain employ-*
11 *ment as an elementary school teacher, secondary*
12 *school teacher, or career and technical teacher as*
13 *required by the participation agreement under*
14 *subsection (d)(1).*

15 “(B) *The participant voluntarily leaves, or*
16 *is terminated for cause from, employment as an*
17 *elementary school teacher, secondary school*
18 *teacher, or career and technical teacher during*
19 *the 3 years of required service in violation of the*
20 *participation agreement.*

21 “(C) *The participant executed a written*
22 *agreement with the Secretary concerned under*
23 *subsection (c)(5)(B) to serve as a member of a re-*
24 *serve component of the armed forces for a period*

1 *of 3 years and fails to complete the required*
2 *term of service.*

3 “(2) *AMOUNT OF REIMBURSEMENT.*—*A partici-*
4 *part required to reimburse the Secretary for a sti-*
5 *pend or bonus paid to the participant under sub-*
6 *section (d) shall pay an amount that bears the same*
7 *ratio to the amount of the stipend or bonus as the*
8 *unserved portion of required service bears to the three*
9 *years of required service. Any amount owed by the*
10 *participant shall bear interest at the rate equal to the*
11 *highest rate being paid by the United States on the*
12 *day on which the reimbursement is determined to be*
13 *due for securities having maturities of 90 days or less*
14 *and shall accrue from the day on which the partici-*
15 *part is first notified of the amount due.*

16 “(3) *TREATMENT OF OBLIGATION.*—*The obliga-*
17 *tion to reimburse the Secretary under this subsection*
18 *is, for all purposes, a debt owing the United States.*
19 *A discharge in bankruptcy under title 11 shall not re-*
20 *lease a participant from the obligation to reimburse*
21 *the Secretary under this subsection.*

22 “(4) *EXCEPTIONS TO REIMBURSEMENT REQUIRE-*
23 *MENT.*—*A participant shall be excused from reim-*
24 *bursement under this subsection if the participant be-*
25 *comes permanently totally disabled as established by*

1 *sworn affidavit of a qualified physician. The Sec-*
2 *retary may also waive the reimbursement in cases of*
3 *extreme hardship to the participant, as determined by*
4 *the Secretary.*

5 “(f) *RELATIONSHIP TO EDUCATIONAL ASSISTANCE*
6 *UNDER MONTGOMERY GI BILL.—The receipt by a partici-*
7 *part in the Program of a stipend or bonus under this sub-*
8 *section (d) shall not reduce or otherwise affect the entitle-*
9 *ment of the participant to any benefits under chapter 30*
10 *or 33 of title 38 or chapter 1606 of this title.*

11 “(g) *PARTICIPATION BY STATES.—*

12 “(1) *DISCHARGE OF STATE ACTIVITIES THROUGH*
13 *CONSORTIA OF STATES.—The Secretary may permit*
14 *States participating in the Program to carry out ac-*
15 *tivities authorized for such States under the Program*
16 *through one or more consortia of such States.*

17 “(2) *ASSISTANCE TO STATES.—(A) Subject to*
18 *subparagraph (B), the Secretary may make grants to*
19 *States participating in the Program, or to consortia*
20 *of such States, in order to permit such States or con-*
21 *sortia of States to operate offices for purposes of re-*
22 *cruiting eligible members of the armed forces for par-*
23 *ticipation in the Program and facilitating the em-*
24 *ployment of participants in the Program as elemen-*

1 *tary school teachers, secondary school teachers, and*
2 *career and technical teachers.*

3 *“(B) The total amount of grants made under*
4 *subparagraph (A) in any fiscal year may not exceed*
5 *\$5,000,000.*

6 *“(h) COUNSELING AND REFERRAL SERVICES.—The*
7 *Secretary may provide counseling and referral services to*
8 *members of the Armed Forces who meet the criteria de-*
9 *scribed in subsection (c), including those members who are*
10 *not eligible for assistance under paragraphs (3) and (4) of*
11 *subsection (d).”.*

12 *(2) CLERICAL AMENDMENT.—The table of sec-*
13 *tions at the beginning of chapter 58 of such title is*
14 *amended by adding at the end the following new item:*

“1154. Assistance to eligible members to obtain employment as teachers: Troops-
to-Teachers Program.”.

15 *(3) CONFORMING AMENDMENT.—Section*
16 *1142(b)(4)(C) of such title is amended by striking*
17 *“under sections 1152 and 1153 of this title and the*
18 *Troops-to-Teachers Program under section 2302 of the*
19 *Elementary and Secondary Education Act of 1965*
20 *(20 U.S.C. 6672)” and inserting “under sections*
21 *1152, 1153, and 1154 of this title”.*

TITLE V—REPEAL**SEC. 501. REPEAL OF TITLE VI.**

The Act is amended by striking title VI (20 U.S.C. 7301 et seq.).

**TITLE VI—HOMELESS
EDUCATION****SEC. 601. STATEMENT OF POLICY.**

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging State student academic achievement” and inserting “State academic”.

1 **SEC. 602. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 *Section 722 of such Act (42 U.S.C. 11432) is amend-*
5 *ed—*

6 *(1) in subsection (a), by striking “(g).” and in-*
7 *serting “(h).”;*

8 *(2) by striking subsection (b);*

9 *(3) in subsection (c)—*

10 *(A) in paragraph (1)(A)—*

11 *(i) in clause (i), by adding “or” at the*
12 *end;*

13 *(ii) in clause (ii), by striking “; or” a*
14 *the end and inserting a period; and*

15 *(iii) by striking clause (iii); and*

16 *(B) by striking paragraph (3);*

17 *(4) in subsection (d)—*

18 *(A) in the matter preceding paragraph (1),*
19 *by striking “Grants” and inserting “Grant funds*
20 *from a grant made to a State”;*

21 *(B) by amending paragraph (2) to read as*
22 *follows:*

23 *“(2) To provide services and activities to im-*
24 *prove the identification of homeless children (includ-*
25 *ing preschool-aged homeless children and youths) that*
26 *enable such children and youths to enroll in, attend,*

1 *and succeed in school, or, if appropriate, in preschool*
2 *programs.”;*

3 *(C) in paragraph (3), by inserting before*
4 *the period at the end the following: “that can*
5 *sufficiently carry out the duties described in this*
6 *subtitle”;*

7 *(D) by amending paragraph (5) to read as*
8 *follows:*

9 *“(5) To develop and implement professional de-*
10 *velopment programs for liaisons designated under*
11 *subsection (g)(1)(J)(ii) and other local educational*
12 *agency personnel—*

13 *“(A) to improve their identification of*
14 *homeless children and youths; and*

15 *“(B) to heighten their awareness of, and ca-*
16 *capacity to respond to, specific needs in the edu-*
17 *cation of homeless children and youths.”.*

18 *(5) in subsection (e)—*

19 *(A) in paragraph (1)—*

20 *(i) by striking “sums” and inserting*
21 *“grant funds”; and*

22 *(ii) by inserting “a State under sub-*
23 *section (a) to” after “each year to”;*

24 *(B) in paragraph (2), by striking “funds*
25 *made available for State use under this subtitle”*

1 and inserting “the grant funds remaining after
2 the State educational agency distributes sub-
3 grants under paragraph (1)”; and

4 (C) in paragraph (3)—

5 (i) in subparagraph (C)(iv)(II), by
6 striking “sections 1111 and 1116” and in-
7 serting “section 1111”;

8 (ii) in subparagraph (F)—

9 (I) in clause (i)—

10 (aa) in the matter preceding
11 subclause (I), by striking “a re-
12 port” and inserting “an annual
13 report”;

14 (bb) by striking “and” at the
15 end of subclause (II);

16 (cc) by striking the period at
17 the end of subclause (III) and in-
18 serting “; and”; and

19 (dd) by adding at the end the
20 following:

21 “(IV) the progress the separate
22 schools are making in helping all stu-
23 dents meet the State academic stand-
24 ards.”; and

1 (II) in clause (iii), by striking
2 “Not later than 2 years after the date
3 of enactment of the McKinney-Vento
4 Homeless Education Assistance Im-
5 provements Act of 2001, the” and in-
6 serting “The”;

7 (6) by amending subsection (f) to read as follows:

8 “(f) *FUNCTIONS OF THE OFFICE OF COORDINATOR.—*
9 *The Coordinator for Education of Homeless Children and*
10 *Youths established in each State shall—*

11 “(1) *gather and make publically available reli-*
12 *able, valid, and comprehensive information on—*

13 “(A) *the number of homeless children and*
14 *youths identified in the State, posted annually*
15 *on the State educational agency’s website;*

16 “(B) *the nature and extent of the problems*
17 *homeless children and youths have in gaining ac-*
18 *cess to public preschool programs and to public*
19 *elementary schools and secondary schools;*

20 “(C) *the difficulties in identifying the spe-*
21 *cial needs and barriers to the participation and*
22 *achievement of such children and youths;*

23 “(D) *any progress made by the State edu-*
24 *cational agency and local educational agencies*

1 *in the State in addressing such problems and*
2 *difficulties; and*

3 “(E) *the success of the programs under this*
4 *subtitle in identifying homeless children and*
5 *youths and allowing such children and youths to*
6 *enroll in, attend, and succeed in, school;*

7 “(2) *develop and carry out the State plan de-*
8 *scribed in subsection (g);*

9 “(3) *collect data for and transmit to the Sec-*
10 *retary, at such time and in such manner as the Sec-*
11 *retary may require, a report containing information*
12 *necessary to assess the educational needs of homeless*
13 *children and youths within the State, including data*
14 *necessary for the Secretary to fulfill the responsibil-*
15 *ities under section 724(h);*

16 “(4) *in order to improve the provision of com-*
17 *prehensive education and related support services to*
18 *homeless children and youths and their families, co-*
19 *ordinate and collaborate with—*

20 “(A) *educators, including teachers, special*
21 *education personnel, administrators, and child*
22 *development and preschool program personnel;*

23 “(B) *providers of services to homeless chil-*
24 *dren and youths and their families, including*
25 *services of public and private child welfare and*

1 *social services agencies, law enforcement agen-*
2 *cies, juvenile and family courts, agencies pro-*
3 *viding mental health services, domestic violence*
4 *agencies, child care providers, runaway and*
5 *homeless youth centers, and providers of services*
6 *and programs funded under the Runaway and*
7 *Homeless Youth Act (42 U.S.C. 5701 et seq.);*

8 *“(C) providers of emergency, transitional,*
9 *and permanent housing to homeless children and*
10 *youths, and their families, including public*
11 *housing agencies, shelter operators, operators of*
12 *transitional housing facilities, and providers of*
13 *transitional living programs for homeless youths;*

14 *“(D) local educational agency liaisons des-*
15 *ignated under subsection (g)(1)(J)(ii) for home-*
16 *less children and youths; and*

17 *“(E) community organizations and groups*
18 *representing homeless children and youths and*
19 *their families;*

20 *“(5) provide technical assistance to local edu-*
21 *cational agencies, in coordination with local edu-*
22 *cational agency liaisons designated under subsection*
23 *(g)(1)(J)(ii), to ensure that local educational agencies*
24 *comply with the requirements of subsection (e)(3),*

1 *paragraphs (3) through (7) of subsection (g), and sub-*
2 *section (h);*

3 *“(6) provide professional development opportuni-*
4 *ties for local educational agency personnel and the*
5 *homeless liaison designated under subsection*
6 *(g)(1)(J)(ii) to assist such personnel in meeting the*
7 *needs of homeless children and youths; and*

8 *“(7) respond to inquiries from parents and*
9 *guardians of homeless children and youths and unac-*
10 *companied youths to ensure that each child or youth*
11 *who is the subject of such an inquiry receives the full*
12 *protections and services provided by this subtitle.”;*

13 *(7) by amending subsection (g) to read as fol-*
14 *lows:*

15 *“(g) STATE PLAN.—*

16 *“(1) IN GENERAL.—In order to be eligible to re-*
17 *ceive a grant under this section, each State edu-*
18 *cational agency shall submit to the Secretary a plan*
19 *to provide for the education of homeless children and*
20 *youths within the State that includes the following:*

21 *“(A) A description of how such children and*
22 *youths are (or will be) given the opportunity to*
23 *meet the same State academic standards that all*
24 *students are expected to meet.*

1 “(B) A description of the procedures the
2 State educational agency will use to identify
3 such children and youths in the State and to as-
4 sess their needs.

5 “(C) A description of procedures for the
6 prompt resolution of disputes regarding the edu-
7 cational placement of homeless children and
8 youths.

9 “(D) A description of programs for school
10 personnel (including liaisons, school leaders, at-
11 tendance officers, teachers, enrollment personnel,
12 and specialized instructional support personnel)
13 to heighten the awareness of such personnel of the
14 specific needs of homeless adolescents, including
15 runaway and homeless youths.

16 “(E) A description of procedures that ensure
17 that homeless children and youths who meet the
18 relevant eligibility criteria are able to partici-
19 pate in Federal, State, or local nutrition pro-
20 grams.

21 “(F) A description of procedures that ensure
22 that—

23 “(i) homeless children have equal ac-
24 cess to public preschool programs, adminis-
25 tered by the State educational agency or

1 local educational agency, as provided to
2 other children in the State;

3 “(ii) homeless youths and youths sepa-
4 rated from public schools are identified and
5 accorded equal access to appropriate sec-
6 ondary education and support services; and

7 “(iii) homeless children and youth who
8 meet the relevant eligibility criteria are able
9 to participate in Federal, State, or local
10 education programs.

11 “(G) Strategies to address problems identi-
12 fied in the report provided to the Secretary
13 under subsection (f)(3).

14 “(H) Strategies to address other problems
15 with respect to the education of homeless children
16 and youths, including problems resulting from
17 enrollment delays that are caused by—

18 “(i) immunization and other health
19 records requirements;

20 “(ii) residency requirements;

21 “(iii) lack of birth certificates, school
22 records, or other documentation;

23 “(iv) guardianship issues; or

24 “(v) uniform or dress code require-
25 ments.

1 “(I) A demonstration that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, polices to remove barriers to the iden-
5 tification, enrollment, and retention of homeless
6 children and youths in schools in the State.

7 “(J) Assurances that the following will be
8 carried out:

9 “(i) The State educational agency and
10 local educational agencies in the State will
11 adopt policies and practices to ensure that
12 homeless children and youths are not stig-
13 matized or segregated on the basis of their
14 status as homeless.

15 “(ii) Local educational agencies will
16 designate an appropriate staff person, who
17 may also be a coordinator for other Federal
18 programs, as a local educational agency li-
19 aison for homeless children and youths, to
20 carry out the duties described in paragraph
21 (6)(A).

22 “(iii) The State and its local edu-
23 cational agencies will adopt policies and
24 practices to ensure that transportation is
25 provided, at the request of the parent or

1 guardian (or in the case of an unaccom-
2 panied youth, the liaison), to and from the
3 school of origin, as determined in para-
4 graph (3)(A), in accordance with the fol-
5 lowing, as applicable:

6 “(I) If the child or youth con-
7 tinues to live in the area served by the
8 local educational agency in which the
9 school of origin is located, the child’s or
10 youth’s transportation to and from the
11 school of origin shall be provided or ar-
12 ranged by the local educational agency
13 in which the school of origin is located.

14 “(II) If the child’s or youth’s liv-
15 ing arrangements in the area served by
16 the local educational agency of origin
17 terminate and the child or youth,
18 though continuing his or her education
19 in the school of origin, begins living in
20 an area served by another local edu-
21 cational agency, the local educational
22 agency of origin and the local edu-
23 cational agency in which the child or
24 youth is living shall agree upon a
25 method to apportion the responsibility

1 *and costs for providing the child with*
2 *transportation to and from the school*
3 *of origin. If the local educational agen-*
4 *cies are unable to agree upon such*
5 *method, the responsibility and costs for*
6 *transportation shall be shared equally.*

7 “(2) *COMPLIANCE.—*

8 “*(A) IN GENERAL.—Each plan adopted*
9 *under this subsection shall also describe how the*
10 *State will ensure that local educational agencies*
11 *in the State will comply with the requirements*
12 *of paragraphs (3) through (7).*

13 “*(B) COORDINATION.—Such plan shall in-*
14 *dicade what technical assistance the State will*
15 *furnish to local educational agencies and how*
16 *compliance efforts will be coordinated with the*
17 *local educational agency liaisons designated*
18 *under paragraph (1)(J)(ii).*

19 “(3) *LOCAL EDUCATIONAL AGENCY REQUIRE-*
20 *MENTS.—*

21 “*(A) IN GENERAL.—The local educational*
22 *agency serving each child or youth to be assisted*
23 *under this subtitle shall, according to the child’s*
24 *or youth’s best interest—*

1 “(i) continue the child’s or youth’s edu-
2 cation in the school of origin for the dura-
3 tion of homelessness—

4 “(I) in any case in which a fam-
5 ily becomes homeless between academic
6 years or during an academic year; or

7 “(II) for the remainder of the aca-
8 demic year, if the child or youth be-
9 comes permanently housed during an
10 academic year; or

11 “(ii) enroll the child or youth in any
12 public school that nonhomeless students who
13 live in the attendance area in which the
14 child or youth is actually living are eligible
15 to attend.

16 “(B) SCHOOL STABILITY.—In determining
17 the best interest of the child or youth under sub-
18 paragraph (A), the local educational agency
19 shall—

20 “(i) presume that keeping the child or
21 youth in the school of origin is in the child
22 or youth’s best interest, except when doing
23 so is contrary to the wishes of the child’s or
24 youth’s parent or guardian, or the unac-
25 companied youth;

1 “(ii) consider student-centered factors
2 related to the child’s or youth’s best interest,
3 including factors related to the impact of
4 mobility on achievement, education, health,
5 and safety of homeless children and youth,
6 giving priority to the wishes of the homeless
7 child’s or youth’s parent or guardian or the
8 unaccompanied youth involved;

9 “(iii) if, after conducting the best in-
10 terest determination based on consideration
11 of the presumption in clause (i) and the
12 student-centered factors in clause (ii), the
13 local educational agency determines that it
14 is not in the child’s or youth’s best interest
15 to attend the school of origin or the school
16 requested by the parent, guardian, or unac-
17 companied youth, provide the child’s or
18 youth’s parent or guardian or the unaccom-
19 panied youth with a written explanation of
20 the reasons for its determination, in a man-
21 ner and form understandable to such par-
22 ent, guardian, or unaccompanied youth, in-
23 cluding information regarding the right to
24 appeal under subparagraph (E); and

1 “(iv) *in the case of an unaccompanied*
2 *youth, ensure that the homeless liaison des-*
3 *ignated under paragraph (1)(J)(ii) assists*
4 *in placement or enrollment decisions under*
5 *this subparagraph, gives priority to the*
6 *views of such unaccompanied youth, and*
7 *provides notice to such youth of the right to*
8 *appeal under subparagraph (E).*

9 “(C) *ENROLLMENT.*—

10 “(i) *IN GENERAL.*—*The school selected*
11 *in accordance with this paragraph shall im-*
12 *mediately enroll the homeless child or youth,*
13 *even if the child or youth—*

14 “(I) *is unable to produce records*
15 *normally required for enrollment, such*
16 *as previous academic records, records*
17 *of immunization and other required*
18 *health records, proof of residency, or*
19 *other documentation; or*

20 “(II) *has missed application or*
21 *enrollment deadlines during any pe-*
22 *riod of homelessness.*

23 “(ii) *RELEVANT ACADEMIC*
24 *RECORDS.*—*The enrolling school shall im-*
25 *mediately contact the school last attended*

1 *by the child or youth to obtain relevant aca-*
2 *demie and other records.*

3 “(iii) *RELEVANT HEALTH RECORDS.*—

4 *If the child or youth needs to obtain immu-*
5 *nizations or other required health records,*
6 *the enrolling school shall immediately refer*
7 *the parent or guardian of the child or*
8 *youth, or the unaccompanied child or youth,*
9 *to the local educational agency liaison des-*
10 *ignated under paragraph (1)(J)(ii), who*
11 *shall assist in obtaining necessary immuni-*
12 *zations or screenings, or immunization or*
13 *other required health records, in accordance*
14 *with subparagraph (D).*

15 “(iv) *NO LIABILITY.*—*Whenever the*

16 *school selected enrolls an unaccompanied*
17 *youth in accordance with this paragraph,*
18 *no liability shall be imposed upon the school*
19 *by reason of enrolling the youth without*
20 *parent or guardian consent.*

21 “(D) *RECORDS.*—*Any record ordinarily*

22 *kept by the school, including immunization or*
23 *other required health records, academic records,*
24 *birth certificates, guardianship records, and*
25 *evaluations for special services or programs, re-*

1 *garding each homeless child or youth shall be*
2 *maintained—*

3 “(i) *so that the records involved are*
4 *available, in a timely fashion, when a child*
5 *or youth enters a new school or school dis-*
6 *trict; and*

7 “(ii) *in a manner consistent with sec-*
8 *tion 444 of the General Education Provi-*
9 *sions Act (20 U.S.C. 1232g).*

10 “(E) *ENROLLMENT DISPUTES.—If a dispute*
11 *arises over school selection or enrollment in a*
12 *school—*

13 “(i) *the child or youth shall be imme-*
14 *diately enrolled in the school in which en-*
15 *rollment is sought, pending final resolution*
16 *of the dispute, including all available ap-*
17 *peals;*

18 “(ii) *the parent, guardian, or unac-*
19 *companied youth shall be provided with a*
20 *written explanation of any decisions made*
21 *by the school, the local educational agency,*
22 *or the State educational agency involved,*
23 *including the rights of the parent, guardian,*
24 *or youth to appeal such decisions;*

1 “(iii) the parent, guardian, or unac-
2 companied youth shall be referred to the
3 local educational agency liaison designated
4 under paragraph (1)(J)(ii), who shall carry
5 out the dispute resolution process as de-
6 scribed in paragraph (1)(C) as expedi-
7 tiously as possible after receiving notice of
8 the dispute; and

9 “(iv) in the case of an unaccompanied
10 youth, the liaison shall ensure that the
11 youth is immediately enrolled in school in
12 which the youth seeks enrollment pending
13 resolution of such dispute.

14 “(F) *PLACEMENT CHOICE.*—The choice re-
15 garding placement shall be made regardless of
16 whether the child or youth lives with the home-
17 less parents or has been temporarily placed else-
18 where.

19 “(G) *SCHOOL OF ORIGIN DEFINED.*—

20 “(i) *IN GENERAL.*—In this paragraph,
21 the term ‘school of origin’ means the school
22 that a child or youth attended when perma-
23 nently housed or the school in which the
24 child or youth was last enrolled.

1 “(i) *RECEIVING SCHOOL.*—When the
2 child or youth completes the final grade
3 level served by the school of origin, as de-
4 scribed in clause (i), the term “school of ori-
5 gin” shall include the designated receiving
6 school at the next grade level for all feeder
7 schools.

8 “(H) *CONTACT INFORMATION.*—Nothing in
9 this subtitle shall prohibit a local educational
10 agency from requiring a parent or guardian of
11 a homeless child to submit contact information.

12 “(I) *PRIVACY.*—Information about a home-
13 less child’s or youth’s living situation shall be
14 treated as a student education record under sec-
15 tion 444 of the General Education Provisions
16 Act (20 U.S.C. 1232g) and shall not be released
17 to housing providers, employers, law enforcement
18 personnel, or other persons or agencies not au-
19 thorized to have such information under section
20 99.31 of title 34, Code of Federal Regulations.

21 “(J) *ACADEMIC ACHIEVEMENT.*—The school
22 selected in accordance with this paragraph shall
23 ensure that homeless children and youth have op-
24 portunities to meet the same State academic
25 standards to which other students are held.

1 “(4) *COMPARABLE SERVICES.*—*Each homeless*
2 *child or youth to be assisted under this subtitle shall*
3 *be provided services comparable to services offered to*
4 *other students in the school selected under paragraph*
5 *(3), including the following:*

6 “(A) *Transportation services.*

7 “(B) *Educational services for which the*
8 *child or youth meets the eligibility criteria, such*
9 *as services provided under title I of the Elemen-*
10 *tary and Secondary Education Act of 1965 (20*
11 *U.S.C. 6301 et seq.) or similar State or local*
12 *programs, educational programs for children*
13 *with disabilities, and educational programs for*
14 *English learners.*

15 “(C) *Programs in career and technical edu-*
16 *cation.*

17 “(D) *Programs for gifted and talented stu-*
18 *dents.*

19 “(E) *School nutrition programs.*

20 “(5) *COORDINATION.*—

21 “(A) *IN GENERAL.*—*Each local educational*
22 *agency serving homeless children and youths that*
23 *receives assistance under this subtitle shall co-*
24 *ordinate—*

1 “(i) the provision of services under this
2 subtitle with local social services agencies
3 and other agencies or entities providing
4 services to homeless children and youths and
5 their families, including services and pro-
6 grams funded under the Runaway and
7 Homeless Youth Act (42 U.S.C. 5701 et
8 seq.); and

9 “(ii) transportation, transfer of school
10 records, and other interdistrict activities,
11 with other local educational agencies.

12 “(B) HOUSING ASSISTANCE.—If applicable,
13 each State educational agency and local edu-
14 cational agency that receives assistance under
15 this subtitle shall coordinate with State and local
16 housing agencies responsible for developing the
17 comprehensive housing affordability strategy de-
18 scribed in section 105 of the Cranston-Gonzalez
19 National Affordable Housing Act (42 U.S.C.
20 12705) to minimize educational disruption for
21 children and youths who become homeless.

22 “(C) COORDINATION PURPOSE.—The coordi-
23 nation required under subparagraphs (A) and
24 (B) shall be designed to—

1 “(i) ensure that all homeless children
2 and youths are promptly identified;

3 “(ii) ensure that homeless children and
4 youths have access to, and are in reasonable
5 proximity to, available education and re-
6 lated support services; and

7 “(iii) raise the awareness of school per-
8 sonnel and service providers of the effects of
9 short-term stays in a shelter and other chal-
10 lenges associated with homelessness.

11 “(D) *HOMELESS CHILDREN AND YOUTHS*
12 *WITH DISABILITIES.*—*For children and youth*
13 *who are to be assisted both under this subtitle,*
14 *and under the Individuals with Disabilities*
15 *Education Act (20 U.S.C. 1400 et seq.) or section*
16 *504 of the Rehabilitation Act of 1973 (29 U.S.C.*
17 *794), each local educational agency shall coordi-*
18 *nate the provision of services under this subtitle*
19 *with the provision of programs for children with*
20 *disabilities served by that local educational agen-*
21 *cy and other involved local educational agencies.*

22 “(6) *LOCAL EDUCATIONAL AGENCY LIAISON.*—

23 “(A) *DUTIES.*—*Each local educational*
24 *agency liaison for homeless children and youths,*

1 *designated under paragraph (1)(J)(ii), shall en-*
2 *sure that—*

3 *“(i) homeless children and youths are*
4 *identified by school personnel through out-*
5 *reach and coordination activities with other*
6 *entities and agencies;*

7 *“(ii) homeless children and youths are*
8 *enrolled in, and have a full and equal op-*
9 *portunity to succeed in, schools of that local*
10 *educational agency;*

11 *“(iii) homeless families, children, and*
12 *youths have access to and receive edu-*
13 *cational services for which such families,*
14 *children, and youths are eligible, including*
15 *services through Head Start, Early Head*
16 *Start, early intervention, and preschool pro-*
17 *grams administered by the local educational*
18 *agency;*

19 *“(iv) homeless families, children, and*
20 *youths receive referrals to health care serv-*
21 *ices, dental services, mental health and sub-*
22 *stances abuse services, housing services, and*
23 *other appropriate services;*

24 *“(v) the parents or guardians of home-*
25 *less children and youths are informed of the*

1 *educational and related opportunities avail-*
2 *able to their children and are provided with*
3 *meaningful opportunities to participate in*
4 *the education of their children;*

5 “(vi) public notice of the educational
6 rights of homeless children and youths is
7 disseminated in locations frequented by par-
8 ents or guardians of such children and
9 youths, and unaccompanied youths, includ-
10 ing schools, shelters, public libraries, and
11 soup kitchens in a manner and form under-
12 standable to the parents and guardians of
13 homeless children and youths, and unac-
14 companied youths;

15 “(vii) enrollment disputes are mediated
16 in accordance with paragraph (3)(E);

17 “(viii) the parent or guardian of a
18 homeless child or youth, and any unaccom-
19 panied youth, is fully informed of all trans-
20 portation services, including transportation
21 to the school of origin, as described in para-
22 graph (1)(J)(iii), and is assisted in access-
23 ing transportation to the school that is se-
24 lected under paragraph (3)(A);

1 “(ix) school personnel providing serv-
2 ices under this subtitle receive professional
3 development and other support; and

4 “(x) unaccompanied youths—

5 “(I) are enrolled in school;

6 “(II) have opportunities to meet
7 the same State academic standards to
8 which other students are held, includ-
9 ing through implementation of the
10 policies and practices required by
11 paragraph (1)(F)(i); and

12 “(III) are informed of their status
13 as independent students under section
14 480 of the Higher Education Act of
15 1965 (20 U.S.C. 1087vv) and receive
16 verification of such status for purposes
17 of the Free Application for Federal
18 Student Aid described in section 483 of
19 such Act (20 U.S.C. 1090).

20 “(B) NOTICE.—State coordinators estab-
21 lished under subsection (d)(3) and local edu-
22 cational agencies shall inform school personnel,
23 service providers, advocates working with home-
24 less families, parents and guardians of homeless
25 children and youths, and homeless children and

1 *youths of the duties of the local educational agen-*
2 *cy liaisons, including publishing an annually*
3 *updated list of the liaisons on the State edu-*
4 *cational agency’s website.*

5 *“(C) LOCAL AND STATE COORDINATION.—*

6 *Local educational agency liaisons for homeless*
7 *children and youths shall, as a part of their du-*
8 *ties, coordinate and collaborate with State coor-*
9 *dinators and community and school personnel*
10 *responsible for the provision of education and re-*
11 *lated services to homeless children and youths.*
12 *Such coordination shall include collecting and*
13 *providing to the State Coordinator the reliable,*
14 *valid, and comprehensive data needed to meet*
15 *the requirements of paragraphs (1) and (3) of*
16 *subsection (f).*

17 *“(7) REVIEW AND REVISIONS.—*

18 *“(A) IN GENERAL.—Each State educational*
19 *agency and local educational agency that re-*
20 *ceives assistance under this subtitle shall review*
21 *and revise any policies that may act as barriers*
22 *to the enrollment of homeless children and youths*
23 *in schools that are selected under paragraph (3).*

24 *“(B) CONSIDERATION.—In reviewing and*
25 *revising such policies, consideration shall be*

1 *given to issues concerning transportation, immu-*
 2 *nization, residency, birth certificates, school*
 3 *records and other documentation, and guardian-*
 4 *ship.*

5 “(C) *SPECIAL ATTENTION.*—*Special atten-*
 6 *tion shall be given to ensuring the enrollment*
 7 *and attendance of homeless children and youths*
 8 *who are not currently attending school.”; and*

9 (8) *in subsection (h)(1)(A), by striking “fiscal*
 10 *year 2009,” and inserting “fiscal years 2013 through*
 11 *2018,”.*

12 **SEC. 603. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
 13 **THE EDUCATION OF HOMELESS CHILDREN**
 14 **AND YOUTHS.**

15 *Section 723 of such Act (42 U.S.C. 11433) is amend-*
 16 *ed—*

17 (1) *in subsection (a)—*

18 (A) *in paragraph (1), by striking “facili-*
 19 *tating the enrollment,” and inserting “facili-*
 20 *tating the identification, enrollment,”;*

21 (B) *in paragraph (2)(A)—*

22 (i) *by adding “and” at the end of*
 23 *clause (i);*

24 (ii) *by striking “; and” and inserting*
 25 *a period at the end of clause (ii); and*

1 (iii) by striking clause (iii); and

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

3 “(4) *DURATION OF GRANTS.*—Subgrants award-
4 ed under this section shall be for terms of not to ex-
5 ceed 3 years.”;

6 (2) in subsection (b)—

7 (A) by striking paragraph (3) and redesign-
8 ating paragraphs (4) and (5) as paragraphs
9 (3) and (4), respectively; and

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

11 “(5) An assurance that the local educational
12 agency will collect and promptly provide data re-
13 quested by the State Coordinator pursuant to para-
14 graphs (1) and (3) of section 722(f).

15 “(6) An assurance that the local educational
16 agency has removed barriers to complying with the
17 requirements of section 722(g)(1)(I).”;

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “726”
20 and inserting “722(a)”;

21 (B) in paragraph (2)—

22 (i) in subparagraph (A), by inserting
23 “identification,” before “enrollment”;

24 (ii) by amending subparagraph (B) to
25 read as follows:

1 “(B) *The extent to which the application re-*
2 *fects coordination with other local and State*
3 *agencies that serve homeless children and*
4 *youths.*”; and

5 (iii) *in subparagraph (C), by inserting*
6 *“(as of the date of submission of the appli-*
7 *cation)” after “current practice”;*

8 (C) *in paragraph (3)—*

9 (i) *by amending subparagraph (C) to*
10 *read as follows:*

11 “(C) *The extent to which the applicant will*
12 *promote meaningful involvement of parents or*
13 *guardians of homeless children or youths in the*
14 *education of their children.*”;

15 (ii) *in subparagraph (D), by striking*
16 *“within” and inserting “into”;*

17 (iii) *in subparagraph (G)—*

18 (I) *by striking “Such” and insert-*
19 *ing “The extent to which the appli-*
20 *cant’s program meets such”;* and

21 (II) *by striking “case manage-*
22 *ment or related”;*

23 (iv) *by redesignating subparagraph*
24 *(G) as subparagraph (I) and inserting after*
25 *subparagraph (F) the following:*

1 “(G) *The extent to which the local edu-*
2 *cational agency will use the subgrant to leverage*
3 *resources, including by maximizing nonsubgrant*
4 *funding for the position of the liaison described*
5 *in section 722(g)(1)(J)(ii) and the provision of*
6 *transportation.*

7 “(H) *How the local educational agency uses*
8 *funds to serve homeless children and youths*
9 *under section 1113(c)(3) of the Elementary and*
10 *Secondary Education Act of 1965 (20 U.S.C.*
11 *6313(c)(3)).*”; and

12 *(v) by adding at the end the following:*

13 “(J) *An assurance that the applicant will*
14 *meet the requirements of section 722(g)(3).*”; and

15 *(D) by striking paragraph (4).*

16 *(4) in subsection (d)—*

17 *(A) in paragraph (1)—*

18 *(i) by striking “challenging State aca-*
19 *demic content standards” and inserting*
20 *“State academic standards”; and*

21 *(ii) by striking “and challenging State*
22 *student academic achievement standards”;*

23 *(B) in paragraph (2)—*

1 (i) by striking “students with limited
2 English proficiency,” and inserting
3 “English learners,” ; and

4 (ii) by striking “vocational” and in-
5 serting “career”;

6 (C) in paragraph (3), by striking “pupil
7 services” and inserting “specialized instructional
8 support”;

9 (D) in paragraph (7), by striking “, and
10 unaccompanied youths,” and inserting “, par-
11 ticularly homeless children and youths who are
12 not enrolled in school,”;

13 (E) in paragraph (9) by striking “medical”
14 and inserting “other required health”;

15 (F) in paragraph (10), by inserting before
16 the period at the end “, and other activities de-
17 signed to increase the meaningful involvement of
18 parents or guardians of homeless children or
19 youths in the education of their children”;

20 (G) in paragraph (12), by striking “pupil”
21 and inserting “specialized instructional sup-
22 port”; and

23 (H) in paragraph (13), by inserting before
24 the period at the end “and parental mental
25 health or substance abuse problems”.

1 **SEC. 604. SECRETARIAL RESPONSIBILITIES.**

2 *Section 724 of such Act (42 U.S.C. 11434) is amend-*
3 *ed—*

4 *(1) by amending subsection (c) to read as fol-*
5 *lows:*

6 *“(c) NOTICE.—*

7 *“(1) IN GENERAL.—The Secretary shall, before*
8 *the next school year that begins after the date of the*
9 *enactment of the Encouraging Innovation and Effec-*
10 *tive Teachers Act, update and disseminate nationwide*
11 *the public notice described in this subsection (as in ef-*
12 *fect prior to such date) of the educational rights of*
13 *homeless children and youths.*

14 *“(2) DISSEMINATION.—The Secretary shall dis-*
15 *seminate the notice nationally to all Federal agencies,*
16 *program grantees, and grant recipients serving home-*
17 *less families, children, and youths.”;*

18 *(2) in subsection (d), by striking “and dissemi-*
19 *nation” and inserting “, dissemination, and technical*
20 *assistance”;*

21 *(3) in subsection (e)—*

22 *(A) by striking “this subtitle” and inserting*
23 *“section 722”;*

24 *(B) by striking “60-day” and inserting*
25 *“120-day”; and*

1 (C) by striking “120-day” and inserting
2 “180-day”;

3 (4) in subsection (f), by adding at the end the
4 following: “The Secretary shall provide support and
5 technical assistance to State educational agencies in
6 areas in which barriers to a free appropriate public
7 education persist.”;

8 (5) by amending subsection (g) to read as fol-
9 lows:

10 “(g) *GUIDELINES.*—The Secretary shall develop, issue,
11 and publish in the Federal Register, not later than 60 days
12 after the date of the enactment of the Encouraging Innova-
13 tion and Effective Teachers Act, strategies by which a
14 State—

15 “(1) may assist local educational agencies to im-
16 plement the provisions amended by the Act; and

17 “(2) can review and revise State policies and
18 procedures that may present barriers to the identi-
19 fication, enrollment, attendance, and success of home-
20 less children and youths in school.”;

21 (6) in subsection (h)(1)(A), by inserting “in all
22 areas served by local educational agencies” before the
23 semicolon at the end; and

24 (7) in subsection (i), by striking “McKinney-
25 Vento Homeless Education Assistance Improvements

1 *Act of 2001” and inserting “Encouraging Innovation*
2 *and Effective Teachers Act”.*

3 **SEC. 605. DEFINITIONS.**

4 *Section 725 of such Act (42 U.S.C. 11434a) is amend-*
5 *ed—*

6 *(1) in paragraph (2)(B)(iv), by striking “1309”*
7 *and inserting “1139” and*

8 *(2) in paragraph (3), by striking “9101” and in-*
9 *serting “5101”*

10 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

11 *Section 726 of such Act (42 U.S.C. 11435) is amended*
12 *to read as follows:*

13 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

14 *“(a) IN GENERAL.—For the purpose of carrying out*
15 *this subtitle, there are authorized to be appropriated*
16 *\$65,173,000 for fiscal year 2013.*

17 *“(b) OUT YEARS.—The amount authorized under sub-*
18 *section (a) shall be increased for each of fiscal years 2014*
19 *through 2018 by a percentage equal to the percentage of in-*
20 *flation according to the Consumer Price Index, for the cal-*
21 *endar year ending prior to the beginning of that fiscal*
22 *year.”.*

Union Calendar No. 321

112TH CONGRESS
2^D SESSION

H. R. 3990

[Report No. 112-459, Part I]

A BILL

To encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools.

APRIL 27, 2012

Reported from the Committee on Education and the
Workforce with an amendment

APRIL 27, 2012

The Committees on Armed Services and Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed