

TITLE IV – 21ST CENTURY SCHOOLS

SEC. 4001. GENERAL PROVISIONS. (20 U.S.C. 7101)

(a) **PARENTAL CONSENT.—(1) IN GENERAL.—(A) INFORMED WRITTEN CONSENT.** A State, local educational agency, or other entity receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.

(B) **CONTENTS.** Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

(C) **LIMITATION.** The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(2) **EXCEPTION.** Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(b) **PROHIBITED USE OF FUNDS.** No funds under this title may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

(c) **PROHIBITION ON MANDATORY MEDICATION.** No child shall be required to obtain a prescription for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) as a condition of—

(1) receiving an evaluation or other service described under this title; or

(2) attending a school receiving assistance under this title.

PART A — ~~SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES~~ **STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS**

SEC. 4001. SHORT TITLE. (20 U.S.C. 7101)

This part may be cited as the "Safe and Drug-Free Schools and Communities Act".

SEC. 4002. PURPOSE. (20 U.S.C. 7102)

The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to —

~~(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;~~

~~(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;~~

~~(3) States for development, training, technical assistance, and coordination activities; and~~

~~(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.~~

SEC. 4003. AUTHORIZATION OF APPROPRIATIONS. (20 U.S.C. 7103)

There are authorized to be appropriated —

~~(1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and~~

~~(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.~~

[END]

or service, when such assessment or service will begin, and how long such assessment or service may last.

“(C) LIMITATION.—The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(2) EXCEPTION.—Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

“(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

“(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

“(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

“(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(b) PROHIBITED USE OF FUNDS.—No funds under this title may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

“(c) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) as a condition of—

“(1) receiving an evaluation or other service described under this title; or

“(2) attending a school receiving assistance under this title.”.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4101. STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS.

Subpart 1 of part A of title IV (20 U.S.C. 7101 et seq.) is ~~amended to read as follows:~~

“Subpart 1—Student Support and Academic Enrichment Grants

20 USC 7111.

“SEC. 4101. PURPOSE.

“The purpose of this subpart is to improve students’ academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

“(1) provide all students with access to a well-rounded education;

“(2) improve school conditions for student learning; and

“(3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

“SEC. 4102. DEFINITIONS.

20 USC 7112.

“In this subpart:

“(1) **BLENDED LEARNING.**—The term ‘blended learning’ means a formal education program that leverages both technology-based and face-to-face instructional approaches—

“(A) that include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

“(B) in which students are provided some control over time, path, or pace.

“(2) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(3) **DIGITAL LEARNING.**—The term ‘digital learning’ means any instructional practice that effectively uses technology to strengthen a student’s learning experience and encompasses a wide spectrum of tools and practices, including—

“(A) interactive learning resources, digital learning content (which may include openly licensed content), software, or simulations, that engage students in academic content;

“(B) access to online databases and other primary source documents;

“(C) the use of data and information to personalize learning and provide targeted supplementary instruction;

“(D) online and computer-based assessments;

“(E) learning environments that allow for rich collaboration and communication, which may include student collaboration with content experts and peers;

“(F) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace; and

“(G) access to online course opportunities for students in rural or remote areas.

“(4) **DRUG.**—The term ‘drug’ includes—

“(A) controlled substances;

“(B) the illegal use of alcohol or tobacco, including smokeless tobacco products and electronic cigarettes; and

“(C) the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

“(5) **DRUG AND VIOLENCE PREVENTION.**—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence-based (to the extent a State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

“(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and

from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(6) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘school-based mental health services provider’ includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

“(7) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(8) STEM-FOCUSED SPECIALTY SCHOOL.—The term ‘STEM-focused specialty school’ means a school, or dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, including computer science, which include authentic schoolwide research.

20 USC 7113.

“SEC. 4103. FORMULA GRANTS TO STATES.

“(a) RESERVATIONS.—From the total amount appropriated under section 4112 for a fiscal year, the Secretary shall reserve—

“(1) one-half of 1 percent for allotments for payments to the outlying areas, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this subpart;

“(2) one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Education; and

“(3) 2 percent for technical assistance and capacity building.

“(b) STATE ALLOTMENTS.—

“(1) ALLOTMENT.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), from the amount appropriated to carry out this subpart that remains after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State having a plan approved under subsection (c), an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

“(B) SMALL STATE MINIMUM.—No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

“(C) PUERTO RICO.—The amount allotted under this paragraph to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under this paragraph.

“(2) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this subsection.

“(c) STATE PLAN.—

“(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

“(A) A description of how the State educational agency will use funds received under this subpart for State-level activities.

“(B) A description of how the State educational agency will ensure that awards made to local educational agencies under this subpart are in amounts that are consistent with section 4105(a)(2).

“(C) Assurances that the State educational agency will—

“(i) review existing resources and programs across the State and will coordinate any new plans and resources under this subpart with such existing resources and programs;

“(ii) monitor the implementation of activities under this subpart and provide technical assistance to local educational agencies in carrying out such activities; and

“(iii) provide for equitable access for all students to the activities supported under this subpart, including aligning those activities with the requirements of other Federal laws.

“SEC. 4104. STATE USE OF FUNDS.

20 USC 7114.

“(a) IN GENERAL.—Each State that receives an allotment under section 4103 for a fiscal year shall—

“(1) reserve not less than 95 percent of the allotment to make allocations to local educational agencies under section 4105;

“(2) reserve not more than 1 percent of the allotment for the administrative costs of carrying out its responsibilities under this subpart, including public reporting on how funds made available under this subpart are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 4106(e)(1)(E); and

“(3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

“(b) STATE ACTIVITIES.—Each State that receives an allotment under section 4103 shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

“(1) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 4105;

“(2) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this subpart, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

“(3) supporting local educational agencies in providing programs and activities that—

“(A) offer well-rounded educational experiences to all students, as described in section 4107, including female students, minority students, English learners, children with disabilities, and low-income students who are often under-represented in critical and enriching subjects, which may include—

“(i) increasing student access to and improving student engagement and achievement in—

“(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

“(II) activities and programs in music and the arts;

“(III) foreign languages;

“(IV) accelerated learning programs that provide—

“(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

“(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs;

“(V) American history, civics, economics, geography, social studies, or government education;

“(VI) environmental education; or

“(VII) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

“(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

“(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include—

“(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);

“(ii) supporting local educational agencies to—

“(I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

“(II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

“(iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and

“(iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv); and

“(C) increase access to personalized, rigorous learning experiences supported by technology by—

“(i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—

“(I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;

“(II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and

“(III) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;

“(ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;

“(iii) developing or using strategies that are innovative or evidence-based (to the extent the State determines that such evidence is reasonably available) for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

“(iv) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;

“(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve

instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and

“(vi) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

“(c) SPECIAL RULE.—A State that receives a grant under this subpart for fiscal year 2017 may use the amount made available to the State and not reserved under paragraphs (1) and (2) of subsection (a) for such fiscal year to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (b)(3)(A)(ii).

20 USC 7115.

“SEC. 4105. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—From the funds reserved by a State under section 4104(a)(1), the State shall allocate to each local educational agency in the State that has an application approved by the State educational agency under section 4106 an amount that bears the same relationship to the total amount of such reservation as the amount the local educational agency received under subpart 2 of part A of title I for the preceding fiscal year bears to the total amount received by all local educational agencies in the State under such subpart for the preceding fiscal year.

“(2) MINIMUM LOCAL EDUCATIONAL AGENCY ALLOCATION.—No allocation to a local educational agency under this subsection may be made in an amount that is less than \$10,000, subject to subsection (b).

“(3) CONSORTIA.—Local educational agencies in a State may form a consortium with other surrounding local educational agencies and combine the funds each such agency in the consortium receives under this section to jointly carry out the local activities described in this subpart.

“(b) RATABLE REDUCTION.—If the amount reserved by the State under section 4104(a)(1) is insufficient to make allocations to local educational agencies in an amount equal to the minimum allocation described in subsection (a)(2), such allocations shall be ratably reduced.

“(c) ADMINISTRATIVE COSTS.—Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency’s responsibilities under this subpart.

20 USC 7116.

“SEC. 4106. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

“(a) ELIGIBILITY.—To be eligible to receive an allocation under section 4105(a), a local educational agency shall—

“(1) submit an application, which shall contain, at a minimum, the information described in subsection (e), to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

“(2) complete a needs assessment in accordance with subsection (d).

“(b) CONSORTIUM.—If a local educational agency desires to carry out the activities described in this subpart in consortium with one or more surrounding local educational agencies as described in section 4105(a)(3), such local educational agencies shall submit a single application as required under subsection (a).

“(c) CONSULTATION.—

“(1) IN GENERAL.—A local educational agency, or consortium of such agencies, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart.

“(2) CONTINUED CONSULTATION.—The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.

“(d) NEEDS ASSESSMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and prior to receiving an allocation under this subpart, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this subpart in order to examine needs for improvement of—

“(A) access to, and opportunities for, a well-rounded education for all students;

“(B) school conditions for student learning in order to create a healthy and safe school environment; and

“(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

“(2) EXCEPTION.—A local educational agency receiving an allocation under section 4105(a) in an amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

“(3) FREQUENCY OF NEEDS ASSESSMENT.—Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.

“(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

“(1) DESCRIPTIONS.—A description of the activities and programming that the local educational agency, or consortium of such agencies, will carry out under this subpart, including a description of—

“(A) any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this subpart;

“(B) if applicable, how funds will be used for activities related to supporting well-rounded education under section 4107;

“(C) if applicable, how funds will be used for activities related to supporting safe and healthy students under section 4108;

“(D) if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under section 4109; and

“(E) the program objectives and intended outcomes for activities under this subpart, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

“(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

“(A) prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—

“(i) are among the schools with the greatest needs, as determined by such local educational agency, or consortium;

“(ii) have the highest percentages or numbers of children counted under section 1124(c);

“(iii) are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);

“(iv) are implementing targeted support and improvement plans as described in section 1111(d)(2); or

“(v) are identified as a persistently dangerous public elementary school or secondary school under section 8532;

“(B) comply with section 8501 (regarding equitable participation by private school children and teachers);

“(C) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;

“(D) use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108;

“(E) use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 4109(b); and

“(F) annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

“(f) SPECIAL RULE.—Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than \$30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of subsection (e)(2).

“SEC. 4107. ACTIVITIES TO SUPPORT WELL-ROUNDED EDUCATIONAL OPPORTUNITIES. 20 USC 7117.

“(a) IN GENERAL.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop and implement programs and activities that support access to a well-rounded education and that—

“(1) are coordinated with other schools and community-based services and programs;

“(2) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this section; and

“(3) may include programs and activities, such as—

“(A) college and career guidance and counseling programs, such as—

“(i) postsecondary education and career awareness and exploration activities;

“(ii) training counselors to effectively use labor market information in assisting students with postsecondary education and career planning; and

“(iii) financial literacy and Federal financial aid awareness activities;

“(B) programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;

“(C) programming and activities to improve instruction and student engagement in science, technology, engineering, and mathematics, including computer science, (referred to in this section as ‘STEM subjects’) such as—

“(i) increasing access for students through grade 12 who are members of groups underrepresented in such subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses;

“(ii) supporting the participation of low-income students in nonprofit competitions related to STEM subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

“(iii) providing hands-on learning and exposure to science, technology, engineering, and mathematics and supporting the use of field-based or service learning to enhance the students’ understanding of the STEM subjects;

“(iv) supporting the creation and enhancement of STEM-focused specialty schools;

“(v) facilitating collaboration among school, after-school program, and informal program personnel to

improve the integration of programming and instruction in the identified subjects; and

“(vi) integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education;

“(D) efforts to raise student academic achievement through accelerated learning programs described in section 4104(b)(3)(A)(i)(IV), such as—

“(i) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations; or

“(ii) increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

“(E) activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education;

“(F) foreign language instruction;

“(G) environmental education;

“(H) programs and activities that promote volunteerism and community involvement;

“(I) programs and activities that support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics; or

“(J) other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.

“(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, that receives a subgrant under this subpart for fiscal year 2017 may use such funds to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (a)(3)(D).

20 USC 7118.

“SEC. 4108. ACTIVITIES TO SUPPORT SAFE AND HEALTHY STUDENTS.

“Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop, implement, and evaluate comprehensive programs and activities that—

“(1) are coordinated with other schools and community-based services and programs;

“(2) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

“(3) promote the involvement of parents in the activity or program;

“(4) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities described in this section; and

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

“(A) drug and violence prevention activities and programs that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available) including—

“(i) programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and

“(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

“(B) in accordance with sections 4001 and 4111—

“(i) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers; and

“(ii) school-based mental health services partnership programs that—

“(I) are conducted in partnership with a public or private mental health entity or health care entity; and

“(II) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are—

“(aa) based on trauma-informed practices that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available);

“(bb) coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

“(cc) provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise;

“(C) programs or activities that—

“(i) integrate health and safety practices into school or athletic programs;

“(ii) support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

“(iii) help prevent bullying and harassment;

“(iv) improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;

“(v) provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;

“(vi) establish or improve school dropout and re-entry programs; or

“(vii) establish learning environments and enhance students’ effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports;

“(D) high-quality training for school personnel, including specialized instructional support personnel, related to—

“(i) suicide prevention;

“(ii) effective and trauma-informed practices in classroom management;

“(iii) crisis management and conflict resolution techniques;

“(iv) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102));

“(v) school-based violence prevention strategies;

“(vi) drug abuse prevention, including educating children facing substance abuse at home; and

“(vii) bullying and harassment prevention;

“(E) in accordance with sections 4001 and 4111, child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

“(i) age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

“(ii) information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

“(F) designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that—

“(i) is consistent with best practices;

“(ii) includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

“(iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a ‘youth PROMISE plan’; or

“(G) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to improve academic outcomes and school conditions for student learning;

“(H) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

“(i) establishing partnerships within the community to provide resources and support for schools;

“(ii) ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

“(iii) strengthening relationships between schools and communities; or

“(I) pay for success initiatives aligned with the purposes of this section.

“SEC. 4109. ACTIVITIES TO SUPPORT THE EFFECTIVE USE OF TECHNOLOGY. 20 USC 7119.

“(a) USES OF FUNDS.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4015(a) shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium that are identified in the needs assessment conducted under section 4106(d) (if applicable), which may include—

“(1) providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

“(A) personalize learning to improve student academic achievement;

“(B) discover, adapt, and share relevant high-quality educational resources;

“(C) use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and

“(D) implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

“(2) building technological capacity and infrastructure, which may include—

“(A) procuring content and ensuring content quality; and

“(B) purchasing devices, equipment, and software applications in order to address readiness shortfalls;

“(3) developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology;

“(4) carrying out blended learning projects, which shall include—

“(A) planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or

“(B) ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;

“(5) providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science; and

“(6) providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

“(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A).

20 USC 7120.

“SEC. 4110. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

20 USC 7121.

“SEC. 4111. RULE OF CONSTRUCTION.

“Nothing in this subpart may be construed to—

“(1) authorize activities or programming that encourages teenage sexual activity; or

“(2) prohibit effective activities or programming that meet the requirements of section 8526.

20 USC 7122.

“SEC. 4112. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart \$1,650,000,000 for fiscal year 2017 and \$1,600,000,000 for each of fiscal years 2018 through 2020.

“(b) FORWARD FUNDING.—Section 420 of the General Education Provisions Act (20 U.S.C. 1223) shall apply to this subpart.”.

~~**PART B—21ST CENTURY COMMUNITY
LEARNING CENTERS**~~

~~**SEC. 4201. 21ST CENTURY COMMUNITY LEARNING CENTERS.**~~

~~(a) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 7171 et seq.) is amended to read as follows:~~

TITLE IV, PART A

Subpart 2 – Internet Safety (transferred from Title II, Part D, Subpart 4)

SEC. 2441 ~~4121~~. INTERNET SAFETY (20 U.S.C. ~~6777~~ 7131)

(a) IN GENERAL. No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- (i) obscene;
- (ii) child pornography; or
- (iii) harmful to minors; and

(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- (i) obscene; or
- (ii) child pornography; and

(B) is enforcing the operation of such technology protection measure during any use of such computers.

(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—(1) IN GENERAL. The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next program funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.

(2) PROCESS.—(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE. A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—(i) CERTIFICATION. A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

(l) for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

(ii) INELIGIBILITY. Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

(C) WAIVERS. Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

(c) DISABLING DURING CERTAIN USE. An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

(d) NONCOMPLIANCE.—(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES. Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

(A) withhold further payments to the recipient under this part;

(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

(2) RECOVERY OF FUNDS PROHIBITED. The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

(3) RECOMMENCEMENT OF PAYMENTS. Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

(e) DEFINITIONS. In this subpart:

(1) COMPUTER. The term "computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

(2) ACCESS TO INTERNET. A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

(3) ACQUISITION OR OPERATION. An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

(4) MINOR. The term "minor" means an individual who has not attained the age of 17.

(5) CHILD PORNOGRAPHY. The term "child pornography" has the meaning given that term in section 2256 of title 18, United States Code.

(6) HARMFUL TO MINORS. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(7) OBSCENE. The term "obscene" has the meaning applicable to that term under section 1460 of title 18, United States Code.

(8) SEXUAL ACT AND SEXUAL CONTACT. The terms "sexual act" and "sexual contact" have the meanings given those terms in section 2246 of title 18, United States Code.

(f) SEVERABILITY. If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.

[END]

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

“SEC. 4201. PURPOSE; DEFINITIONS.

“(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

“(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;

“(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

“(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

“(b) DEFINITIONS.—In this part:

“(1) COMMUNITY LEARNING CENTER.—The term ‘community learning center’ means an entity that—

“(A) assists students to meet the challenging State academic standards by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

“(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

“(ii) are targeted to the students’ academic needs and aligned with the instruction students receive during the school day; and

“(B) offers families of students served by such center opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

“(2) COVERED PROGRAM.—The term ‘covered program’ means a program for which—

“(A) the Secretary made a grant under this part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act); and

“(B) the grant period had not ended on that effective date.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency, community-based organization, Indian

tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

“(4) EXTERNAL ORGANIZATION.—The term ‘external organization’ means—

“(A) a nonprofit organization with a record of success in running or working with before and after school (or summer recess) programs and activities; or

“(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance in running or working with before and after school (or summer recess) programs and activities.

“(5) RIGOROUS PEER-REVIEW PROCESS.—The term ‘rigorous peer-review process’ means a process by which—

“(A) employees of a State educational agency who are familiar with the programs and activities assisted under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

“(B) the State educational agency selects peer reviewers for such applications, who shall—

“(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

“(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

“(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

“(6) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 4202. ALLOTMENTS TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

“(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

“(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

“(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

“(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

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

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

“(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

“(A) the administrative costs of carrying out its responsibilities under this part;

“(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

“(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

“(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

“(A) Monitoring and evaluating programs and activities assisted under this part.

“(B) Providing capacity building, training, and technical assistance under this part.

“(C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

“(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

“(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

“(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

“(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices

to support the implementation of effective programs under this part.

“(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

“(I) Providing a list of prescreened external organizations, as described under section 4203(a)(11).

“SEC. 4203. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

“(3) contains an assurance that the State educational agency—

“(A) will make awards under this part to eligible entities that serve—

“(i) students who primarily attend—

“(I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); and

“(II) other schools determined by the local educational agency to be in need of intervention and support; and

“(ii) the families of such students; and

“(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);

“(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

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

“(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

“(B) in amounts that are consistent with section 4204(h);

“(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

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

“(8) contains an assurance that the State educational agency—

“(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

“(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

“(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

“(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

“(11) describes how the State will—

“(A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and

“(B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

“(12) provides—

“(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

“(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

“(13) describes the results of the State’s needs and resources assessment for before and after school (or summer recess) programs and activities, which shall be based on the results of on-going State evaluation activities;

“(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

“(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

“(i) are able to track student success and improvement over time;

“(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program

attendance, and on-time advancement to the next grade level; and

“(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

“(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

“(C) public dissemination of the evaluations of programs and activities carried out under this part; and

“(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

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

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

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

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

“(2) notify the State educational agency of the finding of noncompliance and, in such notification—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

“(e) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“(g) LIMITATION.—The Secretary may not give a priority or a preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

“SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

“(a) IN GENERAL.—

“(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

“(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

“(A) are included as part of an expanded learning program that provides students at least 300 additional program hours before, during, or after the traditional school day;

“(B) supplement but do not supplant regular school day requirements; and

“(C) are carried out by entities that meet the requirements of subsection (i).

“(b) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

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

“(A) a description of the activities to be funded, including—

“(i) an assurance that the program will take place in a safe and easily accessible facility;

“(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

“(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

“(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

“(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

“(D) an assurance that the proposed program was developed and will be carried out—

“(i) in active collaboration with the schools that participating students attend (including through the sharing of relevant data among the schools), all participants of the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and

“(ii) in alignment with the challenging State academic standards and any local academic standards;

“(E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);

“(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1114 and the families of such students;

“(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

“(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

“(I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

“(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

“(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

“(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

“(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

“(N) such other information and assurances as the State educational agency may reasonably require.

“(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

“(d) PERMISSIVE LOCAL MATCH.—

“(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

“(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

“(A) the relative poverty of the population to be targeted by the eligible entity; and

“(B) the ability of the eligible entity to obtain such matching funds.

“(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

“(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity’s ability to match funds when determining which eligible entities will receive subgrants under this part.

“(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods to ensure the quality of funded projects.

“(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

“(g) DURATION OF AWARDS.—A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

“(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than \$50,000.

“(i) PRIORITY.—

“(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

“(A) proposing to target services to—

“(i) students who primarily attend schools that—

“(I) are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) or other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

“(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

“(ii) the families of students described in clause

(i);

“(B) submitted jointly by eligible entities consisting of not less than 1—

“(i) local educational agency receiving funds under part A of title I; and

“(ii) another eligible entity; and

“(C) demonstrating that the activities proposed in the application—

“(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

“(ii) would expand accessibility to high-quality services that may be available in the community.

“(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

“(3) LIMITATION.—A State educational agency may not give a priority or a preference to eligible entities that seek to use funds made available under this part to extend the regular school day.

“(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity’s performance during the preceding subgrant period.

“SEC. 4205. LOCAL ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

“(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

“(A) the challenging State academic standards and any local academic standards; and

“(B) local curricula that are designed to improve student academic achievement;

“(2) well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment;

“(3) literacy education programs, including financial literacy programs and environmental literacy programs;

“(4) programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity programs;

“(5) services for individuals with disabilities;

“(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

“(7) cultural programs;

“(8) telecommunications and technology education programs;

“(9) expanded library service hours;

“(10) parenting skills programs that promote parental involvement and family literacy;

“(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

“(12) drug and violence prevention programs and counseling programs;

“(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as ‘STEM’), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

“(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

“(b) MEASURES OF EFFECTIVENESS.—

“(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for before and after school (or summer recess) programs and activities in the schools and communities;

“(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

“(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards;

“(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

“(E) collect the data necessary for the measures of student success described in subparagraph (D).

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency’s overall evaluation plan as described in section 4203(a)(14), to assess the program’s progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

“(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

“(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

“(ii) made available to the public upon request, with public notice of such availability provided; and

“(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$1,000,000,000 for fiscal year 2017 and \$1,100,000,000 for each of fiscal years 2018 through 2020.”.

~~**PART C—EXPANDING OPPORTUNITY
THROUGH QUALITY CHARTER SCHOOLS**~~

~~**SEC. 4301. CHARTER SCHOOLS.**~~

~~Part C of title IV (20 U.S.C. 7221 et seq.), as redesignated by section 4001, is amended—~~

~~(1) by striking sections 4301 through 4305, as redesignated by section 4001, and inserting the following:~~

20 USC 7221,
7221a–7221d.

~~**“SEC. 4301. PURPOSE.**~~

~~“It is the purpose of this part to—~~

20 USC 7221.

TITLE V ~~IV~~, PART B ~~C~~ — PUBLIC CHARTER SCHOOLS
EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

ESSA section 4001(b) transferred the Public Charter Schools program from Title V, Part B, to Title IV, Part C. It continues to be codified at 20 U.S.C. 7221 et seq.

Sections 5201 – 5205 (redesignated by ESSA as §§4301 – 4305) are replaced in their entirety by ESSA section 4301; see following pages.

“(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for before and after school (or summer recess) programs and activities in the schools and communities;

“(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

“(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards;

“(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

“(E) collect the data necessary for the measures of student success described in subparagraph (D).

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency’s overall evaluation plan as described in section 4203(a)(14), to assess the program’s progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

“(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

“(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

“(ii) made available to the public upon request, with public notice of such availability provided; and

“(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$1,000,000,000 for fiscal year 2017 and \$1,100,000,000 for each of fiscal years 2018 through 2020.”.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

SEC. 4301. CHARTER SCHOOLS.

Part C of title IV (20 U.S.C. 7221 et seq.), as redesignated by section 4001, is amended—

(1) by striking sections 4301 through 4305, as redesignated by section 4001, and inserting the following:

20 USC 7221,
7221a–7221d.

“SEC. 4301. PURPOSE.

20 USC 7221.

“It is the purpose of this part to—

“(1) improve the United States education system and education opportunities for all people in the United States by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger Nation;

“(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

“(3) increase the number of high-quality charter schools available to students across the United States;

“(4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

“(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools;

“(6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards;

“(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and

“(8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies, and other authorizing entities.

20 USC 7221a.

“SEC. 4302. PROGRAM AUTHORIZED.

“(a) **IN GENERAL.**—The Secretary may carry out a charter school program that supports charter schools that serve early childhood, elementary school, or secondary school students by—

“(1) supporting the startup of new charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) the activities described in paragraph (1);

“(B) the dissemination of best practices of charter schools for all schools;

“(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

“(D) stronger charter school authorizing practices.

“(b) **FUNDING ALLOTMENT.**—From the amount made available under section 4311 for a fiscal year, the Secretary shall—

“(1) reserve 12.5 percent to support charter school facilities assistance under section 4304;

“(2) reserve 22.5 percent to carry out national activities under section 4305; and

“(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 4303.

“(c) **PRIOR GRANTS AND SUBGRANTS.**—The recipient of a grant or subgrant under part B of title V (as such part was in effect on the day before the date of enactment of the Every Student

Succeeds Act) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

“SEC. 4303. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS. 20 USC 7221b.

“(a) STATE ENTITY DEFINED.—For purposes of this section, the term ‘State entity’ means—

- “(1) a State educational agency;
- “(2) a State charter school board;
- “(3) a Governor of a State; or
- “(4) a charter school support organization.

“(b) PROGRAM AUTHORIZED.—From the amount available under section 4302(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

“(1) award subgrants to eligible applicants to enable eligible applicants to—

“(A) open and prepare for the operation of new charter schools;

“(B) open and prepare for the operation of replicated high-quality charter schools; or

“(C) expand high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

“(c) STATE ENTITY USES OF FUNDS.—

“(1) IN GENERAL.—A State entity receiving a grant under this section shall—

“(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity’s application pursuant to subsection (f), for the purposes described in subsection (b)(1);

“(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

“(C) reserve not more than 3 percent of such funds for administrative costs, which may include technical assistance.

“(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subsection (b)(2) directly or through grants, contracts, or cooperative agreements.

“(3) RULE OF CONSTRUCTION.—

“(A) USE OF LOTTERY.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or prohibit State entities from awarding subgrants to eligible applicants, that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

“(i) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 4310(2)(G); and

“(ii) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

“(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

“(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) PEER REVIEW.—The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

“(3) GRANT AWARDS.—

“(A) IN GENERAL.—The Secretary—

“(i) shall for each fiscal year for which funds are appropriated under section 4311—

“(I) award not less than 3 grants under this section; and

“(II) fully obligate the first 2 years of funds appropriated for the purpose of awarding grants under this section in the first fiscal year for which such grants are awarded; and

“(ii) prior to the start of the third year of the grant period and each succeeding year of each grant awarded under this section to a State entity—

“(I) shall review—

“(aa) whether the State entity is using the grant funds for the agreed upon uses of funds; and

“(bb) whether the full amount of the grant will be needed for the remainder of the grant period; and

“(II) may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities—

“(aa) by using such funds to award grants under this section to other State entities; or

“(bb) in a fiscal year in which the amount of such remaining funds is insufficient to award grants under item (aa), in accordance with subparagraph (B).

“(B) REMAINING FUNDING.—For a fiscal year for which there are remaining grant funds under this paragraph, but the amount of such funds is insufficient to award a grant to a State entity under this section, the Secretary shall use such remaining grants funds—

“(i) to supplement funding for grants under section 4305(a)(2), but not to supplant—

“(I) the funds reserved under section 4305(a)(2); and

“(II) funds otherwise reserved under section 4302(b)(2) to carry out national activities under section 4305;

“(ii) to award grants to State entities to carry out the activities described in subsection (b)(1) for the next fiscal year; or

“(iii) to award one year of a grant under subsection (b)(1) to a high-scoring State entity, in an amount at or above the minimum amount the State entity needs to be successful for such year.

“(4) DIVERSITY OF PROJECTS.—Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority, except any such requirement relating to the elements of a charter school described in section 4310(2), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such waiver will promote the purpose of this part.

“(e) LIMITATIONS.—

“(1) GRANTS.—No State entity may receive a grant under this section for use in a State in which a State entity is currently using a grant received under this section.

“(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for a 5-year period, unless the eligible applicant demonstrates to the State entity that such individual charter school has at least 3 years of improved educational results for students enrolled in such charter school with respect to the elements described in subparagraphs (A) and (D) of section 4310(8).

“(f) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) DESCRIPTION OF PROGRAM.—A description of the State entity’s objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

“(A) a description of how the State entity will—

“(i) support the opening of charter schools through the startup of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools (including the proposed number of new charter schools to be

opened, high-quality charter schools to be opened as a result of the replication of a high-quality charter school, or high-quality charter schools to be expanded under the State entity's program);

“(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate;

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

“(III) meet the needs of students served under such programs, including students with disabilities and English learners;

“(iv) ensure that authorized public chartering agencies, in collaboration with surrounding local educational agencies where applicable, establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools;

“(v) in the case of a State entity that is not a State educational agency—

“(I) work with the State educational agency and charter schools in the State to maximize charter school participation in Federal and State programs for which charter schools are eligible; and

“(II) work with the State educational agency to operate the State entity's program under this section, if applicable;

“(vi) ensure that each eligible applicant that receives a subgrant under the State entity's program—

“(I) is using funds provided under this section for one of the activities described in subsection (b)(1); and

“(II) is prepared to continue to operate charter schools funded under this section in a manner consistent with the eligible applicant's application for such subgrant once the subgrant funds under this section are no longer available;

“(vii) support—

“(I) charter schools in local educational agencies with a significant number of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); and

“(II) the use of charter schools to improve struggling schools, or to turn around struggling schools;

“(viii) work with charter schools on—

“(I) recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless youth); and

“(II) supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

“(ix) share best and promising practices between charter schools and other public schools;

“(x) ensure that charter schools receiving funds under the State entity’s program meet the educational needs of their students, including children with disabilities and English learners;

“(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

“(xii)(I) in the case of a State entity not described in subclause (II), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations; and

“(II) in the case of a State entity described in subsection (a)(4), a description of how the State entity will work with the State to support the State’s system of technical assistance and oversight, as described in subclause (I), of the authorizing activity of authorized public chartering agencies; and

“(xiii) work with eligible applicants receiving a subgrant under the State entity’s program to support the opening of new charter schools or charter school models described in clause (i) that are high schools;

“(B) a description of the extent to which the State entity—

“(i) is able to meet and carry out the priorities described in subsection (g)(2);

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

“(iii) is working to develop or strengthen a cohesive strategy to encourage collaboration between charter schools and local educational agencies on the sharing of best practices;

“(C) a description of how the State entity will award subgrants, on a competitive basis, including—

“(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

“(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and charter management organizations, including the administrative and contractual roles and responsibilities of such partners;

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school’s performance in the State’s accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school’s charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school’s charter based on financial, structural, or operational factors involving the management of the school;

“(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 4310;

“(IV) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the State entity’s program;

“(V) a description of the eligible applicant’s planned activities and expenditures of subgrant funds to support the activities described in subsection (b)(1), and how the eligible applicant will maintain financial sustainability after the end of the subgrant period; and

“(VI) a description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate each charter school that will receive funds under the State entity’s program; and

“(ii) a description of how the State entity will review applications from eligible applicants;

“(D) in the case of a State entity that partners with an outside organization to carry out the State entity’s quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner;

“(E) a description of how the State entity will ensure that each charter school receiving funds under the State entity’s program has considered and planned for the transportation needs of the school’s students;

“(F) a description of how the State in which the State entity is located addresses charter schools in the State’s open meetings and open records laws; and

“(G) a description of how the State entity will support diverse charter school models, including models that serve rural communities.

“(2) ASSURANCES.—Assurances that—

“(A) each charter school receiving funds through the State entity’s program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

“(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

“(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity’s program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners;

“(D) the State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in clause (viii) of paragraph (1)(A) and subparagraph (B) of this paragraph;

“(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency’s ability to monitor the charter schools authorized by the agency, including by—

“(i) assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

“(ii) reviewing the schools’ independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

“(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school’s charter;

“(F) the State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

“(G) the State entity will ensure that each charter school receiving funds under the State entity’s program makes publicly available, consistent with the dissemination requirements of the annual State report card under section 1111(h), including on the website of the school, information to help parents make informed decisions about the education options available to their children, including—

“(i) information on the educational program;

“(ii) student support services;

“(iii) parent contract requirements (as applicable), including any financial obligations or fees;

“(iv) enrollment criteria (as applicable); and

“(v) annual performance and enrollment data for each of the subgroups of students, as defined in section 1111(c)(2), except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statically reliable information or the results would reveal personally identifiable information about an individual student.

“(3) REQUESTS FOR WAIVERS.—Information about waivers, including—

“(A) a request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the State entity’s program under this section or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request such necessary waivers, where applicable; and

“(B) a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

“(g) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

“(A) the degree of flexibility afforded by the State’s charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

“(B) the ambitiousness of the State entity’s objectives for the quality charter school program carried out under this section;

“(C) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

“(D) the State entity’s plan to—

“(i) adequately monitor the eligible applicants receiving subgrants under the State entity’s program;

“(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

“(iii) provide technical assistance and support for—

“(I) the eligible applicants receiving subgrants under the State entity’s program; and

“(II) quality authorizing efforts in the State;

and

“(E) the State entity’s plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

“(A) The State entity is located in a State that—

“(i) allows at least one entity that is not a local educational agency to be an authorized public chartering agency for developers seeking to open a charter school in the State; or

“(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

“(B) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

“(C) The State entity is located in a State that provides charter schools one or more of the following:

“(i) Funding for facilities.

“(ii) Assistance with facilities acquisition.

“(iii) Access to public facilities.

“(iv) The ability to share in bonds or mill levies.

“(v) The right of first refusal to purchase public school buildings.

“(vi) Low- or no-cost leasing privileges.

“(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

“(E) The State entity supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

“(F) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

“(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to support the activities described in subsection (b)(1), which shall include one or more of the following activities:

“(1) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with—

“(A) providing professional development; and

“(B) hiring and compensating, during the eligible applicant’s planning period specified in the application for subgrant funds that is required under this section, one or more of the following:

“(i) Teachers.

“(ii) School leaders.

“(iii) Specialized instructional support personnel.

“(2) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

“(3) Carrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).

“(4) Providing one-time, startup costs associated with providing transportation to students to and from the charter school.

“(5) Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

“(6) Providing for other appropriate, non-sustained costs related to the activities described in subsection (b)(1) when such costs cannot be met from other sources.

“(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period (or at the end of the second year of the grant period if the grant is less than 5 years), and at the end of such grant period, a report that includes the following:

“(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the period of the subgrant.

“(2) A description of how the State entity met the objectives of the quality charter school program described in the State entity’s application under subsection (f), including—

“(A) how the State entity met the objective of sharing best and promising practices described in subsection (f)(1)(A)(ix) in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools; and

“(B) if known, the extent to which such practices were adopted and implemented by such other public schools.

“(3) The number and amount of subgrants awarded under this section to carry out activities described in each of subparagraphs (A) through (C) of subsection (b)(1).

“(4) A description of—

“(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances included in the State entity’s application; and

“(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that received subgrant funds under this section, if applicable.

20 USC 7221c.

“SEC. 4304. FACILITIES FINANCING ASSISTANCE.

“(a) GRANTS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—From the amount reserved under section 4302(b)(1), the Secretary shall use not less than 50 percent to award, on a competitive basis, not less than 3 grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

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

“(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

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

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

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the eligible entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

“(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under subsection (a) shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

“(f) RESERVE ACCOUNT.—

“(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

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

“(2) INVESTMENT.—Funds received under subsection (a) and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.

“(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) AUDITS AND REPORTS.—

“(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) REPORTS.—

“(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report of the entity’s operations and activities under this section (excluding subsection (k)).

“(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

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

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under subsection (a), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used

to achieve one or more of the purposes described in subsection (f)(1).

“(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

“(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

“(k) PER-PUPIL FACILITIES AID PROGRAM.—

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

“(A) that is dedicated solely to funding charter school facilities; or

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

“(2) GRANTS.—

“(A) IN GENERAL.—From the amount reserved under section 4302(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

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

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

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent for the second such year;

“(iii) 60 percent for the third such year;

“(iv) 40 percent for the fourth such year; and

“(v) 20 percent for the fifth such year.

“(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

“(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of total funds provided to charter schools increases with each successive grant.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State

may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) REQUIREMENTS.—

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

“(B) STATE LAW.—

“(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

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

“(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space, but that does not have a per-pupil facilities aid program for charter schools specified in State law, is eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

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

“SEC. 4305. NATIONAL ACTIVITIES.

20 USC 7221d.

“(a) IN GENERAL.—From the amount reserved under section 4302(b)(2), the Secretary shall—

“(1) use not more than 80 percent of such funds to award grants in accordance with subsection (b);

“(2) use not more than 9 percent of such funds to award grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 4303(h) in a State that did not receive a grant under section 4303; and

“(3) after the uses described in paragraphs (1) and (2), use the remainder of such funds to—

“(A) disseminate technical assistance to—

“(i) State entities in awarding subgrants under section 4303(b)(1); and

“(ii) eligible entities and States receiving grants under section 4304;

“(B) disseminate best practices regarding charter schools; and

“(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement.

“(b) GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.—

“(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (3) to enable such entities to open and prepare for the operation of one or more replicated high-quality charter schools or to expand one or more high-quality charter schools.

“(2) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means a charter management organization.

“(3) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(A) EXISTING CHARTER SCHOOL DATA.—For each charter school currently operated or managed by the eligible entity—

“(i) student assessment results for all students and for each subgroup of students described in section 1111(c)(2);

“(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates; and

“(iii) information on any significant compliance and management issues encountered within the last 3 school years by any school operated or managed by the eligible entity, including in the areas of student safety and finance.

“(B) DESCRIPTIONS.—A description of—

“(i) the eligible entity’s objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools the eligible entity proposes to open as a result of the replication of a high-quality charter school or to expand with funding under this subsection;

“(ii) the educational program that the eligible entity will implement in such charter schools, including—

“(I) information on how the program will enable all students to meet the challenging State academic standards;

“(II) the grade levels or ages of students who will be served; and

“(III) the instructional practices that will be used;

“(iii) how the operation of such charter schools will be sustained after the grant under this subsection has ended, which shall include a multi-year financial and operating model for the eligible entity;

“(iv) how the eligible entity will ensure that such charter schools will recruit and enroll students, including children with disabilities, English learners, and other educationally disadvantaged students; and

“(v) any request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of such charter schools.

“(C) ASSURANCE.—An assurance that the eligible entity has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools.

“(4) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (3), after taking into consideration such factors as—

“(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement for all students and for each of the subgroups of students described in section 1111(c)(2) attending the charter schools the eligible entity operates or manages;

“(B) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

“(i) have been closed;

“(ii) have had the school’s charter revoked due to problems with statutory or regulatory compliance; or

“(iii) have had the school’s affiliation with the eligible entity revoked or terminated, including through voluntary disaffiliation; and

“(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school’s charter.

“(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

“(A) plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies;

“(B) demonstrate success in working with schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i);

“(C) propose to use funds—

“(i) to expand high-quality charter schools to serve high school students; or

“(ii) to replicate high-quality charter schools to serve high school students; or

“(D) propose to operate or manage high-quality charter schools that focus on dropout recovery and academic reentry.

“(c) TERMS AND CONDITIONS.—Except as otherwise provided, grants awarded under paragraphs (1) and (2) of subsection (a) shall have the same terms and conditions as grants awarded to State entities under section 4303.”;

~~“(2) in section 4306 (20 U.S.C. 7221e), as redesignated by section 4001, by adding at the end the following:~~

~~“(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in~~

SEC. 5206 4306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS. (20 U.S.C. 7221e)

(a) IN GENERAL. For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

(b) ADJUSTMENT AND LATE OPENINGS.—(1) IN GENERAL. The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) RULE. For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS. For purposes of implementing the hold harmless protections in sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under this part, a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.

SEC. 5207 4307. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS. (20 U.S.C. 7221f)

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

SEC. 5208 4308. RECORDS TRANSFER. (20 U.S.C. 7221g)

State educational agencies and local educational agencies, *as quickly as possible and* to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602 of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

SEC. 5209 4309. PAPERWORK REDUCTION. (20 U.S.C. 7221h)

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

SEC. 5210 4310. DEFINITIONS. (20 U.S.C. 7221i)

In this subpart **part**:

(4) **(1) AUTHORIZED PUBLIC CHARTERING AGENCY.** The term "authorized public chartering agency" means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

(4) **(2) CHARTER SCHOOL.** The term "charter school" means a public school that—

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, *the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)*, *section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the "Family Educational Rights and Privacy Act of 1974")*, and part B of the Individuals with Disabilities Education Act;

~~(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;~~

(H) is a school to which parents choose to send their children, and that—

(i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or

(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in

the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);

(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program *State audit requirements are waived by the State;*

(J) meets all applicable Federal, State, and local health and safety requirements;

(K) operates in accordance with State law; and

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; *and*

(M) may serve students in early childhood education programs or postsecondary students.

(3) CHARTER MANAGEMENT ORGANIZATION. The term "charter management organization" means a nonprofit organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight.

(4) CHARTER SCHOOL SUPPORT ORGANIZATION. The term "charter school support organization" means a nonprofit, nongovernmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

(B) technical assistance to operating charter schools.

~~(2)~~ **(5) DEVELOPER.** The term "developer" means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

~~(3)~~ **(6) ELIGIBLE APPLICANT.** The term "eligible applicant" means a developer that has—

(A) applied to an authorized public chartering authority to operate a charter school; and

(B) provided adequate and timely notice to that authority ~~under section 5203(d)(3).~~

(7) EXPAND. The term "expand", when used with respect to a high-quality charter school, means to significantly increase enrollment or add one or more grades to the high-quality charter school.

(8) HIGH-QUALITY CHARTER SCHOOL. The term "high-quality charter school" means a charter school that—

(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 1111(c)(2), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(9) REPLICATE. The term "replicate", when used with respect to a high-quality charter school, means to open a new charter school, or a new campus of a high-quality charter school, based on the educational model of an existing high-quality charter school, under an existing charter or an additional charter, if permitted or required by State law.

SEC. 5214 4311. AUTHORIZATION OF APPROPRIATIONS. (20 U.S.C. 7221j)

~~(a) IN GENERAL— There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b) RESERVATION— From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall reserve —~~

~~(1) \$200,000,000 to carry out this subpart, other than section 5205(b); and~~

~~(2) any funds in excess of \$200,000,000, that do not exceed \$300,000,000, to carry out section 5205(b); and~~

~~(3)(A) 50 percent of any funds in excess of \$300,000,000 to carry out this subpart, other than section 5205(b); and~~

~~(B) 50 percent of any funds in excess of \$300,000,000 to carry out section 5205(b).~~

There are authorized to be appropriated to carry out this part—

(1) \$270,000,000 for fiscal year 2017;

(2) \$270,000,000 for fiscal year 2018;

(3) \$300,000,000 for fiscal year 2019; and

(4) \$300,000,000 for fiscal year 2020.

[END]

TITLE IV, PART D – MAGNET SCHOOLS ASSISTANCE

Note: ESSA section 4001(b)(3) transferred the Magnet Schools Program from Title V, Part C of the ESEA to Title IV, Part D. Additional ESSA amendments to the prior language are shown in ~~strikethrough~~ and red with yellow highlight.

SEC. 5301 ~~4401~~. FINDINGS AND PURPOSE. (20 U.S.C. 7231)

(a) FINDINGS. Congress makes the following findings:

(1) Magnet schools are a significant part of the Nation's effort to achieve voluntary desegregation in our Nation's schools.

(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately ~~2,000,000~~ **2,500,000** students nationwide attending such schools, of whom more than ~~65~~ **69** percent are non-white.

(3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

(4) It is in the best interests of the United States—

(A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

(B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and

(C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.

(5) Desegregation efforts through magnet school programs are a significant part of our Nation's effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.

(b) PURPOSE. The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

(2) the development, ~~and implementation,~~ **and expansion** of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic ~~content standards and student academic achievement~~ standards;

(3) the development, and design, and expansion of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational career, technological, and professional skills of students attending such schools;

(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

SEC. 5302 4402. DEFINITION. (20 U.S.C. 7231a)

For the purpose of this part, the term "magnet school" means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

SEC. 5303 4403. PROGRAM AUTHORIZED. (20 U.S.C. 7231b)

The Secretary, in accordance with this part, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

(1) part of an approved desegregation plan; and

(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

SEC. 5304 4404. ELIGIBILITY. (20 U.S.C. 7231c)

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this part to carry out the purpose of this part if such agency or consortium—

(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

SEC. 5305 4405. APPLICATIONS AND REQUIREMENTS. (20 U.S.C. 7231d)

(a) APPLICATIONS. An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this part shall submit an application to the Secretary

at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(b) INFORMATION AND ASSURANCES. Each application submitted under subsection (a) shall include—

(1) a description of—

(A) how a grant awarded under this part will be used to promote desegregation, including *any available evidence on, or if such evidence is not available, a rationale, based on current research, for* how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school, *including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description*;

(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;

~~(D)~~ (E) how grant funds under this part will be used—

(i) to improve student academic achievement for all students attending the magnet school programs; and

(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

~~(E)~~ (F) the criteria to be used in selecting students to attend the proposed magnet school program; and

(2) assurances that the applicant will—

(A) use grant funds under this part for the purposes specified in section 5301(b) *4401(b)*;

(B) employ ~~highly-qualified~~ *effective* teachers in the courses of instruction assisted under this part;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

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

(iii) designing or operating extracurricular activities for students;

(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) SPECIAL RULE. No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

SEC. 5306 4406. PRIORITY. (20 U.S.C. 7231e)

In awarding grants under this part, the Secretary shall give priority to applicants that—

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

~~(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and~~

(2) propose to—

(A) carry out a new, evidence-based magnet school program;

(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

(C) replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement and reducing isolation of minority groups;

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

(4) propose to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.

SEC. 5307 4407. USE OF FUNDS. (20 U.S.C. 7231f)

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

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified **effective**, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purpose of this part;

(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

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

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades;

(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs; and

(9) notwithstanding section 426 of the General Educational Provisions Act (20 U.S.C. 1228), to provide transportation to and from the magnet school, provided that—

(A) such transportation is sustainable beyond the grant period; and

(B) the costs of providing transportation do not represent a significant portion of the grant funds received by the eligible local educational agency under this part.

(b) SPECIAL RULE. Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State's challenging **State** academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational **career**, technological **technical**, and professional skills.

SEC. 5308. PROHIBITION. (20 U.S.C. 7231g)

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

SEC. 5309 4408. LIMITATIONS. (20 U.S.C. 7231h)

(a) DURATION OF AWARDS. A grant under this part shall be awarded for a period that shall not exceed ~~3~~ **5** fiscal years.

(b) LIMITATION ON PLANNING FUNDS. A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this part for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(c) AMOUNT. ~~No local educational agency, or consortium of such agencies, awarded a grant under this part shall receive more than \$4,000,000 under this part for any 1 fiscal year.~~
No grant awarded under this part to a local educational agency, or a consortium of such agencies, shall be for more than \$15,000,000 for the grant period described in subsection (a).

(d) TIMING. To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July **June** 1 of the applicable fiscal year.

SEC. 5310. EVALUATIONS. (20 U.S.C. 7231i)

~~(a) RESERVATION. The Secretary may reserve not more than 2 percent of the funds appropriated under section 5311(a) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.~~

~~(b) CONTENTS. Each evaluation described in subsection (a), at a minimum, shall address—~~

~~(1) how and the extent to which magnet school programs lead to educational quality and improvement;~~

~~(2) the extent to which magnet school programs enhance student access to a high quality education;~~

~~(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and~~

~~(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.~~

~~(c) DISSEMINATION. The Secretary shall collect and disseminate to the general public information on successful magnet school programs.~~

SEC. 5314 4409. AUTHORIZATION OF APPROPRIATIONS; RESERVATION. (20 U.S.C. 7231j)

(a) AUTHORIZATION. For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years. *There are authorized to be appropriated to carry out this part the following amounts:*

(1) \$94,000,000 for fiscal year 2017.

(2) \$96,820,000 for fiscal year 2018.

(3) \$102,387,150 for fiscal year 2019.

(4) \$108,530,379 for fiscal year 2020.

(b) RESERVATION FOR TECHNICAL ASSISTANCE. The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and share best practices with respect to magnet school programs assisted under this part.

(b) (c) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED. In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

[END]

(B) by redesignating subsection (b) as subsection (c);
 and
 (C) by inserting after subsection (a) the following:
 “(b) RESERVATION FOR TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and share best practices with respect to magnet school programs assisted under this part.”.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

SEC. 4501. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by section 4001,
~~is further amended by adding at the end the following:~~

“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

20 USC 7241.

“SEC. 4501. PURPOSES.

“The purposes of this part are the following:

“(1) To provide financial support to organizations to provide technical assistance and training to State educational agencies and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children’s school in order to further the developmental progress of children.

“(4) To coordinate activities funded under this part with parent involvement initiatives funded under section 1116 and other provisions of this Act.

“(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

20 USC 7242.

“SEC. 4502. GRANTS AUTHORIZED.

“(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4506 and not reserved under subsection (d), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish statewide family engagement centers that—

“(1) carry out parent education, and family engagement in education, programs; or

“(2) provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out such programs.

“(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a statewide family engagement center in an amount not less than \$500,000.

“(c) MATCHING FUNDS FOR GRANT RENEWAL.—Each organization or consortium receiving assistance under this part shall demonstrate that, for each fiscal year after the first fiscal year for which the organization or consortium is receiving such assistance, a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

“(d) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4506 to carry out this part to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of statewide family engagement centers.

“SEC. 4503. APPLICATIONS.

20 USC 7243.

“(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include the information described in subsection (b).

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

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

“(2) A description of how the State educational agency and any partner organization will support the statewide family engagement center that will be operated by the applicant including a description of the State educational agency and any partner organization’s commitment of such support.

“(3) A description of the applicant’s plan for building a statewide infrastructure for family engagement in education, that includes—

“(A) management and governance;

“(B) statewide leadership; or

“(C) systemic services for family engagement in education.

“(4) A description of the applicant’s demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, parents of English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

“(5) A description of the steps the applicant will take to target services to low-income students and parents.

“(6) An assurance that the applicant will—

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

“(i) parents, who shall constitute a majority of the members of the special advisory committee;

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

“(iii) representatives of local elementary schools and secondary schools, including students;

“(iv) representatives of the business community; and

“(v) representatives of State educational agencies and local educational agencies;

“(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including students who are English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students;

“(C) operate a statewide family engagement center of sufficient size, scope, and quality to ensure that the center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

“(D) ensure that the statewide family engagement center will retain staff with the requisite training and experience to serve parents in the State;

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

“(F) work with—

“(i) other statewide family engagement centers assisted under this part; and

“(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act (20 U.S.C. 1471; 1472);

“(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

“(H) provide assistance to State educational agencies, local educational agencies, and community-based organizations that support family members in supporting student academic achievement;

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

“(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency; and

“(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

“(7) An assurance that the applicant will conduct training programs in the community to improve adult literacy, including financial literacy.

“(c) PRIORITY.—In awarding grants for activities described in this part, the Secretary shall give priority to statewide family engagement centers that will use funds under section 4504 for evidence-based activities, which, for the purposes of this part is defined as activities meeting the requirements of section 8101(21)(A)(i).

“SEC. 4504. USES OF FUNDS.

20 USC 7244.

“(a) IN GENERAL.—Each statewide organization or consortium receiving a grant under this part shall use the grant funds, based on the needs determined under section 4503(b)(6)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

“(1) to assist parents in participating effectively in their children’s education and to help their children meet challenging State academic standards, such as by assisting parents—

“(A) to engage in activities that will improve student academic achievement, including understanding how parents can support learning in the classroom with activities at home and in after school and extracurricular programs;

“(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

“(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

“(D) to participate in the design and provision of assistance to students who are not making academic progress;

“(E) to participate in State and local decisionmaking;

“(F) to train other parents; and

“(G) in learning and using technology applied in their children’s education;

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

“(3) to develop and implement parental involvement policies under this Act.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a statewide family engagement center from—

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

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

“(c) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

“(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of parents to direct the education of their children.

20 USC 7245.

“SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

“The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with, local tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate family engagement centers.

20 USC 7246.

“SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2017 through 2020.”.

~~**“PART F—NATIONAL ACTIVITIES**~~

~~**SEC. 4601. NATIONAL ACTIVITIES.**~~

~~Title IV (20 U.S.C. 7101 et seq.), as amended by the previous provisions of this title, is further amended by adding at the end the following:~~

“PART F—NATIONAL ACTIVITIES

20 USC 7251.

“SEC. 4601. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

“(1) \$200,741,000 for each of fiscal years 2017 and 2018; and

“(2) \$220,741,000 for each of fiscal years 2019 and 2020.

“(b) RESERVATIONS.—From the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall—

“(1) reserve \$5,000,000 to carry out activities authorized under subpart 3; and

“(2) from the amounts remaining after the reservation under paragraph (1)—

“(A) carry out activities authorized under subpart 1 using—

“(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

“(ii) 42 percent of such remainder for each of fiscal years 2019 and 2020;

“(B) carry out activities authorized under subpart 2

using—

“(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

“(ii) 32 percent of such remainder for each of fiscal years 2019 and 2020; and

“(C) to carry out activities authorized under subpart

4—

“(i) 28 percent of such remainder for each of fiscal years 2017 and 2018; and

“(ii) 26 percent of such remainder for each of fiscal years 2019 and 2020.

“Subpart 1—Education Innovation and Research**“SEC. 4611. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.** 20 USC 7261.**“(a) PROGRAM AUTHORIZED.—****“(1) IN GENERAL.—**From funds reserved under section 4601(b)(2)(A), the Secretary shall make grants to eligible entities to enable the eligible entities to—**“(A)** create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and**“(B)** rigorously evaluate such innovations, in accordance with subsection (e).**“(2) DESCRIPTION OF GRANTS.—**The grants described in paragraph (1) shall include—**“(A)** early-phase grants to fund the development, implementation, and feasibility testing of a program, which prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;**“(B)** mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant described in subparagraph (A) or other effort meeting similar criteria, for the purpose of measuring the program’s impact and cost effectiveness, if possible using existing administrative data; and**“(C)** expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant described in subparagraph (B) or other effort meeting similar criteria, for the purposes of—**“(i)** determining whether such impacts can be successfully reproduced and sustained over time; and**“(ii)** identifying the conditions in which the program is most effective.**“(b) ELIGIBLE ENTITY.—**In this subpart, the term ‘eligible entity’ means any of the following:**“(1)** A local educational agency.**“(2)** A State educational agency.**“(3)** The Bureau of Indian Education.**“(4)** A consortium of State educational agencies or local educational agencies.**“(5)** A nonprofit organization.**“(6)** A State educational agency, a local educational agency, a consortium described in paragraph (4), or the Bureau of Indian Education, in partnership with—**“(A)** a nonprofit organization;**“(B)** a business;**“(C)** an educational service agency; or**“(D)** an institution of higher education.**“(c) RURAL AREAS.—****“(1) IN GENERAL.—**In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds made available for any fiscal year are awarded for programs that meet both of the following requirements:**“(A)** The grantee is—

“(i) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

“(ii) a consortium of such local educational agencies;

“(iii) an educational service agency or a nonprofit organization in partnership with such a local educational agency; or

“(iv) a grantee described in clause (i) or (ii) in partnership with a State educational agency.

“(B) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary shall reduce the amount of funds made available under such paragraph if the Secretary does not receive a sufficient number of applications of sufficient quality.

“(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds, in cash or through in-kind contributions, from Federal, State, local, or private sources in an amount equal to 10 percent of the funds provided under such grant, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

“(1) the difficulty of raising matching funds for a program to serve a rural area;

“(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

“(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

“(B) who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(D) who are eligible to receive medical assistance under the Medicaid program; and

“(3) the difficulty of raising funds on tribal land.

“(e) EVALUATION.—Each recipient of a grant under this section shall conduct an independent evaluation of the effectiveness of the program carried out under such grant.

“(f) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of the funds appropriated under section 4601(b)(2)(A) for each fiscal year to—

“(1) provide technical assistance for eligibility entities, which may include pre-application workshops, web-based seminars, and evaluation support; and

“(2) to disseminate best practices.

“Subpart 2—Community Support for School Success

“SEC. 4621. PURPOSES.

20 USC 7271.

“The purposes of this subpart are to—

“(1) significantly improve the academic and developmental outcomes of children living in the most distressed communities of the United States, including ensuring school readiness, high school graduation, and access to a community-based continuum of high-quality services; and

“(2) provide support for the planning, implementation, and operation of full-service community schools that improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for children attending high-poverty schools, including high-poverty rural schools.

“SEC. 4622. DEFINITIONS.

20 USC 7272.

“In this subpart:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means the following:

“(A) With respect to a grant for activities described in section 4623(a)(1)(A)—

“(i) an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

“(ii) an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); or

“(iii) one or more nonprofit entities working in formal partnership with not less than 1 of the following entities:

“(I) A high-need local educational agency.

“(II) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(III) The office of a chief elected official of a unit of local government.

“(IV) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(B) With respect to a grant for activities described in section 4623(a)(1)(B), a consortium of—

“(i) 1 or more local educational agencies; or

“(II) the Bureau of Indian Education; and

“(ii) 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

“(2) **FULL-SERVICE COMMUNITY SCHOOL.**—The term ‘full-service community school’ means a public elementary school or secondary school that—

“(A) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

“(B) provides access to such services in school to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

“(3) PIPELINE SERVICES.—The term ‘pipeline services’ means a continuum of coordinated supports, services, and opportunities for children from birth through entry into and success in postsecondary education, and career attainment. Such services shall include, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

“(A) High-quality early childhood education programs.

“(B) High-quality school and out-of-school-time programs and strategies.

“(C) Support for a child’s transition to elementary school, from elementary school to middle school, from middle school to high school, and from high school into and through postsecondary education and into the workforce, including any comprehensive readiness assessment determined necessary.

“(D) Family and community engagement and supports, which may include engaging or supporting families at school or at home.

“(E) Activities that support postsecondary and workforce readiness, which may include job training, internship opportunities, and career counseling.

“(F) Community-based support for students who have attended the schools in the area served by the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in postsecondary education and the workforce.

“(G) Social, health, nutrition, and mental health services and supports.

“(H) Juvenile crime prevention and rehabilitation programs.

20 USC 7273.

“SEC. 4623. PROGRAM AUTHORIZED.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall use not less than 95 percent of the amounts made available under section 4601(b)(2)(B) to award grants, on a competitive basis and subject to subsection (e), to eligible entities for the following activities:

“(A) PROMISE NEIGHBORHOODS.—The implementation of a comprehensive, effective continuum of coordinated services that meets the purpose described in section 4621(1) by carrying out activities in neighborhoods with—

“(i) high concentrations of low-income individuals;

“(ii) multiple signs of distress, which may include high rates of poverty, childhood obesity, academic failure, and juvenile delinquency, adjudication, or incarceration; and

“(iii) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d).

“(B) FULL-SERVICE COMMUNITY SCHOOLS.—The provision of assistance to public elementary schools or secondary schools to function as full-service community schools.

“(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the applicable purposes of this subpart.

“(b) DURATION.—A grant awarded under this subpart shall be for a period of not more than 5 years, and may be extended for an additional period of not more than 2 years.

“(c) CONTINUED FUNDING.—Continued funding of a grant under this subpart, including a grant extended under subsection (b), after the third year of the initial grant period shall be contingent on the eligible entity’s progress toward meeting—

“(1) with respect to a grant for activities described in section 4624, the performance metrics described in section 4624(h); and

“(2) with respect to a grant for activities described in section 4625, annual performance objectives and outcomes under section 4625(a)(4)(C).

“(d) MATCHING REQUIREMENTS.—

“(1) PROMISE NEIGHBORHOOD ACTIVITIES.—

“(A) MATCHING FUNDS.—Each eligible entity receiving a grant under this subpart for activities described in section 4624 shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from Federal, State, local, and private sources.

“(B) PRIVATE SOURCES.—The Secretary shall require that a portion of the matching funds come from private sources, which may include in-kind contributions.

“(C) ADJUSTMENT.—The Secretary may adjust the matching funds requirement under this paragraph for applicants that demonstrate high need, including applicants from rural areas and applicants that wish to provide services on tribal lands.

“(D) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement under this paragraph, including the requirement for funds from private sources, for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

“(2) FULL-SERVICE COMMUNITY SCHOOLS ACTIVITIES.—

“(A) IN GENERAL.—Each eligible entity receiving a grant under this subpart for activities described in section 4625 shall provide matching funds from non-Federal sources, which may be provided in part with in-kind contributions.

“(B) SPECIAL RULE.—The Bureau of Indian Education may meet the requirement of subparagraph (A) using funds from other Federal sources.

“(3) SPECIAL RULES.—

“(A) IN GENERAL.—The Secretary may not require any eligible entity receiving a grant under this subpart to provide matching funds in an amount that exceeds the amount of the grant award.

“(B) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider the ability of an eligible entity to match funds when determining which applicants will receive grants under this subpart.

“(e) RESERVATION FOR RURAL AREAS.—

“(1) IN GENERAL.—From the amounts allocated under subsection (a) for grants to eligible entities, the Secretary shall use not less than 15 percent of such amounts to award grants to eligible entities that propose to carry out the activities described in such subsection in rural areas.

“(2) EXCEPTION.—The Secretary shall reduce the amount described in paragraph (1) if the Secretary does not receive a sufficient number of applications of sufficient quality.

“(f) MINIMUM NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award under this subpart not fewer than 3 grants for activities described in section 4624 and not fewer than 10 grants for activities described in section 4625, subject to the availability of appropriations, the requirements of subsection (a)(2), and the number and quality of applications.

20 USC 7274.

“SEC. 4624. PROMISE NEIGHBORHOODS.

“(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum, all of the following:

“(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity—

“(A) by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4); and

“(B) that is supported by effective practices.

“(2) A description of the neighborhood that the eligible entity will serve.

“(3) Measurable annual objectives and outcomes for the grant, in accordance with the metrics described in subsection (h), for each year of the grant.

“(4) An analysis of the needs and assets of the neighborhood identified in paragraph (1), including—

“(A) the size and scope of the population affected;

“(B) a description of the process through which the needs analysis was produced, including a description of how parents, families, and community members were engaged in such analysis;

“(C) an analysis of community assets and collaborative efforts (including programs already provided from Federal and non-Federal sources) within, or accessible to, the neighborhood, including, at a minimum, early learning opportunities, family and student supports, local businesses, local educational agencies, and institutions of higher education;

“(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

“(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

“(5) A description of—

“(A) all information that the entity used to identify the pipeline services to be provided, which shall not include information that is more than 3 years old; and

“(B) how the eligible entity will—

“(i) collect data on children served by each pipeline service; and

“(ii) increase the percentage of children served over time.

“(6) A description of the process used to develop the application, including the involvement of family and community members.

“(7) A description of how the pipeline services will facilitate the coordination of the following activities:

“(A) Providing early learning opportunities for children, including by—

“(i) providing opportunities for families to acquire the skills to promote early learning and child development; and

“(ii) ensuring appropriate diagnostic assessments and referrals for children with disabilities and children aged 3 through 9 experiencing developmental delays, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable.

“(B) Supporting, enhancing, operating, or expanding rigorous, comprehensive, effective educational improvements, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for postsecondary education admissions and success.

“(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and familial supports.

“(D) Providing social, health, nutrition, and mental health services and supports, for children, family members, and community members, which may include services provided within the school building.

“(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to postsecondary education courses and postsecondary education enrollment aid or guidance, and other supports for at-risk youth.

“(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children within the neighborhood) to support the purpose described in section 4621(1).

“(9) An explanation of the process the eligible entity will use to establish and maintain family and community engagement, including—

“(A) involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this subpart for activities described in this section;

“(B) the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development;

“(C) providing services for students, families, and communities within the school building; and

“(D) collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with postsecondary education and workforce readiness,

“(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and potential expansion.

“(b) PRIORITY.—In awarding grants for activities described in this section, the Secretary shall give priority to eligible entities that will use funds under subsection (d) for evidence-based activities, which, for purposes of this subsection, is defined as activities meeting the requirements of section 8101(21)(A)(i).

“(c) MEMORANDUM OF UNDERSTANDING.—As eligible entity shall, as part of the application described in subsection (a), submit a preliminary memorandum of understanding, signed by each partner entity or agency described in section 4622(1)(A)(3) (if applicable) and detailing each partner’s financial, programmatic, and long-term commitment with respect to the strategies described in the application.

“(d) USES OF FUNDS.—Each eligible entity that receives a grant under this subpart to carry out a program of activities described in this section shall use the grant funds to—

“(1) support planning activities to develop and implement pipeline services;

“(2) implement the pipeline services; and

“(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

“(e) SPECIAL RULES.—

“(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart for activities described in this section shall, for the first year of the grant, use not less than 50 percent of the grant funds, and, for the second year of the grant, use not less than 25 percent of the grant funds, to carry out the activities described in subsection (d)(1).

“(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart for activities described in this section shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under subsection (a).

“(3) LIMITATION ON USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds provided under this subpart for activities described in this section that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

“(A) Assessments that provide rewards or sanctions for individual children or teachers.

“(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

“(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

“(f) REPORT.—Each eligible entity that receives a grant under this subpart for activities described in this section shall prepare and submit an annual report to the Secretary, which shall include—

“(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services; and

“(2) information relating to the performance metrics described in subsection (h).

“(g) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart for activities described in this section shall make publicly available, including through electronic means, the information described in subsection (f). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood served under the grant, and such information shall be a part of statewide longitudinal data systems.

“(h) PERFORMANCE INDICATORS.—

“(1) IN GENERAL.—The Secretary shall establish performance indicators under paragraph (2) and corresponding metrics to be used for the purpose of reporting under paragraph (3) and program evaluation under subsection (i).

“(2) INDICATORS.—The performance indicators established by the Secretary under paragraph (1) shall be indicators of improved academic and developmental outcomes for children, including indicators of school readiness, high school graduation, postsecondary education and career readiness, and other academic and developmental outcomes, to promote—

“(A) data-driven decision-making by eligible entities receiving funds under this subpart; and

“(B) access to a community-based continuum of high-quality services for children living in the most distressed communities of the United States, beginning at birth.

“(3) REPORTING.—Each eligible entity that receives a grant under this subpart for activities described in this section shall annually collect and report to the Secretary data on the performance indicators described in paragraph (2) for use by the Secretary in making a determination concerning continuation funding and grant extension under section 4623(b) for each eligible entity.

“(i) EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds made available under section 4601(b)(2)(A) to provide technical assistance and evaluate the implementation and impact of the activities funded under this section, in accordance with section 8601.

“SEC. 4625. FULL-SERVICE COMMUNITY SCHOOLS.

20 USC 7275.

“(a) APPLICATION.—An eligible entity that desires a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

“(1) A description of the eligible entity.

“(2) A memorandum of understanding among all partner entities in the eligible entity that will assist the eligible entity to coordinate and provide pipeline services and that describes the roles the partner entities will assume.

“(3) A description of the capacity of the eligible entity to coordinate and provide pipeline services at 2 or more full-service community schools.

“(4) A comprehensive plan that includes descriptions of the following:

“(A) The student, family, and school community to be served, including demographic information.

“(B) A needs assessment that identifies the academic, physical, nonacademic, health, mental health, and other needs of students, families, and community residents.

“(C) Annual measurable performance objectives and outcomes, including an increase in the number and percentage of families and students targeted for services each year of the program, in order to ensure that children are—

“(i) prepared for kindergarten;

“(ii) achieving academically; and

“(iii) safe, healthy, and supported by engaged parents.

“(D) Pipeline services, including existing and additional pipeline services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

“(i) why such services have been selected;

“(ii) how such services will improve student academic achievement; and

“(iii) how such services will address the annual measurable performance objectives and outcomes established under subparagraph (C).

“(E) Plans to ensure that each full-service community school site has a full-time coordinator of pipeline services at such school, including a description of the applicable funding sources, plans for professional development for the personnel managing, coordinating, or delivering pipeline services, and plans for joint utilization and management of school facilities.

“(F) Plans for annual evaluation based upon attainment of the performance objectives and outcomes described in subparagraph (C).

“(G) Plans for sustaining the programs and services described in this subsection after the grant period.

“(5) An assurance that the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1114(b).

“(b) PRIORITY.—In awarding grants under this subpart for activities described in this section, the Secretary shall give priority to eligible entities that—

“(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1114(b), as part of a community- or district-wide strategy; or

“(B) include a local educational agency that satisfies the requirements of—

“(i) subparagraph (A), (B), or (C) of section 5211(b)(1);

or

“(ii) subparagraphs (A) and (B) of section 5221(b)(1);

“(2) are consortiums comprised of a broad representation of stakeholders or consortiums demonstrating a history of effectiveness; and

“(3) will use funds for evidence-based activities described in subsection (e), defined for purposes of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

“(c) PLANNING.—The Secretary may authorize an eligible entity receiving a grant under this subpart for activities described in this section to use not more than 10 percent of the total amount of grant funds for planning purposes during the first year of the grant.

“(d) MINIMUM AMOUNT.—The Secretary may not award a grant under this subpart for activities described in this section to an eligible entity in an amount that is less than \$75,000 for each year of the grant period, subject to the availability of appropriations.

“(e) USE OF FUNDS.—Grants awarded under this subpart for activities described in this section shall be used to—

“(1) coordinate not less than 3 existing pipeline services, as of the date of the grant award, and provide not less than 2 additional pipeline services, at 2 or more public elementary schools or secondary schools;

“(2) to the extent practicable, integrate multiple pipeline services into a comprehensive, coordinated continuum to achieve the annual measurable performance objectives and outcomes under subsection (a)(4)(C) to meet the holistic needs of children; and

“(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

“(f) EVALUATIONS BY THE INSTITUTE OF EDUCATION SCIENCES.—The Secretary, acting through the Director of the Institute of Education Sciences, shall conduct evaluations of the effectiveness of grants under this subpart for activities described in this section in achieving the purpose described in section 4621(2).

“(g) EVALUATIONS BY GRANTEES.—The Secretary shall require each eligible entity receiving a grant under this subpart for activities described in this section to—

“(1) conduct annual evaluations of the progress achieved with the grant toward the purpose described in section 4621(2);

“(2) use such evaluations to refine and improve activities carried out through the grant and the annual measurable performance objectives and outcomes under subsection (a)(4)(C); and

“(3) make the results of such evaluations publicly available, including by providing public notice of such availability.

“(h) CONSTRUCTION CLAUSE.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

“(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to an eligible entity through a grant under this subpart for activities described in this section may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

“Subpart 3—National Activities for School Safety

20 USC 7281.

“SEC. 4631. NATIONAL ACTIVITIES FOR SCHOOL SAFETY.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From the funds reserved under section 4601(b)(1), the Secretary—

“(A) shall use a portion of such funds for the Project School Emergency Response to Violence program (in this section referred to as ‘Project SERV’), in order to provide education-related services to eligible entities; and

“(B) may use a portion of such funds to carry out other activities to improve students’ safety and well-being, during and after the school day, under this section directly or through grants, contracts, or cooperative agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this section or conducting a national evaluation.

“(2) AVAILABILITY.—Amounts reserved under section 4601(b)(1) for Project SERV are authorized to remain available until expended for Project SERV.

“(b) PROJECT SERV.—

“(1) ADDITIONAL USE OF FUNDS.—Funds made available under subsection (a) for extended services grants under Project SERV may be used by an eligible entity to initiate or strengthen violence prevention activities as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded.

“(2) APPLICATION PROCESS.—

“(A) IN GENERAL.—An eligible entity desiring to use a portion of extended services grant funds under Project SERV to initiate or strengthen a violence prevention activity shall—

“(i) submit, in an application that meets all requirements of the Secretary for Project SERV, the information described in subparagraph (B); or

“(ii) in the case of an eligible entity that has already received an extended services grant under Project SERV, submit an addition to the original application that includes the information described in subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application, or addition to an application, for an extended services grant pursuant to subparagraph (A) shall include the following:

“(i) A demonstration of the need for funds due to a continued disruption or a substantial risk of disruption to the learning environment.

“(ii) An explanation of the proposed activities that are designed to restore and preserve the learning environment.

“(iii) A budget and budget narrative for the proposed activities.

“(3) AWARD BASIS.—Any award of funds under Project SERV for violence prevention activities under this section shall be subject to the discretion of the Secretary and the availability of funds.

“(4) PROHIBITED USE.—No funds provided to an eligible entity for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the eligible entity.

“(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a local educational agency, as defined in subparagraph (A), (B), or (C) of section 8101(30), or institution of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis; or

“(2) the Bureau of Indian Education in a case where the learning environment of a school operated or funded by the Bureau, including a school meeting the definition of a local educational agency under section 8101(30)(C), has been disrupted due to a violent or traumatic crisis.

“Subpart 4—Academic Enrichment

“SEC. 4641. AWARDS FOR ACADEMIC ENRICHMENT.

20 USC 7291.

“(a) PROGRAM AUTHORIZED.—From funds reserved under section 4601(b)(2)(C), the Secretary shall award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of enriching the academic experience of students by promoting—

“(1) arts education for disadvantaged students and students who are children with disabilities, as described in section 4642;

“(2) school readiness through the development and dissemination of accessible instructional programming for preschool and elementary school children and their families, as described in section 4643; and

“(3) support for high-ability learners and high-ability learning, as described in section 4644.

“(b) ANNUAL AWARDS.—The Secretary shall annually make awards to fulfill each of the purposes described in paragraphs (1) through (3) of subsection (a).

“SEC. 4642. ASSISTANCE FOR ARTS EDUCATION.

20 USC 7292.

“(a) AWARDS TO PROVIDE ASSISTANCE FOR ARTS EDUCATION.—

“(1) IN GENERAL.—Awards made to eligible entities to fulfill the purpose described in section 4641(a)(1), shall be used for a program (to be known as the ‘Assistance for Arts Education program’) to promote arts education for students, including disadvantaged students and students who are children with disabilities, through activities such as—

“(A) professional development for arts educators, teachers, and principals;

“(B) development and dissemination of accessible instructional materials and arts-based educational

programming, including online resources, in multiple arts disciplines; and

“(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or centers for the arts, including national centers for the arts.

“(b) CONDITIONS.—As conditions of receiving assistance made available under this section, the Secretary shall require each eligible entity receiving such assistance—

“(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

“(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

“(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are eligible national nonprofit organizations.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

“(B) a consortium of such local educational agencies;

“(C) a State educational agency;

“(D) an institution of higher education;

“(E) a museum or cultural institution;

“(F) the Bureau of Indian Education;

“(G) an eligible national nonprofit organization; or

“(H) another private agency, institution, or organization.

“(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term ‘eligible national nonprofit organization’ means an organization of national scope that—

“(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

“(B) demonstrates effectiveness or high-quality plans for addressing arts education activities for disadvantaged students or students who are children with disabilities.

20 USC 7293.

“SEC. 4643. READY TO LEARN PROGRAMMING.

“(a) AWARDS TO PROMOTE SCHOOL READINESS THROUGH READY TO LEARN PROGRAMMING.—

“(1) IN GENERAL.—Awards made to eligible entities described in paragraph (3) to fulfill the purpose described in section 4641(a)(2) shall—

“(A) be known as ‘Ready to Learn Programming awards’; and

“(B) be used to—

“(i) develop, produce, and distribute accessible educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

“(ii) facilitate the development, directly or through contracts with producers of children’s and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

“(iii) facilitate the development of programming and digital content containing Ready-to-Learn programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations’ digital broadcasting channels and the Internet;

“(iv) contract with entities (such as public telecommunications entities) so that programming developed under this section is disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

“(v) develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

“(I) to promote school readiness; and

“(II) to promote the effective use of materials developed under clauses (ii) and (iii) among parents, family members, teachers, principals and other school leaders, Head Start providers, providers of family literacy services, child care providers, early childhood educators, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

“(2) AVAILABILITY.—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities described in paragraph (3) make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

“(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

“(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

“(B) A capacity to contract with the producers of children’s television programming for the purpose of developing educational television programming of high quality.

“(C) A capacity, consistent with the entity’s mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

“(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

“(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

“(A) to maximize the use of high-quality educational programming by preschool and elementary school children, and make such programming widely available to Federally funded programs serving such populations; and

“(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(B)(v) to enhance parent and child care provider skills in early childhood development and education.

“(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The application shall include—

“(1) a description of the activities to be carried out under this section;

“(2) a list of the types of entities with which such entity will enter into contracts under subsection (a)(1)(B)(iv);

“(3) a description of the activities the entity will undertake widely to disseminate the content developed under this section; and

“(4) a description of how the entity will comply with subsection (a)(2).

“(c) REPORTS AND EVALUATIONS.—

“(1) ANNUAL REPORT TO SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report. The report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

“(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programming.

“(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

“(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

“(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

“(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

“(A) A summary of the activities assisted under subsection (a).

“(B) A description of the education and training materials made available under subsection (a)(1)(B)(v), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

“(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

“(e) FUNDING RULE.—Not less than 60 percent of the amount used by the Secretary to carry out this section for each fiscal year shall be used to carry out activities under clauses (ii) through (iv) of subsection (a)(1)(B).

“SEC. 4644. SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING. 20 USC 7294.

“(a) PURPOSE.—The purpose of this section is to promote and initiate a coordinated program, to be known as the ‘Jacob K. Javits Gifted and Talented Students Education Program’, of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make awards to, or enter into contracts with, State educational agencies, local educational agencies, the Bureau of Indian Education, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, or organizations, or the Bureau, in carrying out programs or projects to fulfill the purpose described in section 4641(a)(3), including the training of personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

“(2) APPLICATION.—Each entity seeking assistance under this section shall submit an application to the Secretary at

such time and in such manner as the Secretary may reasonably require. Each application shall describe how—

“(A) the proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students; and

“(B) the proposed programs can be evaluated.

“(c) USES OF FUNDS.—Programs and projects assisted under this section may include any of the following:

“(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

“(2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry and education) for identifying and educating students who may not be served by traditional gifted and talented programs.

“(3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students.

“(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (c).

“(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

“(e) COORDINATION.—Evidence-based activities supported under this section—

“(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

“(2) may include collaborative evidence-based activities that are jointly funded and carried out with such Institute.

“(f) GENERAL PRIORITY.—In carrying out this section, the Secretary shall give highest priority to programs and projects designed to—

“(1) develop new information that—

“(A) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; or

“(B) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods; or

“(2) implement evidence-based activities, defined in this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

“(g) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this section, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

“(h) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

“(1) use a peer-review process in reviewing applications under this section;

“(2) ensure that information on the activities and results of programs and projects funded under this section is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including private nonprofit organizations; and

“(3) evaluate the effectiveness of programs under this section in accordance with section 8601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Student Succeeds Act.

“(i) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

“(1) administer and coordinate the programs authorized under this section;

“(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

“(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

“(4) disseminate, and consult on, the information developed under this section with other offices within the Department.”.

~~TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY~~

SEC. 5001. GENERAL PROVISIONS.

(a) TITLE VI REDESIGNATIONS.—Title VI (20 U.S.C. 7301 et seq.) is redesignated as title V and further amended—

(1) by redesignating sections 6121 through 6123 as sections 5101 through 5103, respectively;

20 USC 7305,
7305a, 7305b.