

112TH CONGRESS  
1ST SESSION

# S. 1571

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2011

Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. KIRK, Mr. RUBIO, Mr. ROBERTS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elementary and Sec-  
5 ondary Education Amendments Act of 2011”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of purpose.
- Sec. 5. Authorization of appropriations.

Sec. 6. School improvement and State administration.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Sec. 101. Basic program requirements.

TITLE II—ACADEMIC ASSESSMENTS

Sec. 201. Academic assessments.

TITLE III—NATIONAL ASSESSMENT OF TITLE I

Sec. 301. Evaluations.

Sec. 302. Demonstrations of innovative practices.

TITLE IV—GENERAL PROVISIONS

Sec. 401. General provisions.

TITLE V—TRANSFERABILITY OF FUNDS

Sec. 501. Transferability of funds.

TITLE VI—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Sec. 601. Authorizations of appropriations.

1 **SEC. 3. REFERENCES.**

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

8 **SEC. 4. STATEMENT OF PURPOSE.**

9 Section 1001 (20 U.S.C. 6301) is amended to read  
10 as follows:

11 **“SEC. 1001. STATEMENT OF PURPOSE.**

12 “The purpose of this title is to ensure that all chil-  
13 dren have a fair, equal, and significant opportunity to re-  
14 ceive a high-quality education that prepares them for col-

1 lege and a career, without the need for academic remedi-  
2 ation, and to close the achievement gap between high- and  
3 low-performing children, especially the achievement gaps  
4 between minority and nonminority students, and between  
5 disadvantaged children and their more advantaged  
6 peers.”.

7 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 1002 (20 U.S.C. 6302) is amended to read  
9 as follows:

10 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
12 the purpose of carrying out part A, there are authorized  
13 to be appropriated \$14,463,416,198 for each of fiscal  
14 years 2012 through 2016.

15 “(b) SCHOOL TURNAROUND AND PUBLIC SCHOOL  
16 CHOICE.—For the purpose of carrying out section  
17 1114(c), there are authorized to be appropriated  
18 \$534,561,734 for each of fiscal years 2012 through 2016.

19 “(c) STATE ASSESSMENTS.—For the purpose of car-  
20 rying out part B, there are authorized to be appropriated  
21 \$389,950,536 for each of fiscal years 2012 through 2016.

22 “(d) EDUCATION OF MIGRATORY CHILDREN.—For  
23 the purpose of carrying out part C, there are authorized  
24 to be appropriated \$393,981,458 for each of fiscal years  
25 2012 through 2016.

1       “(e) PREVENTION AND INTERVENTION PROGRAMS  
 2 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT  
 3 RISK.—For the purpose of carrying out part D, there are  
 4 authorized to be appropriated \$50,326,146 for each of fis-  
 5 cal years 2012 through 2016.

6       “(f) FEDERAL ACTIVITIES.—For the purpose of car-  
 7 rying out section 1501, there are authorized to be appro-  
 8 priated such sums as may be necessary for each of fiscal  
 9 years 2012 through 2016.”.

10 **SEC. 6. SCHOOL IMPROVEMENT AND STATE ADMINISTRA-**  
 11 **TION.**

12       The Act (20 U.S.C. 6301 et seq.) is amended—

13             (1) by striking section 1003; and

14             (2) by redesignating section 1004 as section  
 15       1003.

16 **TITLE I—IMPROVING BASIC PRO-**  
 17 **GRAMS OPERATED BY LOCAL**  
 18 **EDUCATIONAL AGENCIES**

19 **SEC. 101. BASIC PROGRAM REQUIREMENTS.**

20       Subpart 1 of part A of title I (20 U.S.C. 6311 et  
 21 seq.) is amended—

22             (1) by striking sections 1111 through 1117 and  
 23       inserting the following:

24 **“SEC. 1111. STATE PLANS.**

25       “(a) PLANS REQUIRED.—

1           “(1) IN GENERAL.—For any State desiring to  
2 receive a grant under this part, the State edu-  
3 cational agency shall submit to the Secretary a plan,  
4 developed by the State educational agency in con-  
5 sultation with local educational agencies, teachers,  
6 principals, pupil services personnel, administrators,  
7 other staff, and parents, that satisfies the require-  
8 ments of this section.

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

12           “(3) PEER REVIEW AND SECRETARIAL AP-  
13 PROVAL.—

14           “(A) IN GENERAL.—The Secretary shall—

15                   “(i) establish a peer-review process to  
16 assist in the review of State plans;

17                   “(ii) establish multidisciplinary peer  
18 review teams and appoint their members,  
19 including persons with State educational  
20 agency, local educational agency, and  
21 broader education reform experience, and  
22 those who are familiar with academic  
23 standards, assessments, accountability, the  
24 needs of low-performing schools, and other  
25 educational needs of students; and

1           “(iii) approve a State plan within 45  
2           days of its submission unless the Secretary  
3           demonstrates that the plan does not meet  
4           the requirements of this section.

5           “(B) PURPOSE OF PEER REVIEW.—The  
6           peer review process shall be designed to—

7                   “(i) promote effective implementation  
8                   of college and career ready standards  
9                   through State and local innovation; and

10                   “(ii) provide transparent feedback to  
11                   States designed to strengthen the State’s  
12                   plans.

13           “(C) STANDARD AND NATURE OF RE-  
14           VIEW.—Peer reviewers shall conduct a good  
15           faith review of State plans in their totality and  
16           in deference to State and local judgments, with  
17           the goal of promoting State- and local-led inno-  
18           vation.

19           “(4) STATE PLAN DETERMINATION, DEM-  
20           ONSTRATION, AND REVISION.—If the Secretary de-  
21           termines that the State plan does not meet the re-  
22           quirements of this subsection or subsection (b) or  
23           (c), the Secretary shall, prior to declining to approve  
24           a State plan—

1           “(A) immediately notify the State of such  
2           determination;

3           “(B) provide a detailed description of the  
4           specific requirements of this subsection or sub-  
5           section (b) or (c) of the State plan that the Sec-  
6           retary determines fails to meet such require-  
7           ments;

8           “(C) offer the State an opportunity to re-  
9           vise and resubmit its plan within 60 days of  
10          such determination;

11          “(D) provide technical assistance, upon re-  
12          quest of the State, in order to assist the State  
13          to meet the requirements of this subsection or  
14          subsection (b) or (c); and

15          “(E) conduct a public hearing within 30  
16          days of such resubmission, with public notice  
17          provided not less than 15 days before such  
18          hearing.

19          “(5) STATE PLAN DISAPPROVAL.—The Sec-  
20          retary shall have the authority to disapprove a State  
21          plan if the State has been notified and offered an  
22          opportunity to revise and submit with technical as-  
23          sistance under paragraph (4), and—

24                 “(A) the State does not revise and resub-  
25                 mit its plan; or

1           “(B) the State revises and resubmits a  
2           plan that the Secretary determines does not  
3           meet the requirements of this part after a hear-  
4           ing conducted under paragraph (4)(E).

5           “(6) LIMITATIONS.—The Secretary shall not  
6           have the authority to require a State, as a condition  
7           of approval of the State plan, to—

8                   “(A) include in, or delete from, such plan  
9                   1 or more specific elements of the State’s aca-  
10                  demic content standards or academic achieve-  
11                  ment standards;

12                   “(B) use specific academic assessment in-  
13                  struments or items; or

14                   “(C) include in, or delete from, such a plan  
15                  any criterion that specifies, defines, or pre-  
16                  scribes the standards or measures that State or  
17                  local educational agencies use to establish, im-  
18                  plement, or improve—

19                           “(i) State standards;

20                           “(ii) assessments;

21                           “(iii) State accountability systems;

22                           “(iv) systems that measure student  
23                  growth;

24                           “(v) measures of other academic indi-  
25                  cators; or



1 “(vi) teacher and principal evaluation  
2 systems.

3 “(7) PUBLIC REVIEW.—All written communica-  
4 tions, feedback, and notifications under this sub-  
5 section shall be conducted in a manner that is trans-  
6 parent and immediately made available to the public  
7 through the Department website, including—

8 “(A) plans submitted or resubmitted by a  
9 State;

10 “(B) peer review comments;

11 “(C) State plan determinations by the Sec-  
12 retary, including approvals or disapprovals; and

13 “(D) public hearings under this section.

14 “(8) DURATION OF THE PLAN.—

15 “(A) IN GENERAL.—Each State plan  
16 shall—

17 “(i) remain in effect for the duration  
18 of the State’s participation under this part;  
19 and

20 “(ii) be periodically reviewed and re-  
21 vised as necessary by the State educational  
22 agency to reflect changes in the State’s  
23 strategies and programs under this part.

24 “(B) ADDITIONAL INFORMATION.—A State  
25 shall notify the Secretary if a State makes sig-

1           nificant changes to its plan, such as the adop-  
2           tion of new State academic content standards,  
3           State academic achievement standards, new  
4           academic assessments, or changes to its ac-  
5           countability system under subsection (b)(3).

6           “(9) FAILURE TO MEET REQUIREMENTS.—If a  
7           State fails to meet any of the requirements of this  
8           section, then the Secretary may withhold funds for  
9           State administration under this part until the Sec-  
10          retary determines that the State has fulfilled those  
11          requirements.

12          “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-  
13          MENTS, AND STATE ACCOUNTABILITY SYSTEMS.—

14                 “(1) COLLEGE AND CAREER READY ACADEMIC  
15                 STANDARDS.—

16                         “(A) IN GENERAL.—Each State shall pro-  
17                         vide an assurance that the State has adopted  
18                         college and career ready academic content  
19                         standards and student academic achievement  
20                         standards that will be used by the State, its  
21                         local educational agencies, and its schools to  
22                         carry out this part.

23                         “(B) SAME STANDARDS.—The standards  
24                         required by subparagraph (A) shall be the same

1 standards that the State applies to all public  
2 schools and public school children in the State.

3 “(C) SUBJECTS.—The State shall have  
4 such standards in mathematics, reading or lan-  
5 guage arts, and science, and any other subjects  
6 as determined by the State, which shall include  
7 the same knowledge, skills, and levels of  
8 achievement expected of all children in the  
9 State.

10 “(D) ALIGNMENT.—Each State shall pro-  
11 vide an assurance to the Secretary that the  
12 State’s college and career ready standards for  
13 academic content and student academic achieve-  
14 ment are aligned with—

15 “(i) entrance requirements, without  
16 the need for academic remediation, for an  
17 institution of higher education in the  
18 State; and

19 “(ii) State performance measures  
20 identified in the State plan under section  
21 113(b) of the Carl D. Perkins Career and  
22 Technical Education Act of 2006.

23 “(E) ALTERNATE ACADEMIC ACHIEVE-  
24 MENT STANDARDS.—Notwithstanding any other  
25 provision of this paragraph, a State may,

1 through a documented and validated standards-  
2 setting process, adopt alternate academic  
3 achievement standards for students with the  
4 most significant cognitive disabilities who take  
5 an alternate assessment, provided those stand-  
6 ards—

7 “(i) are aligned with the State’s col-  
8 lege and career ready academic content  
9 standards under subparagraph (A);

10 “(ii) promote access to the general  
11 curriculum; and

12 “(iii) reflect professional judgment of  
13 the highest achievement standards attain-  
14 able by those students.

15 “(F) MODIFIED ACADEMIC ACHIEVEMENT  
16 STANDARDS.—Notwithstanding any other provi-  
17 sion of this paragraph, a State may, through a  
18 documented and validated standards-setting  
19 process, adopt modified academic achievement  
20 standards for students who have disabilities  
21 that preclude them from meeting State student  
22 achievement standards within the academic year  
23 covered by a student’s individualized education  
24 program under section 614(d) of the Individ-

1 uals with Disabilities Education Act, provided  
2 those standards—

3 “(i) are aligned with the State’s col-  
4 lege and career ready academic content  
5 standards under subparagraph (A) for the  
6 grade in which the student is enrolled; and

7 “(ii) are challenging for such eligible  
8 students, but may be less difficult than the  
9 grade-level academic achievement stand-  
10 ards under this section.

11 “(G) ENGLISH LANGUAGE PROFICIENCY  
12 STANDARDS.—Each State plan shall provide an  
13 assurance that the State has adopted English  
14 language proficiency standards that are aligned  
15 with the State’s academic content standards  
16 under subparagraph (A). Such standards  
17 shall—

18 “(i) ensure proficiency in each of the  
19 domains of speaking, listening, reading,  
20 and writing;

21 “(ii) address the different proficiency  
22 levels of English language learners; and

23 “(iii) be aligned with the State’s aca-  
24 demic content standards in reading or lan-  
25 guage arts so that achieving proficiency

1           against the State’s English language pro-  
2           ficiency standards indicates a sufficient  
3           knowledge of English to measure validly  
4           and reliably the student’s achievement on  
5           the State’s reading or language arts stand-  
6           ards.

7           “(H) PROHIBITION.—A State shall not be  
8           required to submit any standards developed  
9           under this subsection for academic content or  
10          student academic achievement to the Secretary  
11          for review or approval.

12          “(I) EXISTING STANDARDS.—Nothing in  
13          this part shall prohibit a State from revising,  
14          consistent with this section, any standard  
15          adopted under this part before or after the date  
16          of enactment of the Elementary and Secondary  
17          Education Amendments Act of 2011.

18          “(2) ACADEMIC ASSESSMENTS.—

19                 “(A) IN GENERAL.—Each State plan shall  
20                 provide an assurance that the State educational  
21                 agency, in consultation with local educational  
22                 agencies, has implemented a set of high-quality,  
23                 yearly student academic assessments that in-  
24                 clude, at a minimum, academic assessments in  
25                 mathematics and reading or language arts that

1 will be used as the primary means of deter-  
2 mining the yearly performance of each school in  
3 the State in enabling all children to meet the  
4 State’s challenging student academic achieve-  
5 ment standards.

6 “(B) REQUIREMENTS.—Each State plan  
7 shall provide an assurance that such assess-  
8 ments—

9 “(i) are the same academic assess-  
10 ments used to measure the achievement of  
11 all students;

12 “(ii) are aligned with the State’s aca-  
13 demic content and student academic  
14 achievement standards, and provide coher-  
15 ent information about student attainment  
16 of such standards;

17 “(iii) are used for purposes for which  
18 such assessments are valid and reliable, be  
19 of adequate technical quality for each pur-  
20 pose required under this Act, and be con-  
21 sistent with relevant, nationally recognized  
22 professional and technical standards;

23 “(iv)(I) measure the annual academic  
24 achievement of all students against the  
25 State’s academic achievement standards in

1 mathematics and reading or language arts,  
2 and be administered—

3 “(aa) in each of grades 3  
4 through 8; and

5 “(bb) at least once in grades 9  
6 through 12; and

7 “(II) measure the academic achieve-  
8 ment of all students against the State’s  
9 academic achievement standards in science,  
10 and be administered not less than one  
11 time, during—

12 “(aa) grades 3 through 5;

13 “(bb) grades 6 through 8; and

14 “(cc) grades 9 through 12;

15 “(v) involve multiple up-to-date meas-  
16 ures of student academic achievement, in-  
17 cluding measures that assess higher-order  
18 thinking skills and understanding and  
19 measure growth in student academic  
20 achievement;

21 “(vi) provide for—

22 “(I) the participation in such as-  
23 sessments of all students;

24 “(II) the reasonable adaptations  
25 and accommodations for children with



1 disabilities (as defined in section  
2 602(3) of the Individuals with Dis-  
3 abilities Education Act) necessary to  
4 measure the academic achievement of  
5 such children relative to State aca-  
6 demic content and student academic  
7 achievement standards; and

8 “(III) alternate assessments  
9 aligned with grade-level academic con-  
10 tent and academic achievement stand-  
11 ards, unless the State develops alter-  
12 nate assessments aligned with—

13 “(aa) alternate academic  
14 achievement standards, con-  
15 sistent with subparagraph (C),  
16 for students with the most sig-  
17 nificant cognitive disabilities; or

18 “(bb) modified academic  
19 achievement standards consistent  
20 with subparagraph (C); and

21 “(IV) the inclusion of English  
22 language learners, who shall be as-  
23 sessed in a valid and reliable manner  
24 and provided reasonable accommoda-  
25 tions on assessments administered to

1           such students under this paragraph,  
2           including, to the extent practicable,  
3           assessments in the language and form  
4           most likely to yield accurate data on  
5           what such students know and can do  
6           in academic content areas, until such  
7           students have achieved English lan-  
8           guage proficiency, as determined  
9           under paragraph (1)(G);

10           “(vii) produce individual student in-  
11           terpretive, descriptive, and diagnostic re-  
12           ports, consistent with clause (iii), that  
13           allow parents, teachers, and principals to  
14           understand and address the specific aca-  
15           demic needs of students, and include infor-  
16           mation regarding achievement on academic  
17           assessments, and that are provided to par-  
18           ents, teachers, and principals in a timely  
19           manner after the assessment is given, in  
20           an understandable and uniform format;  
21           and

22           “(viii) enable results to be  
23           disaggregated within each State, local edu-  
24           cational agency, and school, by—

- 1                   “(I) each major racial and ethnic
- 2                   group;
- 3                   “(II) economically disadvantaged
- 4                   students as compared to students who
- 5                   are not economically disadvantaged;
- 6                   “(III) students with disabilities
- 7                   as compared to nondisabled students;
- 8                   “(IV) English proficiency status;
- 9                   “(V) gender; and
- 10                  “(VI) migrant status.

11                  “(C) STUDENTS WITH DISABILITIES.—

12                  “(i) ALTERNATE STANDARDS.—A

13                  State may provide for alternate assess-

14                  ments aligned with alternate academic

15                  achievement standards for students with

16                  the most significant cognitive disabilities, if

17                  the State—

18                  “(I) establishes and monitors im-

19                  plementation of clear and appropriate

20                  guidelines for individualized education

21                  program teams (as defined in section

22                  614(d)(1)(B) of the Individuals with

23                  Disabilities Education Act) (referred

24                  to in this section as ‘IEP Teams’) to

25                  apply in determining when a child’s

1 significant cognitive disability justifies  
2 assessment based on alternate aca-  
3 demic achievement standards;

4 “(II) ensures that the parents of  
5 those students are informed that their  
6 child’s academic achievement will be  
7 based on alternate academic achieve-  
8 ment standards;

9 “(III) documents that students  
10 with the most significant cognitive  
11 disabilities are, to the extent prac-  
12 ticable, included in the general cur-  
13 riculum, and in assessments aligned  
14 with that curriculum;

15 “(IV) develops, disseminates in-  
16 formation on, and promotes the use of  
17 appropriate accommodations to in-  
18 crease the number of students with  
19 disabilities who are tested against aca-  
20 demic achievement standards for the  
21 grade in which a student is enrolled;  
22 and

23 “(V) ensures that regular and  
24 special education teachers and other  
25 appropriate staff know how to admin-

1           ister assessments, including making  
2           appropriate use of accommodations,  
3           for students with disabilities.

4           “(ii) MODIFIED STANDARDS.—A State  
5           may assess students with disabilities based  
6           on modified academic achievement stand-  
7           ards, if the State—

8                   “(I) establishes and ensures im-  
9                   plementation of clear and appropriate  
10                  guidelines for IEP Teams to apply in  
11                  determining which students with dis-  
12                  abilities are eligible to be assessed  
13                  based on modified academic achieve-  
14                  ment standards, which criteria, at a  
15                  minimum, shall include—

16                           “(aa) whether the student’s  
17                           disability has precluded the stu-  
18                           dent from achieving grade-level  
19                           proficiency, as demonstrated by  
20                           objective evidence, such as the  
21                           student’s performance on the  
22                           State’s regular assessments or on  
23                           other assessments that can val-  
24                           idly demonstrate academic  
25                           achievement; and

1                   “(bb) whether the student’s  
2                   progress in response to appro-  
3                   priate instruction, including spe-  
4                   cial education and related serv-  
5                   ices designed to address the stu-  
6                   dent’s individual needs, is such  
7                   that, even if significant growth  
8                   occurs, the IEP Team is reason-  
9                   ably certain that the student will  
10                  not achieve to grade-level within  
11                  the year covered by the IEP,  
12                  which progress shall be based on  
13                  multiple measurements, over a  
14                  period of time, that are valid for  
15                  the subjects being assessed;

16                  “(II) ensures that, if a student’s  
17                  IEP includes goals for a subject as-  
18                  sessed based on modified academic  
19                  achievement standards, those goals  
20                  are based on academic content stand-  
21                  ards for the grade in which the stu-  
22                  dent is enrolled;

23                  “(III) ensures that parents of  
24                  students with disabilities who are as-  
25                  sessed against modified academic

1 achievement standards are informed  
2 that their child’s achievement will be  
3 measured based on modified academic  
4 achievement standards;

5 “(IV) ensures that the alternate  
6 assessment yields results that measure  
7 the achievement of those students sep-  
8 arately in reading or language arts,  
9 mathematics, and science relative to  
10 the modified academic achievement  
11 standards;

12 “(V) ensures that students who  
13 are assessed based on modified aca-  
14 demic achievement standards have ac-  
15 cess to the curriculum, including in-  
16 struction, for the grade in which the  
17 students are enrolled; and

18 “(VI) establishes and monitors  
19 implementation of clear and appro-  
20 priate guidelines for IEP Teams to  
21 apply in developing and implementing  
22 IEPs for students who are assessed  
23 based on modified academic achieve-  
24 ment standards.

1           “(D) LANGUAGE ASSESSMENTS.—Each  
2 State plan shall identify the languages other  
3 than English that are present to a significant  
4 extent in the participating student population  
5 and indicate the languages for which yearly stu-  
6 dent academic assessments are not available  
7 and are needed, and such State shall make  
8 every effort to develop such assessments as are  
9 necessary.

10           “(E) ASSESSMENTS OF ENGLISH LAN-  
11 GUAGE PROFICIENCY.—Each State plan shall  
12 provide an assurance that local educational  
13 agencies in the State will provide for an annual  
14 assessment of English proficiency (measuring  
15 students’ speaking, listening, reading, and writ-  
16 ing skills in English) of all English language  
17 learners in the schools served by the State edu-  
18 cational agency, except that each local edu-  
19 cational agency shall have discretion to exempt  
20 any student who has been assessed as proficient  
21 in listening, speaking, reading, or writing  
22 English from the corresponding portion of the  
23 assessment.

24           “(F) DEFERRAL.—A State may defer the  
25 commencement, or suspend the administration,



1 but not cease the development, of the assess-  
2 ments described in this paragraph, for 1 year  
3 for each year for which the amount appro-  
4 priated for grants under part B is less than  
5 \$389,950,536.

6 “(G) CONSTRUCTION.—Nothing in this  
7 paragraph shall be construed to prescribe the  
8 use of the academic assessments described in  
9 this part for student promotion or graduation  
10 purposes.

11 “(3) STATE ACCOUNTABILITY SYSTEM.—

12 “(A) IN GENERAL.—Each State plan shall  
13 provide an assurance that the State has devel-  
14 oped and is implementing a single, statewide  
15 State accountability system that will be based  
16 on the academic content standards and student  
17 academic achievement standards adopted by the  
18 State, and other academic indicators related to  
19 student achievement identified by the State, to  
20 ensure that all students graduate from high  
21 school college and career ready without the  
22 need for academic remediation and that takes  
23 into account the academic achievement of all  
24 public elementary school and secondary school  
25 students that, at a minimum—

1           “(i) measures annual academic  
2 achievement of all public elementary school  
3 and secondary school students in the State  
4 towards meeting the student academic  
5 achievement standards established by the  
6 State in mathematics and reading or lan-  
7 guage arts, which may include measures of  
8 student growth to such standards;

9           “(ii) ensures that any systems to  
10 measure student growth or other academic  
11 indicators related to student achievement  
12 are valid and reliable, and are consistent  
13 with relevant, nationally recognized profes-  
14 sional and technical standards;

15           “(iii) establishes a system of identi-  
16 fying and differentiating among all public  
17 elementary schools and secondary schools  
18 in the State based on student academic  
19 achievement and any other factors deter-  
20 mined appropriate by the State and also  
21 takes into account—

22           “(I) achievement gaps between  
23 each category of students described in  
24 subclauses (I) through (IV) of para-  
25 graph (2)(B)(viii); and

1                   “(II) overall performance of all  
2                   students and of each category of stu-  
3                   dents described in subclauses (I)  
4                   through (IV) of paragraph  
5                   (2)(B)(viii);

6                   “(iv) for public elementary schools  
7                   and secondary schools participating under  
8                   this part, identifies the lowest performing  
9                   5 percent of such schools;

10                  “(v) provides assistance to local edu-  
11                  cational agencies to identify and implement  
12                  appropriate school turnaround models for  
13                  identified schools;

14                  “(vi) provides a clear and understand-  
15                  able explanation of the method of identi-  
16                  fying schools under clause (iv);

17                  “(vii) measures the annual progress of  
18                  not less than 95 percent of each category  
19                  of students described in subclauses (I)  
20                  through (IV) of paragraph (2)(B)(viii) who  
21                  are enrolled in the school and are required  
22                  to take the assessments under paragraph  
23                  (2); and

24                  “(viii) measures the high school grad-  
25                  uation rate for each category of students

1 described in subclauses (I) through (IV) of  
2 paragraph (2)(B)(viii).

3 “(B) PROHIBITION ON REGULATION.—

4 Nothing in this subsection shall be construed to  
5 permit the Secretary to establish any criterion  
6 that specifies, defines, or prescribes the stand-  
7 ards or measures that State or local educational  
8 agencies use to establish, implement, or im-  
9 prove—

10 “(i) State standards;

11 “(ii) assessments;

12 “(iii) State accountability systems;

13 “(iv) systems that measure student  
14 growth;

15 “(v) measures of other academic indi-  
16 cators; or

17 “(vi) teacher and principal evaluation  
18 systems.

19 “(c) PROVISIONS TO SUPPORT TEACHING AND  
20 LEARNING.—Each State plan shall provide an assurance  
21 that—

22 “(1) the State will notify local educational  
23 agencies, schools, teachers, parents, and the public  
24 of the academic content standards, student academic  
25 achievement standards, academic assessments, and

1 State accountability system, developed under this  
2 section;

3 “(2) the State educational agency will assist  
4 each local educational agency and school affected by  
5 the State plan to meet the requirements of this part;  
6 and

7 “(3) low-income and minority children, enrolled  
8 in schools assisted under this part, are served by ef-  
9 fective teachers and principals and have access to a  
10 high-quality instructional program in the core aca-  
11 demic subjects, and the State shall adopt measures  
12 to evaluate and publicly report the progress of the  
13 State educational agency with respect to such steps.

14 “(d) OTHER ASSURANCES.—Each State plan shall  
15 contain an assurance that—

16 “(1) the State will participate in biennial State  
17 academic assessments of 4th and 8th grade reading  
18 and mathematics under the National Assessment of  
19 Educational Progress carried out under section  
20 303(b)(3) of the National Assessment of Edu-  
21 cational Progress Authorization Act if the Secretary  
22 pays the costs of administering such assessments;

23 “(2) the State educational agency will modify or  
24 eliminate State fiscal and accounting barriers so  
25 that schools can easily consolidate funds from other

1 Federal, State, and local sources in order to improve  
2 educational opportunities and reduce unnecessary  
3 fiscal and accounting requirements;

4 “(3) the State educational agency will support  
5 the collection and dissemination to local educational  
6 agencies and schools of effective parental involve-  
7 ment practices; and

8 “(4) the State educational agency will provide  
9 the least restrictive and burdensome regulations for  
10 local educational agencies and individual schools par-  
11 ticipating in a program assisted under this part.

12 “(e) REPORTS.—

13 “(1) ANNUAL STATE REPORT CARD.—

14 “(A) IN GENERAL.—A State that receives  
15 assistance under this part shall prepare and  
16 disseminate widely to the public an annual  
17 State report card.

18 “(B) IMPLEMENTATION.—The State report  
19 card shall be—

20 “(i) concise; and

21 “(ii) presented in an understandable  
22 and uniform format.

23 “(C) REQUIRED INFORMATION.—The  
24 State shall include in its annual State report  
25 card—

1 “(i) information, in the aggregate, on  
2 student achievement on the State academic  
3 assessments described in subsection (b)(2)  
4 (disaggregated by each category of stu-  
5 dents described in subsection  
6 (b)(2)(B)(viii));

7 “(ii) the percentage of students tested  
8 (disaggregated by each category of stu-  
9 dents described in subsection  
10 (b)(2)(B)(viii));

11 “(iii) information on any other indi-  
12 cator used by the State to determine stu-  
13 dent achievement under subsection (b)(3)  
14 (disaggregated by each category of stu-  
15 dents described in subsection  
16 (b)(2)(B)(viii));

17 “(iv) graduation rates for secondary  
18 school students consistent with subsection  
19 (b)(3)(A)(viii);

20 “(v) the professional qualifications of  
21 teachers in the State and the percentage of  
22 such teachers teaching with emergency or  
23 provisional credentials, in the aggregate  
24 and disaggregated by high-poverty com-  
25 pared to low-poverty schools which, for the

1           purpose of this clause, means schools in  
2           the top quartile of poverty and the bottom  
3           quartile of poverty in the State;

4           “(vi) information on the performance  
5           of local educational agencies and schools in  
6           the State, including the number and names  
7           of each school identified under section  
8           1114(a)(1)(B); and

9           “(vii) for a State that implements a  
10          teacher and principal effectiveness evalua-  
11          tion system consistent with title II, the  
12          evaluation results of teachers and prin-  
13          cipals, except that such information shall  
14          not provide individually identifiable infor-  
15          mation on individual teachers or principals.

16          “(D) FINANCIAL INFORMATION.—The  
17          State shall include in its annual State report  
18          card the per-pupil expenditures of Federal,  
19          State, and local funds for each local educational  
20          agency in the State for the preceding fiscal  
21          year.

22          “(E) OPTIONAL INFORMATION.—The State  
23          may include in its annual State report card  
24          such other information as the State believes will  
25          best provide parents, students, and other mem-



1           bers of the public with information regarding  
 2           the progress of each of the State’s public ele-  
 3           mentary schools and secondary schools.

4           “(F) PRESENTATION OF DATA.—A State  
 5           educational agency shall only include in its an-  
 6           nual report card data that are sufficient to yield  
 7           statistically reliable information, as determined  
 8           by the State, and that do not reveal personally  
 9           identifiable information about an individual stu-  
 10          dent, teacher, or principal.

11          “(2) ANNUAL LOCAL EDUCATIONAL AGENCY  
 12          REPORT CARDS.—

13                 “(A) REPORT CARDS.—A local educational  
 14                 agency that receives assistance under this part  
 15                 shall prepare and disseminate, in accordance  
 16                 with subparagraph (F), an annual local edu-  
 17                 cational agency report card.

18                 “(B) MINIMUM REQUIREMENTS.—The  
 19                 local educational agency shall include in its re-  
 20                 port card the information described in para-  
 21                 graph (1)(C) as applied to the local educational  
 22                 agency and each school served by the local edu-  
 23                 cational agency, and—

24                         “(i) in the case of a local educational  
 25                         agency—

1           “(I) the number and percentage  
2           of schools identified under section  
3           1114(a)(1)(B) and how long the  
4           schools have been so identified; and

5           “(II) information that shows how  
6           students served by the local edu-  
7           cational agency achieved on the state-  
8           wide academic assessment compared  
9           to students in the State as a whole;  
10          and

11          “(ii) in the case of a school—

12           “(I) whether the school has been  
13           identified under section 1114(a)(1)(B)  
14           and how long the school has been so  
15           identified; and

16           “(II) information that shows how  
17           the school’s students’ achievement on  
18           the statewide academic assessments  
19           compared to students in the local edu-  
20           cational agency and the State as a  
21           whole.

22          “(C) FINANCIAL INFORMATION.—The local  
23          educational agency shall include in its annual  
24          local educational agency report card the per-  
25          pupil expenditures of Federal, State, and local

1 funds for each school served by the agency for  
2 the preceding fiscal year.

3 “(D) OTHER INFORMATION.—A local edu-  
4 cational agency may include in its annual local  
5 educational agency report card any other appro-  
6 priate information, whether or not such infor-  
7 mation is included in the annual State report  
8 card.

9 “(E) PRESENTATION OF DATA.—A local  
10 educational agency or school shall only include  
11 in its annual local educational agency report  
12 card data that are sufficient to yield statis-  
13 tically reliable information, as determined by  
14 the State, and that do not reveal personally  
15 identifiable information about an individual stu-  
16 dent.

17 “(F) PUBLIC DISSEMINATION.—

18 “(i) IN GENERAL.—Except as pro-  
19 vided in clause (ii), a local educational  
20 agency shall—

21 “(I) publicly disseminate the in-  
22 formation described in this paragraph  
23 to all schools in the school district  
24 served by the local educational agency  
25 and to all parents of students attend-

1                   ing such schools in an understandable  
2                   and uniform format; and

3                   “(II) make the information wide-  
4                   ly available through public means,  
5                   such as posting on the Internet, dis-  
6                   tribution to the media, and distribu-  
7                   tion through public agencies.

8                   “(ii) EXCEPTION.—If a local edu-  
9                   cational agency issues a report card for all  
10                  students, the local educational agency may  
11                  include the information described in this  
12                  paragraph as part of such report.

13                  “(3) PREEXISTING REPORT CARDS.—A State  
14                  educational agency or local educational agency that  
15                  was providing public report cards on the perform-  
16                  ance of students, schools, local educational agencies,  
17                  or the State prior to the date of enactment of the  
18                  may use such report cards for the purpose of dis-  
19                  seminating information under this subsection if the  
20                  report card is modified, as may be needed, to con-  
21                  tain the information required by this subsection.

22                  “(4) ANNUAL STATE REPORT TO THE SEC-  
23                  RETARY.—Each State educational agency receiving  
24                  assistance under this part shall report annually to

1 the Secretary, and make widely available within the  
2 State—

3 “(A) information on the achievement of  
4 students on the academic assessments required  
5 under subsection (b)(2), including the  
6 disaggregated results for each category of stu-  
7 dents described in subsection (b)(2)(B)(viii);

8 “(B) information on the acquisition of  
9 English proficiency by children who are English  
10 language learners;

11 “(C) the number and names of the schools  
12 identified under section 1114(a)(1)(B), and the  
13 school turnaround strategy identified under sec-  
14 tion 1114(c) taken to address the achievement  
15 problems of each such school;

16 “(D) the number of students and schools  
17 that participated in public school choice under  
18 this title;

19 “(E)(i) information on the quality and ef-  
20 fectiveness of teachers; and

21 “(ii) the percentage of classes being taught  
22 by teachers who are licensed or certified to  
23 teach in their field of study, for the State and  
24 for each local educational agency and public ele-  
25 mentary or secondary school in the State; and

1           “(F) information on the results of the  
2           teacher and principal evaluation system, as ap-  
3           plicable.

4           “(5) REPORT TO CONGRESS.—The Secretary  
5           shall transmit annually to the Committee on Health,  
6           Education, Labor, and Pensions of the Senate and  
7           the Committee on Education and the Workforce of  
8           the House of Representatives a report that provides  
9           national and State level data on the information col-  
10          lected under paragraph (4). Such report shall be  
11          submitted through electronic means only.

12          “(6) SECRETARY’S REPORT CARD.—

13                 “(A) IN GENERAL.—Not later than July 1,  
14                 2013, and annually thereafter, the Secretary  
15                 shall transmit to the Committee on Health,  
16                 Education, Labor, and Pensions of the Senate  
17                 and the Committee on Education and the  
18                 Workforce of the House of Representatives a  
19                 national report card on the status of elementary  
20                 and secondary education in the United States.  
21                 Such report shall—

22                         “(i) analyze existing data from State  
23                         reports required under this Act, the Indi-  
24                         viduals with Disabilities Education Act,  
25                         and the Carl D. Perkins Career and Tech-

1 nical Education Act of 2006, and summa-  
2 rize major findings from such reports;

3 “(ii) analyze data from the National  
4 Assessment of Educational Progress and  
5 comparable international assessments;

6 “(iii) identify trends in student  
7 achievement, student performance, and  
8 secondary school graduation rates, by ana-  
9 lyzing and reporting on the status and per-  
10 formance of students, disaggregated by  
11 each category of students described in sub-  
12 section (b)(2)(B)(viii);

13 “(iv) analyze data on Federal, State,  
14 and local expenditures on education, in-  
15 cluding per-pupil spending, teacher salaries  
16 and pension obligations, school level spend-  
17 ing, and other financial data publicly avail-  
18 able, and report on current trends and  
19 major findings; and

20 “(v) analyze information on the teach-  
21 ing and principal profession, including edu-  
22 cation and training, retention and mobility,  
23 and effectiveness in improving student  
24 achievement.

1           “(B) SPECIAL RULE.—The information  
2           used to prepare the report described in sub-  
3           paragraph (A) shall be derived from existing  
4           State and local reporting requirements and data  
5           sources. Nothing in this paragraph shall be con-  
6           strued as authorizing, requiring, or allowing  
7           any additional reporting requirements, data ele-  
8           ments, or information to be reported to the Sec-  
9           retary not otherwise explicitly authorized by any  
10          other Federal law.

11          “(f) VOLUNTARY PARTNERSHIPS.—A State may  
12          enter into a voluntary partnership with another State to  
13          develop and implement the academic assessments, State  
14          academic content standards, and accountability systems  
15          required under this section.

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

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



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

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

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

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

17 “(a) PLANS REQUIRED.—

18 “(1) SUBGRANTS.—A local educational agency  
19 may receive a subgrant under this part for any fiscal  
20 year only if such agency has on file with the State  
21 educational agency a plan, approved by the State  
22 educational agency, that is developed in consultation  
23 with teachers, principals, administrators (including  
24 administrators of programs described in other parts  
25 of this title), other appropriate school personnel, and

1 with parents of children in schools served under this  
2 part, that satisfies the requirements of this section.

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

6 “(3) STATE REVIEW AND APPROVAL.—

7 “(A) IN GENERAL.—Each local educational  
8 agency plan shall be filed according to a sched-  
9 ule established by the State educational agency.

10 “(B) APPROVAL.—The State educational  
11 agency shall approve a local educational agen-  
12 cy’s plan only if the State educational agency  
13 determines that the local educational agency’s  
14 plan satisfies the requirements of this part and  
15 enables children served under this part to meet  
16 the college and career ready standards expected  
17 of all children described in section 1111(b)(1).

18 “(4) DURATION.—Each local educational agen-  
19 cy plan shall be submitted for the first year for  
20 which this part is in effect following the date of en-  
21 actment of the and shall remain in effect for the du-  
22 ration of the agency’s participation under this part.

23 “(5) REVIEW.—Each local educational agency  
24 shall periodically review and, as necessary, revise its

1 plan to reflect changes in the local educational agen-  
2 cy’s strategies and programs under this part.

3 “(b) PLAN PROVISIONS.—To ensure that all children  
4 receive a high-quality education that prepares them to be  
5 college and career ready without the need for academic  
6 remediation, and to close the achievement gap between  
7 high- and low-performing children, especially the achieve-  
8 ment gaps between minority and nonminority students,  
9 and between disadvantaged children and their more ad-  
10 vantaged peers, each local educational agency plan shall  
11 describe—

12 “(1) how the local educational agency will work  
13 with each of the schools served by the agency so that  
14 students meet the State’s college and career ready  
15 academic standards by—

16 “(A) developing and implementing a com-  
17 prehensive program of instruction to meet the  
18 academic needs of all students;

19 “(B) identifying quickly and effectively  
20 students who may be at risk for academic fail-  
21 ure;

22 “(C) providing additional educational as-  
23 sistance to individual students determined as  
24 needing help in meeting the State’s student  
25 academic achievement standards;

1           “(D) identifying significant gaps in stu-  
2           dent academic achievement between each cat-  
3           egory of students described in subclauses (I)  
4           through (IV) of section 1111(b)(2)(B)(viii) and  
5           develop strategies to reduce such gaps in  
6           achievement; and

7           “(E) identifying and implementing effec-  
8           tive methods and instructional strategies that  
9           are based on scientifically valid research in-  
10          tended to strengthen the core academic pro-  
11          gram of the school;

12          “(2) how the local educational agency will mon-  
13          itor and evaluate the effectiveness of school pro-  
14          grams in improving student academic achievement,  
15          especially for students not meeting State student  
16          academic achievement standards;

17          “(3)(A) how the local educational agency will  
18          meet the requirements of section 1119 regarding the  
19          qualifications of teachers and paraprofessionals; and

20          “(B) how the local educational agency, through  
21          incentives for voluntary transfers, recruitment pro-  
22          grams, incentive pay, performance- or merit-based  
23          pay systems, or other effective strategies, will iden-  
24          tify and address any disparities that result in low-  
25          income students and minority students being taught

1 at higher rates than other students by ineffective,  
2 out-of-field, or inexperienced teachers;

3 “(4) the actions the local educational agency  
4 will take to assist schools identified under section  
5 1114(a)(1)(B) and other schools also identified by  
6 the local educational agency as in need of assistance  
7 to improve student academic achievement, and the  
8 funds used to conduct such actions;

9 “(5) the programs to be conducted by such  
10 agency’s schools under section 1113, and where ap-  
11 propriate, educational services outside such schools  
12 for children living in local institutions for neglected  
13 or delinquent children, and for neglected and delin-  
14 quent children in community day school programs;

15 “(6) the services the local educational agency  
16 will provide homeless children, including services  
17 provided with funds reserved under section  
18 1113(a)(3)(C)(i);

19 “(7) the strategy the local educational agency  
20 will use to implement effective parental involvement  
21 under section 1118;

22 “(8) how the local educational agency will co-  
23 ordinate and integrate services provided under this  
24 part with preschool educational services at the local  
25 educational agency or individual school level, includ-

1       ing plans for the transition of participants in such  
2       programs to local elementary school programs, and,  
3       if appropriate, a description of how the local edu-  
4       cational agency will use funds under this part to  
5       support preschool programs for children, particularly  
6       children participating in a Head Start program,  
7       which may be provided directly by the local edu-  
8       cational agency or through a subcontract with the  
9       local Head Start agency designated by the Secretary  
10      of Health and Human Services under section 641 of  
11      the Head Start Act, or another comparable public  
12      early childhood development program;

13           “(9) how the local educational agency will co-  
14      ordinate programs and integrate services under this  
15      part with other Federal, State, and local services  
16      and programs; and

17           “(10) how teachers, in consultation with par-  
18      ents, administrators, and pupil services personnel, in  
19      targeted assistance schools under section 1113, will  
20      identify the eligible children most in need of services  
21      under this part.

22           “(c) ASSURANCES.—Each local educational agency  
23      plan shall provide assurances that the local educational  
24      agency will—

1           “(1) ensure that the results from the academic  
2 assessments required under section 1111(b)(2) will  
3 be provided to parents and teachers as soon as is  
4 practicably possible after the test is taken;

5           “(2) ensure that migratory children and for-  
6 merly migratory children who are eligible to receive  
7 services under this part are selected to receive such  
8 services on the same basis as other children who are  
9 selected to receive services under this part;

10           “(3) provide services to eligible children attend-  
11 ing private elementary schools and secondary schools  
12 in accordance with section 1120, and timely and  
13 meaningful consultation with private school officials  
14 regarding such services; and

15           “(4) participate, if selected, in the National As-  
16 sessment of Educational Progress in 4th and 8th  
17 grade reading and mathematics carried out under  
18 section 303(b)(2) of the National Assessment of  
19 Educational Progress Authorization Act.

20           “(d) SCHOOLWIDE PROGRAM PLANS.—In addition to  
21 the plan requirements described in subsection (c), for  
22 schools operating a schoolwide program under section  
23 1113(b)(2), the plan shall also include—

24           “(1) a description of schoolwide reform strate-  
25 gies that—

1           “(A) provide opportunities for all children  
2           to meet the State’s academic achievement  
3           standards under section 1111(b);

4           “(B) use effective methods and instruc-  
5           tional strategies that are based on scientifically  
6           valid research that—

7                   “(i) strengthen the core academic pro-  
8                   gram in the school; and

9                   “(ii) increase the amount and quality  
10                  of learning time and help provide an en-  
11                  riched and accelerated curriculum; and

12           “(C) address the academic and other sup-  
13           port needs of all children in the school;

14           “(2) a list of State educational agency and local  
15           educational agency programs and other Federal pro-  
16           grams that will be consolidated in the schoolwide  
17           program; and

18           “(3) if appropriate, a description of how funds  
19           will be used to establish or enhance prekindergarten  
20           programs for children below the age of 6.

21           “(e) TARGETED ASSISTANCE SCHOOL PLANS.—In  
22           addition to the plan requirements described in subsection  
23           (c), for schools operating a targeted assistance program  
24           under section 1113(b)(3), the plan shall also include—

25                   “(1) a description of—



1           “(A) the process for determining which  
2 students will be served and the students to be  
3 served;

4           “(B) the assistance that will be provided to  
5 such students; and

6           “(C) how the activities supported under  
7 this part will be coordinated with and incor-  
8 porated into the regular education program of  
9 the school;

10          “(2) assurances that the school will—

11           “(A) help provide an accelerated, high-  
12 quality curriculum;

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

16           “(C) on an ongoing basis, review the  
17 progress of participating children and revise the  
18 plan under this section, if necessary, to provide  
19 additional assistance to enable such children to  
20 meet the State’s college and career ready aca-  
21 demic achievement standards.

22          “(f) PARENTS RIGHT-TO-KNOW.—

23           “(1) TEACHER QUALIFICATIONS.—

24           “(A) IN GENERAL.—At the beginning of  
25 each school year, a local educational agency

1 that receives funds under this part shall notify  
2 the parents of each student attending any  
3 school receiving funds under this part that the  
4 parents may request, and the agency will pro-  
5 vide the parents on request (and in a timely  
6 manner), information regarding the professional  
7 qualifications of the student’s classroom teach-  
8 ers, including, at a minimum, the following:

9 “(i) Whether the teacher has met  
10 State qualification and licensing criteria  
11 for the grade levels and subject areas in  
12 which the teacher provides instruction.

13 “(ii) Whether the teacher is teaching  
14 under emergency or other provisional sta-  
15 tus through which State qualification or li-  
16 censing criteria have been waived.

17 “(iii) Whether the child is provided  
18 services by paraprofessionals and, if so,  
19 whether each such paraprofessional meets  
20 the qualifications required under section  
21 1119.

22 “(B) ADDITIONAL INFORMATION.—In ad-  
23 dition to the information that parents may re-  
24 quest under subparagraph (A), a school that re-

1 ceives funds under this part shall provide to  
2 each individual parent—

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

7 “(ii) timely notice that the parent’s  
8 child has been assigned, or has been  
9 taught for 4 or more consecutive weeks by,  
10 a teacher who does not meet applicable  
11 State certification or licensure require-  
12 ments.

13 “(2) LANGUAGE INSTRUCTION.—

14 “(A) NOTICE.—Each local educational  
15 agency using funds under this part to provide  
16 a language instruction educational program as  
17 determined under title III shall, not later than  
18 30 days after the beginning of the school year,  
19 inform a parent or parents of an English lan-  
20 guage learner identified for participation or  
21 participating in such a program of—

22 “(i) the reasons for the identification  
23 of their child as an English language  
24 learner and in need of placement in a lan-  
25 guage instruction educational program;

1           “(ii) the child’s level of English pro-  
2           ficiency, how such level was assessed, and  
3           the status of the child’s academic achieve-  
4           ment;

5           “(iii) the methods of instruction used  
6           in the program in which their child is, or  
7           will be participating, and the methods of  
8           instruction used in other available pro-  
9           grams, including how such programs differ  
10          in content, instructional goals, and the use  
11          of English and a native language in in-  
12          struction;

13          “(iv) how the program in which their  
14          child is, or will be participating, will meet  
15          the educational strengths and needs of  
16          their child;

17          “(v) how such program will specifi-  
18          cally help their child learn English and  
19          meet age-appropriate academic achieve-  
20          ment standards for grade promotion and  
21          graduation;

22          “(vi) the specific exit requirements for  
23          the program, including the expected rate of  
24          transition from such program into class-  
25          rooms that are not tailored for English

1 language learners, and the expected rate of  
2 graduation from secondary school for such  
3 program if funds under this part are used  
4 for children in secondary schools;

5 “(vii) in the case of a child with a dis-  
6 ability, how such program meets the objec-  
7 tives of the individualized education pro-  
8 gram of the child, as described in section  
9 614(a)(1)(D) of the Individuals with Dis-  
10 abilities Education Act; and

11 “(viii) information pertaining to pa-  
12 rental rights that includes written guid-  
13 ance—

14 “(I) detailing—

15 “(aa) the right that parents  
16 have to have their child imme-  
17 diately removed from such pro-  
18 gram upon their request; and

19 “(bb) the options that par-  
20 ents have to decline to enroll  
21 their child in such program or to  
22 choose another program or meth-  
23 od of instruction, if available; and

24 “(II) assisting parents in select-  
25 ing among various programs and

1 methods of instruction, if more than 1  
2 program or method is offered by the  
3 eligible entity.

4 “(B) SPECIAL RULE APPLICABLE DURING  
5 THE SCHOOL YEAR.—For those children who  
6 have not been identified as English language  
7 learners prior to the beginning of the school  
8 year but are identified as English language  
9 learners during such school year, the local edu-  
10 cational agency shall notify the children’s par-  
11 ents during the first 2 weeks of the child being  
12 placed in a language instruction educational  
13 program consistent with subparagraph (A).

14 “(C) PARENTAL PARTICIPATION.—Each  
15 local educational agency receiving funds under  
16 this part shall implement an effective means of  
17 outreach to parents of English language learn-  
18 ers to inform the parents regarding how the  
19 parents can be involved in the education of  
20 their children, and be active participants in as-  
21 sisting their children to attain English pro-  
22 ficiency, achieve at high levels in core academic  
23 subjects, and meet challenging State academic  
24 achievement standards and State academic con-  
25 tent standards expected of all students, includ-

1           ing holding, and sending notice of opportunities  
 2           for, regular meetings for the purpose of formu-  
 3           lating and responding to recommendations from  
 4           parents of students assisted under this part.

5           “(D) BASIS FOR ADMISSION OR EXCLU-  
 6           SION.—A student shall not be admitted to, or  
 7           excluded from, any federally assisted education  
 8           program on the basis of a surname or language-  
 9           minority status.

10          “(3) FORMAT.—The notice and information  
 11          provided to parents under this subsection shall be in  
 12          an understandable and uniform format and, to the  
 13          extent practicable, provided in a language that the  
 14          parents can understand.

15 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;**  
 16                   **SCHOOLWIDE PROGRAMS; TARGETED ASSIST-**  
 17                   **ANCE PROGRAMS.**

18          “(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

19           “(1) DETERMINATION.—

20           “(A) IN GENERAL.—A local educational  
 21           agency shall use funds received under this part  
 22           only in eligible school attendance areas.

23           “(B) ELIGIBLE SCHOOL ATTENDANCE  
 24           AREAS.—In this part—

1           “(i) the term ‘school attendance area’  
2           means, in relation to a particular school,  
3           the geographical area in which the children  
4           who are normally served by that school re-  
5           side; and

6           “(ii) the term ‘eligible school attend-  
7           ance area’ means a school attendance area  
8           in which the percentage of children from  
9           low-income families is at least as high as  
10          the percentage of children from low-income  
11          families served by the local educational  
12          agency as a whole.

13          “(C) RANKING ORDER.—If funds allocated  
14          in accordance with paragraph (3) are insuffi-  
15          cient to serve all eligible school attendance  
16          areas, a local educational agency shall—

17                 “(i) annually rank, without regard to  
18                 grade spans, such agency’s eligible school  
19                 attendance areas in which the concentra-  
20                 tion of children from low-income families  
21                 exceeds 75 percent from highest to lowest  
22                 according to the percentage of children  
23                 from low-income families; and

24                 “(ii) serve such eligible school attend-  
25                 ance areas in rank order.



1           “(D) REMAINING FUNDS.—If funds remain  
2 after serving all eligible school attendance areas  
3 under subparagraph (C), a local educational  
4 agency shall—

5           “(i) annually rank such agency’s re-  
6 maining eligible school attendance areas  
7 from highest to lowest either by grade  
8 span or for the entire local educational  
9 agency according to the percentage of chil-  
10 dren from low-income families; and

11           “(ii) serve such eligible school attend-  
12 ance areas in rank order either within each  
13 grade-span grouping or within the local  
14 educational agency as a whole.

15           “(E) MEASURES.—The local educational  
16 agency shall use the same measure of poverty,  
17 which measure shall be the number of children  
18 ages 5 through 17 in poverty counted in the  
19 most recent census data approved by the Sec-  
20 retary, the number of children eligible for free  
21 and reduced priced lunches under the Richard  
22 B. Russell National School Lunch Act, the  
23 number of children in families receiving assist-  
24 ance under the State program funded under  
25 part A of title IV of the Social Security Act, or

1 the number of children eligible to receive med-  
2 ical assistance under the Medicaid program, or  
3 a composite of such indicators, with respect to  
4 all school attendance areas in the local edu-  
5 cational agency—

6 “(i) to identify eligible school attend-  
7 ance areas;

8 “(ii) to determine the ranking of each  
9 area; and

10 “(iii) to determine allocations under  
11 paragraph (3).

12 “(F) EXCEPTION.—This subsection shall  
13 not apply to a local educational agency with a  
14 total enrollment of less than 1,000 children.

15 “(G) WAIVER FOR DESEGREGATION  
16 PLANS.—The Secretary may approve a local  
17 educational agency’s written request for a waiv-  
18 er of the requirements of this paragraph and  
19 paragraph (3) and permit such agency to treat  
20 as eligible, and serve, any school that children  
21 attend with a State-ordered, court-ordered  
22 school desegregation plan or a plan that con-  
23 tinues to be implemented in accordance with a  
24 State-ordered or court-ordered desegregation  
25 plan, if—

1           “(i) the number of economically dis-  
2           advantaged children enrolled in the school  
3           is at least 25 percent of the school’s total  
4           enrollment; and

5           “(ii) the Secretary determines on the  
6           basis of a written request from such agen-  
7           cy and in accordance with such criteria as  
8           the Secretary establishes, that approval of  
9           that request would further the purposes of  
10          this part.

11           “(2) LOCAL EDUCATIONAL AGENCY DISCRE-  
12          TION.—

13           “(A) IN GENERAL.—Notwithstanding para-  
14          graph (1)(B), a local educational agency may—

15           “(i) designate as eligible any school  
16           attendance area or school in which at least  
17           35 percent of the children are from low-in-  
18           come families;

19           “(ii) use funds received under this  
20           part in a school that is not in an eligible  
21           school attendance area, if the percentage  
22           of children from low-income families en-  
23           rolled in the school is equal to or greater  
24           than the percentage of such children in a

1 participating school attendance area of  
2 such agency;

3 “(iii) designate and serve a school at-  
4 tendance area or school that is not eligible  
5 under this section, but that was eligible  
6 and that was served in the preceding fiscal  
7 year, but only for 1 additional fiscal year;  
8 and

9 “(iv) elect not to serve an eligible  
10 school attendance area or eligible school  
11 that has a higher percentage of children  
12 from low-income families if—

13 “(I) the school meets the com-  
14 parability requirements of section  
15 1120A(c);

16 “(II) the school is receiving sup-  
17 plemental funds from other State or  
18 local sources that are spent according  
19 to the requirements of this section;  
20 and

21 “(III) the funds expended from  
22 such other sources equal or exceed the  
23 amount that would be provided under  
24 this part.

1           “(B) SPECIAL RULE.—Notwithstanding  
2 subparagraph (A)(iv), the number of children  
3 attending private elementary schools and sec-  
4 ondary schools who are to receive services, and  
5 the assistance such children are to receive  
6 under this part, shall be determined without re-  
7 gard to whether the public school attendance  
8 area in which such children reside is assisted  
9 under subparagraph (A).

10           “(3) ALLOCATIONS.—

11           “(A) IN GENERAL.—A local educational  
12 agency shall allocate funds received under this  
13 part to eligible school attendance areas or eligi-  
14 ble schools, identified under paragraphs (1) and  
15 (2) in rank order, on the basis of the total  
16 number of children from low-income families in  
17 each area or school.

18           “(B) SPECIAL RULE.—

19           “(i) IN GENERAL.—Except as pro-  
20 vided in clause (ii), the per-pupil amount  
21 of funds allocated to each school attend-  
22 ance area or school under subparagraph  
23 (A) shall be at least 125 percent of the  
24 per-pupil amount of funds a local edu-  
25 cational agency received for that year

1 under the poverty criteria described by the  
2 local educational agency in the plan sub-  
3 mitted under section 1112, except that this  
4 clause shall not apply to a local edu-  
5 cational agency that only serves schools in  
6 which the percentage of such children is 35  
7 percent or greater.

8 “(ii) EXCEPTION.—A local edu-  
9 cational agency may reduce the amount of  
10 funds allocated under clause (i) for a  
11 school attendance area or school by the  
12 amount of any supplemental State and  
13 local funds expended in that school attend-  
14 ance area or school for programs that meet  
15 the requirements of this section.

16 “(C) RESERVATION.—A local educational  
17 agency shall reserve such funds as are nec-  
18 essary under this part to provide services com-  
19 parable to those provided to children in schools  
20 funded under this part to serve—

21 “(i) homeless children who do not at-  
22 tend participating schools, including pro-  
23 viding educationally related support serv-  
24 ices to children in shelters and other loca-  
25 tions where children may live;

1                   “(ii) children in local institutions for  
2                   neglected children; and

3                   “(iii) if appropriate, children in local  
4                   institutions for delinquent children, and  
5                   neglected or delinquent children in commu-  
6                   nity day school programs.

7           “(b) SCHOOLWIDE PROGRAMS AND TARGETED AS-  
8           SISTANCE SCHOOLS.—

9                   “(1) IN GENERAL.—For each school that will  
10                  receive funds under this part, the local educational  
11                  agency shall determine whether the school operates  
12                  as a schoolwide program consistent with paragraph  
13                  (2) or a targeted assistance school consistent with  
14                  paragraph (3).

15                  “(2) SCHOOLWIDE PROGRAMS.—

16                         “(A) IN GENERAL.—A local educational  
17                         agency may consolidate and use funds under  
18                         this part, together with other Federal, State,  
19                         and local funds, in order to upgrade the entire  
20                         educational program of a school that serves an  
21                         eligible school attendance area in which not less  
22                         than 40 percent of the children are from low-  
23                         income families, or not less than 40 percent of  
24                         the children enrolled in the school are from  
25                         such families.

1                   “(B) IDENTIFICATION OF STUDENTS NOT  
2                   REQUIRED.—

3                   “(i) IN GENERAL.—No school partici-  
4                   pating in a schoolwide program shall be re-  
5                   quired—

6                   “(I) to identify particular chil-  
7                   dren under this part as eligible to par-  
8                   ticipate in a schoolwide program; or

9                   “(II) to provide services to such  
10                  children that are supplementary, as  
11                  otherwise required by section  
12                  1120A(b).

13                  “(ii) SUPPLEMENTAL FUNDS.—A  
14                  school participating in a schoolwide pro-  
15                  gram shall use funds available to carry out  
16                  this paragraph only to supplement the  
17                  amount of funds that would, in the absence  
18                  of funds under this part, be made available  
19                  from non-Federal sources for the school,  
20                  including funds needed to provide services  
21                  that are required by law for children with  
22                  disabilities and children who are English  
23                  language learners.

24                  “(C) EXEMPTION FROM STATUTORY AND  
25                  REGULATORY REQUIREMENTS.—



1           “(i) EXEMPTION.—The Secretary  
2           may, through publication of a notice in the  
3           Federal Register, exempt schoolwide pro-  
4           grams under this section from statutory or  
5           regulatory provisions of any other non-  
6           competitive formula grant program admin-  
7           istered by the Secretary (other than for-  
8           mula or discretionary grant programs  
9           under the Individuals with Disabilities  
10          Education Act, except as provided in sec-  
11          tion 613(a)(2)(D) of such Act), or any dis-  
12          cretionary grant program administered by  
13          the Secretary, to support schoolwide pro-  
14          grams if the intent and purposes of such  
15          other programs are met.

16          “(ii) REQUIREMENTS.—A school that  
17          chooses to use funds from such other pro-  
18          grams shall not be relieved of the require-  
19          ments relating to health, safety, civil  
20          rights, student and parental participation  
21          and involvement, services to private school  
22          children, maintenance of effort, com-  
23          parability of services, uses of Federal  
24          funds to supplement, not supplant non-  
25          Federal funds, or the distribution of funds

1 to State educational agencies or local edu-  
2 cational agencies that apply to the receipt  
3 of funds from such programs.

4 “(iii) RECORDS.—A school that con-  
5 solidates and uses funds from different  
6 Federal programs under this paragraph  
7 shall not be required to maintain separate  
8 fiscal accounting records, by program, that  
9 identify the specific activities supported by  
10 those particular funds as long as the  
11 school maintains records that demonstrate  
12 that the schoolwide program, considered as  
13 a whole, addresses the intent and purposes  
14 of each of the Federal programs that were  
15 consolidated to support the schoolwide pro-  
16 gram.

17 “(D) PREKINDERGARTEN PROGRAM.—A  
18 school that is eligible for a schoolwide program  
19 under this paragraph may use funds made  
20 available under this part to establish or enhance  
21 prekindergarten programs for children below  
22 the age of 6.

23 “(3) TARGETED ASSISTANCE SCHOOLS.—

24 “(A) IN GENERAL.—In all schools selected  
25 to receive funds under subsection (a)(3) that

1 are ineligible for a schoolwide program under  
2 paragraph (2), or that choose not to operate  
3 such a schoolwide program, a local educational  
4 agency serving such school may use funds re-  
5 ceived under this part only for programs that  
6 provide services to eligible children under sub-  
7 paragraph (B) identified as having the greatest  
8 need for special assistance.

9 “(B) ELIGIBLE CHILDREN.—

10 “(i) ELIGIBLE POPULATION.—

11 “(I) IN GENERAL.—The eligible  
12 population for services under this sec-  
13 tion is—

14 “(aa) children not older  
15 than age 21 who are entitled to  
16 a free public education through  
17 grade 12; and

18 “(bb) children who are not  
19 yet at a grade level at which the  
20 local educational agency provides  
21 a free public education.

22 “(II) ELIGIBLE CHILDREN FROM  
23 ELIGIBLE POPULATION.—From the  
24 population described in subclause (I),  
25 eligible children are children identified

1 by the school as failing, or most at  
2 risk of failing, to meet the State's stu-  
3 dent academic achievement standards  
4 on the basis of multiple, educationally  
5 related, objective criteria established  
6 by the local educational agency and  
7 supplemented by the school.

8 “(ii) CHILDREN INCLUDED.—

9 “(I) IN GENERAL.—Children who  
10 are economically disadvantaged, chil-  
11 dren with disabilities, migrant chil-  
12 dren, or children who are English lan-  
13 guage learners, are eligible for serv-  
14 ices under this part on the same basis  
15 as other children selected to receive  
16 services under this part.

17 “(II) HEAD START AND PRE-  
18 SCHOOL CHILDREN.—A child who, at  
19 any time in the 2 years preceding the  
20 year for which the determination is  
21 made, participated in a Head Start  
22 program, or in preschool services  
23 under this title, is eligible for services  
24 under this part.

1                   “(III) MIGRANT CHILDREN.—A  
2 child who, at any time in the 2 years  
3 preceding the year for which the de-  
4 termination is made, received services  
5 under part C is eligible for services  
6 under this part.

7                   “(IV) NEGLECTED OR DELIN-  
8 QUENT CHILDREN.—A child in a local  
9 institution for neglected or delinquent  
10 children and youth or attending a  
11 community day program for such chil-  
12 dren is eligible for services under this  
13 part.

14                   “(V) HOMELESS CHILDREN.—A  
15 child who is homeless and attending  
16 any school served by the local edu-  
17 cational agency is eligible for services  
18 under this part.

19                   “(iii) SPECIAL RULE.—Funds received  
20 under this part may not be used to provide  
21 services that are otherwise required by law  
22 to be made available to children described  
23 in clause (ii) but may be used to coordi-  
24 nate or supplement such services.

1           “(C) INTEGRATION OF PROFESSIONAL DE-  
2 VELOPMENT.—To promote the integration of  
3 staff supported with funds under this part into  
4 the regular school program and overall school  
5 planning and improvement efforts, public school  
6 personnel who are paid with funds received  
7 under this part may—

8           “(i) participate in general professional  
9 development and school planning activities;  
10 and

11           “(ii) assume limited duties that are  
12 assigned to similar personnel who are not  
13 so paid, including duties beyond classroom  
14 instruction or that do not benefit partici-  
15 pating children, so long as the amount of  
16 time spent on such duties is the same pro-  
17 portion of total work time as prevails with  
18 respect to similar personnel at the same  
19 school.

20           “(D) SPECIAL RULES.—

21           “(i) SIMULTANEOUS SERVICE.—Noth-  
22 ing in this paragraph shall be construed to  
23 prohibit a school from serving students  
24 under this paragraph simultaneously with  
25 students with similar educational needs, in

1 the same educational settings where appro-  
2 priate.

3 “(ii) COMPREHENSIVE SERVICES.—If  
4 health, nutrition, and other social services  
5 are not otherwise available to eligible chil-  
6 dren in a targeted assistance school and  
7 such school, if appropriate, has engaged in  
8 a comprehensive needs assessment and es-  
9 tablished a collaborative partnership with  
10 local service providers and funds are not  
11 reasonably available from other public or  
12 private sources to provide such services,  
13 then a portion of the funds provided under  
14 this part may be used as a last resort to  
15 provide such services, including—

16 “(I) the provision of basic med-  
17 ical equipment, such as eyeglasses and  
18 hearing aids;

19 “(II) compensation of a coordi-  
20 nator; and

21 “(III) professional development  
22 necessary to assist teachers, pupil  
23 services personnel, other staff, and  
24 parents in identifying and meeting the

1 comprehensive needs of eligible chil-  
2 dren.

3 **“SEC. 1114. SCHOOL IDENTIFICATION AND TURNAROUND.**

4 “(a) STATE REVIEW AND RESPONSIBILITIES.—

5 “(1) IN GENERAL.—Not later than July 1,  
6 2012, each State educational agency receiving funds  
7 under this part shall—

8 “(A) review the performance of each public  
9 school in the State to measure the progress of  
10 each public school served under this part, by  
11 using—

12 “(i) the State academic assessments  
13 described in section 1111(b)(2);

14 “(ii) secondary school graduation  
15 rates, as appropriate; and

16 “(iii) other indicators determined by  
17 the State;

18 “(B) based on the review under subpara-  
19 graph (A), use a State-established system to  
20 identify the lowest performing 5 percent of pub-  
21 lic elementary schools and secondary schools  
22 that receive funds under this part; and

23 “(C) inform local educational agencies of  
24 schools identified under subparagraph (B) in a



1           timely manner that is before the beginning of  
2           the school year.

3           “(2) OPPORTUNITY FOR REVIEW.—

4                   “(A) IDENTIFICATION.—Before identifying  
5           a school under paragraph (1)(B), the State  
6           educational agency shall provide the local edu-  
7           cational agency and proposed identified school  
8           with an opportunity to review all school-level  
9           data on which the proposed identification is  
10          based.

11                   “(B) EVIDENCE.—If the local educational  
12          agency or the principal of a school proposed for  
13          identification under paragraph (1)(B) believes  
14          that the proposed identification is in error for  
15          statistical or other substantive reasons, the  
16          local educational agency or principal may pro-  
17          vide supporting evidence to the State edu-  
18          cational agency, which shall consider that evi-  
19          dence before making a final determination.

20                   “(C) FINAL DETERMINATION.—Not later  
21          than 30 days after the State educational agency  
22          provides the local educational agency and school  
23          with the opportunity to review such school-level  
24          data under subparagraph (A), the State edu-  
25          cational agency shall make a final determina-

1           tion on the status of the school with respect to  
2           the identification.

3           “(3) DETERMINATIONS.—

4                 “(A) IN GENERAL.—A school’s identifica-  
5           tion under paragraph (1)(B) shall be for a pe-  
6           riod of not more than 5 school years, as deter-  
7           mined by the State.

8                 “(B) ADDITIONAL DETERMINATIONS.—At  
9           the sole discretion of the State educational  
10          agency, the agency may include additional  
11          schools as schools identified under paragraph  
12          (1)(B), based on an annual review of the per-  
13          formance of each public school in the State,  
14          using the same criteria established to identify  
15          schools under paragraph (1)(A).

16                “(C) REMOVAL OF DETERMINATION.—Not-  
17          withstanding subparagraph (A), a State edu-  
18          cational agency may end the identification of a  
19          school under paragraph (1)(B) if the State de-  
20          termines, based on an annual review of the per-  
21          formance of each public school in the State  
22          using the same criteria established to identify  
23          schools under paragraph (1)(A), that such iden-  
24          tification is no longer necessary due to im-

1           proved student academic achievement at the  
2           school.

3           “(4) STATE EDUCATIONAL AGENCY RESPON-  
4           SIBILITIES.—The State educational agency shall—

5                   “(A) make technical assistance available to  
6           local educational agencies that serve schools  
7           identified under paragraph (1)(B); and

8                   “(B) if the State educational agency deter-  
9           mines that a local educational agency failed to  
10          carry out its responsibilities under this section,  
11          take such actions as the State educational agen-  
12          cy determines to be appropriate and in compli-  
13          ance with State law.

14          “(b) LOCAL EDUCATIONAL AGENCY REVIEW AND  
15          PLAN.—

16                   “(1) REVIEW.—After the resolution of the re-  
17          view under subsection (a)(2), each local educational  
18          agency with a school identified under subsection  
19          (a)(1)(B), not later than 3 months after being so  
20          identified, shall—

21                   “(A) conduct a review of such school and  
22          student achievement data, including data from  
23          the State assessments described in section  
24          1111(b)(2), to determine the factors that led to  
25          such identification; and

1           “(B) conduct a review of the policies, pro-  
2           cedures, personnel decisions, and budgetary de-  
3           cisions of the local educational agency and the  
4           school that impact the school and could have  
5           contributed to the identification of the school.

6           “(2) PLAN.—Based on the results of the review  
7           under paragraph (1), the local educational agency,  
8           in consultation with school personnel, parents, and  
9           the local community, shall—

10           “(A) determine the appropriate school  
11           turnaround strategy from subsection (c) for the  
12           identified school; and

13           “(B) develop a comprehensive plan for the  
14           successful implementation of the identified  
15           school turnaround strategy, including a descrip-  
16           tion of—

17           “(i) technical assistance that will be  
18           provided to the school;

19           “(ii) improved delivery of services to  
20           be provided by the local educational agen-  
21           cy;

22           “(iii) curriculum, program of instruc-  
23           tion, or other services provided to students  
24           in the school; and

1                   “(iv) any changes to personnel nec-  
2                   essary to improve educational opportunities  
3                   for children in the school.

4                   “(3) PLAN IMPLEMENTATION.—Except as pro-  
5                   vided in paragraph (4), a school shall implement the  
6                   school plan (including a revised plan), as described  
7                   in paragraph (2)(B), immediately upon approval.

8                   “(4) DELAYED PLAN IMPLEMENTATION.—Not-  
9                   withstanding paragraph (3), a local educational  
10                  agency may allow a school to begin implementation  
11                  of the plan not later than the beginning of the next  
12                  full school year following the identification under  
13                  subsection (a)(1)(B).

14                  “(5) NOTICE TO PARENTS.—A local educational  
15                  agency shall promptly provide to a parent or parents  
16                  of each student enrolled in a school identified under  
17                  subsection (a)(1)(B)—

18                         “(A) an explanation of what the identifica-  
19                         tion means, and how the school compares in  
20                         terms of academic achievement to other elemen-  
21                         tary schools or secondary schools served by the  
22                         local educational agency and the State edu-  
23                         cational agency involved;

24                         “(B) the reasons for the identification;

1           “(C) an explanation of what the local edu-  
 2           cational agency or State educational agency is  
 3           doing to help the school address the student  
 4           academic achievement problem, including a de-  
 5           scription of the school turnaround strategy  
 6           identified in subsection (c)(1) that will be used  
 7           in the school;

8           “(D) an explanation of how the parents  
 9           can become involved in addressing the academic  
 10          achievement issues that caused the school to be  
 11          identified; and

12          “(E) an explanation of the parents’ option  
 13          to transfer their child to another public school  
 14          under subsection (c)(2).

15          “(c) SCHOOL TURNAROUND AND PUBLIC SCHOOL  
 16          CHOICE.—

17          “(1) SCHOOL TURNAROUND STRATEGIES.—  
 18          Consistent with subsections (a)(1) and (b)(1), a local  
 19          educational agency shall identify a school turn-  
 20          around strategy from among the following for an  
 21          identified school:

22          “(A) TRANSFORMATION STRATEGY.—A  
 23          transformation strategy is where a local edu-  
 24          cational agency—

1           “(i) replaces the principal who led the  
2 school before implementation of the strat-  
3 egy;

4           “(ii) provides ongoing, high-quality  
5 professional development to instructional  
6 staff that is aligned with the school’s in-  
7 structional program, facilitates effective  
8 teaching and learning, and supports the  
9 implementation of school turnaround  
10 model;

11           “(iii) implements strategies, such as  
12 financial incentives, increased opportunities  
13 for promotion and career growth, and more  
14 flexible work conditions, that are designed  
15 to recruit, place, and retain staff with the  
16 skills that are necessary to meet the needs  
17 of the students in the school;

18           “(iv) uses data to identify and imple-  
19 ment a research-based instructional pro-  
20 gram that is aligned with State academic  
21 standards;

22           “(v) promotes the continuous use of  
23 student data to provide instruction that  
24 meets the academic needs of individual stu-  
25 dents;

1 “(vi) establishes schedules and strate-  
2 gies that provide increased quality learning  
3 time;

4 “(vii) provides for ongoing parent and  
5 community engagement;

6 “(viii) gives the school sufficient oper-  
7 ational flexibility in programming, staffing,  
8 budgeting, and scheduling to fully imple-  
9 ment a comprehensive strategy that is de-  
10 signed to substantially improve student  
11 achievement and, if applicable, increase the  
12 graduation rate; and

13 “(ix) ensures that the school receives  
14 ongoing, intensive technical assistance and  
15 related support from the local educational  
16 agency, the State educational agency, or  
17 an outside partner.

18 “(B) RESTART STRATEGY.—A restart  
19 strategy is where a local educational agency—

20 “(i) converts a school or closes and re-  
21 opens the school—

22 “(I) under a charter school oper-  
23 ator;

24 “(II) a charter management or-  
25 ganization;



1                   “(III) an education management  
2                   organization;

3                   “(IV) as a magnet school; or

4                   “(V) as an innovative school as  
5                   defined under State law;

6                   “(ii) implements a rigorous review  
7                   process to select such school; and

8                   “(iii) enrolls in the school, within the  
9                   grades it serves, any former student from  
10                  the identified school who wishes to attend  
11                  the school.

12                  “(C) SCHOOL CLOSURE STRATEGY.—A  
13                  school closure strategy is where a local edu-  
14                  cational agency—

15                  “(i) closes a school and enrolls the  
16                  students who attended that school in other  
17                  schools of the local educational agency that  
18                  are higher performing; and

19                  “(ii) provides information to children  
20                  who attended that school and their parents  
21                  about high-quality educational options and  
22                  transition and support services.

23                  “(D) TURNAROUND STRATEGY.—A turn-  
24                  around strategy is where a local educational  
25                  agency—

1           “(i) replaces the principal and gives  
2           the new principal sufficient operational  
3           flexibility (including over staffing, the  
4           school day and school calendar, and budg-  
5           eting) to fully implement a comprehensive  
6           approach to improve student outcomes;

7           “(ii) screens all existing teachers and  
8           retains not more than 50 percent of such  
9           teachers;

10          “(iii) provides instructional staff with  
11          ongoing, high-quality professional develop-  
12          ment that is aligned with the school’s in-  
13          structional program, facilitates effective  
14          teaching and learning, and supports the  
15          implementation of school turnaround mod-  
16          els;

17          “(iv) adopts a new governance struc-  
18          ture for the school;

19          “(v) uses data to identify and imple-  
20          ment a research-based instructional pro-  
21          gram and to inform and differentiate in-  
22          struction in order to meet the academic  
23          needs of individual students;

1           “(vi) establishes schedules and imple-  
2           ments strategies that provide increased  
3           quality learning time; and

4           “(vii) includes strategies and activities  
5           that address the needs of students.

6           “(E) STATE DETERMINED STRATEGY.—A  
7           State educational agency may, with the ap-  
8           proval of the Secretary, establish an alternative  
9           State determined school turnaround strategy  
10          that can be used by local educational agencies  
11          in addition to the strategies identified in sub-  
12          paragraphs (A) through (D).

13          “(F) WAIVER.—

14               “(i) IN GENERAL.—A local edu-  
15               cational agency that is determined to be el-  
16               igible for services under subpart 1 or 2 of  
17               title VI may seek a waiver from the State  
18               educational agency to modify any 1 ele-  
19               ment of the strategies identified in sub-  
20               paragraphs (A) through (D) to better meet  
21               the needs of rural areas.

22               “(ii) PROHIBITION ON REGULA-  
23               TION.—The Secretary shall not promulgate  
24               any regulation, or issue any guidance that  
25               specifies, defines, or prescribes the criteria

1           that a State educational agency uses to  
2           provide waivers to local educational agen-  
3           cies under this subparagraph.

4           “(2) PUBLIC SCHOOL CHOICE.—

5           “(A) IN GENERAL.—In addition to the  
6           school turnaround strategy determined under  
7           paragraph (1), a local educational agency shall,  
8           not later than 3 months before the first day of  
9           the school year following identification under  
10          subsection (a)(1)(B), provide all students en-  
11          rolled in the identified school with the option to  
12          transfer to another public school served by the  
13          local educational agency that has not been iden-  
14          tified under subsection (a)(1)(B), unless such  
15          an option is prohibited by State law.

16          “(B) PRIORITY.—In providing students the  
17          option to transfer to another public school, the  
18          local educational agency shall give priority to  
19          the lowest achieving children from low-income  
20          families, as determined by the local educational  
21          agency for the purposes of allocating funds to  
22          schools under section 1113(a)(3).

23          “(C) TREATMENT.—Students who use the  
24          option to transfer to another public school shall  
25          be enrolled in classes and other activities in the

1 public school to which the students transfer in  
2 the same manner as all other children at the  
3 public school.

4 “(D) SPECIAL RULE.—A local educational  
5 agency shall permit a child who transfers to an-  
6 other public school under this paragraph to re-  
7 main in that school until the child has com-  
8 pleted the highest grade in that school.

9 “(E) PROVISION OF TRANSPORTATION.—

10 “(i) IN GENERAL.—Except as pro-  
11 vided in clause (ii), a local educational  
12 agency shall provide, or shall pay for the  
13 provision of, transportation for a student  
14 who transfers under this paragraph to the  
15 public school to which the student trans-  
16 fers.

17 “(ii) EXCEPTION.—The obligation of  
18 a local educational agency to provide, or  
19 pay for the provision of, transportation for  
20 a student who transfers under this para-  
21 graph ends at the end of a school year if  
22 the local educational agency determines  
23 that the school from which the student  
24 transferred is no longer identified under  
25 subsection (a)(1)(B).

1           “(3) FUNDS FOR SCHOOL TURNAROUND  
2 GRANTS.—

3           “(A) IN GENERAL.—

4                   “(i) GRANTS AUTHORIZED.—The Sec-  
5 retary shall award grants to States, the  
6 Bureau of Indian Education of the Depart-  
7 ment of the Interior, and outlying areas  
8 from allotments made under clause (ii) to  
9 carry out activities consistent with this  
10 paragraph.

11                   “(ii) ALLOTMENTS.—From the total  
12 amount appropriated under section  
13 1002(b) for a fiscal year, the Secretary  
14 shall allot to each State, the Bureau of In-  
15 dian Education of the Department of the  
16 Interior, and each outlying area for such  
17 fiscal year, an amount that bears the same  
18 relationship to such total amount as the  
19 amount such State, the Bureau of Indian  
20 Education of the Department of the Inte-  
21 rior, or such outlying area received under  
22 this part for the most recent preceding  
23 year for which the data are available bears  
24 to the amount received by all such States,  
25 the Bureau of Indian Education of the De-

1           partment of the Interior, and all such out-  
2           lying areas under this part for such most  
3           recent preceding fiscal year.

4           “(B) USE OF GRANT FUNDS.—

5                 “(i) RESERVATION.—A State edu-  
6           cational agency that receives a grant under  
7           subparagraph (A) shall use not less than  
8           95 percent of the grant funds to make  
9           competitive subgrants to local educational  
10          agencies under subparagraph (C) to carry  
11          out the purpose of this paragraph, except  
12          that a State educational agency may re-  
13          serve from this amount such additional  
14          funds as are necessary to implement a  
15          school turnaround strategy in a school that  
16          has been taken over by the State edu-  
17          cational agency as long as such funds are  
18          similar to the amounts awarded through  
19          competitive grants under this paragraph to  
20          other local educational agencies.

21                 “(ii) ACTIVITIES.—A State edu-  
22          cational agency shall use any portion of its  
23          grant funds that it does not use under  
24          clause (i) to carry out activities to support

1 school and local educational agency im-  
2 provements. These activities may include—

3 “(I) providing technical assist-  
4 ance and other support to local edu-  
5 cational agencies; and

6 “(II) evaluating State and local  
7 implementation of school turnaround  
8 strategies and other improvement ac-  
9 tivities, and using the results to im-  
10 prove strategies for supporting and  
11 providing flexibility for identified  
12 schools.

13 “(C) SUBGRANTS TO LOCAL EDUCATIONAL  
14 AGENCIES.—

15 “(i) IN GENERAL.—From the funds  
16 available under subparagraph (B)(i), a  
17 State educational agency shall make sub-  
18 grants, on a competitive basis, to local edu-  
19 cational agencies that serve a school identi-  
20 fied under subsection (a)(1)(B).

21 “(ii) DURATION.—The State edu-  
22 cational agency shall award subgrants  
23 under this paragraph for a period of not  
24 more than 5 years.



1           “(iii) CRITERIA.—Subgrants awarded  
2           under this paragraph shall be of sufficient  
3           size to enable a local educational agency to  
4           effectively implement the selected interven-  
5           tion strategy.

6           “(D) APPLICATION.—In order to receive a  
7           subgrant under this paragraph, a local edu-  
8           cational agency shall submit an application to a  
9           State educational agency at such time, in such  
10          form, and including such information as the  
11          State educational agency may require. Each ap-  
12          plication shall include, at a minimum—

13                 “(i) a description of the process the  
14                 local educational agency has used for se-  
15                 lecting an appropriate school turnaround  
16                 strategy for each school to be served, in-  
17                 cluding how the local educational agency  
18                 has analyzed the needs of each such school;

19                 “(ii) the school turnaround strategy to  
20                 be used in each school to be served and the  
21                 timeline for implementing the selected  
22                 school turnaround strategy in each school  
23                 to be served;

24                 “(iii) a detailed budget covering the  
25                 grant period, including planned expendi-

1           tures at the school level for activities sup-  
2           porting full and effective implementation of  
3           the selected school turnaround strategy;

4           “ (iv) a description of how the local  
5           educational agency will—

6                   “(I) design and implement a  
7                   school turnaround strategy consistent  
8                   with the requirements of the strategy  
9                   selected under paragraph (1), includ-  
10                  ing the use of appropriate measures  
11                  to monitor the effectiveness of imple-  
12                  mentation;

13                  “(II) align other Federal, State,  
14                  and local resources with the turn-  
15                  around strategy;

16                  “(III) modify practices and poli-  
17                  cies, if necessary, to provide oper-  
18                  ational flexibility that enables full and  
19                  effective implementation of the se-  
20                  lected school turnaround strategy;

21                  “(IV) collect and use data on an  
22                  ongoing basis to adjust implementa-  
23                  tion of the school turnaround strategy  
24                  during implementation in order to im-  
25                  prove student academic achievement;

1                   “(V) ensure that the implementa-  
2                   tion of the school turnaround strategy  
3                   meets the needs of each category of  
4                   students described in subclauses (I)  
5                   through (IV) of section  
6                   1111(b)(2)(B)(viii); and

7                   “(VI) sustain successful reforms  
8                   and practices after the funding period  
9                   ends;

10                  “(v) a description of the technical as-  
11                  sistance and other support that the local  
12                  educational agency will provide to ensure  
13                  effective implementation of school turn-  
14                  around strategies in identified schools; and

15                  “(vi) an assurance that each school  
16                  the local educational agency proposes to  
17                  serve will receive all of the State and local  
18                  funds it would have received in the absence  
19                  of funds received under this paragraph.

20                  “(E) LOCAL ACTIVITIES.—A local edu-  
21                  cational agency that receives a subgrant under  
22                  this section—

23                  “(i) shall use the subgrant funds to  
24                  implement a school turnaround strategy in  
25                  schools identified under subsection

1 (a)(1)(B) that consists of 1 or more of the  
2 strategy models described in paragraph  
3 (1); and

4 “(ii) may use the subgrant funds to  
5 carry out local educational agency-level ac-  
6 tivities that directly support the implemen-  
7 tation of the school turnaround strategy  
8 selected for implementation, such as—

9 “(I) carrying out pre-implemen-  
10 tation activities at the school or local  
11 educational agency level during the  
12 school year prior to school year in  
13 which the agency will fully implement  
14 the school turnaround strategy;

15 “(II) recruiting effective teachers  
16 and principals for such schools;

17 “(III) developing teacher and  
18 principal evaluation systems con-  
19 sistent with the requirements of part  
20 A of title II; or

21 “(IV) providing supplemental  
22 educational services to eligible chil-  
23 dren identified as being most at risk  
24 of academic failure.

25 “(4) FUNDS FOR TRANSPORTATION.—

1           “(A) IN GENERAL.—Unless a lesser  
2 amount is needed to comply with paragraph  
3 (2)(E), a local educational agency shall spend  
4 an amount equal to 5 percent of its allocation  
5 under subpart 2 to carry out the transportation  
6 requirements under such paragraph.

7           “(B) TOTAL AMOUNT.—The total amount  
8 described in subparagraph (A) is the maximum  
9 amount the local educational agency shall be re-  
10 quired to spend under this part on the trans-  
11 portation requirements under paragraph (2)(E).

12           “(C) INSUFFICIENT FUNDS.—If the  
13 amount of funds available under subparagraph  
14 (A) to provide transportation services under  
15 paragraph (2)(E) is insufficient to provide serv-  
16 ices to each child whose parents request the  
17 services, the local educational agency shall give  
18 priority to providing the services to the lowest-  
19 achieving children.

20 **“SEC. 1115. SCHOOL SUPPORT AND RECOGNITION.**

21           “(a) SYSTEM FOR SUPPORT.—

22           “(1) IN GENERAL.—Each State may establish a  
23 statewide system to identify schools and local edu-  
24 cational agencies that receive funds under this title  
25 and that deserve recognition for improving student

1 achievement or need assistance to improve student  
2 achievement.

3 “(2) STATEWIDE SYSTEM FOR RECOGNITION.—

4 In order to achieve the purpose described in para-  
5 graph (1), the statewide system for recognition may  
6 include the following approaches:

7 “(A) Establishing a program for making  
8 academic achievement awards to recognize  
9 schools that make significant progress in im-  
10 proving student academic achievement, as de-  
11 termined by the State.

12 “(B) Sharing best practices from schools  
13 identified under this section with schools that  
14 have low student achievement or significant  
15 gaps in achievement among categories of stu-  
16 dents described in subclauses (I) through (IV)  
17 of section 1111(b)(2)(B)(viii).

18 “(C) Identifying the practices described in  
19 subparagraph (B).

20 “(D) Other strategies identified by the  
21 State as appropriate.

22 “(3) STATEWIDE SYSTEM OF SUPPORT.—In  
23 order to achieve the purpose described in paragraph  
24 (1), the statewide system of support may include the  
25 following approaches:

1           “(A) Providing technical assistance and fi-  
2           nancial support to improve the capacity of local  
3           educational agencies to improve student  
4           achievement.

5           “(B) Establishing a program for identi-  
6           fying schools and local educational agencies  
7           with significant challenges in improving student  
8           achievement and providing assistance on devel-  
9           oping strategies to address such challenges.

10           “(C) Other strategies identified by the  
11           State as appropriate.

12           “(b) FUNDING.—Each State may use State adminis-  
13           trative funds authorized under section 1003(a) for the  
14           purposes of this section.

15           **“SEC. 1117. RESERVED.”;**

16           and

17           (2) by striking section 1119 and inserting the  
18           following:

19           **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
20           **PROFESSIONALS.**

21           “(a) TEACHERS.—Each local educational agency re-  
22           ceiving assistance under this part shall ensure that all  
23           teachers working in a program supported with funds  
24           under this part meet applicable State certification and li-  
25           censure requirements.

1 “(b) PARAPROFESSIONALS.—

2 “(1) IN GENERAL.—Each local educational  
3 agency receiving assistance under this part shall en-  
4 sure that all paraprofessionals hired after the date  
5 of enactment of the No Child Left Behind Act of  
6 2001 (Public Law 107–110) and working in a pro-  
7 gram supported with funds under this part have—

8 “(A) completed not less than 2 years of  
9 study at an institution of higher education;

10 “(B) obtained an associate’s (or higher)  
11 degree; or

12 “(C) met a rigorous standard of quality  
13 and can demonstrate, through a formal State or  
14 local academic assessment—

15 “(i) knowledge of, and the ability to  
16 assist in, instructing, reading, writing, and  
17 mathematics; or

18 “(ii) knowledge of, and the ability to  
19 assist in, reading readiness, writing readi-  
20 ness, and mathematics readiness, as appro-  
21 priate.

22 “(2) CLARIFICATION.—The receipt of a sec-  
23 ondary school diploma (or its recognized equivalent)  
24 shall be necessary but not sufficient to satisfy the  
25 requirements of paragraph (1)(C).



1       “(c) EXCEPTIONS FOR TRANSLATION AND PARENTAL  
2 INVOLVEMENT ACTIVITIES.—Subsection (b) shall not  
3 apply to a paraprofessional—

4           “(1) who is proficient in English and a lan-  
5 guage other than English and who provides services  
6 primarily to enhance the participation of children in  
7 programs under this part by acting as a translator;  
8 or

9           “(2) whose duties consist solely of conducting  
10 parental involvement activities consistent with sec-  
11 tion 1118.

12       “(d) DUTIES OF PARAPROFESSIONALS.—

13           “(1) IN GENERAL.—Each local educational  
14 agency receiving assistance under this part shall en-  
15 sure that a paraprofessional working in a program  
16 supported with funds under this part is not assigned  
17 a duty inconsistent with this subsection.

18           “(2) LIMITATIONS.—A paraprofessional de-  
19 scribed in paragraph (1) may only provide instruc-  
20 tional service to a student under the direct super-  
21 vision of a teacher or principal.

22           “(3) RESPONSIBILITIES PARAPROFESSIONALS  
23 MAY BE ASSIGNED.—A paraprofessional described in  
24 paragraph (1) may be assigned—

1           “(3) RESPONSIBILITIES PARAPROFESSIONALS  
2           MAY BE ASSIGNED.—A paraprofessional described in  
3           paragraph (1) may be assigned—

4                   “(A) to provide one-on-one tutoring for eli-  
5                   gible students, if the tutoring is scheduled at a  
6                   time when a student would not otherwise re-  
7                   ceive instruction from a teacher;

8                   “(B) to assist with classroom management,  
9                   such as organizing instructional and other ma-  
10                  terials;

11                  “(C) to provide assistance in a computer  
12                  laboratory;

13                  “(D) to conduct parental involvement ac-  
14                  tivities;

15                  “(E) to provide support in a library or  
16                  media center;

17                  “(F) to act as a translator; or

18                  “(G) to provide instructional services to  
19                  students in accordance with paragraph (2).”.

20                   **TITLE II—ACADEMIC**  
21                   **ASSESSMENTS**

22           **SEC. 201. ACADEMIC ASSESSMENTS.**

23           Part B of title I (20 U.S.C. 6361 et seq.) is amended  
24           to read as follows:

1           **“PART B—ACADEMIC ASSESSMENTS**

2   **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**  
3           **LATED ACTIVITIES.**

4           “The Secretary shall make grants to States to enable  
5 the States to carry out the following:

6           “(1) To pay the costs of the development of the  
7 additional State assessments and standards required  
8 by section 1111(b), which may include the costs of  
9 working in voluntary partnerships with other States,  
10 at the sole discretion of each such State.

11           “(2) If a State has developed the assessments  
12 required by section 1111(b), to administer those as-  
13 sessments or to carry out other activities described  
14 in this part and other activities related to ensuring  
15 that the State’s schools and local educational agen-  
16 cies are held accountable for results, such as the fol-  
17 lowing:

18           “(A) Expanding the range of appropriate  
19 accommodations available to English language  
20 learners and students with disabilities to im-  
21 prove the rates of inclusion in regular assess-  
22 ments of such students, including professional  
23 development activities to improve the implemen-  
24 tation of such accommodations in instructional  
25 practice.

1           “(B) Developing or improving assessments  
2 for students with disabilities, including the de-  
3 velopment of assessments—

4                   “(i) for all students, including stu-  
5 dents with disabilities, using the principles  
6 of universal design;

7                   “(ii) aligned to modified State content  
8 standards; and

9                   “(iii) aligned to alternate State con-  
10 tent standards for students with the most  
11 significant cognitive disabilities.

12           “(C) Developing college and career ready  
13 State academic content and student academic  
14 achievement standards and aligned assessments  
15 in academic subjects for which standards and  
16 assessments are not required by section  
17 1111(b).

18           “(D) Developing or improving assessments  
19 of English language proficiency necessary to  
20 comply with section 1111(b)(2)(B)(vi)(IV).

21           “(E) Ensuring the continued validity and  
22 reliability of State assessments.

23           “(F) Refining State assessments to ensure  
24 their continued alignment with the State’s aca-  
25 demic content standards and to improve the

1 alignment of curricula and instructional mate-  
2 rials.

3 **“SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRU-**  
4 **MENTS.**

5 “(a) GRANT PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—From funds made available  
7 to carry out this part, the Secretary shall award, on  
8 a competitive basis, grants to State educational  
9 agencies to enable the agencies to carry out the ac-  
10 tivities described in this section.

11 “(2) APPLICATION.—A State educational agen-  
12 cy that desires to receive a grant under this section  
13 shall submit an application to the Secretary at such  
14 time, in such manner, and containing such informa-  
15 tion as the Secretary may require.

16 “(3) AWARD OF GRANTS.—The Secretary shall  
17 award grants to State educational agencies whose  
18 applications demonstrate, to the satisfaction of the  
19 Secretary, that the following requirements of this  
20 section will be met:

21 “(A) Developing or improving assessments  
22 for students with disabilities, including the de-  
23 velopment of assessments—

1           “(i) for all students, including stu-  
2           dents with disabilities, using the principles  
3           of universal design;

4           “(ii) aligned to modified State content  
5           standards; and

6           “(iii) aligned to alternate State con-  
7           tent standards for students with the most  
8           significant cognitive disabilities.

9           “(B) Collaborating with institutions of  
10          higher education, other research institutions, or  
11          other organizations to improve the quality, va-  
12          lidity, and reliability of State academic assess-  
13          ments.

14          “(C) Measuring student academic achieve-  
15          ment using multiple measures of student aca-  
16          demic achievement from multiple sources.

17          “(D) Measuring student progress or aca-  
18          demic growth over time.

19          “(E) Evaluating student academic achieve-  
20          ment through the development of comprehensive  
21          academic assessment instruments, such as per-  
22          formance and technology-based academic as-  
23          sessments.

24          “(F) Developing or improving the quality,  
25          validity, and reliability of assessments for

1 English language learners, including alternative  
2 assessments aligned with State content stand-  
3 ards, testing accommodations for English lan-  
4 guage learners, and assessments of English lan-  
5 guage proficiency.

6 “(b) ANNUAL REPORT.—Each State educational  
7 agency receiving a grant under this section shall submit  
8 an annual report to the Secretary describing its activities,  
9 and the result of those activities, under the grant.

10 **“SEC. 1203. FUNDING.**

11 “(a) ALLOTMENT OF APPROPRIATED FUNDS.—

12 “(1) IN GENERAL.—From amounts made avail-  
13 able for each fiscal year under subsection 1002(c)  
14 that are equal to or less than the amount described  
15 in section 1111(b)(2)(F) (referred to in this sub-  
16 section as the ‘trigger amount’), the Secretary  
17 shall—

18 “(A) reserve one-half of 1 percent for the  
19 Bureau of Indian Affairs;

20 “(B) reserve one-half of 1 percent for the  
21 outlying areas; and

22 “(C) from the remainder, allocate to each  
23 State an amount equal to—

24 “(i) \$3,000,000; and

1           “(ii) with respect to any amounts re-  
2           maining after the allocation is made under  
3           clause (i), an amount that bears the same  
4           relationship to such total remaining  
5           amounts as the number of students ages 5  
6           through 17 in the State (as determined by  
7           the Secretary on the basis of the most re-  
8           cent satisfactory data) bears to the total  
9           number of such students in all States.

10           “(2) REMAINDER.—Any amounts remaining for  
11           a fiscal year after the Secretary carries out para-  
12           graph (1) shall be made available as follows:

13           “(A)(i) To award funds under section 1202  
14           to States according to the quality, needs, and  
15           scope of the State application under that sec-  
16           tion.

17           “(ii) In determining the grant amount  
18           under clause (i), the Secretary shall ensure that  
19           a State’s grant shall include an amount that  
20           bears the same relationship to the total funds  
21           available under this paragraph for the fiscal  
22           year as the number of students ages 5 through  
23           17 in the State (as determined by the Secretary  
24           on the basis of the most recent satisfactory



1 data) bears to the total number of such stu-  
 2 dents in all States.

3 “(B) Any amounts remaining after the  
 4 Secretary awards funds under subparagraph  
 5 (A) shall be allocated to each State that did not  
 6 receive a grant under such subparagraph, in an  
 7 amount that bears the same relationship to the  
 8 total funds available under this subparagraph  
 9 as the number of students ages 5 through 17  
 10 in the State (as determined by the Secretary on  
 11 the basis of the most recent satisfactory data)  
 12 bears to the total number of such students in  
 13 all States.

14 “(3) PRIORITY.—The Secretary shall give pri-  
 15 ority to States that propose to conduct activities  
 16 consistent with section 1202(a)(3)(A).

17 “(b) STATE DEFINED.—In this section, the term  
 18 ‘State’ means each of the 50 States, the District of Colum-  
 19 bia, and the Commonwealth of Puerto Rico.”.

20 **TITLE III—NATIONAL**  
 21 **ASSESSMENT OF TITLE I**

22 **SEC. 301. EVALUATIONS.**

23 Section 1501 (20 U.S.C. 6491) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (2)—

1 (i) in subparagraph (A), by striking  
2 “relative to the goal of all students reach-  
3 ing the proficient level of achievement  
4 based on State academic assessments,  
5 challenging State academic content stand-  
6 ards, and challenging State student aca-  
7 demic achievement standards under section  
8 1111.” and inserting “so that all students  
9 are prepared to graduate from high school  
10 ready to enter college or a career without  
11 the need for academic remediation”;

12 (ii) by striking subparagraphs (D),  
13 (F), and (G);

14 (iii) by redesignating subparagraphs  
15 (E), (H), (I), (J), (K), (L), (M), (N), and  
16 (O), as subparagraphs (D), (E), (F), (G),  
17 (H), (I), (J), (K), and (L), respectively;

18 (iv) in subparagraph (D), as redesign-  
19 nated by clause (iii)—

20 (I) in clause (iii), by adding  
21 “and” after the semicolon;

22 (II) in clause (iv), by striking “;  
23 and” and inserting a period; and

24 (III) by striking clause (v);

1 (v) by striking subparagraph (F), as  
2 redesignated by clause (iii), and inserting  
3 the following:

4 “(G) The extent to which actions author-  
5 ized under section 1114(c) are implemented by  
6 State educational agencies and local educational  
7 agencies to improve the academic achievement  
8 of students in low-performing schools, and the  
9 effectiveness of such actions, including the fol-  
10 lowing:

11 “(i) The number of schools identified  
12 under section 1114(a)(1)(B) and how  
13 many years schools remain so identified.

14 “(ii) The school turnaround models  
15 implemented by the State educational  
16 agency and the local educational agency  
17 and the impact of such models on improv-  
18 ing student academic achievement and im-  
19 proving school performance.

20 “(iii) The number of parents who take  
21 advantage of the public school choice provi-  
22 sions of this title, the costs (including  
23 transportation costs) associated with im-  
24 plementing these provisions, the implemen-  
25 tation of these provisions, and the impact

1 of these provisions (including the impact of  
2 attending another school) on student  
3 achievement.”; and

4 (vi) in subparagraph (K), as redesignig-  
5 nated by clause (iii), by striking “section  
6 1111(b)(2)(C)(v)(II)” and inserting “sub-  
7 clauses (I) through (IV) of section  
8 1111(b)(2)(B)(viii)”;

9 (B) in paragraph (6)—

10 (i) in subparagraph (A), by striking  
11 “the No Child Left Behind Act of 2001”  
12 and inserting “Elementary and Secondary  
13 Education Amendments Act of 2011”; and

14 (ii) in subparagraph (B), by striking  
15 “the No Child Left Behind Act of 2001”  
16 and inserting “Elementary and Secondary  
17 Education Amendments Act of 2011”; and

18 (2) in subsection (c)(2)(E), by striking “section  
19 1116” and inserting “section 1114(c)”.

20 **SEC. 302. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

21 Part E of title I (20 U.S.C. 6491 et seq.) is amended  
22 by striking sections 1502 through 1504.

1                   **TITLE IV—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 401. GENERAL PROVISIONS.**

4           Title I (20 U.S.C. 6301 et seq.) is amended—

5                   (1) by striking parts F, G, and H;

6                   (2) by striking section 1908;

7                   (3) by redesignating part I as part F;

8                   (4) by redesignating sections 1901 through  
9           1907 as sections 1601 through 1607; and

10                   (5) in section 1604, as redesignated by para-  
11           graph (4), by striking “6 local educational agencies”  
12           and inserting “25 local educational agencies” both  
13           places the term appears.

14                   **TITLE V—TRANSFERABILITY OF**  
15                   **FUNDS**

16 **SEC. 501. TRANSFERABILITY OF FUNDS.**

17           Section 6123 (20 U.S.C. 7305b) is amended—

18                   (1) in subsection (a)—

19                           (A) in paragraph (1)—

20                                   (i) in the matter preceding subpara-  
21                           graph (A), by striking “not more than 50  
22                           percent of the nonadministrative State  
23                           funds” and inserting “all, or any lesser  
24                           amount, of State funds”; and

1 (ii) by striking subparagraphs (A)  
2 through (D) and inserting the following:

3 “(A) Any provision of title II.

4 “(B) Any provision of title IV.”; and

5 (B) in paragraph (2), by striking “and  
6 subject to the 50 percent limitation described in  
7 paragraph (1)”;

8 (2) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by striking  
11 “(except” and all that follows through  
12 “subparagraph (C))” and inserting “may  
13 transfer all, or any lesser amount, of the  
14 funds allocated to it”;

15 (ii) by striking subparagraph (B);

16 (iii) by redesignating subparagraph  
17 (C) as subparagraph (B); and

18 (iv) in subparagraph (B), as redesignated  
19 by clause (iii), by striking “and sub-  
20 ject to the percentage limitation described  
21 in subparagraph (A) or (B), as applica-  
22 ble”;

23 (B) in paragraph (2)—

1 (i) by striking “subparagraph (A),  
 2 (B), or (C)” and inserting “subparagraph  
 3 (A) or (B)”; and

4 (ii) by striking subparagraphs (A)  
 5 through (D) and inserting the following:

6 “(A) Any provision of title II.

7 “(B) Any provision of title IV.”.

8 **TITLE VI—NATIONAL ASSESS-**  
 9 **MENT OF EDUCATIONAL**  
 10 **PROGRESS**

11 **SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.**

12 Section 305 of the National Assessment of Edu-  
 13 cational Progress Authorization Act (20 U.S.C. 9624) is  
 14 amended—

15 (1) by redesignating subsection (b) as sub-  
 16 section (c); and

17 (2) by inserting after subsection (a) the fol-  
 18 lowing:

19 “(b) STATE ASSESSMENTS.—For the purpose of ad-  
 20 ministering the State assessments under this title, there  
 21 are authorized to be appropriated \$72,000,000 for each  
 22 of fiscal years 2012 through 2016.”.

○