



NEA’s Initial Legislative Recommendations For Reauthorization of the Elementary and Secondary Education Act March 26, 2010

The following is an outline of legislative specifications for reauthorizing the Elementary and Secondary Education Act of 1965 (ESEA), currently known as No Child Left Behind. This outline attempts to capture the essence of [NEA’s Positive Agenda for ESEA Reauthorization](#),¹ including our [priority areas](#)² for amending the existing law. This outline calls for both substantial policy changes, as well as some restructuring in the statute as a whole. We have moved some programs into different titles to help more coherently structure the law and reflect our philosophy that high standards, sound assessments, quality educators, a rich 21st century curriculum, and a full range of student and school supports and interventions are all keys to ensuring a great public school for every child. Existing ESEA programs that are not specifically listed in these specifications should be retained in the law; we have no recommended changes for those programs at this time, although we may suggest changes in the future. We have attached an amended Table of Contents (see **Appendix I**), so that changes to the names of titles, additional programs, and relocated programs can be more easily seen. NEA is currently working on legislative language for this proposal, some of which is attached in this document (see especially attached Title I revisions in **Appendix II**). We will submit additional language in the coming weeks.

Part I – Elementary and Secondary Programs – Elementary and Secondary Education Act of 1965

- Section 1: Short Title. This Act may be cited as the Great Public Schools for All Act of 2010 (“GPSA”) [amending the Elementary and Secondary Education Act of 1965].
- Add New Section 1A - Purpose Statement: "The public education system is critical to democracy and its purpose, as reflected in this Act, is to maximize the achievement, skills, opportunities and potential of all students by building upon their strengths and addressing their needs, and to ensure that all students are prepared to thrive in a democratic society and diverse, changing world as knowledgeable, creative and engaged citizens and lifelong learners."

I. Title I: Improving the Academic Achievement of the Disadvantaged ~~Improving the Academic Achievement of Disadvantaged~~ Students and Fostering Successful Schools

(See detailed Title I amended language in the attached **Appendix II**.)

- Section 1001: Revise Title I Statement of Purpose – see attached legislative language.

¹ <http://www.nea.org/lac/esea/images/posagenda.pdf>

² <http://www.nea.org/esea/legpriorities.html>

- Section 1002. Eliminate Reading First language and revise consistent with suggested revisions for Title I.
- Section 1003: School Improvement - revise consistent with suggested revisions for Title I and Title VI.

A. Part A—Improving Basic Programs Operated by Local Educational Agencies

1. Subpart 1—Basic Program Requirements

a. Section 1111. State plans. Amend as follows:

(a) Plans required.

Require States to submit state plans to comprehensive peer review prior to submission to the Secretary of Education. Peer reviewers must determine whether the State plan addresses the revised, broad purpose of the Act; describes an accountability system that contains multiple, valid measures of student learning with a focus on growth; and requires comprehensive and aligned state standards, assessment systems, curriculum, and professional development.

(b) Academic Standards, Academic Assessments, and Accountability

Revise to include new language reflecting Common Core State Standards (CCSS), and if a state elects to adopt a different set of standards, require additional evidence that the state's standards are comparable to the CCSS standards in rigor, content and clarity. Ensure that State addresses broad purpose and curricular areas described in the Act; consults with stakeholders and educators; aligns standards to assessments, teacher preparation, curriculum, instruction and professional development; and addresses needs of diverse student populations, including English Language Learners and students with disabilities. Develop national core English Language Proficiency evidence-based standards that are aligned to national academic core standards.

b. Section 1111(b)(2). Amend according to these specifications (full language provided in **Appendix II**):

(2) Accountability.

(A) In General. Each State plan shall demonstrate that the State has developed a complete and balanced accountability system that reflects the broad purpose of this Act. The State's accountability system shall include components that address the following broad curricular areas:

- (i) academic knowledge and skills;
- (ii) technical, vocational and life skills for the 21st century;
- (iii) effective and engaged community and civic participation; and
- (iv) skills necessary for physical and emotional health, well-being and self-actualization.

(B) Equity, Adequacy and Sustainability. The State's plan shall include a description of its efforts to monitor and achieve equity, adequacy and sustainability in resources and quality among its public schools.

(C) Report Card Indicators. To be eligible to receive funds under this Act, all States must monitor progress in the following indicator areas:

- (i) growth in student learning;
- (ii) closing gaps in student learning between student populations listed in Section ___; and
- (iii) for secondary schools, improvement in the rate of graduation using the uniform graduation calculation methodology articulated in Section 1111A.

See attached language for new definitions of the following: "student learning"; "growth in student learning"; "closing gaps in student learning"; "graduation rate improvement."

(D) Student subpopulations. Student subpopulations to be analyzed as part of "closing gaps in student learning" shall include:

- i) economically disadvantaged students;
- ii) students from major racial and ethnic groups;
- iii) students with disabilities; and
- iv) students who are English Language Learners;

except that disaggregation of data under this provision shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. The Secretary shall issue further guidance on disaggregation of student populations in accordance with recommendations from major stakeholders, including but not limited to the National Council on Measurement in Education, the National Academy of Science, and the American Education Research Association.

(E) Report Card. Beginning in the 2013-2014 school year, each State shall submit an annual Report Card measuring schools' growth or progress over the prior three years for each of the above indicators. The amount of annual growth or progress in each of the three indicator areas that schools must demonstrate shall be determined by the State and reflected in its state plan. The Report Card shall divide schools into three categories: Exemplary Schools, On Target Schools, and Priority Schools.

- i) Exemplary Schools are schools that rank in the top 25 percent in all three indicator areas. Exemplary Schools shall receive a commendation in a manner determined by the State. Any Exemplary School that falls in the top 5 percent in any of the three indicator areas for two or more consecutive years shall receive a special acknowledgment by the Secretary, be invited to participate in an annual symposium to share promising practices, and be eligible to apply for further innovation grants. The State may also nominate individual principals, teachers and other school staff within these schools to receive individual recognition and be eligible to participate in the annual symposium.
- ii) On Target Schools are schools that rank between the 26th and 74th percentiles in any of three indicator areas. On Target Schools shall require no further

federal action and enjoy continued flexibility unless the State determines that additional measures or opportunities to spur growth and progress in one or more indicator areas are warranted.

- iii) Priority Schools are schools that rank in the lowest 25 percent in any of the three indicator areas for two or more consecutive years. Priority Schools shall be required to undergo a State-led external review based on a school review system, which shall include a school-based internal self-evaluation. States or state consortia may apply for grants to develop and implement a school review system that includes the elements listed below.

(F) School Review Teams. School review teams shall be assembled by the State monitor the following in each Priority School:

- (i) the quality, completeness and alignment of the school's systems of student assessment, curriculum, instruction and leadership; and
- (ii) the school's attention to other critical indicators influencing student learning, including student health, safety and well-being; teaching, working and learning conditions; class size; support and professional development for teachers and other staff; parent/community engagement; and other factors identified by the state.

The school review process shall include an analysis of whether the Priority School, when referenced against a standard measure of acceptable performance for all three indicator areas as determined by the Secretary in consultation with experts and stakeholders, warrants further intervention or not.

(G) School Intervention Strategies.

- For Priority Schools that fall in the bottom 5 percent in any indicator area, the State shall be required to offer intensive intervention and supports and guidance with federal assistance consistent with Title VI of this Act, subject to the parameters described in the attached language.
- For Priority Schools that fall within the 6-25th percentile, the State *may* provide intensive intervention, supports and guidance consistent with Title VI of this Act after reviewing the results of the school review team, subject to the parameters described in the attached language.
- Charter school accountability: **See Appendix X**

(3) Academic Assessment Systems.

Require that each State plan shall include an assessment system that is accessible and balanced and includes innovative summative assessments, formative assessments, professional development and effective and efficient data systems. See attached language for full descriptions of the following terms:

- Summative assessments
- Formative assessments
- Professional development

- Data systems

Require that states administer assessments for accountability purposes once in each of the following grade spans: 4-6 and 7-9. Students in grades 3 and lower shall not be subject to standardized assessments for accountability purposes.

Allow a State, at its discretion, to assess students in high school through a variety of means, which may include but are not limited to, end of course exams, high school exit exams, and senior projects.

Require that assessments involve multiple measures of student academic achievement, including measures that assess higher-order thinking skills and knowledge necessary for life in a global and interdependent, 21st-century society.

Require that, for purposes of this section, schools must assess at least 95 percent of its students. However, students who have, pursuant to state law, opted out of mandatory standardized assessment shall not be included in the participation rate calculation.

Require that, to the extent feasible, the State shall ensure that assessments are accessible to all students by using principles of universal design for learning (UDL), and that the State develop guidelines governing the provision of accommodations and ensure that students, including students with disabilities and English Language Learner (ELL) students, are afforded a wide range of appropriate assessment accommodations and multiple pathways to demonstrate their knowledge, skills and abilities in accordance with intended learning standards and instructional goals.

Require States to ensure that the process of assessing students with disabilities is accessible, valid, reliable and fair. Students with disabilities shall be assessed in accordance with their Individualized Education Program (IEP) as required by the Individuals with Disabilities Education Act (IDEA).

Require States to ensure that the process for assessing (ELL) students is valid, reliable and fair. The State shall describe in its State plan its process for classifying students as ELL, determining when and how ELL students are assessed, and aligning assessments administered to ELL students with their instruction and needs. The State should further detail how it is making available, to the extent feasible and appropriate, linguistically and culturally appropriate native language assessments, assessment accommodations, and diverse instructional practices and programs for ELL students. For purposes of this section, ELL students should be included in appropriately designed assessment results as soon as practicable, but no later than three years after their entry into the public school system.

Require the Secretary to provide grants to assist States in developing all aspects of a complete assessment system.

Affirm that nothing in this Act shall be construed to impose additional testing requirements on States beyond those prescribed in this section.

(4) Statewide P-16 Education Data Systems

Require that States establish a longitudinal, statewide P-16 education data system and ensure that it contains the elements listed in the America Competes Act [P.L. 110-69], except that Section 6401(e)(2)(C)(i)(VI) shall be amended to read as follows:

“maintain adequate security measures to ensure the confidentiality and integrity of the statewide P-16 education data system, such as protecting a student and/or educator record or identity from identification, public dissemination or misuse.”

c. Section 1111A.

Insert language from the Every Student Counts Act (HR 1569/S. 618 from 111th Congress), as amended in the Appendix II, that establishes a system for calculating graduation rates for accountability purposes and requires calculation of 4-, 5- and 6-year adjusted cohort graduation rates.

d. Section 1116.

Retain language in Section 1116(d): “Construction. Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.”

Delete sections referring to AYP, public school choice, and supplemental educational services.

e. Section 1118.

Change section title to “Parental, family and community engagement” and make amendments to conform to new title. NEA generally supports recommendations by the Parent Teacher Association to strengthen and expand policies, practices and programs related to family engagement and to improve Parental Information Resource Centers (PIRCS).

2. Subpart 2—Allocations

Slightly increase States’ and LEAs’ administrative set-aside funds to be used for enhanced data systems and support, including technical and clerical support, to accommodate additional paperwork and data demands.

B. Part B—Student Reading Skills Improvement—strike portions of Title I, Part B that conflict with language contained in the LEARN Act, as amended by the attachment (see **Appendix III**), to be inserted in Title V, Part C of this Act

C. Part C—No changes at this time

D. Part D—No changes at this time

E. Part E—National Assessment of Title I—revise according to changes in Title I consistent with these legislative specifications.

F. Part F—Comprehensive School Reform—revise consistent with changes in Title I and Title VI consistent with these legislative specifications.

G. Part G—Advanced Placement Programs—move to different title that addresses secondary school improvement and innovation

H. Part H—School Dropout Prevention—Move to different title that addresses secondary school improvement and graduation

I. Part I—Sec. 1908—Regulations for sections 1111 and 1116—amend to make consistent with above changes, including deleting references to AYP, public school choice, and supplemental educational services.

II. Title II: Preparing, Training and Recruiting High Quality Teachers and Principals-Educators

NEA supports the inclusion of most provisions of the Teacher Excellence for All Children Act of 2007 (HR 2204) from the 110th Congress, into Title II, with appropriate protections for employees' rights and due process. We also want to ensure that specifications listed below are included as well:

A. Part A—~~Teacher and Principal~~ Teacher and Principal Educator Training and Recruiting Fund

1. Subpart 1—

- a. Grants to States for Teaching and Learning Conditions Survey—it shall be an allowable use of Title II funds to make available resources for states to conduct a teaching and learning initiative that will provide information on working conditions. Analysis of the Teaching and Learning Conditions Survey results will provide states, individual districts and schools with reliable data regarding their own teachers' perspective on their working conditions and the impact of these conditions on student learning.

The teaching and learning conditions initiative should:

- reflect the needs of the state and school districts
- provide data that can lead to potential strategies to improve teaching and learning programs and guide policies and professional development strategies at the state, district and school levels
- engage a broad coalition involving the state department of education officials, policymakers, union officials, teachers and administrators reflect the needs of teachers in professional development and school reform

(This grant program would help jump start work that has already begun at the New Teacher Center in several states. www.newteachercenter.org/tlcsurvey/index.php).

- b. Section 2112(b) – add a requirement to the SEA application for funds that the SEA must describe how it will provide professional development in the teaching of diverse learners to help educators learn how to engage, teach, and help facilitate learning for students with disabilities, students learning English, and other diverse learners. Professional development in this area also should include a parental engagement component designed to address effective parental involvement strategies for these student populations, as well as strategies about dropout prevention, and closing achievement and skills gaps. These funds shall be used to

provide professional development for teachers, principals, specialized instructional support professionals, and paraprofessionals.

- c. Add a new Section 2112(b)(13), as follows:

“(13) A description of how the State educational agency will use funds under this part to provide training in the use of teaching methods consistent with the principles of universal design for learning, as defined in section 1111(b)(1)(G)(ii).”

- d. Add a paragraph to Section 2113, Subpart C as follows

(19) developing teacher diversity workforce initiatives that recruit minority students and men into educator preparation programs; support preparation programs at minority serving institutions; or that use funds for loan forgiveness and financial aid incentives to recruit diverse teacher candidates, including candidates with bilingual and linguistic diversity.

2. Subpart 2—Subgrants to Local Educational Agencies

- a. Section 2122(b)(5) & (9) – add in specialized instructional support professionals and paraprofessionals as classes of employees whose professional development needs must be included in an LEA’s application for Title II funds from the SEA
- b. Section 2122(b)(12) *new*—The LEA in its application should provide a description of how it complies with the (new) requirement that needs assessments are conducted annually, even if the application for funds is not required annually. The results of these assessments should be made available to educators.
- c. Section 2122(c) – require that the professional development “needs assessment” of educators occur on an annual basis.
- d. Amend Section 2122(c)(2) as follows, in bold:

“(c) NEEDS ASSESSMENT-

(2) REQUIREMENTS- Such needs assessment shall be conducted with the involvement of **general and special education** teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills **consistent with the principles of universal design for learning, as defined in Section 1111(b)(1)(G)(ii)**, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.”

- e. Section 2123(a)(4)(E) *new*—Add in as an allowable use of local funds that LEAs may conduct a teaching and learning conditions survey; allow consortia of LEAs to conduct this type of survey. For LEAs in states that do not receive the state grants to conduct this kind of activity, LEAs should be permitted to use funds for this purpose.

3. Subpart 3—No changes at this time

4. Subpart 4—No changes at this time

5. Subpart 5—National Activities: Addition of a National Class Size Database (see **Appendix IV**)

- i. Chapter A—Helping Elevate Learning and Education Now (HELEN) National Class Size Database—Of the amounts appropriated under this Title, the Secretary shall reserve \$3.5 million to award to an eligible entity to create a national database that will be developed and maintained for the submission of student and teacher data to permit the accurate calculation of class size for every school building, district, and state. The database should require the entry of data on student enrollment by specific categories such as grade level, program type, language fluency, and free-reduced lunch status. Also, data on classroom teachers should be maintained such as the number of teachers by grade, subject, and certification status. The database should be managed and maintained by a grantee with the technical expertise necessary to plan and facilitate the collection of data and the production of reports, preferably with experience in class-size data gathering.
- ii. Chapter B—A national clearinghouse on class-size should be developed and maintained to assist states and districts with information such as: class size research; advocacy strategies; school modernization planning; options for maximizing existing classroom space; and best practices in small classroom instruction. The clearinghouse will serve as the repository of information to be disseminated to educators, parents, policymakers, and the media. Add in an eligible entities paragraph that describes HEROS, Health and Education Research Operative Services (HEROS, Inc.)—a non-profit health and education research organization.

B. Part B—No changes at this time

C. Part C—Innovation for ~~Teacher~~ Educator Quality

a. Subpart 1—Class Size Reduction (**See Appendix V**)

- iii. Formula Grant Funds should be used to support a plan to phase-in class size reductions over a period of 7 years, as established in the FY1999 Class Size Reduction (CSR) program. However, the CSR program should be expanded beyond just hiring additional teachers to also include components necessary to support the implementation and monitoring requirements of the program.
 1. Reduced class size, as documented in the research, has the greatest impact on students in the early grades, students from low-income backgrounds, and students with special needs. States should hire appropriate numbers of qualified teachers in each school district to ensure there are:
 - a. no more than 15 students per general classroom in grades K-1, no more than 18 students per general classroom in grades 2-5; no more than 20 students per general classroom in grades 6-8, no more than 25 students per general classroom in grades 9-12, and for states that provide pre-k as part of public education system, no more than 20 students per general classroom with a teacher:pupil ratio of 1:10;
 - b. no more than 15 students per class in programs for students with low socioeconomic backgrounds, and students with exceptional needs including children with disabilities and English Language Learners.

2. States should help districts implement short-term and long-term options to accommodate the need for additional classroom space (e.g., convene school building committees to reallocate the use of existing school space; renovate buildings to restructure existing space; rent classroom space from businesses or establish partnerships in which businesses donate space; team-teaching by two certified teachers in a single classroom; and restructuring the school day and/or calendar to maximize the use of existing space).
3. Districts should set up an implementation and evaluation plan on the impact of their class size reduction program. The evaluation should assess changes in student and teacher outcomes such as: student learning (defined as multiple measures of student learning, such as state assessments, classroom-based assessments, district assessments, portfolios, end-of-course grades, performance assessments, and other measures of learning), grade retention rates, student attendance rates, dropout rates, student discipline incidences, teacher morale, classroom management and instructional practices, teacher retention rates and recruitment, and parental involvement. Reduced caseloads for specialized instructional support (i.e., pupil and related services) personnel, parent satisfaction.
4. States and districts are prohibited from increasing class sizes in other grades in order to reduce class sizes in a particular grade(s).
5. There should be a professional development component of this initiative to help educators manage class size challenges and to understand how to educate and integrate students of different backgrounds in the classroom environment, including ELL students, students with disabilities, and students of different racial, ethnic or socioeconomic backgrounds.

b. Subpart 4—Principal Development (*new*) (We also support S. 837, the I LEAD Act of 2007 introduced in the 110th Congress)

Create a program to provide grants to states for programs that enhance the quality of educational leaders that:

1. Speaks to the improvement of student achievement and a vision of the elements of school, curriculum and instructional practices that make higher achievement possible.
2. Sets high expectations for all students to learn higher-level content.
3. Knows how to lead the creation of a school organization where faculty and staff understand that every student counts and where every student has the support of a qualified and caring adult.
4. Understands the appropriate use of data to initiate and continue improvement in school and classroom practices and student achievement.
5. Uses the principles of collaborative leadership and creates structures that provide teachers input regarding the design and organization of the school.
6. Makes parents partners in their student's education and creates a structure for parent and educator collaboration.
7. Understands the change process and have the leadership and facilitation skills to manage it effectively.

8. Understands how adults learn and knows how to advance meaningful change through high-quality sustained professional development that benefits students and teachers.
9. Uses and organizes resources and time in innovative ways to meet the goals and objectives of school improvement including the time needed to form professional learning communities and teacher professional development.
10. Understands the need to infuse 21st century skills into the curriculum and standards.
11. Understands the ongoing need to assess teaching and learning conditions and implement plans to address conditions which impede teaching and learning.
12. Understands the need to be trained and provide professional development in the area of serving diverse learners (ELLs, poor, students with disabilities, migrant)

Note: Move Teacher Liability Protection (Title II, Part C, Subpart 5) to GEPA

III. Title III: Language Instruction for ~~Limited English Proficient English~~ Language Learner and Immigrant Students

A. Part A—English Language Acquisition, Language Enhancement, and Academic Achievement Act

1. For students under 3rd grade, clarify that the yearly English language proficiency assessments do not have to be paper tests
2. Require that the LEA's Title III improvement plan (Section 3116—Local Plans) include a description of a process by which students, parents, teachers, and other necessary school staff create and implement a process for appropriate identification and recommended placement of ELL students enrolled in the school. Such plan must include procedures that incorporate a minimum of the following features:
 - collect school and compile district level data on the profiles of all students identified as ELL, cluster sub-groups of students with similar level needs, and develop an inventory of the types of services that research on ELL's has deemed appropriate for use with the ELL pupils, including varying services that are based on varying levels of English language proficiency and sensitive to local LEA resources available to support delivery of those services.
 - assess the ELL students' sub-groups unique academic needs;
 - identify programs that respond to the unique needs of various ELL sub-groups identified—including those nearly proficient, those having intermediate English language proficiency, and those identified as having limited English proficiency as measured on approved tests designed to measure English and, where possible native language proficiency. Program options may also include specialized programs that address the unique needs of ELL immigrant pupils who have not been enrolled in schools in the country of origin, or who have resided in the U.S. for three or fewer years.
 - establish and describe academic and language acquisition goals that the student sub-groups shall accomplish within the span of an academic year. The goals should be broken down into short term objectives or benchmarks. Benchmarks must be aligned with state academic content and linguistic proficiency standards. The improvement plan may also address other educational, social, physical, or behavioral needs, or relate to physical needs.

- Involve parents of ELL students in the identification, selection, and placement in appropriate language education instruction programs. All such communications shall be made in a language and manner which the parents will understand.
3. For ELLs with disabilities, schools should coordinate English language acquisition services and efforts with the special education and related services to be provided to the child or on behalf of the child. This includes supplementary aid and services that the child needs. It also includes modifications to the program or supports for school personnel, such as training or professional development, that will be provided to support the child.
 4. ELLs should not, to the extent possible, be removed from the classroom during instructional time; this will require all teachers to participate in professional development that addresses how to teach language acquisition and academic content at grade level simultaneously.
 5. LEA plan must describe the assessment strategies that will be used to measure the child's academic and linguistic progress, and ensure that all measures are psychometrically sound and appropriate for use with students who have been identified as having limited English proficiency.
 6. The school district shall be responsible for ensuring that the programs designed to address the needs of ELL students are being carried out as intended.
 7. New English Language Proficiency Standards: To ensure English language learners achieve grade level academic success and reach the state established academic content and academic achievement standards prepared to graduate from high school with knowledge and skills to enter postsecondary institutions or the workforce, states will develop, and submit to the Secretary for approval, new K-12- English language proficiency standards that include the 4 linguistic domains of listening, speaking, reading and writing combined with the language development components and language acquisition levels and report on comprehension that are aligned to the (new National Common Core Content Standards in English Language Arts and Mathematics- if adopted) or to the state's development of the new academic content and achievement standards in reading, language arts, mathematics and science.
 8. New English Language Proficiency Assessments: To ensure English language learners reach the same level of academic achievement on state established academic content and academic achievement standards, states must develop new English language proficiency (ELP) assessments that are ALIGNED to the new English language proficiency standards (the new National Common Core ELP Standards or new iteration of the state developed ELP standards). The new ELP assessments need to be valid and reliable and align to the 4 linguistic domains of listening, speaking, reading and writing combined with foundational language development components and English language acquisition levels and report on comprehension and include grades K-12.
 9. Professional Development. Additional funds need to be targeted to states and districts to provide ongoing, comprehensive, in-depth professional development for all teachers, administrators, education stakeholders to acquire the knowledge, skills and instructional strategies based on research to address the following:
 - How to teach language development, second language acquisition and academic grade level content knowledge simultaneously in K-12 classrooms nationwide.
 - How administrators can transform and lead new learning environments to include and embrace the new criteria required for ELLs to reach high academic achievement and support all teachers and ELLs in this endeavor.

- How to administer the new ELP assessments for ELLs and effectively use the data to refine and adjust instruction
- How to determine what are the most significant areas of the standards to teach.
- How to align instruction to the curriculum and to the ELP and academic content standards.
- How to understand and interpret each state and district’s accountability system as pertaining to ELL students

IV. Title IV: 21st Century Schools

- A. Part A—Modern Schools and Infrastructure (*New*)
1. Subpart 1—Smaller Learning Communities (No Change)
 2. Subpart 2—NEA supports HR 2187, HR 3221 and S. 1121 (all 111th Congress) to foster school construction, modernization and repair (**see also Appendix VI** for grant program language and Indoor Air Quality Language)
 - a. To amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; Formula Grants, with broad allowable uses: retrofitting (including alterations to meet Section 508 and ADA standards), updating facilities, urgent repairs, technology upgrades, up-to-date textbooks, conversion of materials to Web and CDs, lab equipment, indoor air quality improvement, etc.
 3. Subpart 3—Environmental Hazards
 - a. Chapter A—Asbestos
 - b. Chapter B—Environmental Tobacco Smoke
 - c. Chapter C—Healthy, High-Performance Schools (See end of **Appendix VI**)
- B. Part B—Safe and Drug-Free Schools and Communities
- Revise language to require recipients of SDFS funds to have a plan addressing bullying and harassment (**See Appendix VII**)
 - Require schools to include in its safety plan a complete listing of school mental health professionals, such as school counselors, social workers, psychologists, crisis intervention staff and nurses.
- C. Part C—21st Century Community Learning Centers
- Add a rule of construction: Nothing in this Part shall prohibit a 21st Century Community Learning Center from providing supplemental educational services; provided that such Center also meets the eligibility requirements for SES providers as defined by the SEA
- D. Part D—Enhancing Education Through Technology (**See Appendix VIII** for additional specifications)
- See Appendix VIII for first part of specifications. These specifications are taken from the National Coalition for Technology and Education Training, of which NEA is a member.
 - From the UDL Coalition, add a new Section 2402(a)(9), as follows:
“(9) To permit and encourage the purchase and implementation of universally designed technology to ensure that all students, including those with disabilities, will have an opportunity to benefit from the integration of technology into the general education curriculum, to provide frequent experiences in the use of universally designed technologies that may be applied to large scale assessments and to measure the impact of universally designed technologies on the learning and

achievement of all learners. The implementation of universally designed technology includes staff development and technical support.”

- E. Part E—High Schools for the 21st Century (*New*) (\$1 Billion per year for each of 10 years)—(See **Appendix IX-A** for Part E and Part I amending legislation from 111th Congress that NEA supports)
1. Subpart 1—Graduation for All—Revise the existing statutory language to add those components of the NEA Dropout/Graduation Plan that contemplate changes to federal law and to include NGA plan components. Also authorize grants to states to encourage them to raise the compulsory attendance age and create “graduation centers” for 19 and 20 year olds. (See **Appendix IX**)
 2. Subpart 2—Innovation for High Schools
 - i. Grants to states/districts to help reinvent high schools, including providing broad, rich curriculum; access to advanced classes; access to and infusion of technology into all curriculum areas; increased availability of technology such as laptops and PDAs for students, coordination with the higher education system; enhanced career and technical education (including school-to-work initiatives), service learning, cooperative education, transitions for students from school to postsecondary options that meets the needs of students with disabilities, services that meet the needs of late entrant immigrant students. In order to receive the funds, grantees must coordinate their initiatives with GEAR UP and TRIO. [See
 - ii. Money to help equip high schools to prepare all students with 21st century knowledge and skills by making changes and additions to buildings to accommodate technology learning experiences. (e.g., classrooms, wiring); and to provide personal computers to students in schools that have designed a technology-based curriculum that is linked to academic learning, civic and community service, the arts and preparation for life beyond high school.
- F. Public Charter Schools—
In this section, we seek to improve the charter school grant program so that federal funding is available to programs that demonstrate innovation, but that are also fully accountable to the public and that fully respect the collective bargaining rights of education employees. In addition, the current version of ESEA provides grants to entities that can facilitate school construction, but is open only to charter schools. Our proposed amendment seeks to correct that inequity by making all public schools eligible participants in the program. (See **Appendices VI and X**)
- G. Magnet School Assistance (no change)
- H. Secure additional rural schools funding
Develop a program to create a reliable funding stream for rural schools located in counties with significant federal forest lands

V. Title V: ~~Promoting Informed Parental Choice and Innovative Programs Broad, Rich and Challenging 21st Century Curriculum and Programs~~

- A. Part A—Innovative Programs
- B. Part B—21st Century Skills (*New*) (See **Appendix XI**)
1. Grants to states to develop (educators, business, and other stakeholders) and incorporate a 21st century standards and framework for education, with particular emphasis on high schools. Funds also should be available to review and revise assessments to ensure that students are provided opportunities to demonstrate critical thinking, problem solving and communications skills; to integrate 21st century skills and knowledge, including

critical thinking and problem solving skills into the entire curriculum at the high school level; to support 21st century skills planning groups that include teachers and members with a range of backgrounds in business and education; and to provide professional development for educators regarding how to integrate 21st century skills into the entire curriculum.

C. Part C—Student Literacy Skills Improvement Grants (currently Title I, Part B)

Insert language contained in the LEARN Act, as amended by the attachment (**see Appendix III**), as well as any language from current Title I, Part B that does not conflict with the LEARN Act.

D. Part D—Fund for Curriculum Enrichment (permit consolidated application for this Part)

1. Subpart 1—Partnerships in Character Education

2. Subpart 2—Gifted and Talented Students (add underlined language)

Section 5464. Authorized Programs.

(b) (2) Carrying out professional development (including fellowships) for personnel (including general education classroom teachers and leadership personnel) involved in the education of gifted and talented students.

Section 5466. General Provisions.

(c) (4) shall provide Congress with an annual report on the program outcomes and the promising practices funded through this act, and disseminate, and consult on, the information developed under this subpart with other offices within the Department.

3. Subpart 3—Advanced Placement Incentive Program Grants (currently Section 1705) (no change)

4. Subpart 4—Foreign Language Assistance Program (no change)

5. Subpart 5—Physical Education (no change)

6. Subpart 6—Community Technology Centers (no change)

7. Subpart 7—Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts (no change)

8. Subpart 8—Excellence in Economic Education (no change)

9. Subpart 9—Arts in Education—Section 5551(d)(9)—Add language about developing or enhancing programs that integrate or expand arts education into the elementary and secondary school curriculum; strengthen language to include providing qualified teachers and resources for arts education in elementary and secondary schools; add language that allows support for after-school programs that provide substantive arts education through artists and qualified teachers.

10. Subpart 10—Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition (move to Title IV)

11. Subpart 11—Environmental Education (new) (**See Appendix XII**)

12. Subpart 12—Connecting Education and Emerging Professionals Act (**See Appendix XIII**)

VI. Title VI: ~~Flexibility and Accountability~~ Priority Schools

A. Part A—Grants for State Assessments

1. Require States to undergo some type of peer review of their content standards and the alignment of those standards to the state assessments and ensure educator involvement (see specs in Title I (**Appendix II**)—same principles apply here).

2. Fix “to the extent practicable” language related to native language assessments so that states are *required* to develop native language assessments if their ELL student population in a specific language group exceeds a certain percentage of all students in the State.
 3. Improve the quality of assessments for students with disabilities without increasing the paperwork burden on educators and staff.
 4. Dramatically increase the authorization levels and maintain the trigger provision (Ed Sector calls for \$860 million/year; NEA supports at least that amount).
 5. Research or Study of Testing
 - i. Examine current state tests for curriculum alignment, scoring accuracy, validity and reliability, quality and usefulness of data reports
 - ii. Compare State tests to international tests for content and skill assessment
 - iii. Examine current state of technology-based formative and summative assessments and provide recommendations about how to improve their quality and expand their use
 - iv. Examine whether current tests assess 21st century skills and content knowledge
 6. Create opportunities for states to apply for Title VI, Part A funds together as consortia, if they plan to develop common assessments. (A version of this exists in the New England Common Assessment Program). They could be given money, provided they prove that their intention is that their content standards will be aligned with the common test. This way, the consortia could set up a test item bank that could serve multiple states. They could use a portion of the funds to pay for trained psychometricians and educators to monitor scoring, and appropriate benchmark setting, as well as provide technical assistance to LEAs.
 7. Create a separate funding stream to ensure development of appropriate academic assessments, particularly native language assessments for ELLs, including Hispanic and Asian-Pacific Islander Americans where appropriate. Priority should be given to states with the highest number of ELLs.
 8. Universal Design for Learning (*New*)
 Permit States to use grants to develop assessments that are designed from the outset to enable all students, including those with disabilities, to demonstrate their knowledge, skills, and abilities in accordance with intended learning standards and instructional goals. Based on the principles of universal design for learning, as defined in Section 1111(b)(1)(G)(ii), such assessments:
 - (I) minimize the effect of construct-irrelevant factors—such as physical, sensory, learning, or cognitive disabilities, or language barriers—that may interfere with the accuracy of the assessment; and
 - (II) provide appropriate supports for students to demonstrate the knowledge, skills, and abilities according to the intended learning standards.
 9. Revise Part A, Subpart 4—currently entitled State Accountability for Adequate Yearly Progress—to reflect changes in Title I, as amended and this Title (VI)
- B. Part B—Evidence-Based School Supportive Interventions (*New*)
1. In schools that fail to make progress in the indicator areas articulated in Title I, as amended (see **Appendix II**), schools would be required to undergo a school review process, also articulated in Title I, as amended. Schools that fall in the lowest 5th percentile in any indicator area would be required to receive intensive interventions and supports from the State and LEA, with federal assistance. States and LEAs would, at their discretion, also provide intensive interventions and supports for schools that fall in the 6-25th percentile. All interventions and supports would be subject to parameters articulated in Title I as amended (**Appendix II**).

2. Create systematic intervention initiatives that will help improve results for all students—the data-driven solutions designed and implemented to meet the specific needs of target populations. Intervention activities may be whole school focused or targeted to specific populations or content areas. In designing research-based support programs, assessments, instruction and professional development efforts that improve student achievement, states need to:
 - Assist districts and schools to capture, organize, and use data to evaluate and improve program effectiveness
 - Provide in-depth analysis to identify root causes of areas identified as in need of improvement
 - Develop, implement, and monitor district and school achievement plans and assist districts and schools in selecting effective, research-based interventions that are aligned with state evaluation systems and individual school needs, and collaborate with districts to build capacity of school leaders to use data to focus school energy, resources, policies, and practices on continuously improving student achievement
 - Offer ongoing professional development opportunities to assist educators and parents maximize the achievement of all students, including students with disabilities
 - Design effective school-based research interventions that educators will be able to put into practice (time and training issues)
 - Have as goals not only effectiveness and practicality, but also social validity, treatment integrity, consistency, generalization and maintenance
 - Emphasize school-wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments
3. Intervention strategies for Priority Schools may include:
 - A school-wide conference including school leadership and staff to review successful school intervention models within the state or outside the state or district
 - Proven early intervention strategies, particularly in the areas of math and reading
 - Provide all teachers, paraprofessionals, principals or other school leaders in these schools with intensive professional development, in addition to ongoing instructional coaching until the school is making progress in indicator areas. Such professional development and coaching services should also continue to be provided for at least 3 years after the school has made progress in order to continue and sustain the intervention plan
 - Mentoring for new teachers and coaching for at least all core academic subject teachers
 - A curriculum review to ensure that the curriculum and materials are not only aligned with state content standards in math, reading, and science, but also cover a breadth of subjects that serve to better engage and focus students with different needs

- School-wide examination and implementation of strategies to create environments conducive to teaching and learning
 - Ongoing outside monitoring to ensure the school’s compliance with the intervention plan
4. In an effort to expand range of support for schools not making progress in the indicator areas articulated in Title I, as amended, States and LEAs should emphasize the need for effective and efficient delivery of community-based, integrated student services as strategy for all such schools, including hire and support of school-based outreach coordinators who are responsible for identifying student needs and connecting available community resources to meet those needs.
 5. For the lowest-achieving 5 percent of Priority Schools, make all students eligible for automatic certification for free and reduced lunch. This will allow schools in the lowest 5 percent of Priority Schools to offer free meals to all students without collecting paper applications. This will expand access to more children and reduce administrative burdens on struggling schools.
 6. School supportive interventions should include plans for how all school staff can collaborate to improve the academic performance of diverse learners, including ELLs, and for how schools will engage in efforts for better recruitment and retention of, as well as mentoring and induction programs for, educators of diverse backgrounds, including bilingual educators as well as those who teach ELLs and ELLs with disabilities.
 7. The federal government should fund and disseminate findings from longitudinal, independent, rigorous, scientifically based research on what works to enable academic success and literacy for ELLs of all language backgrounds, ELLs with limited or interrupted formal education, and ELLs with disabilities, especially at the secondary school level.
- C. Part C—Pupil and Related Services Programs (currently Elementary and Secondary School Counseling Programs, Section 5421)—revise language to change name of program to Specialized Instructional Support Services and to require trigger so that to obtain funds, grantees must develop a plan to reduce caseloads for specialized instructional support personnel (i.e., pupil and related services personnel) to meet appropriate ratios developed by relevant professional associations
- D. Supplemental Educational Services and Public School Choice
1. SES and choice shall no longer be mandatory; increase flexibility of LEAs to provide best option for struggling or Priority Schools according to school review findings (See **Appendix II**).
 2. LEAs shall be the SES provider of first resort and may contract out if they are unable to provide services. If the LEA is in “priority” status, they must apply to the SEA to be an SES provider.
 3. Clarify that all eligible providers must serve any eligible student, including students with disabilities and limited-English proficient students.
 4. Require that states conduct more oversight about provider quality, accessibility of providers to special populations, parent satisfaction, financial management, coordination and collaboration with LEAs, including instructional staff of LEAs. Require that states

publicly report about the methodology and process for reviewing and monitoring the quality of SES providers. This process should also make clear the criteria for which an SES provider may be deemed ineligible or removed from the list of eligible providers, as well as the names of providers removed from eligible provider lists. Furthermore, states should establish some “whistleblower” vehicle for the public to report SES fraud, activities which compromise the quality of the services provided, or other conduct which the SEA should be made aware of in the context of their monitoring and oversight responsibilities.

5. Correct civil rights provision to make explicit that SES providers are “recipients of federal funds,” thereby overturning a legal ruling made by USED in direct contravention to the plain meaning of the statute. Section 1116(e).
 6. Require that SES instructors be “highly qualified.”
 7. Limit eligibility of SES to low income students who fail to show growth or progress
 8. Require that all SES providers serve students with disabilities and English Language Learners; and require that a condition of eligibility to be a SES provider is a proven capacity to effectively serve these student populations.
 9. Require SES staff to undergo criminal background checks.
 10. Require SES providers to provide regular reports to the enrolled students’ teachers and parents about the students’ progress.
- E. Enhancing Early Learning (See **Appendix XIV**)
- F. Full-day kindergarten (See **Appendix XV**)

VII. Title VII. Flexibility and Accountability for Rural Schools and Indian, Native Hawaiian, and Alaska Native Education ~~Indian, Native Hawaiian, and Alaska Native Education~~

Move all the ed flex provisions currently in Title VI to a new title (from Title VI, Part A, Subpart 2-4 through the end of Title VI) to this title and combine with existing Title VII.

See **Appendix XV-A** for legislation from 111th Congress related to rural schools that NEA supports (All legislation amends Title VI but may be moved to Title VII herein.)

Make changes to Title I and Title VII consistent with recommendations of National Indian Education Association, **Appendix XVI**.

VIII. Title VIII. Impact Aid

NEA supports changes to Impact Aid articulated in HR 2280, the Fair Funding for Schools Act of 2009 (111th Congress).

IX. Title IX. General Provisions

- A. Fix Highly Qualified definition to eliminate loophole for charter schools, which exempts charter school teachers in some states from meeting the certification portion of the definition.
- B. Eliminate loophole for alternate route to certification—all candidates must complete their program prior to being deemed highly qualified.

- C. Flexibility for Special Education teachers, Rural, Science, and Social Studies teachers for highly qualified requirements
 - i. Deem fully licensed/certified special education teachers to be highly qualified
 - ii. Codify the timeline extension for certain rural teachers to meet the HQ requirements, and expand such flexibility to teachers in rural school districts that meet the criteria of either Sec. 6211 or Sec. 6221.
 - iii. Codify the Department of Education’s policy that a teacher who meets a state’s broad-based science certification is considered HQ in each science discipline.
 - iv. Incorporate an analogous provision for Social Studies, so teachers with social studies certification shall be considered HQ in each of the social science disciplines.
- D. Pre-school programs in Title I, close loophole (see language in USED guidance about highly qualified, take out exemption)
- E. National Board Certified Teachers should be deemed highly qualified
- F. Permit HOUSSE permanently and for all teachers
- G. Require new teachers to successfully complete a performance assessment that demonstrates their pedagogical abilities. Add the following new subsections to Sec. 9101(23):
 - (D) when used with respect to any new teacher means that –
 - (i) the teacher will have at least 450 hours of supervised clinical experience in the K-12 classroom that includes an evaluation of teacher performance prior to being certified or licensed
 - (ii) the teacher has passed a valid and reliable performance assessment as described in Title II, Subpart 1, Section 2115 (new program on p.4-5)
 - (E) subsection (D) will go into effect for new teachers hired in the 2011-2012 school year
- H. Definition of high quality professional development—include factors
- I. Definition of “research” should be National Academy of Sciences definition of term
- J. Military Recruiters (currently Section 9528)—The Student Privacy Protection Act will change the military recruitment provision of NCLB from an “opt-out” system to “opt-in.” Families may still choose to “opt-in” to the recruiting database, but privacy will be respected by default. (See **Appendix XVII**—HR1091, Student Privacy Protection Act of 2009)
- K. Add language requiring USED to make public, especially through publication on its public website, all state and local plans, approved grants, policy letters, guidance, implementation documents, and Department decisions.
- L. Add definition:
 - “UNIVERSALLY DESIGNED TECHNOLOGY”—the term universally designed technology means hardware and software that-
 - A) include the features necessary for use by all learners or supports integration with the necessary assistive hardware and software technologies to ensure that they are accessible and optimized for all learners; and provide flexibility in the ways that information is presented, in the ways that students respond or demonstrate knowledge, and in the ways in which students are engaged in order to provide appropriate support and challenge and enhance the performance for a typically diverse spectrum of learners.”

X. Title X. Repeals, Redesignations, and Amendments (new)

- A. Repeal DC Vouchers (See **Appendix XVIII**)

- B. Amend Social Security Act to repeal the Government pension offset and windfall elimination provisions—without changes to this law, GPO/WEP will continue to pose a challenge to educator retention efforts and poses a threat to the financial well-being of some of NEA’s retirees (**Appendix XIX**—Social Security Fairness Act of 2009, HR 235)

Appendix I: Proposed Table of Contents

Bold language signifies a new program or substantially altered new language, or a change in the wording of a program or title

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Sec. 1002. Authorization of appropriations.

~~Sec. 1003. School improvement.~~ [revise, consistent with amended Title VI]

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Sec. 1113. Eligible school attendance areas.

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Sec. 1116. Academic assessment and local educational agency and school improvement.

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Sec. 1120. Participation of children enrolled in private schools.

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Sec. 1122. Allocations to States.

Sec. 1124. Basic grants to local educational agencies.

Sec. 1124A. Concentration grants to local educational agencies.

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Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.

Sec. 1125A. Education finance incentive grant program.

Sec. 1126. Special allocation procedures.

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[Current law Part B (Student Reading Skills Improvement Grants) moved to Title V, Part B]

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[Current law Part C, Title I]

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Sec. 1202. Program authorized.

Sec. 1203. State allocations.

- Sec. 1204. State applications; services.
- Sec. 1205. Secretarial approval; peer review.
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- Sec. 1322. Programs operated by local educational agencies.
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- Sec. 1325. Program requirements for correctional facilities receiving funds under this section.
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- Sec. 1331. Program evaluations.
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[Current law Part H (School Dropout Prevention) moved to Subpart 1 of Part E of Title IV]

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- Sec. 2121. Allocations to local educational agencies.
- Sec. 2122. Local applications and needs assessment.
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[Typo in Cut and Bite amendments and amendments don't reflect Principal Development Being Moved to Subpart 4 of Part C]

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[Current law Subpart 1 (Transitions to Teaching) moved to Subpart 6, Part A, Title II]

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[Current law Subpart 5, Part A, Title II]

Sec. 2341. National activities of demonstrated effectiveness. [Amended]

[Cut and bite amendments don't reflect change in subpart heading.]

[Current law Subpart 5 (Teacher Liability Protection) moved to EPA]

[Current law Part D (Enhancing Education Through Technology) moved to Title IV, Part D]

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Part D—Enhancing Education Through Technology *[Amended]*

- Sec. 4401. Short title.*
Sec. 4402. Authorization of appropriations.

Subpart 1—Local Technology Grants

- Sec. 4411. Allotment and reallocation.*
Sec. 4412. Use of allotment by State.
Sec. 4413. State applications.
Sec. 4414. Formula grants.
Sec. 4415. Competitive grants.

Subpart 2—Study on Student Technology Literacy

Part E—High Schools for the 21st Century
[Current law Part H, Title I]

~~Subpart 1—School Dropout Prevention~~

Graduation for All

- Sec. 4501. Short title.
Sec. 4502. Purpose.
Sec. 4503. Authorization of appropriations.

Subpart 2—Innovations for High Schools [New]

- Sec. 4611. Purposes.***
Sec. 4612. Grants authorized.

Part F—Public Charter Schools
[Current law Part B, Title V — Amended]

Subpart 1—Charter School Programs

- Sec. 4701. Purpose.
Sec. 4702. Program authorized.
Sec. 4703. Applications.
Sec. 4704. Administration.
Sec. 4705. National activities.
Sec. 4706. Federal formula allocation during first year and for successive enrollment expansions.
Sec. 4707. Solicitation of input from charter school operators.
Sec. 4708. Records transfer.
Sec. 4709. Paperwork reduction.
Sec. 4710. Definitions.
Sec. 4711. Authorization of appropriations.

Subpart 2—Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation

- Sec. 4721. Purpose.
Sec. 4722. Grants to eligible entities.
Sec. 4723. Applications.
Sec. 4724. ~~Charter school~~ **Program** objectives.
Sec. 4725. Reserve account.
Sec. 4726. Limitation on administrative costs.
Sec. 4727. Audits and reports.
Sec. 4728. No full faith and credit for grantee obligations.
Sec. 4729. Recovery of funds.

- Sec. 4730. Definitions.
- Sec. 4731. Authorization of appropriations.

[Subpart 3—Voluntary Public School Choice Programs [Repealed.]

Part C—Magnet Schools Assistance

[Current law Part C, title V]

- Sec. 4801. Findings and purpose.
- Sec. 4802. Definition.
- Sec. 4803. Program authorized.
- Sec. 4804. Eligibility.
- Sec. 4805. Applications and requirements.
- Sec. 4806. Priority.
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- Sec. 4810. Evaluations.
- Sec. 4811. Authorization of appropriations; reservation.

~~TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS~~
BROAD, RICH, AND CHALLENGING 21ST CENTURY CURRICULUM AND PROGRAMS

Part A—Innovative Programs

- Sec. 5101. Purposes, State and local responsibility.

Subpart 1—State and Local Programs

- Sec. 5111. Allotment to States.
- Sec. 5112. Allocation to local educational agencies.

Subpart 2—State Programs

- Sec. 5121. State uses of funds.
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Subpart 3—Local Innovative Education Programs

- Sec. 5131. Local uses of funds.
- Sec. 5132. Administrative authority.
- Sec. 5133. Local applications.

Subpart 4—General Provisions

- Sec. 5141. Maintenance of effort.
- Sec. 5142. Participation of children enrolled in private schools.
- Sec. 5143. Federal administration.
- Sec. 5144. Supplement, not supplant.
- Sec. 5145. Definitions.
- Sec. 5146. Authorization of appropriations.

Part B—21st Century Skills [New]

- Sec. 5201. Findings.***
- Sec. 5202. 21st Century Skills.***

Sec. 5203. Grants to States.

Part C—Student Reading Skills Improvement Grants [Replace with LEARN Act as amended, Appendix
[Current law Part B, Title I]

—Subpart 1—Reading First [Amended]

- ~~Sec. 5301. Purposes.~~
- ~~Sec. 5302. Formula grants to State educational agencies.~~
- ~~Sec. 5303. State formula grant applications.~~
- ~~Sec. 5304. Targeted assistance grants.~~
- ~~Sec. 5305. External evaluation.~~
- ~~Sec. 5306. National activities.~~
- ~~Sec. 5307. Information dissemination.~~
- ~~Sec. 5308. Definitions.~~

—————Subpart 2—Early Reading First

- ~~Sec. 5321. Purposes; definitions.~~
- ~~Sec. 5322. Local Early Reading First grants.~~
- ~~Sec. 5323. Federal administration.~~
- ~~Sec. 5324. Information dissemination.~~
- ~~Sec. 5325. Reporting requirements.~~
- ~~Sec. 5326. Evaluation.~~

Subpart 3—William F. Goodling Even Start Family Literacy Programs

- Sec. 5331. Statement of purpose.
- Sec. 5332. Program authorized.
- Sec. 5333. State educational agency programs.
- Sec. 5334. Uses of funds.
- Sec. 5335. Program elements.
- Sec. 5336. Eligible participants.
- Sec. 5337. Applications.
- Sec. 5338. Award of subgrants.
- Sec. 5339. Evaluation.
- Sec. 5340. Indicators of program quality.
- Sec. 5341. Research.
- Sec. 5342. Construction.

Subpart 4—Striving Readers

[Insert striving readers legislation]

Subpart 5—Improving Literacy Through School Libraries
[Current law Subpart 4, Part B, Title I]

- Sec. 5351. Improving literacy through school libraries.

Subpart 6—Reading Is Fundamental—Inexpensive Book Distribution
Program
[Current law Subpart 5, Part D, Title V]

- Sec. 5361. Inexpensive book distribution program for reading
motivation.

Part F—Fund for the ~~Improvement of Education~~ *Curriculum Enrichment*

Sec. 5401. Authorization of appropriations.

Subpart 1—Fund for the Improvement of Education

Sec. 5411. Programs authorized.

Sec. 5412. Applications.

Sec. 5413. Program requirements.

Sec. 5414. Studies of national significance.

[Current law Subpart 2 (Elementary and Secondary School Counseling Programs) moved to Part C of title VI]

Subpart 2—Partnerships in Character Education

[Current law Subpart 3, Part D, Title V]

Sec. 5431. Partnerships in Character Education program.

[Current law Subpart 4 (Smaller Learning Communities) moved to Subpart 1 of Part A of Title IV]

Subpart 3—Gifted and Talented Students

[Current law Subpart 6, Part D, Title V — Amended]

Sec. 5461. Short title.

Sec. 5462. Purpose.

Sec. 5463. Rule of construction.

Sec. 5464. Authorized programs.

Sec. 5465. Program priorities.

Sec. 5466. General provisions.

Subpart 4—Advanced placement incentive program grants

[Current law section 1705]

Sec. 1705. Advanced placement incentive program grants.

Subpart 5—Foreign Language Assistance Program

[Current law Subpart 9, Part D, Title V]

Sec. 5491. Short title.

Sec. 5492. Program authorized.

Sec. 5493. Applications.

Sec. 5494. Elementary school foreign language incentive program.

Subpart 6—Physical Education

[Current law Subpart 10 of Part D of Title V]

Sec. 5501. Short title.

Sec. 5502. Purpose.

Sec. 5503. Program authorized.

Sec. 5504. Applications.

Sec. 5505. Requirements.

Sec. 5506. Administrative provisions.

Sec. 5507. Supplement, not supplant.

[Current law Subpart 7 (Star Schools Program) moved to Part D of title VI]

Subpart 7—Community Technology Centers

[Current law Subpart 11, Part D, Title V]

- Sec. 5511. Purpose and program authorization.
- Sec. 5512. Eligibility and application requirements.
- Sec. 5513. Uses of funds.

[Current law Subpart 8 (Ready to Teach) moved to Part E of title VI]

Subpart 8—Educational, Cultural, Apprenticeship, and Exchange
Programs for Alaska Natives, Native Hawaiians, and Their Historical
Whaling and Trading Partners in Massachusetts

[Current law Subpart 12, Part D, Title V]

- Sec. 5521. Short title.
- Sec. 5522. Findings and purposes.
- Sec. 5523. Program authorization.
- Sec. 5524. Administrative provisions.
- Sec. 5525. Availability of funds.
- Sec. 5526. Definitions.

Subpart 9—Excellence in Economic Education

[Current law Subpart 13, Part D, Title V]

- Sec. 5531. Short title.
- Sec. 5532. Purpose and goals.
- Sec. 5533. Grant program authorized.
- Sec. 5534. Applications.
- Sec. 5535. Requirements.
- Sec. 5536. Administrative provisions.
- Sec. 5537. Supplement, not supplant.

Subpart 10—Arts in Education

[Current law Subpart 15, Part D, Title V — Amended]

- Sec. 5551. Assistance for arts education.

Subpart 11—Environmental Education (New)

Grants authorized

Subpart 12—Additional Assistance for Certain Local Educational
Agencies Impacted by Federal Property Acquisition

[Current law Subpart 20, Part D, Title V]

[Connecting Education and Emerging Professionals Act (See Appendix XIII-A)]

- Sec. 5601. Reservation.
- Sec. 5602. Eligibility.
- Sec. 5603. Maximum amount.

[Current law Subpart 14 (Grants to Improve the Mental Health of Children) moved to Part F of title VI]

Subpart 16—Parental Assistance and Local Family Information Centers

- Sec. 5561. Purposes.
- Sec. 5562. Grants authorized.
- Sec. 5563. Applications.
- Sec. 5564. Uses of funds.
- Sec. 5565. Administrative provisions.
- Sec. 5566. Local family information centers.

[Current law Subpart 17 (Combatting Domestic Violence) moved to Part G of title VI]

Subpart 19—Grants for Capital Expenses of Providing Equitable
Services for Private School Students

- Sec. 5591. Grant program authorized.
- Sec. 5592. Uses of funds.
- Sec. 5593. Allotments to States.
- Sec. 5594. Subgrants to local educational agencies.
- Sec. 5595. Capital expenses defined.
- Sec. 5596. Termination.

[Current law Subpart 21 (Women’s Educational Equity Act) moved to Part H of title VI]

TITLE VI—~~FLEXIBILITY AND ACCOUNTABILITY~~ **PRIORITY SCHOOLS**

Part A—**Grants for State Assessments** [Amended]

Subpart 1—Accountability

- Sec. 6111. Grants for State assessments and related activities.
- Sec. 6112. Grants for enhanced assessment instruments.
- Sec. 6113. Funding.

Subpart 2—Funding Transferability for State and Local Educational
Agencies

- Sec. 6121. Short title.
- Sec. 6122. Purpose.
- Sec. 6123. Transferability of funds.

Subpart 3—State and Local Flexibility Demonstration

- Sec. 6131. Short title.
- Sec. 6132. Purpose.
- Sec. 6133. General provision.

CHAPTER A—STATE FLEXIBILITY AUTHORITY

- Sec. 6141. State flexibility.
- Sec. 6142. Consolidation and use of funds.
- Sec. 6143. Performance review and penalties.
- Sec. 6144. Renewal of grant of flexibility authority.

CHAPTER B—LOCAL FLEXIBILITY DEMONSTRATION

- Sec. 6151. Local flexibility demonstration agreements.
- Sec. 6152. Consolidation and use of funds.
- Sec. 6153. Limitations on administrative expenditures.
- Sec. 6154. Performance review and penalties.
- Sec. 6155. Renewal of local flexibility demonstration agreement.
- Sec. 6156. Reports.

Subpart 4—~~State Accountability for Adequate Yearly Progress~~ [amend]

- Sec. 6161. ~~Accountability for adequate yearly progress~~. [amend]
- Sec. 6162. Peer review.
- Sec. 6163. Technical assistance.
- Sec. 6164. Report to Congress.

Part B—Rural Education Initiative

Part B—Evidence-Based School Supportive Interventions [New]

~~Part C—Elementary and Secondary School Counseling Programs~~
Specialized Instructional Support Services (Changed title to be more inclusive)
 [Moved from Subpart 2, Part D, title V]

- Sec. 5421. Elementary and secondary school counseling programs.

Part D – Supplemental Education Services and Public School Choice

Part E—Star Schools Program

[Moved from Subpart 7, Part D, title V]

- Sec. 5471. Short title.
- Sec. 5472. Purposes.
- Sec. 5473. Grant program authorized.
- Sec. 5474. Applications.
- Sec. 5475. Other grant assistance.
- Sec. 5476. Administrative provisions.
- Sec. 5477. Definitions.

Part F—Ready to Teach

[Moved from Subpart 8, Part D, title V]

- Sec. 5481. Grants.
- Sec. 5482. Application required.
- Sec. 5483. Reports and evaluation.
- Sec. 5484. Digital educational programming grants.
- Sec. 5485. Administrative costs.

Part G—Grants to Improve the Mental Health of Children

[Moved from Subpart 14, Part D, title V]

- Sec. 5541. Grants for the integration of schools and mental health systems.
- Sec. 5542. Promotion of school readiness through early childhood emotional and social development.

Part H—Combatting Domestic Violence

[Moved from Subpart 17, Part D, title V]

Sec. 5571. Grants to combat the impact of experiencing or witnessing domestic violence on elementary and secondary school children.

Part I—Women’s Educational Equity Act

[Moved from Subpart 21, Part D, title V]

Sec. 5611. Short title and findings.
Sec. 5612. Statement of purpose.
Sec. 5613. Programs authorized.
Sec. 5614. Applications.
Sec. 5615. Criteria and priorities.
Sec. 5616. Report.
Sec. 5617. Administration.
Sec. 5618. Amount.

Part J—Early Education Programs [New]

Part K—Full Day Kindergarten [New]

Part C—General Provisions

Sec. 6301. Prohibition against Federal mandates, direction, or control.
Sec. 6302. Rule of construction on equalized spending.

TITLE VII—**FLEXIBILITY AND ACCOUNTABILITY FOR RURAL SCHOOLS AND** INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Part A—Indian Education

Sec. 7101. Statement of policy.
Sec. 7102. Purpose.

Subpart 1—Formula Grants to Local Educational Agencies

Sec. 7111. Purpose.
Sec. 7112. Grants to local educational agencies and tribes.
Sec. 7113. Amount of grants.
Sec. 7114. Applications.
Sec. 7115. Authorized services and activities.
Sec. 7116. Integration of services authorized.
Sec. 7117. Student eligibility forms.
Sec. 7118. Payments.
Sec. 7119. State educational agency review.

Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

Sec. 7121. Improvement of educational opportunities for Indian children.

Sec. 7122. Professional development for teachers and education professionals.

Subpart 3—National Activities

- Sec. 7131. National research activities.
- Sec. 7132. In-service training for teachers of Indian children.
- Sec. 7133. Fellowships for Indian students.
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- Sec. 7135. Grants to tribes for education administrative planning and development.
- Sec. 7136. Improvement of educational opportunities for adult Indians.

Subpart 4—Federal Administration

- Sec. 7141. National Advisory Council on Indian Education.
- Sec. 7142. Peer review.
- Sec. 7143. Preference for Indian applicants.
- Sec. 7144. Minimum grant criteria.

Subpart 5—Definitions; Authorizations of Appropriations

- Sec. 7151. Definitions.
- Sec. 7152. Authorizations of appropriations.

Part B—Native Hawaiian Education

- Sec. 7201. Short title.
- Sec. 7202. Findings.
- Sec. 7203. Purposes.
- Sec. 7204. Native Hawaiian Education Council and island councils.
- Sec. 7205. Program authorized.
- Sec. 7206. Administrative provisions.
- Sec. 7207. Definitions.

Part C—Alaska Native Education

- Sec. 7301. Short title.
- Sec. 7302. Findings.
- Sec. 7303. Purposes.
- Sec. 7304. Program authorized.
- Sec. 7305. Administrative provisions.
- Sec. 7306. Definitions.

TITLE VIII—IMPACT AID

- Sec. 8001. Purpose.
- Sec. 8002. Payments relating to Federal acquisition of real property.
- Sec. 8003. Payments for eligible federally connected children.
- Sec. 8004. Policies and procedures relating to children residing on Indian lands.
- Sec. 8005. Application for payments under sections 8002 and 8003.
- Sec. 8007. Construction.
- Sec. 8008. Facilities.
- Sec. 8009. State consideration of payments in providing State aid.
- Sec. 8010. Federal administration.
- Sec. 8011. Administrative hearings and judicial review.
- Sec. 8012. Forgiveness of overpayments.

- Sec. 8013. Definitions.
- Sec. 8014. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS
Part A—Definitions

- Sec. 9101. Definitions.
- Sec. 9102. Applicability of title.
- Sec. 9103. Applicability to Bureau of Indian Affairs operated schools.

Part B—Flexibility in the use of Administrative and Other Funds

- Sec. 9201. Consolidation of State administrative funds for elementary and secondary education programs.
- Sec. 9202. Single local educational agency States.
- Sec. 9203. Consolidation of funds for local administration.
- Sec. 9204. Consolidated set-aside for Department of the Interior funds.

Part C—Coordination of Programs; Consolidated State and Local Plans and Applications

- Sec. 9301. Purpose.
- Sec. 9302. Optional consolidated State plans or applications.
- Sec. 9303. Consolidated reporting.
- Sec. 9304. General applicability of State educational agency assurances.
- Sec. 9305. Consolidated local plans or applications.
- Sec. 9306. Other general assurances.

Part D—Waivers

- Sec. 9401. Waivers of statutory and regulatory requirements.

Part E—Uniform Provisions

Subpart 1—Private Schools

- Sec. 9501. Participation by private school children and teachers.
- Sec. 9502. Standards for by-pass.
- Sec. 9503. Complaint process for participation of private school children.
- Sec. 9504. By-pass determination process.
- Sec. 9505. Prohibition against funds for religious worship or instruction.
- Sec. 9506. Private, religious, and home schools.

Subpart 2—Other Provisions

- Sec. 9521. Maintenance of effort.
- Sec. 9522. Prohibition regarding State aid.
- Sec. 9523. Privacy of assessment results.
- Sec. 9524. School prayer.
- Sec. 9525. Equal access to public school facilities.
- Sec. 9526. General prohibitions.
- Sec. 9527. Prohibitions on Federal Government and use of Federal funds.
- Sec. 9528. Armed Forces recruiter access to students and student recruiting information.

- Sec. 9529. Prohibition on federally sponsored testing.
- Sec. 9530. Limitations on national testing or certification for teachers.
- Sec. 9531. Prohibition on nationwide database.
- Sec. 9532. Unsafe school choice option.
- Sec. 9533. Prohibition on discrimination.
- Sec. 9534. Civil rights.
- Sec. 9535. Rulemaking.
- Sec. 9536. Severability.

Part F—Evaluations

- Sec. 9601. Evaluations.

Title X: REPEALS, REDESIGNATIONS AND AMENDMENTS (new)

1 **Appendix II: Title I, As Amended**

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

6 Section 1. Short Title. This Act may be cited as the [**“Great Public Schools for All Act of 2010”**].

7 The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding
8 after section 1, the following new section:

9 “Section 1A. Statement of Purpose of the Act.

10 “The public education system is critical to democracy and its purpose, as reflected in this Act, is to
11 maximize the achievement, skills, opportunities and potential of all students by building upon their
12 strengths and addressing their needs, and to ensure that all students are prepared to thrive in a
13 democratic society and diverse, changing world as knowledgeable, creative and engaged citizens and
14 lifelong learners.”

15 The reference to Title I in section 2, Table of Contents, is amended to read as follows:

16 “Title I – Improving Academic Achievement of Disadvantaged Students and Fostering Successful
17 Schools”.

18 • **[Section 1001 is amended to read as follows:**

19 **“Section 1001. Statement of Purpose.**

20 The purpose of this title is to ensure that all students have a fair, equitable, and significant opportunity to
21 obtain a high-quality and well-rounded education and that gaps in achievement, skills and opportunities
22 between advantaged and disadvantaged students are reduced or eliminated. This purpose can be
23 accomplished by —

- 1 (1) providing sufficient and equitable resources and support to local educational agencies and schools where
2 the needs are greatest;
- 3 (2) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, English
4 language learners, migratory children, children with disabilities, Indian children, neglected or delinquent
5 children, and young children in need of further assistance;
- 6 (3) closing the achievement, skills and opportunity gaps between high- and low-performing children, especially
7 between minority and nonminority students, and between disadvantaged children and their more advantaged
8 peers;
- 9 (4) ensuring that all students graduate high school ready for lifelong learning, postsecondary education and the
10 workforce;
- 11 (5) providing all students with the skills, knowledge and opportunities to compete and thrive in a global and
12 interdependent society in the 21st century;
- 13 (6) fostering fair, accessible and complete assessment systems that broaden, not narrow, the curriculum and that
14 examine broad and diverse areas of student learning using multiple measures of assessment;
- 15 (7) holding schools, local educational agencies, and States accountable for demonstrating progress or growth in
16 improving the academic achievement and graduation rate of all students, and identifying, supporting and
17 turning around low-performing schools using a process of comprehensive review and aggressive, evidence-
18 based strategies that are adopted in a collaborative manner;
- 19 (8) rewarding and recognizing schools that have sustained high rates of achievement, graduation or that have
20 significantly narrowed achievement gaps;
- 21 (9) ensuring that high-quality academic assessments, accountability systems, teacher preparation and training,
22 curriculum, and instructional materials are aligned with challenging State academic standards so that students,
23 teachers, parents, and administrators can measure progress against common expectations for student academic
24 achievement;

- 1 (10) improving and strengthening accountability, teaching, and learning by fostering State academic
2 achievement and content standards that are rigorous and comprehensive;
- 3 (11) providing greater decision-making authority and flexibility to schools and educators in order to promote
4 innovation, elevate the profession of teaching and attract new teachers to the field;
- 5 (12) providing children an enriched and comprehensive educational program, including the use of extended or
6 community learning formats, school-wide programs or additional services that increase the amount and quality
7 of instructional time;
- 8 (13) promoting innovation in schools based on effective, evidence-based instructional and intervention
9 strategies;
- 10 (14) significantly elevating the quality of instruction by providing staff in participating schools with substantial
11 and sustained opportunities for planning, collaborating, and participating in high-quality professional
12 development;
- 13 (15) implementing high-quality P-16 longitudinal data systems that include ongoing, job-embedded
14 professional development for educators on the use of such systems;
- 15 (16) coordinating services under all parts of this title with each other, with other educational services, and, to
16 the extent feasible, with other agencies providing services to youth, children, and families;
- 17 (17) affording parents, families and communities substantial and meaningful opportunities to participate in the
18 education of their children; and
- 19 (18) foster adequacy, equity and sustainability in excellent programs and resources for all schools irrespective
20 of the location, demographics or wealth of the community or state in which they operate.

21
22 ***Section 1002 is amended by striking subsection (b)***

23
24 Strike Section 1003 and renumber section 1004 as section 1003, with conforming references. Title VI
25 is amended by inserting the following new [subpart]:

1 “Subpart [___]. Priority Schools.

2 “[text of former section 1003, as amended.]

3 Part A of Title I is amended to read as follows:

4 “Part A—Improving Basic Programs Operated by Local Educational Agencies

5 “Subpart 1—Basic Program Requirements

6 “Section 1111. State plans

7 “(a) Plans required.

8 “(1) For any State desiring to receive a grant under this part, the State educational agency shall
9 submit to the Secretary a plan, developed by the State educational agency, in consultation with
10 local educational agencies, administrators, principals, teachers, education support professionals,
11 specialized instructional support personnel and parents, that satisfies the requirements of this
12 section and that is coordinated with other programs under this Act, the Individuals with
13 Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the
14 Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless
15 Assistance Act. Before its submission to the Secretary, the plan submitted by State shall undergo
16 a peer review, conducted by the U.S. Department of Education and comprising representatives
17 from appropriate national, state and local agencies, experts and organizations as well as members
18 and practitioners of the school community (including but not limited to classroom educators), to
19 determine the following:

20 “A) whether the plan comprehensively addresses the purpose of this Act as articulated in
21 Section 1001;

22 “B) whether state academic standards foster rigorous and comprehensive learning that
23 encompasses the knowledge, skills and dispositions necessary for life in a global and
24 interdependent, 21st-century society, as well as thorough preparation for postsecondary education,
25 the workforce, and the ability to participate in a democratic society;

1 “C) whether the state academic standards are aligned with principles of universal design for
2 learning and otherwise reflect the needs of English Language Learners and students with
3 disabilities in their design and content;

4 “D) whether state academic standards are sufficiently aligned with teacher preparation
5 programs; professional development; accreditation and licensing or certification standards; student
6 assessments; curriculum; and data systems within the state;

7 “E) whether the assessment system is complete, accessible and balanced, including formative
8 and summative assessments, aligned with data systems, school structure and professional
9 development systems to ensure capacity and time;

10 “F) whether the state plan addresses the curricular areas articulated in Section [1111(2)(b)] of
11 this Act;

12 “G) whether the school accountability system contains multiple, valid measures of student
13 learning with a focus on growth or progress rather than absolute achievement data generated from
14 a single assessment;

15 “H) whether the state plan includes comprehensive strategies—including the providing of
16 resources, technical assistance, research and professional development opportunities for all
17 education employees and leaders—to hold schools accountable for engaging parents, families and
18 communities as a key means of improving student learning and transforming schools; and

19 “I) if the state does not participate in a recognized common core standards or common
20 assessment system, further information about the state's standards or assessments as the Secretary
21 may require.

22
23 “(b) Academic Standards, Academic Assessments, and Accountability

24 “(1) Challenging academic standards.

1 “(A) In General - Each State plan shall demonstrate that the State has adopted challenging
2 academic content standards aligned with the principles of universal design that will be used by
3 the State, its local educational agencies, and its schools to carry out this part. If these
4 standards are the Common Core State Standards (CCSS), such standards shall be considered
5 approved by the Secretary. If the State elects to use a different set of standards, the state must
6 submit evidence to the Secretary that the standards are comparable to the CCSS standards in
7 rigor, content and clarity.

8 “(B) For any content area not addressed by CCSS, the State shall develop content
9 standards that are comparable in rigor, content and clarity to CCSS standards. The Secretary
10 may provide resources for state consortia to pursue development of other content standards not
11 included in CCSS.

12 “(C) The lack of existing standards in any academic content area shall not preclude the
13 State from addressing the needs of the whole student through a complete and rich curriculum
14 that reflects the broad purpose of this Act.

15 “(D) States must ensure that, in consultation with stakeholders and educators, standards are
16 aligned to teacher preparation programs; professional development; accreditation and licensing
17 or certification standards; student assessments; curriculum; and data systems within the state;.

18 “(E) States must ensure that academic standards are designed to be applicable to and
19 appropriate for diverse student populations, including English Language Learners and students
20 with disabilities.

21
22 Section 1111(b)(2) is amended to read as follows:

23 “(2) Accountability. --

24 “(A) In General.-- Each State plan shall demonstrate that the State has developed a
25 complete and balanced accountability system that reflects the broad purpose of this Act. The

1 State's accountability system shall include components that address the following broad
2 curricular areas:

3 “(i) academic knowledge and skills;

4 “(ii) career technical education and skills for the 21st century, such as critical thinking,
5 communication, collaboration, and creativity ;

6 “(iii) effective and engaged community and civic participation; and

7 “(iv) physical and emotional health, safety, well-being and aptitude as foundations for self-
8 actualization and self-determination.

9
10 “(B) Equity, Adequacy and Sustainability. The State's plan shall include a description of
11 its efforts to monitor and achieve equity, adequacy and sustainability in resources and quality
12 among its public schools and among its LEAs.

13
14 “(C) Report Card Indicators. To be eligible to receive funds under this Act, all States must
15 monitor progress in the following indicator areas:

16 “(i) growth in student learning;

17 “(ii) closing gaps in student learning between student populations listed in section
18 1111(b)(2)(D); and

19 “(iii) for secondary schools, improvement in the rate of graduation using the uniform
20 graduation calculation methodology articulated in **section 1111A**.

21
22 “For purposes of this section, the manner in which "growth in student learning" is measured
23 shall be determined by the State, as long as the systems for measuring growth are consistent,
24 reliable, valid, uniform across classrooms and schools, and tied to milestones of achievement
25 consistent with standards at prescribed grade span intervals.

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“For purposes of this section, "student learning" means acquired knowledge, skills and dispositions across a complete curriculum as described in this section and that includes components described in section 111(b)(2)(A). The extent of a student's learning is determined by evaluating multiple measures of each student's performance over time, and may include standardized assessments in core academic subjects, other assessments administered by the local educational agency, school or teacher; grades; portfolios of student work; the rigor of coursework (including dual enrollment, honors, AP or IB courses) and other measures deemed by the State to be valid, reliable and comparable across classrooms. A student's performance on standardized assessments developed or adopted by the State shall be one, but not the sole, criterion by which student learning is measured.

“For purposes of this section, "closing gaps in student learning" means narrowing disparities in academic performance between the student populations listed in section 1111(b)(2)(D). Student learning shall be determined through the evaluation of multiple measures of students' academic performance. The State shall ensure that all assessments developed or adopted by the State are valid and reliable for all student populations and include clear procedures for when and how students receive assessment accommodations prior to administering such assessments.

“For purposes of this section, "graduation rate improvement" means gains in the percentage of all students in the school, as determined by the uniform graduation calculation methodology developed by the National Governors' Association and articulated in **section 1111A**, except that schools must receive credit for 5th and 6th year students, including students with special

1 needs or “recent arrival” ELL students, who graduate at a “graduation center” pursuant to
2 **section 1111A** of this Act.

3
4 “(D) Student subpopulations. Student subpopulations to be analyzed as part of "closing
5 gaps in student learning" shall include:

6 “i) economically disadvantaged students;

7 “ii) students from major racial and ethnic groups;

8 “iii) students with disabilities; and

9 “iv) students who are English Language Learners;

10 except that disaggregation of data under this provision shall not be required in a case in which
11 the number of students in a category is insufficient to yield statistically reliable information or
12 the results would reveal personally identifiable information about an individual student. The
13 Secretary shall issue further guidance on disaggregation of student populations in accordance
14 with recommendations from major stakeholders, including but not limited to the National
15 Council on Measurement in Education, the National Academy of Science, and the American
16 Education Research Association.

17
18 “(E) Report Card. Beginning in the 2013-2014 school year, each State shall submit an
19 annual Report Card measuring schools' growth or progress over the prior three years for each
20 of the above indicators. The amount of annual growth or progress in each of the three
21 indicator areas that schools must demonstrate shall be determined by the State and reflected in
22 its state plan. The Report Card shall divide schools into three categories: Exemplary Schools,
23 On Target Schools, and Priority Schools, as follows:

24 “i) “Exemplary Schools” are schools that rank in the top 25 percent in all three indicator
25 areas. Exemplary Schools shall receive a commendation in a manner determined by the State.

1 Any Exemplary School that falls in the top 5 percent in any of the three indicator areas for two
2 or more consecutive years shall receive a special acknowledgment by the Secretary, be invited
3 to participate in an annual symposium to share promising practices, and be eligible to apply for
4 further innovation grants. The State may also nominate individual principals, teachers and
5 other school staff within these schools to receive individual recognition and be eligible to
6 participate in the annual symposium.

7 “ii) “On Target Schools” are schools that rank between the 26th and 74th percentiles in
8 any of three indicator areas. On Target Schools shall require no further federal action and
9 enjoy continued flexibility unless the State determines that additional measures or
10 opportunities to spur growth and progress in one or more indicator areas are warranted.

11 “iii) “Priority Schools” are schools that rank in the lowest 25 percent in any of the three
12 indicator areas for two or more consecutive years. Priority Schools shall be required to
13 undergo a State-led external review based on a school review system, which shall include a
14 school-based internal self-evaluation. States or state consortia may apply for grants to develop
15 and implement a school review system that includes the elements listed below.

16
17 “(F) School Review Teams. School review teams shall be assembled by the State and shall
18 comprise diverse experts, including current teachers, administrators and education support
19 professionals as well as representatives of the state’s accreditation agency, educator
20 associations, parent, family and community organizations, and major social services agencies.
21 A school review team shall monitor the following in each Priority School:

22 “(i) the quality, completeness and alignment of the school's systems of student
23 assessment, curriculum, instruction and leadership; and

24 “(ii) the school's attention to other critical indicators influencing student learning,
25 including student health, safety and well-being; teaching, working and learning conditions;

1 class size; support and professional development for teachers and other staff;
2 parent/community engagement; and other factors identified by the state.
3

4 “The school review process shall include an analysis of whether the Priority School, when
5 referenced against a standard measure of acceptable performance for all three indicator areas
6 as determined by the Secretary in consultation with experts and stakeholders, warrants further
7 intervention or not.
8

9 “(G) School Intervention Strategies.

10 “(i) For Priority Schools that fall in the bottom 5 percent in any indicator area, the
11 State and LEA shall provide intensive targeted intervention and supports and guidance
12 with federal assistance consistent with [Title VI] of this Act. For Priority Schools
13 identified as falling within the 6-25th percentile may, the State also may provide intensive
14 targeted intervention and supports and guidance consistent with [Title VI] of this Act after
15 reviewing the results of the school review team.

16 “(ii) The primary purpose of intervening in such schools is to provide intensive
17 support and resources in order to improve student learning, close achievement gaps and
18 increase graduation rates.

19 “(iii) Intervention strategies shall be determined through an inclusive, collaborative
20 and transparent process that includes educators, administrators, parents, and other local
21 stakeholders. The determination of this collaborative process shall not be subject to
22 modification or revision by the Secretary.

23 “(iv) Intervention strategies must be evidence-based, targeted based on the results
24 of the school review, and be designed to improve student learning, close achievement gaps,
25 and increase graduation rates.

1 “(v) The Secretary shall not place caps on any intervention strategy deemed to be
2 most effective and practicable by state in consultation with local education agencies.
3 Intervention strategies must involve collaboration with unions and other local stakeholders
4 and build on and respect existing collective bargaining contracts and other agreements.

5 “(vi) Intervention strategies that require modification of an existing collective
6 bargaining agreement must be negotiated with the appropriate bargaining unit(s).

7 “(vii) The State shall make recommendations on appropriate elements that should
8 be present irrespective of the chosen intervention "model" or approach, such as response to
9 intervention, extended learning opportunities, full-service community schools [See
10 S.1665/H.R.3545 - Nelson/Hoyer/Himes bills, 111th Congress], intensive professional
11 development, reduced class size, intensive instruction in reading and math, expanded
12 summer school opportunities, parental, family and community engagement, and redesigned
13 curriculum.

14 “(viii) If a school has become a Priority School solely because of an inability to
15 close gaps in student learning or graduation rates between particular student
16 subpopulations, then the intervention strategies for such Priority Schools may be tailored to
17 address the needs for these subpopulations.

18 “(ix) States may apply for federal assistance in providing for school interventions
19 pursuant to [Title VI] of this Act.

20
21 “(3) Academic Assessment Systems.

22 “Each State plan shall include a description of its efforts toward a student assessment
23 system that is accessible and balanced and that includes innovative summative assessments,
24 formative assessments, professional development and effective and efficient data systems.

1 “(i) Summative assessments. For purposes of this Act, State plans shall require that
2 students be assessed once in grades 4-6 and once in grades 7-9.

3 “(A) For purposes of this Act, no assessments administered in grades 3 or
4 lower shall be included in a state accountability plan.

5 “(B) States may choose to describe results from assessments conducted in
6 grades 10-12 in their state accountability plans; such assessments may comprise
7 end-of-course exams and senior projects.

8 “(C) Assessments must include multiple measures of academic
9 achievement, including measures that assess higher-order thinking skills, and
10 gather information about students' ability to demonstrate and apply what they have
11 learned. These assessments may include tasks that require the application of
12 higher-order and critical thinking, analytical, and problem-solving skills and
13 knowledge.

14 “(D) To be valid, assessments included in a state accountability plan must
15 include at least 95 percent of the students in each school. Students who have,
16 pursuant to state law, opted out of mandatory standardized assessment shall not be
17 included in the participation rate calculation.

18
19 “(ii) Formative assessments. State plans shall require that students receive
20 formative assessments designed to provide direct and timely feedback to students as well
21 as classroom teachers in order to identify strengths and weaknesses and to inform
22 instruction. The results of formative assessments may not be included in any
23 accountability plan.
24

1 “(iii) Professional development. State plans must allocate time and resources for
2 the development and administration of professional development that is aligned with the
3 academic assessment system, and shall encourage local education agencies to recognize the
4 importance of planning time as essential in the refinement of effective teaching.

5
6 “(iv) Data systems. The State plan shall address the development of an effective
7 longitudinal data system, as defined in subpart 4 of this section, that assists in the tracking
8 and analysis of student performance on formative and summative assessments, enables
9 teachers to use technology to choose among formative and summative assessment tasks
10 and resources, and allows teachers to share resources and promising practices with
11 colleagues. States shall ensure that data from assessments are used for valid, reliable and
12 fair purposes and are available and communicated to educators and parents or family in a
13 timely manner. Assessment results and data shall be disaggregated by race, ethnicity,
14 socioeconomic status, ability, and ELL status and include detailed information on
15 accommodations needed or provided. Education decisions about students, teachers and
16 schools shall not be based on results from a single assessment or from assessments that are
17 not valid as a basis for those decisions.

18
19 “(v) To the extent feasible, the State shall ensure that summative and formative
20 assessments are accessible to all students by using principles of universal design for
21 learning (UDL), which provide for proactive design and minimize the effect of construct-
22 irrelevant factors--such as physical, sensory, learning, cognitive disabilities, or language
23 barriers--that may interfere with the accuracy of the assessment and require additional
24 accommodations. The State shall develop guidelines governing the provision of
25 accommodations and ensure that students, including students with disabilities and English

1 Language Learner (ELL) students, are afforded a wide range of appropriate assessment
2 accommodations and multiple pathways to demonstrate their knowledge, skills and
3 abilities in accordance with intended learning standards and instructional goals.
4

5 “(vi) The State shall ensure that the process for assessing students with disabilities
6 is accessible, valid, reliable and fair. For purposes of this Act, the standardized assessments
7 used to assess students with disabilities shall be determined by their Individualized
8 Education Program (IEP) as required by the Individuals with Disabilities Education Act
9 (IDEA).
10

11 “(vii) The State shall ensure that the process for assessing (ELL) students is valid,
12 reliable and fair. The State shall describe in its State plan its process for classifying
13 students as ELL, determining when and how ELL students shall be assessed, and aligning
14 assessments administered to ELL students with their instruction and needs. The State
15 should further detail how it is making available, to the extent feasible and appropriate,
16 linguistically and culturally appropriate native language assessments, assessment
17 accommodations, and diverse instructional practices and programs for ELL students,
18 including ELL students with disabilities or special needs. For purposes of this section,
19 recently arrived ELL students should be included in appropriately designed assessment
20 results as soon as practicable, but no later than three years after their entry into the public
21 school system.
22

23 “(viii) The Secretary shall provide grants to assist States in developing all aspects
24 of a complete assessment system, including those listed above.
25

1 “(ix) Nothing in this Act shall be construed to impose additional testing
2 requirements on States beyond those prescribed in this section.

3
4 “(4) Statewide P-16 Education Data Systems

5
6 “The State shall establish a longitudinal, statewide P-16 education data system and ensure that it
7 contains the elements listed in the America Competes Act [P.L. 110-69], except that Section
8 6401(e)(2)(C)(i)(VI) shall be amended to read as follows:

9
10 “maintain adequate security measures to ensure the confidentiality and integrity of the statewide
11 P-16 education data system, such as protecting a student and/or educator record or identity from
12 identification, public dissemination or misuse;”

13
14 **Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20**
15 **U.S.C. 6311 et seq.) is amended by inserting after section 1111 (20 U.S.C. 6311) the**
16 **following from the Every Student Counts Act (HR 1569/S618):**
17

18 “Section 1111A. Secondary School Graduation Rates

19
20 “(a) Definitions- In this section:

21 “(1) ADJUSTED COHORT; TRANSFERRED IN; TRANSFERRED OUT-

22 “(A) IN GENERAL- Subject to subparagraphs (C)(ii) through (F), the term

23 “adjusted cohort” means the difference of--

24 “(i) the sum of--

25 “(I) the number of first-time ninth graders; plus

1 (II) any students that transferred in to the cohort in any of grades
2 9 through 12; minus

3 (ii) any students removed from the cohort.

4 (B) TRANSFERRED IN- The term 'transferred in' when used with respect to a
5 secondary school student, means a student who enrolls after the beginning of the
6 entering cohort's first year in secondary school, up to and including enrolling in
7 grade 12.

8 (C) TRANSFERRED OUT-

9 (i) IN GENERAL- The term 'transferred out' when used with respect to
10 a secondary school student, means a student who the secondary school or
11 local educational agency confirms has transferred to another school or
12 another educational program for which the student is expected to receive
13 a regular secondary school diploma.

14 (ii) CONFIRMATION REQUIREMENTS-

15 (I) DOCUMENTATION REQUIRED- The confirmation of a
16 student's transfer to another school or educational program
17 described in clause (i) requires documentation from the receiving
18 school or program that the student enrolled in the receiving school
19 or program.

20 (II) LACK OF CONFIRMATION- A student who was enrolled,
21 but for whom there is no confirmation of transfer or completion,
22 shall not be considered a transfer or an error, but shall remain in
23 the cohort as a nongraduate for reporting and accountability
24 purposes under this section.

1 (iii) PROGRAMS NOT PROVIDING CREDIT- A student enrolled in a
2 GED or other alternative educational program that does not issue or
3 provide credit toward the issuance of a regular secondary school diploma
4 shall not be considered transferred out.

5 (D) COHORT REMOVAL- To remove a student from a cohort, a school or
6 local educational agency shall confirm that the student has transferred out,
7 emigrated, or is deceased.

8 (E) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS- A student
9 who was retained in a grade, enrolled in a GED program, aged-out of a
10 secondary school or secondary school program, or left secondary school for any
11 other reason, including expulsion, shall not be considered transferred out, and
12 shall remain in the adjusted cohort.

13 (F) SPECIAL RULE- For those secondary schools that start after grade 9, the
14 cohort shall be calculated based on the earliest secondary school grade at the
15 secondary school.

16 (2) ALTERNATIVE EDUCATIONAL SETTING- The term 'alternative educational
17 setting' means--

18 (A) a secondary school, secondary school educational program *or secondary*
19 *school graduation center* that--

20 (i) is designed for students who are under-credited or have dropped out
21 of secondary school; and

22 (ii) awards a regular secondary school diploma; or

23 (B) a secondary school, secondary school educational program *or secondary*
24 *school graduation center* designed to issue a regular secondary school diploma

1 concurrently with a postsecondary degree or not more than 2 years of college
2 credit.

3 `(3) CUMULATIVE GRADUATION RATE- The term `cumulative graduation rate'
4 means, for each school year, the percent obtained by calculating the product of--

5 `(A) the result of--

6 `(i) the sum of--

7 `(I) the number of students who--

8 `(aa) formed the adjusted cohort *either 4, 5 or 6* years earlier; and

9 `(bb) graduate in **6** years or less with a regular secondary school diploma (which shall not include a GED
10 or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); plus

11 `(II) the number of additional students from previous cohorts who
12 graduate in more than 4 years with a regular secondary school
13 diploma (which shall not include a GED or other certificate of
14 completion or alternative to a diploma except as provided in
15 paragraph (6)(B)); divided by

16 `(ii) the sum of--

17 `(I) the number of students who formed the adjusted cohort for
18 that graduating class 4 years earlier; plus

19 `(II) the number of additional student graduates described in
20 clause (i)(II); multiplied by

21 `(B) 100.

22 `(4) 4-year ADJUSTED COHORT GRADUATION RATE- The term `4-year adjusted
23 cohort graduation rate' means the percent obtained by calculating the product of--

1 (A) the result of--

2 (i) the number of students who--

3 (I) formed the adjusted cohort 4 years earlier; and

4 (II) graduate in 4 years or less with a regular secondary school
5 diploma (which shall not include a GED or other certificate of
6 completion or alternative to a diploma except as provided in
7 paragraph (6)(B)); divided by

8 (ii) the number of students who formed the adjusted cohort for that
9 graduating class 4 years earlier; multiplied by

10 (B) 100.

11 ***(5) 5-year ADJUSTED COHORT GRADUATION RATE- The term '5-year adjusted***
12 ***cohort graduation rate' means the percent obtained by calculating the product of--***

13 (A) the result of--

14 (i) the number of students who--

15 (I) formed the adjusted cohort 5 years earlier; and

16 (II) graduate in 5 years or less with a regular secondary school
17 diploma (which shall not include a GED or other certificate of
18 completion or alternative to a diploma except as provided in
19 paragraph (6)(B)); divided by

20 (ii) the number of students who formed the adjusted cohort for that
21 graduating class 5 years earlier; multiplied by

22 (B) 100.

23
24 ***(6) 6-year ADJUSTED COHORT GRADUATION RATE- The term '6-year adjusted***
25 ***cohort graduation rate' means the percent obtained by calculating the product of--***

1 `*(A) the result of--*

2 `*(i) the number of students who--*

3 `*(I) formed the adjusted cohort 6 years earlier; and*

4 `*(II) graduate in 6 years or less with a regular secondary school*
5 `*diploma (which shall not include a GED or other certificate of*
6 `*completion or alternative to a diploma except as provided in*

7 `*paragraph (6)(B)); divided by*

8 `*(ii) the number of students who formed the adjusted cohort for that*
9 `*graduating class 6 years earlier; multiplied by*

10 `*(B) 100.*

11
12 ‘(7) ON-TRACK STUDENT- The term ‘on-track student’ means a student who--

13 ` (A) has accumulated the number of credits necessary to promote to the next
14 grade, in accordance with State and local educational agency policies; and

15 ` (B) has failed not more than 1 semester in English or language arts,
16 mathematics, science, or social studies.

17 ‘(8) REGULAR SECONDARY SCHOOL DIPLOMA-

18 ` (A) IN GENERAL- The term ‘regular secondary school diploma’ means the
19 standard secondary school diploma awarded to the preponderance of students in
20 the State that is fully aligned with State standards, or a higher diploma. Such
21 term shall not include GEDs, certificates of attendance, or any lesser diploma
22 award.

23 ` (B) SPECIAL RULE- For a student who has a significant cognitive disability
24 and is assessed using an alternate assessment aligned to an alternate achievement
25 standard, receipt of a regular secondary school diploma or a State-defined

1 alternate diploma aligned with completion of the student's right to a free and
2 appropriate public education under the Individuals with Disabilities Education
3 Act (20 U.S.C. 1400 et seq.) shall be counted as graduating with a regular
4 secondary school diploma for the purposes of this section, except that not more
5 than 1 percent of students served by the State or local educational agency, as
6 appropriate, shall be counted as graduates with a regular secondary school
7 diploma under this subparagraph.

8 **`(9) UNDER-CREDITED STUDENT-** The term `under-credited student' means a
9 secondary school student who is a year or more behind in the expected accumulation of
10 credits or courses toward an on-time graduation as determined by the relevant local
11 educational agency's and State educational agency's secondary school graduation
12 requirements for an on-time graduation.

13 **`(b) Calculating and Reporting Accurate Graduation Rates-**

14 **`(1) CALCULATING GRADUATION RATES-** Not later than school year 2010-2011,
15 and every school year thereafter, each State educational agency and local educational
16 agency that is assisted under this part shall calculate, using a statewide longitudinal data
17 system with individual student identifiers for each school served by the State or local
18 educational agency, as the case may be--

19 **`(A)** the 4-year adjusted cohort graduation rate;

20 ***'(B) the 5-year adjusted cohort graduation rate;***

21 ***'(C) the 6-year adjusted cohort graduation rate; and***

22 **`(D)** the cumulative graduation rate.

23 **`(2) CALCULATION AT SCHOOL, LEA, AND STATE LEVELS;**

24 **DISAGGREGATION-** The 4-year, ***5-year and 6-year*** adjusted cohort graduation rate
25 and the cumulative graduation rate shall be calculated at the school, local educational

1 agency, and State levels in the aggregate and disaggregated by race, ethnicity, gender,
2 disability status, migrant status, English proficiency, and status as economically
3 disadvantaged, except that such disaggregation shall not be required in a case in which
4 the number of students in a subgroup is insufficient to yield statistically reliable
5 information or the results would reveal personally identifiable information about an
6 individual student.

7 `(3) REPORTING GRADUATION RATES- Subject to paragraph (4), not later than
8 school year 2010-2011, and every school year thereafter, each State educational agency,
9 local educational agency and school that is assisted under this part shall report annually,
10 as part of the State and local educational agency report cards required under section
11 1111(h), each of the following:

12 `(A) 4-year ADJUSTED COHORT GRADUATION RATE- The 4-year adjusted
13 cohort graduation rate, in the aggregate and disaggregated by each of the
14 subgroups described in paragraph (2).

15 `(B) CUMULATIVE GRADUATION RATE- The cumulative graduation rate,
16 in the aggregate and disaggregated by each of the subgroups described in
17 paragraph (2).

18 `(C) NUMBER AND PERCENTAGE OF STUDENTS GRADUATING IN
19 MORE THAN 4 YEARS- The number and percentage of secondary school
20 students graduating in more than 4 years with a regular secondary school
21 diploma as described in subsection (a)(3)(A)(i)(II), disaggregated by the number
22 of years accounted for in the cumulative graduation rate and by each of the
23 subgroups described in paragraph (2).

24 `(D) NUMBER AND PERCENTAGE OF STUDENTS REMOVED FROM
25 COHORT- The number and percentage of secondary school students who have

1 been removed from the adjusted cohort, in the aggregate and disaggregated by
2 each of the subgroups described in paragraph (2).

3 `(E) NUMBER AND PERCENTAGE OF CONTINUING STUDENTS- The
4 number and percentage of students from each previous adjusted cohort that
5 began 4 years or more earlier who have not graduated from and are still enrolled
6 in secondary school.

7 `(4) USE OF INTERIM GRADUATION RATE- In the case of a State that does not
8 have an individual student identifier longitudinal data system, with respect to each
9 graduation rate calculation or reporting requirement under this section, the State and
10 local educational agencies and secondary schools in the State shall temporarily carry out
11 this section by using an interim graduation rate calculation that meets the following
12 conditions:

13 `(A) NUMBER OF GRADUATES COMPARED TO NUMBER OF
14 STUDENTS- The calculation shall measure or estimate the number of secondary
15 school graduates compared to the number of students in the secondary school's
16 entering grade.

17 `(B) DROPOUT DATA- The calculation shall not use dropout data.

18 `(C) REGULAR SECONDARY SCHOOL DIPLOMA- The calculation shall
19 count as graduates only those students who receive a regular secondary school
20 diploma.

21 `(D) DISAGGREGATION- The calculation shall be disaggregated by each of the
22 subgroups described in paragraph (2).

23 `(E) ANNUAL BASIS AND RATE OF GROWTH- The calculation shall be
24 used on an annual basis to determine a rate of growth, as described in subsection
25 (c).

1 (F) TIMEFRAME LIMITATION- The interim graduation rate calculation may
2 only be used through the end of school year 2010-2011.

3 (G) REPORTING USE OF INTERIM GRADUATION RATE- Each State that
4 receives assistance under this part shall describe in the State's plan submitted
5 under section 1111 the interim graduation rate used in accordance with this
6 paragraph.

7 (5) REPORTING ON ALTERNATIVE SETTINGS- Not later than school year 2010-
8 2011, and every school year thereafter, each State educational agency and local
9 educational agency that receives assistance under this part and contains an alternative
10 education setting which establishes an alternative 4-year completion requirement as
11 described in subsection (c)(3)(C)(iii), shall report annually as part of the State and local
12 educational agency report cards required under section 1111(h), the following:

13 (A) The name of each alternative education setting that establishes an alternative
14 4-year completion requirement.

15 (B) A description of the program provided at each setting and the population
16 served.

17 (C) The enrollment of such settings in the aggregate and disaggregated by each
18 of the subgroups described in paragraph (2), including as a percent of overall
19 enrollment.

20 (D) Whether the setting is a new school or setting.

21 (E) The alternative 4-year completion requirement as described in subsection
22 (c)(3)(C)(iii).

23 (6) REPORTING PERCENT OF ON-TRACK STUDENTS- Not later than school year
24 2010-2011, and every school year thereafter, every State educational agency, local
25 educational agency, and school that receives assistance under this part shall report

1 annually, as part of the State and local educational agency report cards required under
2 section 1111(h), the percent of on-track students for each secondary school grade served
3 by the State educational agency, local educational agency, and school, respectively,
4 other than the graduating grade for the secondary school, in the aggregate and
5 disaggregated by each of the subgroups described in paragraph (2).

6 `(7) REPORTING ADDITIONAL INDICATORS-

7 `(A) IN GENERAL- A State may report additional complementary indicators of
8 secondary school completion, such as--

9 `(i) a college-ready graduation rate;

10 `(ii) a dropout rate;

11 `(iii) in-grade retention rates;

12 `(iv) percentages of students receiving GEDs, certificates of completion,
13 or alternatives to a diploma; and

14 `(v) in the case of a State with exit examinations, students who have
15 completed course requirements but failed a State exam required for
16 secondary school graduation.

17 `(B) DEFINITIONS FOR INDICATORS- The Secretary shall promulgate and
18 publish in the Federal Register regulations containing definitions for the
19 indicators described in clauses (i), (ii), and (iii) of subparagraph (A) that are
20 consistent with the definitions used by the National Center for Educational
21 Statistics, in order to ensure that the indicators are comparable across schools and
22 school districts within a State.

23 `(C) PROHIBITION- For purposes of reporting or accountability under this
24 section, the additional indicators shall not replace the 4-year adjusted cohort
25 graduation rate or the cumulative graduation rate.

1 (D) RULE OF CONSTRUCTION- Nothing in this Act shall be construed to
2 prohibit a State from reporting indicators of secondary school completion that are
3 not described in subparagraph (A).

4 (8) DATA ANOMALIES-

5 (A) IN GENERAL- When an individual student record indicates a student was
6 enrolled in more than 1 secondary school or a student record shows enrollment in
7 a secondary school but no subsequent information, such student record shall be
8 assigned to 1 adjusted cohort for the purposes of calculating and reporting
9 school, local educational agency, and State 4-year adjusted cohort graduation
10 rates and cumulative graduation rates under this subsection.

11 (B) SPECIAL RULE- A student who returns to secondary school after dropping
12 out of secondary school, or receives a diploma from more than 1 school or
13 educational program served by any 1 local educational agency, shall be counted--

14 (i) only once for purposes of reporting and accountability under this
15 section; and

16 (ii) as part of the student's original adjusted cohort.

17 (9) MONITORING OF DATA COLLECTION- Each State that receives assistance
18 under this part shall conduct regular audits of data collection, reporting, and calculations
19 by local educational agencies in the State. The Secretary shall assist States in their
20 efforts to develop and retain the capacity for collection, analysis, and public reporting of
21 4-year adjusted cohort graduation rate and cumulative graduation rate data.

22 (c) School, Local Educational Agency, and State Accountability-

23 (1) GRADUATION RATE GOAL- Each State that receives assistance under this part
24 shall seek to have all students graduate from secondary school prepared for success in
25 college and work.

1 ` (2) GRADUATION RATE CALCULATION- Each State that receives assistance under
2 this part shall use aggregate and disaggregated cumulative graduation rates as the
3 additional indicator described in section 1111(b)(2)(C)(vi) for the purposes of
4 determining each secondary school's and local educational agency's ~~adequate yearly~~
5 progress.

6 ` (3) ANNUAL MEASURABLE OBJECTIVES- The Secretary shall require a State,
7 local educational agency, or school that receives assistance under this part and has a
8 cumulative graduation rate below 90 percent in the aggregate or for any subgroup
9 described in subsection (b)(2), to increase the cumulative graduation rate, in the
10 aggregate or for such subgroup, respectively, in order to make ~~adequate yearly~~ progress
11 under section 1111(b)(2), as follows:

12 ` (A) BASELINE FOR CUMULATIVE GRADUATION RATES- Subject to
13 subparagraph (B), the cumulative graduation rate calculated and reported in
14 accordance with this section for the first school year that begins after the date of
15 enactment of Every Student Counts Act shall serve as the baseline graduation
16 rate. Each school year thereafter, cumulative graduation rates calculated at the
17 school, local educational agency, and State levels in the aggregate and
18 disaggregated by each subgroup described in subsection (b)(2) shall be evaluated
19 for annual growth in accordance with subparagraph (C).

20 ` (B) BASELINE ADJUSTMENT- In the case of a State that uses an interim
21 graduation rate, after the State has implemented an individual student identifier
22 longitudinal data system and can calculate the 4-year adjusted cohort graduation
23 rate and the cumulative graduation rate, but not later than the 2010-2011 school
24 year, the State shall use the cumulative graduation rate as the baseline graduation
25 rate for reporting and accountability under this section.

1 (C) ANNUAL GROWTH-

2 (i) IN GENERAL- In order for a State, local educational agency, or
3 school to make ~~adequate yearly~~ progress under section 1111(b)(2), the
4 State, local educational agency, or school, respectively, shall demonstrate
5 increases in the cumulative graduation rate from the baseline graduation
6 rate, in the aggregate and for each subgroup described in subsection
7 (b)(2), by an average of 3 percent per school year, until the cumulative
8 graduation rate, in the aggregate and for each such subgroup, equals or
9 exceeds 90 percent.

10 (ii) **PROGRESS** NOT MADE- A secondary school shall not be
11 considered to have made ~~adequate yearly~~ progress under section
12 1111(b)(2) if--

13 (I) the school's 4-year adjusted cohort graduation rate, in the
14 aggregate or for any subgroup described in subsection (b)(2), falls
15 below the cohort's initial baseline graduation rate or shows no
16 improvement over a 4-year period; or

17 (II) fewer than 90 percent of the students included in the
18 cumulative graduation rate, in the aggregate or for any subgroup
19 described in subsection (b)(2), are students who graduate from
20 secondary school in 4 years.

21 (iii) SPECIAL RULE- A secondary school or secondary school
22 educational program that is an alternative education setting may apply to
23 the State to establish an alternative 4-year completion requirement for
24 purposes of determinations under clause (ii)(II) if--

1 (I) the secondary school or educational program submits to the
2 State--

3 (aa) a description of the secondary school or educational program; and

4 (bb) an alternative 4-year completion requirement; and

5 (II) the State approves the use of the alternative 4-year
6 completion requirement for such purposes.

7 (4) DELAYED APPLICABILITY TO SCHOOLS- Paragraphs (2) and (3)(C) shall not
8 apply to a secondary school until the beginning of school year 2011-2012.

9 (d) Reporting Requirement- Not later than 90 days after the date of the enactment of the Every
10 Student Counts Act, and annually thereafter, each State educational agency that receives
11 assistance under this part shall submit to the Secretary, and make publicly available, a report on
12 the implementation of this section.

13
14 “Section 1112. Local educational agency plans.

15 “Section 1113. Eligible school attendance areas.

16 “Section 1114. Schoolwide programs.

17 ~~“Section 1115. Targeted assistance schools.~~

18 “Section 1116. Academic assessment and local educational agency and school improvement.

19 **KEEP 1116(d):** “Construction. Nothing in this section shall be construed to alter or otherwise affect
20 the rights, remedies, and procedures afforded school or school district employees under Federal, State,
21 or local laws (including applicable regulations or court orders) or under the terms of collective
22 bargaining agreements, memoranda of understanding, or other agreements between such employees
23 and their employers.

1 **Delete sections referring to AYP, public school choice, and supplemental educational services.**

2
3 Section 1117. School support and recognition.

4 Section 1118. Parental, family and community engagement.

5 *NEA supports the recommendations of the PTA*

6 Section 1119. Qualifications for teachers ~~and~~ paraprofessionals.

7 Section 1120. Participation of children enrolled in private schools.

8 Section 1120A. Fiscal requirements.

9 Section 1120B. Coordination requirements.

10 Subpart 2--Allocations

11 Slightly increase States' and LEAs' administrative set-aside funds to be used for enhanced data
12 systems and support, including technical and clerical support, to accommodate additional paperwork
13 and data demands.

14
15 Sec. 1121. Grants for the outlying areas and the Secretary of the Interior

16 Sec. [1122](#). Allocations to States.

17 Sec. [1124](#). Basic grants to local educational agencies.

18 Sec. 1124A. Concentration grants to local educational agencies.

19 Sec. [1125](#). Targeted grants to local educational agencies.

20 Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years
21 after fiscal year 2001.

22 Sec. 1125A. Education finance incentive grant program.

23 Sec. [1126](#). Special allocation procedures.

24 Sec. [1127](#). Carryover and waiver.

25

1 **Strike Part B, insert the LEARN ACT, AS AMENDED, in TITLE V, Part C**

2
3 Part C--Education of Migratory Children

4 Sec. [1301](#). Program purpose.

5 Sec. [1302](#). Program authorized.

6 Sec. [1303](#). State allocations.

7 Sec. [1304](#). State applications; services.

8 Sec. [1305](#). Secretarial approval; peer review.

9 Sec. [1306](#). Comprehensive needs assessment and service-delivery plan; authorized activities.

10 Sec. [1307](#). Bypass.

11 Sec. [1308](#). Coordination of migrant education activities.

12 Sec. [1309](#). Definitions.

13 **Part D--Prevention and Intervention Programs for Children and Youth who are Neglected,**

14 **Delinquent, or At-risk**

15 Sec. [1401](#). Purpose and program authorization.

16 Sec. [1402](#). Payments for programs under this part.

17 Subpart 1--State Agency Programs

18 Sec. [1411](#). Eligibility.

19 Sec. [1412](#). Allocation of funds.

20 Sec. [1413](#). State reallocation of funds.

21 Sec. [1414](#). State plan and State agency applications.

22 Sec. [1415](#). Use of funds.

23 Sec. [1416](#). Institution-wide projects.

24 Sec. [1417](#). Three-year programs or projects.

25 Sec. [1418](#). Transition services.

- 1 Sec. [1419](#). Evaluation; technical assistance; annual model program.
- 2 Subpart 2--Local Agency Programs
- 3 Sec. [1421](#). Purpose.
- 4 Sec. [1422](#). Programs operated by local educational agencies.
- 5 Sec. [1423](#). Local educational agency applications.
- 6 Sec. [1424](#). Uses of funds.
- 7 Sec. [1425](#). Program requirements for correctional facilities receiving funds under this section.
- 8 Sec. [1426](#). Accountability.
- 9 Subpart 3--General Provisions
- 10 _____ Sec. [1431](#). Program evaluations.
- 11 Sec. [1432](#). Definitions.
- 12 Part E--National Assessment of Title I **[REVISE ACCORDING TO NEW LANGUAGE]**
- 13 Sec. [1501](#). Evaluations.
- 14 Sec. [1502](#). Demonstrations of innovative practices.
- 15 Sec. [1503](#). Assessment evaluation.
- 16 Sec. [1504](#). Close Up fellowship program.
- 17 Part F--Comprehensive School Reform
- 18 Sec. [1601](#). Purpose.
- 19 Sec. [1602](#). Program authorization.
- 20 Sec. [1603](#). State applications.
- 21 Sec. [1604](#). State use of funds.
- 22 Sec. [1605](#). Local applications.
- 23 Sec. [1606](#). Local use of funds.
- 24 Sec. [1607](#). Evaluation and reports.
- 25 Sec. [1608](#). Quality initiatives.

1 Part G--Advanced Placement Programs **[DELETE: MOVE OUT OF TITLE I, TO DIFFERENT**
2 **TITLE]**

3 ~~Part H--School Dropout Prevention~~ **[DELETE: MOVE OUT OF TITLE I, TO**
4 **DIFFERENT TITLE]**

5 Part I--General Provisions

6 Sec. [1901](#). Federal regulations.

7 Sec. [1902](#). Agreements and records.

8 Sec. [1903](#). State administration.

9 Sec. [1904](#). Local educational agency spending audits.

10 Sec. [1905](#). Prohibition against Federal mandates, direction, or
11 control.

12 Sec. [1906](#). Rule of construction on equalized spending.

13 Sec. [1907](#). State report on dropout data.

14 Sec. [1908](#). Regulations for sections [1111](#) and [1116](#). See above, re deleting references to AYP,
15 public school choice, and SES

1 **Appendix III: LEARN Act, as Amended**

2 Strike Part B of Title I and insert the following in Title V, Part C in lieu thereof:

3 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) Short Title- This Act may be cited as the 'Literacy Education for All, Results for the Nation
5 Act' (LEARN Act).

6 (b) Table of Contents- The table of contents for this Act is as follows:

7 Sec. 1. Short title; table of contents.

8 Sec. 2. Findings.

9 Sec. 3. Purposes.

10 Sec. 4. Definitions.

11 Sec. 5. Program authorized.

12 Sec. 6. State planning grants.

13 Sec. 7. State implementation grants.

14 Sec. 8. State activities.

15 Sec. 9. Subgrants to eligible entities in support of birth through kindergarten entry literacy.

16 Sec. 10. Subgrants to local educational agencies in support of kindergarten through grade
17 12 literacy.

18 Sec. 11. National evaluation, information dissemination, and technical assistance.

19 Sec. 12. Consequences of insufficient progress, reporting requirements, and conflicts of
20 interest.

21 Sec. 13. Rules of construction.

22 Sec. 14. Authorization of appropriations.

23 **SEC. 2. FINDINGS.**

1 Congress finds that in order for a comprehensive, effective literacy program to address the needs
2 of readers and writers it is critical to address the following:

3 (1) Literacy development is an ongoing process that requires a sustained investment
4 beginning in early childhood and continuing through elementary school and secondary
5 school.

6 (2) Developing literacy skills begins at birth as infants and toddlers associate sounds,
7 gestures, and marks on paper with consequences and meaning. Many low-income children
8 from birth through kindergarten entry lack oral and print language-rich environments in
9 their homes, and early learning programs are often not sufficiently responsive to the range
10 of skills such children may develop in their home environments.

11 (3) Early childhood educators whose professional preparation and ongoing development
12 includes study of language learning and early childhood development promote early
13 language and literacy as part of the overall curriculum for children's readiness for school,
14 particularly for young English language learners and children with disabilities or
15 developmental delays.

16 (4) Research shows that writing leads to improved reading achievement, reading leads to
17 better writing performance, and combined instruction leads to improvements in both areas.
18 Children in kindergarten through grade 12 need to be engaged in combined reading and
19 writing experiences that lead to a higher level of thinking than when either process is
20 taught alone.

21 (5) Environments rich in literacy experiences, books, resources, and models facilitate
22 reading and writing development. Schools, principals, librarians, and teachers must have
23 the skills and tools to create environments appropriate to meet the diverse literacy needs of
24 children from birth through grade 12, especially for children whose home environments
25 lack support for literacy development.

1 (6) Middle school and secondary school teachers need professional development to
2 improve the reading and writing abilities of students who are reading and writing several
3 years below grade level. Middle school and secondary school teachers in core academic
4 subjects must have the tools and skills to teach reading and writing for subject area
5 understanding and to differentiate and provide instruction for students with varying literacy
6 skills.

7 (7) The intellectual and linguistic skills necessary for writing and reading must be
8 developed through explicit, intentional, and systematic language activities, to which many
9 low-income and minority students do not currently have access.

10 (8) Between 1971 and 2004, the reading levels of America's 17-year-olds showed little to
11 no improvement at all. The ability of secondary school students to read complex texts is
12 strongly predictive of their performance in college mathematics and science courses.

13 (9) Fewer than 2 in 10 eighth graders from the secondary school graduating classes of 2005
14 and 2006 met all four EXPLORE College Readiness Benchmarks (English, Mathematics,
15 Reading, and Science), the minimum level of achievement that ACT has shown is
16 necessary if students are to be college- and career-ready upon their secondary school
17 graduation.

18 (10) Seventy percent of 8th graders read below the proficient level on the 2007 National
19 Assessment of Educational Progress, indicating that students in middle schools and
20 secondary schools struggle to graduate because the students' literacy achievement is
21 alarmingly low. Only 1/3 of secondary school students who enter 9th grade each year can
22 expect to graduate in 4 years with the skills the student needs to succeed in college and the
23 workplace.

24 (11) Secondary school graduation rates for low-income students and students of color
25 hover around 50 percent, as do graduation rates for students in urban school districts and

1 students with disabilities. Graduation rates for English language learners are particularly
2 low.

3 (12) Only 71 percent of secondary school students graduate on time with a diploma,
4 meaning that every year 1,230,000 students fail to graduate from secondary school. These
5 1,230,000 nongraduates cost the Nation more than \$319,000,000,000 in lost wages, taxes,
6 and productivity over the lifetimes of the nongraduates.

7 (13) About 40 percent of secondary school graduates lack the literacy skills employers
8 seek. The 25 fastest growing professions have far greater than average literacy demands,
9 while the fastest declining professions have lower than average literacy demands.

10 (14) Research shows that low expectations for the reading and writing achievement of
11 students in schools results in curriculum that does not challenge or adequately support the
12 student's literacy learning and in subsequent low achievement, while high academic
13 expectations can help boost student learning and achievement.

14 (15) Children learn best in settings where teachers understand the developmental
15 continuum of reading and writing and are skilled in a variety of strategies that help the
16 children achieve.

17 (16) Meaningful engagement of families in their children's early learning supports school
18 readiness and later academic success.

19 (17) Parental literacy habits are positively associated with parental reading beliefs, parent-
20 child literacy and language activities in the home, children's print knowledge, and interest
21 in reading.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are--

1 (1) to improve reading, writing, and academic achievement for children and students by
2 providing Federal support to State educational agencies to develop, coordinate, and
3 implement comprehensive literacy plans that ensure high quality instruction in reading and
4 writing from early education through grade 12; and

5 (2) to assist State educational agencies in achieving the purposes described in paragraph
6 (1) by--

7 (A) supporting the development and implementation of comprehensive early
8 learning through grade 12 literacy programs in every State that are based on
9 scientifically valid research *and promising practice*, to ensure that every child can
10 read and write at grade level or above;

11 (B) providing children from birth through kindergarten entry with learning
12 opportunities in high quality, language rich, and literature rich environments, such
13 as child care, Early Head Start, Head Start, and other early childhood education
14 settings, so that the children develop the fundamental knowledge and skills
15 necessary for literacy engagement, development, and achievement in kindergarten
16 and beyond;

17 (C) supporting efforts to link and align standards and research-based instruction in
18 early learning programs serving children from birth through kindergarten entry;

19 (D) supporting effective educational environments for children from birth through
20 grade 12 to develop oral language, reading, and writing abilities through high
21 quality research-based instruction and practices;

22 (E) improving student achievement by establishing adolescent literacy initiatives
23 that provide explicit and systematic instruction in oral language, reading, and
24 writing development across the curriculum;

1 (F) identifying and supporting students reading and writing significantly below
2 grade level by providing research-based, intensive interventions, including those
3 conducted during extended learning time, to help the students acquire the language
4 and literacy skills the students need to stay on track *to meet standards for college*
5 *and career readiness for graduation*;

6 (G) providing assistance to local educational agencies in order to provide educators
7 with on-going, job embedded professional development and other support focusing
8 on imparting and employing the characteristics of effective literacy instruction, the
9 special knowledge and skills necessary to teach literacy effectively, the essential
10 components of reading instruction, and the essential components of writing
11 instruction *and assessment of learning in reading and writing*;

12 (H) supporting State educational agencies and local educational agencies in
13 improving reading, writing, and literacy-based academic achievement for children
14 and students, especially children and students who are low-income, are English
15 language learners, are migratory, are children with disabilities, are Indian or
16 Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the
17 child welfare system, or have dropped out of school;

18 (I) supporting State educational agencies and local educational agencies in using
19 age appropriate and developmentally appropriate instructional materials and
20 strategies that assist teachers as the teachers work with students to develop reading
21 and writing competencies appropriate to the students' grade and skill levels;

22 (J) strengthening coordination among schools, early literacy programs, family
23 literacy programs, juvenile justice programs, public libraries, and outside-of-school
24 programs that provide children and youth with strategies, curricula, interventions,

1 and assessments designed to advance early and continuing language and literacy
2 development in ways appropriate for each context; and
3 (K) supporting professional development for educators based on *evidence-based*
4 ~~scientific~~ approaches to adult learning.
5

6 **SEC. 4. DEFINITIONS.**

7 (a) In General- Unless otherwise specified, the terms used in this Act have the meanings given the
8 terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

9 (b) Other Terms- In this Act:

10 (1) CHARACTERISTICS OF EFFECTIVE LITERACY INSTRUCTION- The term
11 'characteristics of effective literacy instruction' means--

12 (A) for children from birth through kindergarten entry--

13 (i) providing high quality professional development opportunities for early
14 learning providers, teachers, and school leaders in--

15 (I) literacy development;

16 (II) language development;

17 (III) English language acquisition (as appropriate); and

18 (IV) effective literacy instruction aligned to State standards;

19 (ii) reading aloud to children, discussing reading with children, and
20 modeling age and developmentally appropriate reading strategies;

21 (iii) encouraging children's early attempts at reading, writing, and drawing,
22 and talking about the meaning of the reading, writing, and drawing with
23 others;

- 1 (iv) creating conversation rich classrooms and using oral modeling
2 techniques to build oral language skills;
- 3 (v) multiplying opportunities for children to use language with peers and
4 adults;
- 5 (vi) providing strategic and explicit instruction in the identification of
6 speech sounds, letters, and letter-sound correspondence;
- 7 (vii) integrating oral and written language;
- 8 (viii) stimulating vocabulary development;
- 9 (ix) using differentiated instructional approaches, including--
- 10 (I) individual and small group instruction; and
- 11 (II) professional development, curriculum development, and
12 classroom instruction;
- 13 (x) applying the principles of universal design for learning;
- 14 (xi) using age appropriate screening assessments, diagnostic assessments,
15 formative assessments, and summative assessments to identify individual
16 child learning needs, to inform instruction, and to monitor student progress
17 and the effects of instruction over time;
- 18 (xii) coordinating the involvement of families, early childhood education
19 program staff, principals, other school leaders, and teachers in the reading
20 and writing achievement of children served under this Act;
- 21 (xiii) using a variety of age and developmentally appropriate, high quality
22 materials for reading and writing;
- 23 (xiv) encouraging family literacy experiences and practices, and educating
24 parents, teachers, and other caregivers about literacy development and child
25 literacy development; and

1 (xv) using strategies to enhance children's--

2 (I) motivation to read and write; and

3 (II) engagement in self-directed learning;

4 (B) for students in kindergarten through grade 3--

5 (i) providing high quality professional development opportunities for
6 teachers, literacy coaches, literacy specialists, English as a second language
7 specialists (as appropriate), and principals, including professional
8 development on literacy development, language development, English
9 language acquisition, and effective literacy instruction embedded in schools
10 and aligned to State standards;

11 (ii) providing age appropriate direct and explicit instruction;

12 (iii) providing strategic, systematic, and explicit instruction in phonological
13 awareness, phonic decoding, vocabulary, reading fluency, ~~and~~ reading
14 comprehension, **oral language, writing, organizing, and critical thinking**;

15 (iv) making available and using diverse texts at the reading, development,
16 and interest level of students;

17 (v) providing multiple opportunities for students to write individually and
18 collaboratively with instruction and feedback;

19 (vi) using differentiated instructional approaches, including individual,
20 small group, and classroom-based instruction and discussion;

21 (vii) using oral modeling techniques and opportunities for students to use
22 language with the students' peers and adults to build student language skills;

23 (viii) providing time and opportunities for systematic and intensive
24 instruction, intervention, and practice to supplement regular instruction,

1 which can be provided inside and outside the classroom as well as during
2 and outside regular school hours;

3 (ix) providing instruction in uses of print materials and technological
4 resources for research and for generating and presenting content and ideas;

5 (x) using screening assessments, diagnostic assessments, formative
6 assessments, and summative assessments to identify student learning needs,
7 to inform instruction, and to monitor student progress and the effects of
8 instruction over time;

9 (xi) coordinating the involvement of families, caregivers, teachers,
10 principals, other school leaders, and teacher literacy teams in the reading
11 and writing achievement of children served under this Act;

12 (xii) encouraging family literacy experiences and practices; and
13 (xiii) using strategies to enhance students'--

14 (I) motivation to read and write; and
15 (II) engagement in self-directed learning; ~~and~~
16 ***(III) opportunities to apply skills and use critical thinking in***
17 ***complex, challenging activities; and***

18 (C) for students in grades 4 through 12--

19 (i) providing high quality professional development opportunities for
20 teachers, literacy coaches, literacy specialists, English as a second language
21 specialists (as appropriate), and principals, including professional
22 development on literacy development, language development, and effective
23 literacy instruction embedded in schools and aligned to State standards;

24 (ii) providing direct and explicit comprehension instruction;

- 1 (iii) providing direct and explicit instruction that builds academic
2 vocabulary and strategies and knowledge of text structure for reading
3 different kinds of texts within and across core academic subjects;
- 4 (iv) making available and using diverse texts at the reading, development,
5 and interest level of the students;
- 6 (v) providing multiple opportunities for students to write with clear
7 purposes and critical reasoning appropriate to the topic and purpose and
8 with specific instruction and feedback from teachers and peers;
- 9 (vi) using differentiated instructional approaches;
- 10 (vii) using strategies to enhance students'--
- 11 (I) motivation to read and write; ~~and~~
12 (II) engagement in self-directed learning; *and*
13 *(III) opportunities to apply skills and use critical thinking in*
14 *complex, challenging activities;*
- 15 (viii) providing for text-based learning across content areas;
- 16 (ix) providing systematic, strategic, and individual and small group
17 instruction, including intensive supplemental intervention for students
18 reading significantly below grade level, which may be provided inside and
19 outside the classroom as well as during and outside regular school hours;
- 20 (x) providing instruction in the uses of technology and multimedia
21 resources for classroom research and for generating and presenting content
22 and ideas;
- 23 (xi) using screening assessment, diagnostic assessment, formative
24 assessment, and summative assessment to identify learning needs, inform
25 instruction, and monitor student progress and the effects of instruction;

1 (xii) coordinating the involvement of families and caregivers, to the extent
2 feasible and appropriate as determined by the Secretary, to improve reading,
3 writing, and academic achievement; and

4 (xiii) coordinating the involvement of library media specialists, teachers,
5 principals, other school leaders, teacher literacy teams, and English as a
6 second language specialists (as appropriate), that analyze student work and
7 plan or deliver instruction over time.

8 (2) COMPREHENSIVE LITERACY INSTRUCTION- The term `comprehensive literacy
9 instruction' means instruction that--

10 (A) involves the characteristics of effective literacy instruction; and

11 (B) is designed to support the essential components of reading instruction and the
12 essential components of writing instruction.

13 (3) DEVELOPMENTAL DELAY- The term `developmental delay' has the meaning given
14 the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C.
15 1432).

16 (4) DIAGNOSTIC ASSESSMENT- The term `diagnostic assessment' means an
17 assessment that is --

18 ~~(A) is valid, reliable, and based on scientifically valid research on literacy and
19 English language acquisition;~~

20 (A) is used for the purposes of--

21 (i) identifying a student's specific areas of strengths and weaknesses in
22 literacy;

23 (ii) determining any difficulties that the student may have in literacy and the
24 potential cause of such difficulties; and

1 (iii) helping to determine possible literacy intervention strategies and related
2 special needs of the student; and

3 (B) in the case of young children, is conducted after a screening assessment that
4 identifies potential risks or a lack of school preparedness, including language and
5 literacy development, or delayed development.

6 (5) ELIGIBLE ENTITY- The term `eligible entity' means--

7 (A) when used with respect to children from birth through kindergarten entry--

8 (i) 1 or more local educational agencies providing early learning programs,
9 or 1 or more public or private early learning programs, serving children
10 from birth through kindergarten entry, such as a Head Start program, a child
11 care program, a State-funded prekindergarten program, a public library
12 program, or a family literacy program, that has a demonstrated record of
13 providing effective literacy instruction for the age group such agency or
14 program proposes to serve under section 9; or

15 (ii) 1 or more local educational agencies providing early learning programs,
16 or 1 or more public or private early learning programs, serving children
17 from birth through kindergarten entry, such as a Head Start program, a child
18 care program, a State-funded prekindergarten program, a public library
19 program, or a family literacy program, in partnership with 1 or more public
20 or private nonprofit organizations or agencies that have a demonstrated
21 record of effectiveness--

22 (I) in improving the early literacy development of children from
23 birth through kindergarten entry; and

24 (II) in providing professional development aligned with the
25 activities described in section 9(e)(1); or

1 (B) when used with respect to students in kindergarten through grade 12, a local
2 educational agency, a consortium of local educational agencies, or a local
3 educational agency or consortium of local educational agencies acting in
4 partnership with 1 or more public or private nonprofit organizations or agencies,
5 which organizations or agencies shall have a demonstrated record of effectiveness
6 in improving literacy achievement of students consistent with the purposes of their
7 participation from kindergarten through grade 12 and in providing professional
8 development aligned with the activities described in subparagraphs (C) and (D) of
9 section 10(b)(1), that--

- 10 (i) is among or consists of the local educational agencies in the State with
11 the highest numbers or percentages of students reading or writing below
12 grade level, based on the most currently available State assessment data;
13 (ii) has jurisdiction over a significant number or percentage of schools that
14 are identified for school improvement under section 1116(b) of the
15 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)); or
16 (iii) has the highest numbers or percentages of children who are counted
17 under section 1124(c) of the Elementary and Secondary Education Act of
18 1965 (20 U.S.C. 6333(c)), in comparison to other local educational agencies
19 in the State.

20 (6) ENGLISH LANGUAGE ACQUISITION-

21 (A) IN GENERAL- The term 'English language acquisition' means the process by
22 which a non-native English speaker acquires proficiency in speaking, listening,
23 reading, and writing the English language.

24 (B) INCLUSIONS FOR ENGLISH LANGUAGE LEARNERS IN SCHOOL- For
25 an English language learner in school, such term includes not only the social

1 language proficiency needed to participate in the school environment, but also the
2 academic language proficiency needed to acquire literacy and academic content and
3 demonstrate the student's learning.

4 (7) ESSENTIAL COMPONENTS OF READING INSTRUCTION- The term `essential
5 components of reading instruction' means developmentally appropriate, contextually
6 explicit, systematic instruction, and frequent practice, in reading across content areas.

7 (8) ESSENTIAL COMPONENTS OF WRITING INSTRUCTION- The term `essential
8 components of writing instruction' means developmentally appropriate and contextually
9 explicit instruction, and frequent practice, in writing across content areas.

10 (9) FAMILY LITERACY SERVICES- The term `family literacy services' means literacy
11 services provided on a voluntary basis that are of sufficient intensity in terms of hours and
12 duration and that integrate all of the following activities:

13 (A) Interactive literacy activities between or among parents and their children,
14 including parent literacy training.

15 (B) Training for parents regarding how to be the primary teacher for their children
16 and full partners in the education of their children.

17 (10) FORMATIVE ASSESSMENT- The term `formative assessment' means a process
18 that--

19 (A) is teacher-generated or selected by teachers and students during instructional
20 learning;

21 (B) is embedded within the learning activity and linked directly to the current unit
22 of instruction; and

23 (C) provides feedback to adjust ongoing teaching and learning to improve students'
24 achievement of intended instructional outcomes.

1 (11) HIGH QUALITY PROFESSIONAL DEVELOPMENT- The term 'high quality
2 professional development' means professional development that--

3 (A) is job-embedded, ongoing, and based on scientifically valid research;

4 (B) is sustained, intensive, and classroom-focused, and is not limited in scope to a
5 1-day or short-term workshop or conference;

6 (C) is designed to increase the knowledge and expertise of teachers, principals, and
7 other school leaders in applying--

8 (i) the characteristics of effective literacy instruction;

9 (ii) the essential components of reading instruction;

10 (iii) the essential components of writing instruction; ~~and~~

11 (iv) instructional strategies and practices that are appropriate to the needs of
12 children and improve student learning, including strategies and practices
13 consistent with the principles of universal design for learning; *and*

14 *(v) classroom assessment strategies to monitor progress and plan*
15 *instruction;*

16 (D) includes and supports teachers, in effectively administering age and
17 developmentally appropriate assessments, and in analyzing the teachers' student
18 learning data as the teachers implement the characteristics of effective literacy
19 instruction to improve student literacy, for the purposes of planning, monitoring,
20 adapting, and improving classroom instruction;

21 (E) supports the characteristics of effective literacy instruction through core
22 academic subjects, and through career and technical education subjects where such
23 career and technical education subjects provide for the integration of core academic
24 subjects;

1 (F) includes explicit instruction in discipline-specific thinking and how to read and
2 interpret discipline-specific text structures and features;

3 (G) includes instructional strategies utilizing one-to-one, small group, and
4 classroom-based instructional materials and approaches based on scientifically
5 valid research on literacy;

6 (H) provides ongoing instructional literacy coaching--

7 (i) to ensure high quality implementation of effective practices of literacy
8 instruction that is content centered, collaborative, and school and classroom
9 embedded; and

10 (ii) that uses student data to improve instruction;

11 (I) includes and supports teachers in setting high reading and writing achievement
12 goals for all students and provides the teachers with the instructional tools and
13 skills to help students reach such goals; and

14 (J) is differentiated for educators working with children from birth through
15 kindergarten entry, students in kindergarten through grade 5, and students in grades
16 6 through 12, and, as appropriate, by student grade or student need.

17 (12) LITERACY COACH- The term 'literacy coach' means a professional--

18 (A) who--

19 (i) has previous teaching experience and--

20 (I) a master's degree with a concentration in reading and writing
21 education;

22 (II) has demonstrated proficiency in teaching reading or writing in a
23 core academic subject consistent with the characteristics of effective
24 literacy instruction; or

1 (III) in the case of a literacy coach for children from birth through
2 kindergarten entry, a concentration, credential, or significant
3 experience in child development and early literacy development; and

4 (ii) is able to demonstrate the ability to help teachers--

5 (I) apply research on how students become successful readers,
6 writers, and communicators;

7 (II) apply multiple forms of assessment to guide instructional
8 decisionmaking and use data to improve literacy instruction;

9 (III) improve student writing and reading in and across content areas
10 such as mathematics, science, social studies, and language arts;

11 (IV) develop and implement differentiated instruction to serve the
12 needs of the full range of learners, including English language
13 learners and children with disabilities;

14 (V) apply principles of universal design for learning;

15 (VI) employ best practices in engaging principals, teachers, and
16 other professionals supporting literacy instruction to change school
17 cultures to better encourage and support literacy development and
18 achievement; and

19 (VII) set high reading and writing achievement goals for all students
20 and select, acquire, and use instructional tools and skills to help
21 students reach such goals; and

22 (B) whose role with teachers and professionals supporting literacy instruction is--

23 (i) to provide high quality professional development;

24 (ii) to work cooperatively and collaboratively with principals, teachers, and
25 other professionals in employing strategies to help teachers identify and

1 support student literacy needs and teach literacy across the content areas;
2 and
3 (iii) to work cooperatively and collaboratively with other professionals in
4 employing strategies to help teachers teach literacy across the content areas
5 so that the teachers can meet the needs of all students, including children
6 with disabilities, English language learners, and students who are reading at
7 or above grade level.

8 (13) LOCAL EDUCATIONAL AGENCY- The term `local educational agency'--

9 (A) has the meaning given the term in section 9101 of the Elementary and
10 Secondary Education Act of 1965; and

11 (B) includes any public charter school that constitutes a local educational agency
12 under State law.

13 (14) MULTITIER SYSTEM OF SUPPORT- The term `multitier system of support' means
14 a comprehensive and differentiated system of support that includes evidence-based
15 instruction, universal screening, progress monitoring, formative assessments, summative
16 assessments, research-based interventions matched to student needs, and educational
17 decisionmaking using academic progress over time.

18 (15) READING- The term `reading' means a complex system of deriving meaning from
19 print that requires, in ways that are developmentally, content, and contextually appropriate,
20 all of the following:

21 (A) PHONEMES- The skills and knowledge to understand how phonemes, or
22 speech sounds, are connected to print.

23 (B) ACCURACY, FLUENCY, AND UNDERSTANDING- The ability to read
24 accurately, fluently, and with understanding.

1 (C) READING COMPREHENSION- The use of background knowledge and
2 vocabulary to make meaning from a text.

3 (D) ACTIVE STRATEGIES- The development and use of appropriate active
4 strategies to interpret and construct meaning from print.

5 (E) ENGAGED AND SELF-DIRECTED READER- The development and
6 maintenance of an engaged and self-directed reader.

7 (16) SCHOOL LEADER- The term `school leader' means an individual who--

8 (A) is an employee or officer of a school; and

9 (B) is responsible for--

10 (i) the school's performance; and

11 (ii) the daily instructional and managerial operations of the school.

12 (17) ~~SCIENTIFICALLY VALID~~ **SCIENTIFIC RESEARCH KNOWLEDGE** - The term
13 ~~`scientifically valid research'~~ ***'scientific research knowledge' means knowledge built over***
14 ***time by a dynamic interplay among methods, theories, and findings that is accepted by***
15 ***the research community.*** ~~has the meaning given the term in section 200 of the Higher~~
16 ~~Education Act of 1965 (20 U.S.C. 1021).~~

17 *[Specs call for an insertion after (17):*

18 ***(18) PROMISING OR EVIDENCE-BASED PRACTICE – The term 'promising or***
19 ***evidence-based practice' includes instructional strategies that have anecdotal or limited***
20 ***research support but have been shown to be effective in supporting student learning.***

21 ~~(18)~~ **(19) SCREENING ASSESSMENT-** The term `screening assessment' means an
22 assessment that--

23 (A) is valid, reliable, and based on scientifically valid research on literacy and

24 English language acquisition; and

1 (B) is a procedure designed as a first step in identifying children who may be at
2 high risk for delayed development or academic failure and in need of further
3 diagnosis of the children's need for special services or additional literacy
4 instruction.

5 ~~(19)~~ (20) STATE- In this section the term `State' has the meaning given the term in section
6 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

7 ~~(20)~~ (21) STATE LITERACY LEADERSHIP TEAM-

8 (A) IN GENERAL- The term `State literacy leadership team' means a team that--

- 9 (i) is appointed and coordinated by the State educational agency;
- 10 (ii) assumes the responsibility to guide the development and implementation
11 of a statewide, comprehensive literacy plan;
- 12 (iii) is composed of not less than 11 individuals;
- 13 (iv) shall include--

- 14 (I) at least 3 individuals who have literacy expertise in one of each
15 of the areas of--

16 (aa) birth through school entry, such as the State Head Start collaboration director;

17 (bb) school entry through grade 5; and

18 (cc) grade 6 to grade 12;

- 19 (II) a school principal;

- 20 (III) a teacher with literacy expertise or an administrator with special
21 education and literacy expertise;

1 (IV) a teacher or administrator with expertise in teaching the English
2 language to English language learners;

3 (V) a representative from the State educational agency who oversees
4 literacy initiatives; and

5 (VI) a representative from higher education who is actively involved
6 in research, development, or teacher preparation in literacy
7 instruction and intervention based on scientifically valid research;
8 and

9 (v) may include--

10 (I) a literacy specialist serving in a school district within the State;

11 (II) a literacy coach;

12 (III) a library media specialist;

13 (IV) a representative from the family literacy community;

14 (V) a representative from a State child-serving agency with expertise
15 in literacy instruction;

16 (VI) a school counselor;

17 (VII) a teacher of a core academic subject;

18 (VIII) a special education administrator;

19 (IX) a college or university professor;

20 (X) a parent;

21 (XI) a business leader;

22 (XII) a representative from the Governor's office;

23 (XIII) a representative from the State board of education;

24 (XIV) a representative from the State legislature;

1 (XV) a nonprofit and community based organization providing
2 literacy instruction and support; and

3 (XVI) a representative from a school district superintendent's office.

4 (B) INCLUSION OF A PREEXISTING PARTNERSHIP- If, before the date of
5 enactment of this Act, a State educational agency established a consortium,
6 partnership, or any other similar body that was considered a literacy partnership for
7 purposes of subpart 1 or 2 of part B of title I of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6361 et seq., 6371 et seq.) and that includes the
9 individuals required under subparagraph (A)(iv), such consortium, partnership, or
10 body may be considered a State literacy leadership team for purposes of
11 subparagraph (A).

12 ~~(21)~~ (22) SUMMATIVE ASSESSMENT- The term `summative assessment' means an
13 assessment that--

14 (A) is valid, reliable, and based on scientifically valid research on literacy and
15 English language acquisition; and

16 (B) measures what students have learned over time, relative to academic content
17 standards.

18 ~~(22)~~ (23) UNIVERSAL DESIGN FOR LEARNING- The term `universal design for
19 learning' has the meaning given the term in section 103 of the Higher Education Act of
20 1965.

21 ~~(23)~~ (24) WRITING- The term `writing' means--

22 (A) composing meaning in print or through other media, including technologies, to
23 communicate and to create new knowledge in ways appropriate to the context of
24 the writing and the literacy development stage of the writer;

- 1 (B) composing ideas individually and collaboratively in ways that are appropriate
2 for a variety of purposes, audiences, and occasions;
3 (C) choosing vocabulary, tone, genre, and conventions, such as spelling and
4 punctuation, suitable to the purpose, audience, and occasion; and
5 (D) revising compositions for clarity of ideas, coherence, logical development, and
6 precision of language use.
7

8 **SEC. 5. PROGRAM AUTHORIZED.**

9 (a) In General- The Secretary is authorized--

10 (1) to award State planning grants in accordance with section 6; and

11 (2) to award State implementation grants in accordance with section 7 to enable the State
12 educational agency to--

13 (A) carry out the State activities described in section 8;

14 (B) award subgrants to eligible entities in accordance with section 9; and

15 (C) award subgrants to eligible entities in accordance with section 10.

16 (b) Awards to State Educational Agencies-

17 (1) AMOUNTS LESS THAN \$500,000,000- If the amount appropriated under section 14
18 for a fiscal year is less than \$500,000,000, then the Secretary shall--

19 (A) reserve not more than a total of 5 percent of such amount for the national
20 evaluation, dissemination of information, and technical assistance under section 11;

21 (B) reserve not more than 5 percent to award planning grants, on a competitive
22 basis, to State educational agencies serving States, in accordance with section 6;

23 and

1 (C) use the amount not reserved under subparagraphs (A) and (B) to make awards,
2 on a competitive basis, to State educational agencies serving States that have
3 applications approved under section 7 to enable the State educational agencies to
4 carry out sections 7 and 8.

5 (2) AMOUNTS EQUAL TO OR EXCEEDING \$500,000,000-

6 (A) IN GENERAL- If the amount appropriated under section 14 for a fiscal year
7 equals or exceeds \$500,000,000, then the Secretary shall--

8 (i) reserve a total of 1 percent of such amount for--

9 (I) allotments for the United States Virgin Islands, Guam, American
10 Samoa, and the Commonwealth of the Northern Mariana Islands, to
11 be distributed among such outlying areas on the basis of their
12 relative need, as determined by the Secretary in accordance with the
13 purposes of this Act; and

14 (II) the Secretary of the Interior for programs under sections 6, 7, 8,
15 9, and 10 in schools operated or funded by the Bureau of Indian
16 Education; and

17 (ii) reserve not more than 5 percent to award planning grants, to State
18 educational agencies serving States, in accordance with section 6;

19 (iii) reserve not more than 5 percent for the national evaluation,
20 dissemination of information, and technical assistance under section 11; and

21 (iv) use the amount not reserved under clauses (i), (ii), and (iii) to make an
22 award, from allotments under subparagraph (C), to State educational
23 agencies serving States that have applications approved under section 7 to
24 enable the State educational agencies to carry out sections 7 and 8.

25 (B) SPECIAL RULES-

1 (i) PROPORTIONAL DIVISION- In each fiscal year, the amount reserved
2 under subparagraph (A)(i) shall be divided between the uses described in
3 subclauses (I) and (II) of subparagraph (A)(i) in the same proportion as the
4 amount reserved under section 1121(a) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses
6 described in paragraphs (1) and (2) of such section 1121(a) for such fiscal
7 year.

8 (ii) CONSULTATION- A State educational agency that receives an
9 allotment under this paragraph shall engage in timely and meaningful
10 consultation with representatives of Indian tribes located in the State in
11 order to improve the coordination and quality of activities designed to
12 develop effective approaches to achieve the purposes of the Act consistent
13 with the cultural, language, and educational needs of Indian students.

14 (C) STATE ALLOTMENT FORMULA- The Secretary shall allot the amount
15 made available under subparagraph (A)(iv) for a fiscal year among the States in
16 proportion to the number of children, from birth through age 17, who reside within
17 the State and are from families with incomes below the poverty line for the most
18 recent fiscal year for which satisfactory data are available, compared to the number
19 of such children who reside in all States for that fiscal year.

20 (3) MINIMUM AWARD AMOUNT- No State educational agency receiving an award
21 under this section for a fiscal year may receive less than one-fourth of 1 percent of the total
22 amount appropriated under section 14 for the fiscal year.

23 (c) Peer Review-

1 (1) IN GENERAL- The Secretary shall convene a peer review panel to evaluate the
2 application for each grant awarded to a State educational agency under sections 6 and 7
3 using the evaluation criteria described in paragraph (2).

4 (2) DEVELOPMENT OF EVALUATION CRITERIA- The Secretary shall report to
5 Congress the peer review process and evaluation criteria that shall be used to evaluate the
6 grant applications under sections 6 and 7.

7 (3) MEMBERSHIP-

8 (A) COMPOSITION- A peer review panel convened under paragraph (1) shall be
9 composed of not less than 9 members, of whom--

10 (i) 3 shall be appointed by the Secretary;

11 (ii) 3 shall be appointed by the Secretary from among individuals--

12 (I) recommended by the Chairman of the National Research Council
13 of the National Academy of Sciences; and

14 (II) with expertise in literacy instruction and learning at various
15 developmental stages; and

16 (iii) 3 shall be appointed by the Secretary from among individuals--

17 (I) recommended by the Director of the National Institute of Child
18 Health and Human Development; and

19 (II) with expertise concerning literacy development from birth
20 through grade 12.

21 (B) COMPETENCY AND EXPERTISE; EXPERTISE- The peer review panel
22 appointed under this paragraph may include--

23 (i) classroom teachers with expertise in literacy, and literacy coaches,
24 including--

25 (I) special education teachers;

1 (II) teachers of students who are English language learners; and

2 (III) early childhood educators who provide high quality

3 professional development in child language and literacy

4 development;

5 (ii) experts who provide high-quality professional development to

6 individuals who teach literacy to children, students, teachers, and other

7 instructional staff;

8 (iii) experts in the assessment of reading and writing; and

9 (iv) experts in reading and writing, language development, and English

10 language acquisition, (as appropriate), including reading and writing in core

11 academic subjects.

12 ***(C) CONFLICT OF INTEREST- No one who has a major administrative role in***
13 ***a commercial organization that produces materials, professional development or***
14 ***other resources for literacy education may serve on the Peer Review Panel***

15
16 (4) DISTRIBUTION OF RECOMMENDATIONS- Not later than 120 days after a peer
17 review panel submits to the Secretary the panel's recommendation regarding an application
18 by a State educational agency for a grant under section 6 or 7, the Secretary shall notify the
19 State educational agency that the application has been approved or disapproved and shall
20 provide to such State educational agency a copy of the peer review panel's
21 recommendation.

22 (d) Supplement Not Supplant- Award funds provided under this Act shall supplement, and not
23 supplant, non-Federal funds that would, in the absence of such award funds, be made available for
24 literacy instruction and support of pupils participating in programs assisted under this Act.

1 (e) Maintenance of Effort- Each State educational agency that receives an award under this
2 section, and each eligible entity that receives a subgrant under section 9 or 10, shall maintain for
3 the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the
4 expenditures of the State educational agency or eligible entity, respectively, for literacy instruction
5 at a level not less than the level of such expenditures maintained by the State educational agency
6 or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or
7 subgrant is received.

8 **SEC. 6. STATE PLANNING GRANTS.**

9 (a) Planning Grants Authorized-

10 (1) IN GENERAL- From amounts made available under paragraphs (1)(B) and (2)(A)(ii)
11 of section 5(b), the Secretary may award planning grants to State educational agencies to
12 enable the State educational agencies to complete comprehensive planning to carry out
13 activities that improve literacy for children and students from birth through grade 12.

14 (2) GRANT PERIOD- A planning grant awarded under this section shall be for a period of
15 not more than 1 year.

16 (3) NONRENEWABILITY- The Secretary shall not award a State educational agency
17 more than 1 planning grant under this section.

18 (b) Application-

19 (1) IN GENERAL- Each State educational agency desiring a planning grant under this
20 section shall submit an application to the Secretary at such time, in such manner, and
21 accompanied by such information as the Secretary may require.

22 (2) CONTENTS- Each application submitted under this subsection shall, at a minimum,
23 include a description of how the State educational agency proposes to use the planning
24 grant funds awarded under this section to develop a plan for improving State efforts to

1 develop, coordinate, and implement comprehensive literacy activities that ensure high
2 quality instruction in reading and writing for all students in early learning programs
3 (serving children from birth through kindergarten entry) through grade 12 programs, with a
4 particular focus on students who are reading or writing below grade level and children
5 whose early literacy skills are below the appropriate age or developmental level. Such plan
6 for improvement shall--

7 (A) describe the activities for which assistance under this section is sought;

8 (B) provide a budget for the use of the planning grant funds to complete the
9 required activities described in subsection (c);

10 (C) include an assessment of child and student literacy data to identify baseline and
11 benchmark levels to monitor progress and improvement; and

12 (D) provide an assurance that the State agency responsible for administering early
13 childhood education programs and the State agency responsible for administering
14 child care programs collaborated with the State educational agency to write the
15 early learning portion of the grant application submitted under this subsection.

16 (3) APPROVAL OF APPLICATIONS-

17 (A) IN GENERAL- The Secretary, in consultation with the peer review panel
18 described in subparagraph (B), shall evaluate State educational agency applications
19 under this subsection based on the responsiveness of the applications to the
20 application requirements under this subsection.

21 (B) PEER REVIEW- The Secretary shall convene a peer review panel in
22 accordance with section 5(c) to evaluate planning grant applications under this
23 section.

24 (c) Required Activities- A State educational agency receiving planning grant funds under this
25 section shall carry out each of the following activities:

1 (1) REVIEW- Reviewing reading, writing, or other literacy resources, programs, and data
2 across the State to identify any literacy needs and gaps in the State.

3 (2) STATE LITERACY LEADERSHIP TEAM- Forming or designating a State literacy
4 leadership team which shall execute the following functions:

5 (A) COMPREHENSIVE STATE LITERACY PLAN- Creating a comprehensive
6 State literacy plan that--

7 (i) is designed to improve reading, writing, and academic achievement for
8 children and students, especially those reading below grade level;

9 (ii) includes a needs assessment and an implementation plan, including an
10 analysis of child and student literacy data to identify baseline and
11 benchmark levels of literacy and early literacy skills in order to monitor
12 progress and improvement, and a plan to improve literacy levels among all
13 children and students;

14 (iii) ensures high quality instruction in reading and writing in early learning
15 programs (serving children from birth through kindergarten entry) through
16 grade 12 programs;

17 (iv) provides for activities designed to improve literacy achievement for
18 students who--

19 (I) read or write below grade level;

20 (II) attend schools that are identified for school improvement under
21 section 1116(b) of the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 6316(b)); and

23 (III) are counted under section 1124(c) of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

25 (v) is submitted to the Secretary.

1 (B) STANDARDS- Providing recommendations to guide the State educational
2 agency in the State educational agency's process of strengthening State literacy
3 standards and embedding State literacy standards with the State's challenging
4 academic content standards, academic achievement standards, and early learning
5 and development standards.

6 (C) PROGRESS- Providing recommendations to guide the State educational
7 agency in the State educational agency's process of measuring, assessing, and
8 monitoring progress in literacy at the school, local educational agency, and State
9 levels.

10 (D) CRITERIA- Identifying criteria for high quality professional development
11 providers, which providers may include qualified teachers within the State, for the
12 State educational agency and local educational agencies.

13 (E) DATA- Advising the State educational agency on how to help ensure that local
14 educational agencies and schools provide timely and appropriate data to teachers to
15 inform and improve instruction.

16 (F) EDUCATOR CAPACITY- Providing recommendations to guide the State
17 educational agency in the State educational agency's planning process of building
18 educators' capacity to provide high quality literacy instruction.

19 (3) REPORTING REQUIREMENT- Not later than 1 year after a State educational agency
20 receives a planning grant under this section, the State educational agency shall submit a
21 report to the Secretary on the State educational agency's performance of the activities
22 described in this subsection.

23

24 **SEC. 7. STATE IMPLEMENTATION GRANTS.**

1 (a) Implementation Grants Authorized-

2 (1) IN GENERAL- From awards made available under section 5(b), the Secretary shall,
3 ***based on need and the quality of the state plan***, award implementation grants to State
4 educational agencies to enable the State educational agencies--

- 5 (A) to implement the comprehensive literacy plan that meets the criteria in section
6 6(c)(2)(A) for early learning programs (serving children from birth through
7 kindergarten entry) through grade 12 programs;
8 (B) to carry out State activities under section 8; and
9 (C) to award subgrants under sections 9 and 10.

10 (2) DURATION OF GRANTS- An implementation grant under this section shall be
11 awarded for a period of not more than 5 years.

12 (3) RENEWALS-

13 (A) IN GENERAL- Implementation grants under this section may be renewed.

14 (B) CONDITIONS- In order to be eligible to have an implementation grant
15 renewed under this paragraph, the State educational agency shall demonstrate, to
16 the satisfaction of the Secretary, that--

- 17 (i) the State educational agency has complied with the terms of the grant
18 including by undertaking all required activities; and
19 (ii) during the period of the grant there has been significant progress in
20 student literacy achievement, as measured by appropriate assessments,
21 including in meeting the measurable annual objectives established pursuant
22 to section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act
23 of 1965 (20 U.S.C. 6311(b)(2)(C)(v)), for students in kindergarten through
24 grade 12.

25 (b) State Applications-

1 (1) IN GENERAL- A State educational agency that desires to receive an implementation
2 grant under this section shall submit an application to the Secretary at such time, in such
3 manner, and containing such information as the Secretary may require. The State
4 educational agency shall collaborate with the State agency responsible for administering
5 early childhood education programs and the State agency responsible for administering
6 child care programs in the State in writing and implementing the early learning portion of
7 the grant application under this subsection.

8 (2) CONTENTS- An application described in paragraph (1) shall include the following:

9 (A) STATE LITERACY LEADERSHIP TEAM; COMPREHENSIVE STATE

10 LITERACY LEADERSHIP PLAN- A description of the members of the State

11 literacy leadership team and a description of how the State educational agency has
12 developed a comprehensive State literacy plan, as described in section 6.

13 (B) IMPLEMENTATION- An implementation plan that includes a description of
14 how the State educational agency will--

15 (i) carry out the State activities described in section 8;

16 (ii) assist eligible entities with--

17 (I) providing strategic and intensive literacy instruction based on
18 scientifically valid research for students who are reading and writing
19 below grade level, including through the use of multi-tiered systems
20 of support, including addressing the literacy needs of children and
21 youth with disabilities or developmental delays and English
22 language learners in early learning programs (serving children from
23 birth through kindergarten entry) and programs serving students
24 from birth through grade 12;

1 (II) providing training to parents, as appropriate, so that the parents
2 can participate in the literacy related activities described in sections
3 9 and 10 to assist in the language and literacy development of their
4 children;

5 (III) selecting and using reading and writing assessments;

6 (IV) providing classroom-based instruction that is supported by one-
7 to-one and small group work;

8 (V) using curricular materials and instructional tools, which may
9 include technology, to improve instruction and literacy achievement;

10 (VI) providing for high quality professional development; and

11 (VII) using the principles of universal design for learning; and

12 (iii) ensure that local educational agencies in the State have leveraged and
13 are effectively leveraging the resources needed to implement effective
14 literacy instruction, and have the capacity to implement literacy initiatives
15 effectively;

16 (iv) continually coordinate and align the activities assisted under this
17 section and sections 9 and 10 with reading, writing, and other literacy
18 resources and programs across the State and locally that serve children and
19 students and their families and promote literacy instruction and learning,
20 including strengthening partnerships among schools, libraries, local youth-
21 serving agencies, and programs, in order to improve literacy for all children
22 and youth; and

23 (v) ensure that funds provided under this section are awarded in a manner
24 that will provide services to all grade levels, including proportionally to
25 middle schools and high schools.

1 (C) KEY DATA METRICS- A description of the key data metrics that will be used
2 and reported annually under section 12(b)(1)(E), which shall include progress in
3 meeting the annual objectives established pursuant to section 1111(b)(2)(C)(v) of
4 the Elementary and Secondary Education Act of 1965 (20 U.S.C.
5 6311(b)(2)(C)(v)), for students in third grade through grade 12.

6 (D) NATIONAL EVALUATION- An assurance that the State educational agency,
7 and any eligible entity receiving a subgrant from the State educational agency
8 under section 9 or 10, will, if requested, participate in the national evaluation under
9 section 11.

10 (E) LITERACY PROGRAMS- An assurance that the State educational agency will
11 use implementation grant funds for literacy programs as follows:

12 (i) LEARNERS FROM BIRTH THROUGH KINDERGARTEN ENTRY-

13 Not less than 10 percent of such grant funds shall be used for State and local
14 programs and activities pertaining to learners from birth through
15 kindergarten entry.

16 (ii) STUDENTS IN KINDERGARTEN THROUGH GRADE 5- Not less
17 than 40 percent of such implementation grant funds shall be used for State
18 and local programs and activities allocated equitably among grades
19 kindergarten through grade 5.

20 (iii) STUDENTS IN GRADES 6 THROUGH 12- Not less than 40 percent
21 of such implementation grant funds shall be used for State and local
22 programs and activities, allocated equitably among grades 6 through 12.

23 (iv) STATE ACTIVITIES- Not more than 10 percent of such
24 implementation grant funds shall be used for the State activities described in
25 section 8.

1 (F) PRIORITY- An assurance that the State educational agency shall give priority
2 to awarding a subgrant to an eligible entity--

3 (i) under section 9 based on the number or percentage of children younger
4 than school entry and the number of students from birth through 17 who
5 are--

6 (I) served by the eligible entity; and

7 (II) from families with income below the poverty level, based on the
8 most recent satisfactory data provided to the Secretary by the
9 Bureau of the Census for determining eligibility under section
10 1124(c)(1)(A) of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 6333(c)(1)(A)); and

12 (ii) under section 10 based on--

13 (I) the number or percentage described in clause (i); and

14 (II) the number or percentage of students served by the eligible
15 entity that are reading and writing below grade level according to
16 State assessments.

17 (c) Approval of Applications-

18 (1) IN GENERAL- The Secretary, in consultation with the peer review panel established in
19 paragraph (2), shall evaluate State educational agency applications under subsection (b)
20 based on the responsiveness of the applications to the application requirements under such
21 subsection.

22 (2) PEER REVIEW- The Secretary shall convene a peer review panel in accordance with
23 section 5(c) to evaluate applications for each implementation grant awarded to a State
24 educational agency under this section.

1 (3) EARLY LEARNING- In order for a State educational agency's application under this
2 section to be approved by the Secretary, the application shall contain an assurance that the
3 State agency responsible for administering early childhood education programs and the
4 State agency responsible for administering child care programs in the State approves of,
5 and will be extensively consulted in the implementation of related activities services
6 consistent with section 9 with respect to, the early learning portion of the application.

7 **SEC. 8. STATE ACTIVITIES.**

8 (a) Required Activities- A State educational agency shall use funds made available under section
9 5(a)(2)(A) and described in section 7(b)(2)(F)(iv) to carry out the activities proposed in a State's
10 plan consistent with section 7(b)(2), including the following activities:

11 (1) CARRYING OUT ASSURANCES AND ACTIVITIES IN APPLICATION- Carrying
12 out the assurances and activities provided in the State application under section 7(b)(2).

13 (2) TECHNICAL ASSISTANCE- In consultation with the State literacy leadership team,
14 providing technical assistance or engaging qualified providers to provide technical
15 assistance to eligible entities to enable the eligible entities to design and implement a
16 literacy program under sections 9 and 10.

17 (3) PRESERVICE COURSEWORK REVIEW- Continuing to consult with the State
18 literacy leadership team and continuing to coordinate with institutions of higher education
19 in the State--

20 (A) in order to provide recommendations to strengthen and enhance preservice
21 courses for students preparing, at institutions of higher education in the State, to
22 teach children from birth through grade 12 in explicit, systematic, and intensive
23 instruction in evidence-based literacy methods; and

1 (B) by following up reviews completed by the State literacy leadership team with
2 recommendations to ensure that such institutions offer courses that meet the highest
3 standards.

4 (4) STATE LICENSURE AND CERTIFICATION RECOMMENDATIONS- Reviewing
5 and updating, in collaboration with teachers, statewide educational and professional
6 organizations representing teachers, and statewide educational and professional
7 organizations representing institutions of higher education, State licensure and certification
8 standards in the area of literacy instruction in early education through grade 12.

9 (5) EFFECTIVE PRACTICES- Making publicly available, including on the State
10 educational agency's website, information on promising instructional practices to improve
11 student literacy achievement.

12 (b) Permissive Activities- After carrying out activities described in subsection (a), a State
13 educational agency may use remaining funds made available under section 5(a)(2)(A) and
14 described in section 7(b)(2)(F)(iv) to carry out 1 or more of the following activities:

15 (1) DATA SYSTEMS TRAINING- Training the personnel of eligible entities to use data
16 systems that track student literacy achievement.

17 (2) LITERACY COACH TRAINING- Developing literacy coach training programs and
18 training literacy coaches.

19 (3) PUBLIC SUPPORT- Building public support among local educational agency
20 personnel, early childhood education programs, and the community for comprehensive
21 literacy instruction for children and students from birth through grade 12.

22 **SEC. 9. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH**
23 **KINDERGARTEN ENTRY LITERACY.**

1 (a) Subgrants- A State educational agency, in consultation with the State agency responsible for
2 administering early childhood education programs and the State agency responsible for
3 administering child care programs, shall use implementation grant funds provided under section
4 5(a)(2)(B) to award subgrants, on a competitive basis, to eligible entities to enable the eligible
5 entities to support high quality early literacy initiatives for children from birth through
6 kindergarten entry.

7 (b) Sufficient Size and Scope- Each subgrant awarded under this section shall be of sufficient size
8 and scope to allow the eligible entity to carry out high quality early literacy initiatives for children
9 from birth through kindergarten entry.

10 (c) Local Applications- An eligible entity desiring to receive a subgrant under this section shall
11 submit an application to the State educational agency, at such time, in such manner, and
12 containing such information as the State educational agency may require. Such application shall
13 include a description of--

14 (1) how the subgrant funds will be used to enhance the language and literacy aspects of
15 school readiness of children, from birth through kindergarten entry, in early childhood
16 education programs, including an analysis of the data used to identify how funds will be
17 used to improve language and literacy;

18 (2) the programs assisted under the subgrant, including demographic and socioeconomic
19 information on the children enrolled in the programs;

20 (3) a budget for the eligible entity that projects the cost of developing and implementing
21 literacy initiatives to carry out the activities described in subsection (e);

22 (4) how, if the eligible entity is requesting a planning period, the eligible entity will use
23 that planning period to prepare for successful implementation of a plan to support the
24 development of learning and literacy consistent with the purposes of this Act;

1 (5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and
2 integrated with activities supported under this section;

3 (6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff
4 in the programs, through high quality professional development;

5 (7) how the subgrant funds will be used to provide services, incorporate activities, and
6 select and use literacy instructional materials that meet the diverse developmental and
7 linguistic needs of children, including English language learners and children with
8 disabilities and developmental delays, and that are based on scientifically valid research on
9 child development and learning for children from birth through kindergarten entry;

10 (8) how the subgrant funds will be used to identify assessments or other appropriate
11 measures--

12 (A) to effectively identify children who may be at risk for delayed development or
13 lack of school preparedness; and

14 (B) to determine whether such children are making progress on early literacy skills
15 development;

16 (9) how families and caregivers will be involved, as appropriate, in supporting their
17 children's literacy instruction and assessment;

18 (10) how the subgrant funds will be used to help children, particularly children
19 experiencing difficulty with spoken and written language, to make the transition from early
20 education to formal classroom instruction;

21 (11) how the activities assisted under the subgrant will be coordinated with literacy
22 instruction at the kindergarten through grade 5 level;

23 (12) how the subgrant funds will be used--

- 1 (A) to evaluate the success of the activities assisted under the subgrant in enhancing
- 2 the early literacy development of children from birth through kindergarten entry;
- 3 and
- 4 (B) to evaluate data for program improvement; and

5 (13) such other information as the State educational agency may require.

6 (d) Approval of Local Applications- The State educational agency, in consultation with the State
7 agency responsible for administering early childhood education programs and the State agency
8 responsible for administering child care programs, shall--

9 (1) select applications for funding under this section based on the quality of the
10 applications submitted, including the relationship between literacy activities proposed and
11 the research base or data supporting such investments, as appropriate, and the
12 recommendations of--

- 13 (A) the State literacy leadership team; and
- 14 (B) other experts in the area of early literacy; and

15 (2) place priority for funding programs based on the criteria in section 7(b)(2)(G).

16 (e) Local Uses of Funds-

17 (1) IN GENERAL- An eligible entity that receives a subgrant under this section shall use
18 the subgrant funds consistent with the plan proposed in subsection (c) to carry out the
19 following activities:

- 20 (A) EARLY LEARNING PROGRAMS- Enhancing and improving early learning
21 programs to ensure that children in such programs are provided with high quality
22 oral language and literature- and print-rich environments in which to develop early
23 literacy skills.
- 24 (B) PROFESSIONAL DEVELOPMENT- Providing high quality professional
25 development.

1 (C) SCREENING ASSESSMENTS AND MEASURES- Acquiring, providing
2 training for, and implementing screening assessments or other appropriate
3 measures to determine whether children from birth through kindergarten entry are
4 developing appropriate early language and literacy skills.

5 (D) MULTITIER SYSTEM OF SUPPORT- Selecting, developing, and
6 implementing a multitier system of support.

7 (E) INTEGRATING- Integrating research-based instructional materials, activities,
8 tools, and measures into the programs offered by the eligible entity to improve
9 development of early learning language and literacy skills.

10 (F) TRAINING- Training providers and personnel to support, develop, and
11 administer high quality early learning literacy initiatives that--

12 (i) utilize data--

13 (I) to inform instructional design; and

14 (II) to assess literacy needs; and

15 (ii) provide time and support for personnel to meet to plan literacy
16 instruction.

17 (G) FAMILY LITERACY SERVICES- Providing for family literacy services, as
18 appropriate.

19 (H) DATA- Annually collecting, summarizing, and reporting to the State
20 educational agency data--

21 (i) to document and monitor, for the purpose of improving or increasing
22 early literacy and language skills development pursuant to activities carried
23 out under this section;

1 (ii) to stimulate and accelerate improvement by identifying the programs
2 served by the eligible entity that produce significant gains in skills
3 development; and

4 (iii) for all subgroups of students and categories of students, including
5 students described in section 1111(b)(2)(C)(v)(II) of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)), in a
7 manner that--

8 (I) utilizes a variety of data; and

9 (II) is consistent across the State.

10 (2) CURRICULA AND ASSESSMENT MATERIALS LIMITATION- Each eligible
11 entity that receives a subgrant under this section shall not use more than 10 percent of the
12 subgrant funds to purchase curricula and assessment materials.

13 (f) Prohibition- The use of assessment items and data on any assessment authorized under this
14 section to provide rewards or sanctions for individual children, early learning providers, teachers,
15 program directors, or principals is prohibited.

16 **SEC. 10. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES IN SUPPORT OF**
17 **KINDERGARTEN THROUGH GRADE 12 LITERACY.**

18 (a) Subgrants to Local Educational Agencies-

19 (1) SUBGRANTS- A State educational agency shall use the implementation grant funds
20 provided under section 5(a)(2)(C) to award subgrants, on a competitive basis, to eligible
21 entities to enable the eligible entities to carry out the authorized activities described in
22 subsections (b) and (c).

1 (2) SUFFICIENT SIZE AND SCOPE- A State educational agency shall award subgrants
2 under this section of sufficient size and scope to allow the eligible entities to carry out high
3 quality literacy initiatives in each grade level for which the subgrant funds are provided.

4 (3) LOCAL APPLICATIONS- An eligible entity desiring to receive a subgrant under this
5 section shall submit an application to the State educational agency at such time, in such
6 manner, and containing such information as the State educational agency may require.

7 Such application shall include, for each school that the eligible entity identifies as
8 participating in a subgrant program under this section, the following information:

9 (A) CAPACITY SURVEY- A description of the eligible entity's capacity survey
10 conducted to identify how subgrant funds will be used to inform and improve
11 literacy instruction at the school.

12 (B) PROFESSIONAL DEVELOPMENT- How the school, local educational
13 agency, or a provider of high quality professional development will provide
14 ongoing high quality professional development to all teachers, principals, and other
15 school leaders served by the school.

16 (C) INTERVENTIONS- How the school will identify students in need of literacy
17 interventions or other support services and provide appropriate scientifically valid
18 instructional interventions or other support services which may include extended
19 learning time for struggling students.

20 (D) BUDGET- A budget for the school that projects the cost of developing and
21 implementing literacy initiatives to carry out the activities described in subsections
22 (b) and (c) as applicable.

23 (E) INTEGRATION- An explanation of how the school will integrate literacy
24 instruction into core academic subjects.

1 (F) COORDINATION- A description of how the school will coordinate literacy
2 instruction with early education and after-school programs and activities in the area
3 served by the local educational agency.

4 (G) ASSESSMENTS- A description of the assessments that will be used in an
5 assessment system to improve literacy instruction and track student literacy
6 progress.

7 (H) FAMILIES AND CAREGIVERS- A description of how families and
8 caregivers will be involved in supporting their children's literacy instruction and
9 assessment.

10 (I) PLANNING PERIOD- A description of how, if an eligible entity is requesting a
11 planning period, the eligible entity will use that planning period to prepare for
12 successful implementation of a plan to support the development of learning and
13 literacy consistent with the purposes of this Act.

14 (J) INITIATIVES- A description of the literacy initiatives, if any, in place and how
15 these initiatives will be coordinated and integrated with activities supported under
16 this section.

17 (K) PARTICIPATION IN EVALUATION- An assurance that the eligible entity
18 will, if requested, participate in the national evaluation described in section 11.

19 (b) Local Uses of Funds for Kindergarten Through Grade 5- An eligible entity that receives a
20 subgrant under this section shall use the subgrant funds to carry out the following activities
21 pertaining to learners in kindergarten through grade 5:

22 (1) LITERACY PLAN- Developing and implementing a literacy plan across content areas
23 that--

1 (A) serves the needs of all students, including children with disabilities and English
2 language learners, especially the students who are reading or writing below grade
3 level;

4 (B) provides intensive, supplemental, accelerated, and explicit intervention and
5 support in reading and writing for students whose literacy skills are below grade
6 level; and

7 (C) supports activities that are provided primarily during the regular school day but
8 which may be augmented by after-school and out-of-school time instruction.

9 (2) ASSESSMENTS- Acquiring, providing training for, selecting, and administering
10 assessments, and managing, monitoring, and planning instruction based on the assessment
11 data.

12 (3) PROFESSIONAL DEVELOPMENT- Providing high quality professional
13 development.

14 (4) TRAINING- Training principals, pupil services personnel, and other school district
15 personnel to support, develop, and administer and evaluate high quality kindergarten
16 through grade 5 literacy initiatives that--

17 (A) utilize data--

18 (i) to inform instructional decisions; and

19 (ii) to assess professional development needs; and

20 (B) provide time and support for teachers to meet to plan literacy instruction.

21 (c) Local Uses of Funds for Grades 6 Through 12-

22 (1) REQUIRED USES- An eligible entity that receives a subgrant under this section shall
23 use subgrant funds to carry out the following activities pertaining to learners in grades 6
24 through 12:

1 (A) LITERACY PLAN- Developing and implementing a literacy plan across
2 content areas that--

3 (i) serves the needs of all students, including children with disabilities and
4 English language learners, especially students who are reading or writing
5 below grade level;

6 (ii) provides intensive, supplemental, accelerated, and explicit intervention
7 and support in reading and writing for students whose literacy skills are
8 below grade level; and

9 (iii) supports activities that are provided primarily during the regular school
10 day but which may be augmented by after-school and out-of-school time
11 instruction.

12 (B) ASSESSMENTS- Acquiring, providing training for, selecting and
13 administering assessments, and managing, monitoring, and planning instruction
14 based on the assessment data.

15 (C) PROFESSIONAL DEVELOPMENT- Providing high quality professional
16 development.

17 (D) TRAINING- Training principals, pupil service personnel, and other school
18 leaders to support, develop, administer, and evaluate high quality adolescent
19 literacy initiatives that--

20 (i) utilize data--

21 (I) to inform instructional decisions and allow for personalization of
22 instruction based on student need; and

23 (II) to assess professional development needs;

24 (ii) assess the quality of adolescent literacy instruction in core academic
25 subjects, and career and technical education subjects where such career and

1 technical education subjects provide for the integration of core academic
2 subjects;

3 (iii) provide time for teachers to meet to plan research-based adolescent
4 literacy instruction in core academic subjects, and career and technical
5 education subjects where such career and technical education subjects
6 provide for the integration of core academic subjects; and

7 (iv) include explicit instruction in discipline-specific thinking and how to
8 read and interpret discipline-specific text structures and features.

9 (E) DATA- Annually collecting, summarizing, and reporting to the State
10 educational agency data--

11 (i) to document and monitor for the purpose of improving practice,
12 improvements or increases in student reading and writing pursuant to
13 activities carried out under this section;

14 (ii) to stimulate and accelerate improvement by identifying the schools that
15 produce significant gains in literacy achievement; and

16 (iii) for all students and categories of students, including students described
17 in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)), in a manner that utilizes a
19 variety of data and that is consistent across the State.

20 (2) LIMITATION TO CERTAIN SCHOOLS- An eligible entity receiving a subgrant
21 under this section shall, in distributing subgrant funds under this subsection, provide the
22 subgrant funds only to schools, including public charter schools, that have the highest
23 percentages or numbers of children counted under section 1124(c) of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 6333(c)) after carrying out the activities
25 described in this subsection and subsection (b).

1 (d) Allowable Uses- An eligible entity that receives a subgrant under this section may use
2 remaining subgrant funds to carry out the following activities pertaining to learners in
3 kindergarten through 12:

4 (1) PLANNING- Providing a planning period of not more than 1 year for eligible entities
5 to establish the elements necessary for successful implementation of a literacy program for
6 kindergarten through 12.

7 (2) LITERACY COACHES- Recruiting, placing, training, and compensating literacy
8 coaches.

9 (3) CONNECTING LEARNING OPPORTUNITIES- Connecting out-of-school learning
10 opportunities to in-school learning in order to improve the literacy achievement of the
11 students.

12 (4) TRAINING- Training families and caregivers to support the improvement of
13 adolescent literacy.

14 (5) MULTITIER SYSTEM OF SUPPORT- Providing for a multitier system of support.

15 (6) SCHOOL LITERACY LEADERSHIP TEAM- Forming a school literacy leadership
16 team to help implement, assess, and identify necessary changes to the literacy initiatives in
17 1 or more schools to ensure success.

18 (7) LITERACY-RICH ENVIRONMENT- Providing high quality, literacy-rich
19 environments that engage students with materials and experiences at the students' reading
20 and writing levels.

21 **SEC. 11. NATIONAL EVALUATION, INFORMATION DISSEMINATION, AND TECHNICAL**
22 **ASSISTANCE.**

23 (a) National Evaluation-

1 (1) IN GENERAL- From funds reserved under section 5(b)(1)(A) or 5(b)(2)(A)(iii), the
2 Secretary shall enter into a contract with an organization independent of the Department of
3 Education for a 5-year national evaluation of the grant and subgrant programs assisted
4 under this Act. Such evaluation shall include scientifically valid research that applies
5 rigorous and systematic procedures to obtain valid knowledge relevant to the
6 implementation and effect of the programs.

7 (2) CONTENTS OF EVALUATION- The evaluation described in this subsection shall
8 include an analysis of each of the following:

9 (A) IMPACT- The impact of the implementation of literacy initiatives and
10 practices supported under this Act on increasing student academic outcomes,
11 including student literacy development in reading and writing, and speaking (as
12 appropriate), grade promotion, and graduation to the extent predictable.

13 (B) IMPLEMENTATION OF CORE FEATURES- The fidelity of implementation
14 of core program features, such as coherence of program across grades, quality of
15 technical assistance, State and school district leadership, professional development
16 for teachers and administrators, use of quality materials and pedagogy, and use of
17 assessment.

18 (C) STUDENT ACADEMIC OUTCOMES- The relationship between
19 implementation of core features, and student academic outcomes.

20 (D) OTHER INQUIRIES- Other inquiries as designated by the Secretary, such as--

21 (i) the core functions of literacy initiatives that have demonstrated the
22 greatest impact on student literacy achievement, especially among students
23 reading below grade level;

24 (ii) effective strategies to integrate State and local standards, curricula,
25 assessments, and interventions to improve literacy;

1 (iii) the types of literacy activities that most effectively improve the early
2 reading, writing, and language skills of children from birth through
3 kindergarten entry;

4 (iv) the impact of adolescent literacy initiatives on student motivation,
5 engagement, and participation in adolescent literacy activities; and

6 (v) the relationship between students' literacy achievement and secondary
7 schools' success, including improving graduation rates.

8 (3) PROGRAM IMPROVEMENT- The findings of the evaluation conducted under this
9 section shall be--

10 (A) provided to State educational agencies and grant recipients for use in program
11 improvement;

12 (B) made publicly available, including on the Department's website; and

13 (C) submitted to the Committee on Health, Education, Labor, and Pensions of the
14 Senate and the Committee on Education and Labor of the House of
15 Representatives.

16 (b) Information Dissemination and Technical Assistance-

17 (1) IN GENERAL- From amounts reserved under section 5(b)(1)(A) or 5(b)(2)(A)(iii), the
18 Secretary, in collaboration with the regional educational laboratories established under
19 section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), the
20 Comprehensive Centers established under section 203 of the Educational Technical
21 Assistance Act of 2002 (20 U.S.C. 9602), and the Director of the National Institute of
22 Child Health and Human Development, shall distribute information on literacy instruction,
23 including best practices and model programs identified in the evaluation, other inquiries
24 under this section, or related Federal studies of literacy activities and provide technical

1 assistance in order to assist States and local school districts in improving literacy
2 instruction and learning.

3 (2) DISSEMINATION AND COORDINATION- The Secretary shall disseminate the
4 information described in paragraph (1) to--

5 (A) recipients of Federal financial assistance under this Act, the Head Start Act, the
6 Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Adult
7 Education and Family Literacy Act (20 U.S.C. 9201 et seq.); and

8 (B) each Bureau-funded school (as defined in section 1141 of the Education
9 Amendments of 1978 (25 U.S.C. 2021)).

10 (3) USE OF NETWORKS- In carrying out this subsection, the Secretary shall, to the
11 extent practicable, use information and dissemination networks developed and maintained
12 through other public and private entities.

13 **SEC. 12. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS,**
14 **AND CONFLICTS OF INTEREST.**

15 (a) Consequences of Insufficient Progress-

16 (1) CONSEQUENCES FOR GRANT RECIPIENTS- If the Secretary determines that a
17 State educational agency receiving an award under section 5(b) or an eligible entity
18 receiving a subgrant under section 9 or 10 is not making significant progress in meeting the
19 purposes of this Act and the key metrics identified by the State educational agency in
20 section 7(b)(2)(D) after the submission of a report described in subsection (b), then the
21 Secretary may withhold, in whole or in part, further payments under this Act in accordance
22 with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such
23 other action authorized by law as the Secretary determines necessary, including providing

1 technical assistance upon request of the State educational agency, or eligible entity,
2 respectively.

3 (2) CONSEQUENCES FOR SUBGRANT RECIPIENTS-

4 (A) IN GENERAL- A State educational agency receiving an award under section
5 5(b) may refuse to award subgrant funds to an eligible entity under section 9 or 10
6 if the State educational agency finds that the eligible entity is not making
7 significant progress in meeting the purposes of this Act, after--

8 (i) affording the eligible entity notice, a period for correction, and an
9 opportunity for a hearing; and

10 (ii) providing technical assistance to the eligible entity.

11 (B) FUNDS AVAILABLE- Subgrant funds not awarded under subparagraph (A)
12 shall be redirected to an eligible entity serving similar children and students in the
13 same area or region as the eligible entity not awarded the subgrant funds, to the
14 greatest extent practicable.

15 (b) Reporting Requirements-

16 (1) STATE EDUCATIONAL AGENCY REPORTS- Each State educational agency
17 receiving an award under section 5(b) shall report annually to the Secretary regarding the
18 State educational agency's progress in addressing the purposes of this Act. Such report
19 shall include, at a minimum, a description of--

20 (A) the professional development activities provided under the award, including
21 types of activities and entities involved in providing professional development to
22 classroom teachers and other program staff;

23 (B) instruction, strategies, activities, curricula, materials, and assessments used in
24 the programs funded under the award;

1 (C) the types of programs funded under the award and the ages and demographic
2 information, that is not individually identifiable, of children served by the programs
3 funded under the award;

4 (D) the experience and qualifications of the program staff who provide literacy
5 instruction under the programs funded under the award, including the experience
6 and qualifications of those staff working with children with disabilities or
7 developmental delays and with English language learners;

8 (E) key data metrics identified under section 7(b)(2)(D) used for literacy initiatives;

9 (F) student performance on relevant program metrics, as identified in the State
10 education agency's implementation plan under section 7(b)(2)(D), such as--

11 (i) the number and percentage of children reading and writing on grade level
12 by the end of the third grade;

13 (ii) the percent of students served under the award who receive special
14 education services; and

15 (iii) the instruction and activities delivered to at-risk students served under
16 the award; and

17 (G) the outcomes of programs and activities provided under the award.

18 (2) ELIGIBLE ENTITY REPORTS- Each eligible entity receiving a subgrant under
19 section 9 or 10 shall report annually to the State educational agency regarding the eligible
20 entity's progress in addressing the purposes of this Act. Such report shall include, at a
21 minimum, a description of--

22 (A) how the subgrant funds were used;

23 (B) the literacy achievement growth of students, disaggregated by subgroup; and

24 (C) the results of an external evaluation, if the Secretary determines applicable.

1 (c) Conflicts of Interest- The Secretary shall ensure that each member of the peer review panel
2 described in section 5(c) and each member of a State literacy leadership team participating in a
3 program or activity assisted under this Act does not stand to benefit financially from a grant or
4 subgrant awarded under this Act.

5 **SEC. 13. RULES OF CONSTRUCTION.**

6 (a) Student Eligibility- Nothing in this Act shall be construed to prohibit students eligible for
7 assistance under title I or III of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
8 6301 et seq., 6801 et seq.) or students eligible for assistance under the Individuals with Disabilities
9 Education Act (20 U.S.C. 1400 et seq.) from receiving literacy instruction and intervention under
10 this Act.

11 (b) IDEA Evaluation- The screening assessments, diagnostic assessments, and formative
12 assessments of reading and writing authorized under this Act shall not be construed to constitute
13 an evaluation required under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et
14 seq.).

15 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out this Act--

17 (1) \$2,350,000,000 for fiscal year 2010;

18 (2) \$2,350,000,000 for fiscal year 2011;

19 (3) \$2,350,000,000 for fiscal year 2012;

20 (4) \$2,350,000,000 for fiscal year 2013; and

21 (5) \$2,350,000,000 for fiscal year 2014.

APPENDIX IV

Title II, Part A, Subpart 5 National Activities

The Helping Elevate Learning and Education Now (HELEN) National Class Size Database and Clearinghouse

A national database should be developed and maintained for the submission of student and teacher data that will permit the accurate calculation of class size for every school building, district and state. The database should require the entry of data on student enrollment by specific categories such as grade level, program type, language fluency, and free-reduced lunch status. Also, data on classroom teachers should be maintained such as the number of teachers by grade, subject and certification status. The database should be managed and maintained by a grantee with the technical expertise necessary to plan and facilitate the collection of data and the production of reports, preferably with experience in class-size data gathering.

A national clearinghouse on class-size should be developed and maintained to assist states and districts with information such as: class size research; advocacy strategies; school modernization planning; options for maximizing existing classroom space; and best practices in small classroom instruction. The clearinghouse will serve as the repository of information to be disseminated to educators, parents, policymakers and the media.

- The database will be used to collect class size data nationwide at the school level.
- **Class size** is the number of students who regularly appear in a teacher's classroom and for whom the teacher is primarily responsible and accountable **not pupil-teacher ratio** (PTR), the only data currently reported at the national level. PTR is derived by dividing the total number of students in a school by the total number of professionals working in the school (e.g., teachers, librarians, principals, guidance counselors, etc.). PTR skews the data to look as if classes have fewer students than they actually have.
- The database is a user-friendly, time-conserving, cost-effective method for collecting and reporting accurate class size data.
- The database provides access for the US DOE, parents, legislators, educators, researchers, etc. to generate class size reports at a school, school district, state, regional, or national level.
- Data are used to provide all interested citizens with accurate and actual class sizes. This will provide information on whether there is a need for reduced class sizes in certain schools, geographical areas, specific student populations (e.g., inner city, low SES, or ELL populations), etc.
- Data will be reported from all public K-12 schools (approximately 100,000) to account for all students (approximately 49,000,000).

Cost : \$3.5 million/yr

NOTE: A national on-line database (www.national-class-size-database.org) has been developed for the submission of student and teacher data that will permit the accurate calculation of class size for every school building, district and state. The Reduce Class Size Now web site (www.reduceclasssizenow.org) has been developed as a national clearinghouse on class size. This site could be expanded and maintained to assist the US DOE, states, school districts and other interested parties with information such as: class size research; advocacy strategies; school modernization planning; options for maximizing existing classroom space; and best practices in small classroom instruction.

APPENDIX V

Title II, Part C, Subpart 1 Class Size Reduction

(Based on S. 2887, Facilitating Outstanding Classrooms Using Size Act of 2009)

`(a) PURPOSES- The purposes of this section are—

`(1) to reduce class size through the use of fully qualified teachers;

`(2) to assist States and local educational agencies in recruiting, hiring, and training teachers in order to reduce class sizes nationally, in kindergarten through grade 12. In K-1 , to 15 or fewer children, in grades 2-5, 18 or fewer, in grades 6-8, 20 or fewer, and in grades 9-12, 25 or fewer; and

(3) to support the implementation and monitoring requirements of this class-size program; and

`(b) ALLOTMENT TO STATES-

`(1) RESERVATION- From the amount made available to carry out this part for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

`(2) STATE ALLOTMENTS-

`(A) HOLD HARMLESS-

`(i) IN GENERAL- Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this part for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year, as the case may be.

`(ii) RATABLE REDUCTION- If the amount made available to carry out this part for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

`(B) ALLOTMENT OF ADDITIONAL FUNDS-

`(i) IN GENERAL- Subject to clause (ii), for any fiscal year for which the amount made available to carry out this part and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

`(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

`(II) the percentage so received of the total amount made available to the States under section 6101(b), as in effect on the day before the date of enactment of the Leave No Child Behind Act of 2001, or the corresponding provision of this title, as the case may be.

`(ii) RATABLE REDUCTIONS- If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

`I ALLOCATION TO LOCAL EDUCATIONAL AGENCIES-

`(1) ALLOCATION- Each State that receives funds under this section shall allocate 100 percent of those funds to local educational agencies, of which—

`(A) 80 percent shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

`(B) 20 percent shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

`(2) EXCEPTION- Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency, that agency may use funds made available under this section to—

`(A) help pay the salary of a full- or part-time fully qualified teacher hired to reduce class size , which may be done in combination with the expenditure of other Federal, State, or local funds; or

`(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

`(d) USE OF FUNDS-

`(1) MANDATORY USES- Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers to improve educational achievement for both regular and special needs children.

`(2) PERMISSIBLE USES-

`(A) IN GENERAL- Each such local educational agency may use funds made available under this section for—

`(i) recruiting (including through the use of signing bonuses and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children;

`(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

`(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

`(B) LIMITATION ON TESTING AND PROFESSIONAL DEVELOPMENT-

`(i) IN GENERAL- Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

`(ii) SPECIAL RULE- A local educational agency may use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who are not yet fully qualified in attaining full qualification if 10 percent or more of the elementary school classes in a school are taught by individuals who are not fully qualified teachers or the State educational agency has waived State certification or licensing requirements for 10 percent or more of such teachers.

`I USE OF FUNDS BY AGENCIES THAT HAVE REDUCED CLASS SIZE — Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in K-1 to 15 or fewer children, for grades 2-5, to 18 or fewer children, for grades 6-8 to 20 or fewer children, and for grades 9-12 to 25 or fewer children. May use funds received under this section—

`(i) to make further class size reductions in kindergarten through grade 12;

`or

`(ii) to carry out activities to improve teacher quality, including professional development.

`(3) SUPPLEMENT, NOT SUPPLANT- Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

`(4) LIMITATION ON USE FOR SALARIES AND BENEFITS-

`(A) IN GENERAL- Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

`(B) EXCEPTION- Funds made available under this section may be used to pay the salaries of teachers hired under section 306 of the Department of Education Appropriations Act, 2001.

`(e) REPORTS-

`(1) STATE ACTIVITIES- Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6202(a)(2) with respect to the activities.

`(2) PROGRESS CONCERNING CLASS SIZE AND QUALIFIED TEACHERS- Each State and local educational agency receiving funds under this section shall annually report to parents and the public, in numeric form as compared to the previous year, on—

`(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers; and

`(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

`(3) NOTICE- Each local educational agency that receives funds under this section shall provide, to each individual parent of a child who attends a school served by such local educational agency, timely, written notice if the child has been assigned or has been taught

for 2 or more consecutive weeks by a substitute teacher, as defined by such local educational agency, or a teacher who is not fully qualified.

`(f) PRIVATE SCHOOLS- If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6402. Section 6402 shall not apply to other activities carried out under this section.

`(g) ADMINISTRATIVE EXPENSES- A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

`(h) APPLICATION- Each local educational agency that desires to receive funds under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

`(i) CERTIFICATION, LICENSING, AND COMPETENCY- No funds made available under this section may be used to pay the salary of any teacher unless such teacher is fully qualified.

`(j) DEFINITION- As used in this section, the term 'certified' includes certification through State or local alternative routes.

Add to the bill language above, additional language that encompasses the following specifications:

Evaluation and Guidance

Districts should set up an evaluation plan on the impact of their class size reduction program. The evaluation should assess changes in student and teacher outcomes such as: student learning, grade retention rates, student attendance rates, dropout rates, student discipline incidences, teacher morale, classroom management and instructional practices, teacher retention rates and recruitment, and parental involvement.

States should help districts implement short-term and long-term options to accommodate the need for additional classroom space (e.g., convene school building committees to reallocate the use of existing school space; renovate buildings to restructure existing space; rent classroom space from businesses or establish partnerships in which businesses donate space; team-teaching by two certified teachers in a single classroom; and restructuring the school day and/or calendar to maximize the use of existing space).

APPENDIX VI: School Construction

School Construction package: The NEA recommends the inclusion of a school construction grant program within ESEA, including provisions found within the following bills (all 111th Congress):

HR 2187, 21st Century Green High-Performing Public School Facilities Act
HR 3221, Title III of Student Aid and Fiscal Responsibility Act of 2009
S 1121, School Building Fairness Act of 2009

In addition, NEA supports the legislative language appearing below, which also includes an Indoor Air Quality initiative.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR SCHOOL INFRASTRUCTURE IMPROVEMENT.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

TITLE X—SCHOOL CONSTRUCTION, MODERNIZATION, AND INFRASTRUCTURE IMPROVEMENT

SEC. 10002. PURPOSE.

The purpose of this title is to provide Federal funds to enable local educational agencies to finance the costs associated with the construction, repair, and modernization of public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically.

SEC. 10003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) Authority and Conditions for Grants-

(1) IN GENERAL- Each fiscal year, the Secretary of Education shall make grants to local educational agencies in each State for the purpose of constructing, modernizing, or repairing public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically.

(2) FORMULA FOR ALLOCATION- From the amount appropriated under section 10006 for any fiscal year, the Secretary shall allocate to each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total number of school-age children in all the States. The Secretary shall determine the number of school-age children on the basis of the most recent satisfactory data available to the Secretary.

(b) Conditions for Receipt of Grants-

(1) APPLICATIONS- In order to receive a grant under this title, a State shall submit to the Secretary an application containing or accompanied by such information and assurances as the Secretary may require. Such applications shall specify the method by which the State educational agency will allocate funds to local educational agencies and the procedures by which projects will be selected for funding. Such applications shall contain assurances that such funds will only be provided if the State educational agency finds that such constructions will be undertaken in an economical manner, and that any such construction, reconstruction, renovation, or modernization is not or will not be of elaborate or extravagant design or materials.

(2) PRIORITIES- In approving projects for funding under this title, the State educational agency shall consider—

- `(A) the threat the condition of the physical plant poses to the safety and well-being of students;
- `(B) the demonstrated need for the construction, reconstruction, renovation, or modernization as based on the condition of the facility;
- `(C) the age of the facility to be renovated or replaced;
- `(D) whether the facility is eligible to receive education technology assistance from the National Education Technology Funding Corporation under section 708 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 157); and
- `(E) the needs related to preparation for modern technology.

`(3) CHARTER SCHOOLS- In approving projects for funding under this title, the State educational agency shall ensure that a public charter school that constitutes a local educational agency under State law is eligible for assistance under the same terms and conditions as any other local educational agency.

`I Amount and Condition of Grants- A grant to a local educational agency may be in an amount not exceeding the total cost of the facility construction, reconstruction, renovation, or modernization for information technology, as determined by the State educational agency.

`SEC. 10004. GENERAL PROVISIONS.

`The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors or subcontractors on any project assisted under this title—

- `(1) shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of March 31, 1931 (Davis-Bacon Act), as amended; and
- `(2) shall be employed not more than 40 hours in any 1 week unless the employee receives wages for the employee’s employment in excess of the hours specified in paragraph (1) at a rate not less than one and one-half times the regular rate at which the employee is employed;

but the Secretary may waive the application of this subsection in cases or classes or cases where laborers or mechanics, not otherwise employed at any time in the construction of such project, voluntarily donate their services without full compensation for the purpose of lowering the costs of construction and the Secretary determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction.

`SEC. 10005. DEFINITIONS.

`As used in this title:

- `(1) SCHOOL- The term ‘school’ means structures suitable for use as classrooms, laboratories, libraries, and related facilities, the primary purpose of which is the instruction of elementary and secondary school students.
- `(2) STATE- The term State includes the several States of the United States and the District of Columbia.

`SEC. 10006. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated to carry out this title, \$10,000,000,000 for fiscal year 2008 and a sum no less than this amount for each of the 4 succeeding fiscal years.’

NEW SECTION:

This section should be incorporated into the above language as appropriate:

Indoor Air Quality

“States and districts shall identify and prioritize urgent repairs to meet relevant federal regulations and best practices for school environments. In making these decisions, SEAs and LEAs shall be advised by the EPA and the Department of Energy on regulations and best practices to achieve healthy school environments.”

Title IV, Part A, Subpart 3, Chapter C Healthy, High-Performance Schools

Title V

Subpart 18: Healthy, High- Performance Schools

Sec. 5581: award grants to State educational agencies or other qualified state agencies

SEC. 5582 State Uses of Funds

(a) SUBGRANTS—

(b) ADMINISTRATION

(2) To distribute information and materials and conduct training on healthy, high-performance school buildings for both new and existing facilities.

(4) To provide technical services and assistance in planning and designing healthy, high-performance school buildings and during the renovation of existing school facilities.

SEC. 5583. LOCAL USES OF FUNDS.

(a) IN GENERAL- A local educational agency that receives a subgrant under section 5582(a) shall use the subgrant funds to plan, prepare for and implement healthy, high-performance school building projects that—

(2) To produce a comprehensive analysis of building strategies, designs, materials, and equipment that—

(A) are cost effective, produce greater energy efficiency, and help ensure good indoor air quality; and

(B) can be used when conducting school construction and renovation, purchasing materials and equipment,

(3) To obtain research and provide technical services and assistance in planning and designing healthy, high-performance school buildings, including developing a timeline for implementation of such plans; and when renovating existing school facilities.

SEC. 5586 Healthy, High Performance School Building Defined.

In this subpart, the term “healthy, high-performance school building” means the physical facility—the school building and its grounds—in which the design, construction, operation, and maintenance—

1) uses energy-efficient and affordable practices and materials;

2) are cost effective;

3) enhance and ensure good indoor air quality;

4) protect and conserve water

5) are thermally, visually and acoustically comfortable

6) are material efficient incorporating building materials that have been recycled or produced in a way that conserves raw materials.

APPENDIX VII

Safe and Drug-Free Schools and Communities

Revision: Incorporate the Davis/Shimkus anti-bullying legislation from the 109th Congress; require recipients of SDFS funds to have a plan addressing bullying and harassment.

SECTION 1. BULLYING AND HARASSMENT PREVENTION POLICIES, PROGRAMS, AND STATISTICS.

(a) State Reporting Requirements- Section 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amended by inserting `, including bullying and harassment,' after `violence'.

(b) State Application- Section 4113(a) of such Act (20 U.S.C. 7113(a)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (C), by striking `and' at the end; and

(B) by adding at the end the following:

`(E) the incidence and prevalence of reported incidents of bullying and harassment; and

`(F) the perception of students regarding their school environment, including with respect to the prevalence and seriousness of incidents of bullying and harassment and the responsiveness of the school to those incidents;';

(2) in paragraph (18), by striking `and' at the end;

(3) in paragraph (19), by striking the period at the end and inserting `; and'; and

(4) by adding at the end the following:

`(20) provides an assurance that the State educational agency will provide assistance to districts and schools in their efforts to prevent and appropriately respond to incidents of bullying and harassment and describes how the agency will meet this requirement.'.

I Local Educational Agency Program Application- Section 4114(d) of such Act (20 U.S.C. 7114(d)) is amended—

(1) in paragraph (2)(B)(i)—

(A) in the matter preceding subclause (I), by striking the semicolon and inserting a comma;

(B) in subclause (I), by striking `and' at the end; and

(') by adding at the end the following:

`(III) performance indicators for bullying and harassment prevention programs and activities; and'; and

(2) in paragraph (7)--

(A) in subparagraph (A), by inserting `, including bullying and harassment' after `disorderly conduct';

(B) in subparagraph (D), by striking `and' at the end; and

(') by adding at the end the following:

`(F) annual notice to parents and students describing the full range of prohibited conduct contained in the discipline policies described in subparagraph (A); and
(G) complaint procedures for students or parents that seek to register complaints regarding the prohibited conduct contained in the discipline policies described in subparagraph (A), including--

(i) the name of the school or district officials who are designated as responsible for receiving such complaints; and

- (ii) timelines that the school or district will follow in the resolution of such complaints;'
- (d) Authorized Activities- Section 4115(b)(2) of such Act (20 U.S.C. 7115(b)(2)) is amended--
- (1) in subparagraph (A)--
 - (A) in clause (vi), by striking 'and' at the end;
 - (B) in clause (vii), by striking the period at the end and inserting '; and'; and
 - (C) by adding ' at the end the following:
 - (viii) teach students about the consequences of bullying and harassment.';
 - and
 - (2) in subparagraph (E), by adding at the end the following:
 - (xxiii) Programs that address the causes of bullying and harassment and that train teachers, administrators, and counselors regarding strategies to prevent bullying and harassment and to effectively intervene when such incidents occur.'
- (e) Reporting- Section 4116(a)(2)(B) of such Act (20 U.S.C. 7116(a)(2)(B)) is amended by inserting ', including bullying and harassment,' after 'drug use and violence'.
- (f) Impact Evaluation- Section 4122 of such Act (20 U.S.C. 7132) is amended--
- (1) in subsection (a)(2), by striking 'and school violence' and inserting 'school violence, including bullying and harassment,'; and
 - (2) in the first sentence of subsection (b), by inserting ', including bullying and harassment,' after 'drug use violence'.
- (g) Definitions--
- (1) DRUG AND VIOLENCE PREVENTION- Paragraph (3)(B) of section 4151 of such Act (20 U.S.C. 7151) is amended by inserting ', bullying, and other harassment' after 'sexual harassment and abuse'.
 - (2) PROTECTIVE FACTOR, BUFFER, OR ASSET- Paragraph (6) of such section is amended by inserting ', including bullying and harassment' after 'violent behavior'.
 - (3) RISK FACTOR-- Paragraph (7) of such section is amended by inserting ', including bullying and harassment' after 'violent behavior'.
 - (4) BULLYING, HARASSMENT, AND VIOLENCE- Such section is further amended by adding at the end the following:
 - (12) BULLYING- The term 'bullying' means conduct, including conduct that is based on a student's actual or perceived identity with regard to race, color, national origin, gender, disability, sexual orientation, religion, or any other distinguishing characteristics that may be defined by a State or local educational agency, that--
 - (A) is directed at one or more students;
 - (B) substantially interferes with educational opportunities or educational programs of such students; and
 - (C) adversely affects the ability of a student to participate in or benefit from the school's educational programs or activities by placing a student in reasonable fear of physical harm.
 - (13) HARASSMENT- The term 'harassment' means conduct, conduct that is based on a student's actual or identity with regard to race, color, national origin, gender, disability, sexual orientation, religion, or any other distinguishing characteristics that may be defined by a State or local educational agency, that--
 - (A) is directed at one or more students;
 - (B) substantially interferes with educational opportunities or educational programs of such students; and

`(C) adversely affects the ability of a student to participate in or benefit from the school's educational or activities because the conduct as reasonably perceived by the student is so severe, pervasive, and objectively offensive.

`(14) VIOLENCE- The term `violence' includes bullying `and harassment.'.

(h) Effect on Other Laws-

(1) AMENDMENT- The Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

`SEC. 4156. EFFECT ON OTHER LAWS.

`(a) Federal and State Nondiscrimination Laws- Nothing in this part shall be construed to alter legal standards regarding, or limit rights available to victims of, bullying or harassment under other Federal or State laws, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

`(b) Free Speech and Expression Laws- Nothing in this part shall be construed to alter legal standards regarding, or affect the rights available to individuals under, other Federal laws that establish protections for freedom of speech and expression.'.

(2) CLERICAL AME'DMENT- The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding after the item relating to section 4155 the following:

`Sec. 4156. Effect on other laws.'.

APPENDIX VIII

Title II -- Language to Modify and Add to existing Enhancing Education Through Technology Program.

- I. Modify existing grant program as follows:
 1. Authorized at \$1 billion in FY2008, and such sums as needed in future years
 2. The greater of \$25 million or 5% of total funding set aside for national leadership activities by the US Department of Education.
 3. Funds allocated to states by Title I formula
 4. States may reserve up to the greater of 5% or \$100,000 of all funds received for leadership, assistance, and program administration. States also may reserve up to the greater of 2.5% or \$50,000 to conduct evaluation research. States may use their funds for a variety of rigorous evaluation purposes, including 1) creating an overarching evaluation structure or rubric that grantees may use or 2) evaluating a specific grantee program or model.
 5. State-to-LEA Allocation: 50% for Competitive Grant Program and 50% for Formula Grant Program
 6. If annual appropriations funding fails to reach 350 million in a given year, states shall have the option of allocating all funds under the competitive grant portion of this program.
 7. The grant programs will be tied to state and district technology plans and be coordinated with school improvement plans
 8. States shall define student technology literacy, including information literacy and related 21st century skills, and assess student performance at least once in elementary school and once in secondary school.
 9. The U.S. Department of Education shall conduct an annual national study on student technology literacy to determine the extent to which 8th graders are technologically and informationally literate and have necessary 21st century skills. Study results shall be disaggregated by state and student subgroup. The study's annual cost shall not exceed \$1 million.
 10. In order to maximize technology's impact on student achievement and teacher quality, schools must have current hardware and software utilized for teaching and learning. Similar to business and industry, such guidelines include:
 - a. Hardware 4 years or newer
 - b. Operating system within last 2 versions
 - c. Software within last 2 versions
 - d. Systems able to run multi-media adhering to software requirements
 11. All state technology plans shall include information on how states are improving the technology and information literacy performance of eighth grade students.

Competitive Grant Programs: Research-Based and Innovative Systemic School Models

1. Focus: Improve student achievement, technology literacy and skills for success in the 21st century through applying promising systemic reforms employing research-based or innovative models that center on the use of technology tools and applications and show high promise of success. Outcomes may include: improved teacher quality and skills, enhanced or redesigned curriculum/instruction, increased student opportunity and engagement, effective use of data to inform instruction and school decisions, and improved efficiencies in the school enterprise and classroom.
2. States will award grants based on applications from LEAs and consortia of LEAs
3. States will define their grant parameters and priorities based upon the specific education needs of the state.

The research-based and innovative systemic models will include the following elements:

- a. Demonstrated alignment with state and district goals and plans for improving student achievement under Section 1112 of NCLB
- b. On-going, sustainable, timely, and contextual professional development as defined below
- c. Demonstrable engagement of district and school leaders as well as classroom educators
- d. Alignment to state and district technology plans
- e. Inclusion of development of student 21st Century Skills and technology literacy
- f. On-going use of student benchmarks and other data to drive individualized instruction
- g. Reform of curriculum, instruction, assessment, use of data, or other school or classroom practices through the use of technology

Professional Development:

- a. Shall be on-going, sustainable, timely, contextual and coordinated with other improvement efforts
 - b. Shall include training in strategies and pedagogy in the core curriculum areas that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;
 - c. Shall include professional development to teachers, principals, district administrators and other educators in using technology in one or more of the following areas: across the curriculum, data analysis and application for individualized instruction, 21st Century Skills, technology and media literacy
 - d. Shall include on-going communication with instructors or facilitators, as well as peers
 - e. May include Technology instructional specialists/coaches to work directly with teachers
 - f. May include the use of technology such as distance learning and online peer communities as a means for delivering professional development
4. Grantees shall reserve no less than 5% of funds to conduct formal evaluations of program for which they have received support with evaluation criteria determined by the state. Evaluation measures may include student achievement in reading, math and other core subjects targeted by the grant, student technology literacy and 21st century skills, graduation rates, teacher quality and skills, and other measures of technology's impact on student engagement and opportunity, and on educational productivity and efficiency
5. Grant size, duration and priority
- a. States will award grants that will run for at least two years and may renew such grants annually for up to a total of five years.
 - b. States shall award grants of sufficient size and scope to support meaningful systemic reform
 - c. States shall give preference in the awarding of grants to applications that include Title I schools identified in need of improvement, particularly those with high populations of LEP and students with disabilities

Formula Grant Programs: Sustainable Professional Development and Tools for Improving Teaching and Learning through Technology

1. Focus: Improve student performance in core subject areas in need of improvement as identified by each state, (e.g. math, science, or reading instruction), through the use of technology to provide sustainable professional development and technology tools and applications for student and teacher use.
2. Funds will be distributed to LEAs using Title I allocations with eligible LEAs receiving no less than \$3,000 annually.

3. Operation of Program:

- a. States identify area(s) of need on annual basis
- b. Grantees shall use at least 40% of funds received:
 - i. for professional development as defined below
 - ii. to acquire technology tools and resources employed in professional development activities.
- c. Districts shall use the remaining funds to provide students and teachers with the appropriate technology — tools, applications, curriculum, and resources – to improve student learning and achievement in area(s) identified by the state.
- d. Districts shall align the use of funds under this program with state and district technology plans and school improvement plans, including Title I plans or consolidated applications required under this Act

(A) Professional Development:

- a. Shall be on-going, sustainable, timely, contextual and coordinated with other improvement efforts
 - b. Shall include training in strategies and pedagogy in the core curriculum areas that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;
 - c. Shall include professional development to teachers, principals, district administrators and other educators in using technology in one or more of the following areas: across the curriculum, data analysis and application for individualized instruction, 21Century Skills, technology and media literacy
 - d. Shall include on-going communication with instructors or facilitators, as well as peers
 - e. May include Technology instructional specialists/coaches to work directly with teachers
- May include the use of technology such as distance learning and online peer communities as a means for delivering professional development

Appendix IX-A

Title IV, Part E, High Schools for the 21st Century

- Subpart 1—Graduation for All
- Subpart 2—Graduate for a Better Future
- Subpart 3—Fast Track to College
- Subpart 4—Pathways to College
- Subpart 5—Graduation Promise

Title IV, Part I, Success in the Middle

Title IV, Part E, Subpart 1

Incorporate language from H.R. 4122, the Graduation for All Act, to support high-need middle and high schools in order to improve students' academic achievement, graduation rates, postsecondary readiness, and preparation for citizenry.

Title IV, Part E Subpart 2

Incorporate language from S. 413, the Graduate for a Better Future Act, to establish a grant program to improve high school graduation rates and prepare students for college and work.

Title IV, Part E Subpart 3

Incorporate language from H.R. 1578/S. 627, the Fast Track to College Act, to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

Title IV, Part E Subpart 4

Incorporate language from H.R. 2579/S. 1129, the Pathways to College Act, to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment.

Title IV, Part E Subpart 5

Incorporate language from H.R. 4181/S. 1698, the Graduation Promise Act, to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

Title IV, Part I

Incorporate language from H.R. 3006, the Success in the Middle Act, to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

APPENDIX IX

Title IV, Part E, Subpart 1: We support S. 611, the Pathways for All Students to Succeed Act of 2007 (110th Congress). We also want to ensure that secondary school initiatives contain language encompassing the specifications below:

Section _____. Program Authorized (1) General.-

Activities such as- (A) professional development; (Make sure educators have the training and resources they need to prevent students from dropping out including professional development focused on the needs of diverse students and students who are at risk of dropping out; up-to-date textbooks and materials, computers, and information technology; and safe and modern schools)

(B) obtaining curricular materials;

(C) release time for professional staff to obtain professional development;

(D) planning and research;

(E) remedial education (establish high school graduation centers for students 19-21 years old to provide specialized instruction and counseling to all students in this older age group who would be more effectively addressed in classes apart from younger students;

(F) reduction in pupil-to-teacher ratios (Make sure students receive individual attention in safe schools, in smaller learning communities within large schools, in small classes (18 or fewer students), and in programs that provide tutoring and build on what students learn during the school day during the summer, weekend, and before and after school.

(G) efforts to meet State student academic achievement standards; (Monitor students' academic progress in school through a variety of measures during the school year that provide a full picture of students' learning and help teachers make sure students do not fall behind academically; Monitor, accurately report, and work to reduce dropout rates by gathering accurate data for key student groups (such as racial, ethnic, and economic), establishing benchmarks in each state for eliminating dropouts, and adopting the standardized reporting method developed by the National Governors Association.

(H) counseling and mentoring for at-risk students; (Act early so students do not drop out with high-quality, universal preschool and full-day kindergarten; strong elementary programs that ensure students are doing grade-level work when they enter middle school; and middle school programs that address causes of dropping out that appear in these grades and ensure that students have access to algebra, science, and other courses they need to do well, in high school and beyond); (Involve families in students' learning at school and at home in new and creative ways do that all families-single – parent families, families in poverty, and families in minority communities-can support their children's academic achievement, help their children engage in healthy behaviors, and stay actively involved in their children's education from preschool through high school graduation); (Involve the entire community in dropout prevention through family-friendly policies that provide release time for employees to attend parent-teacher conferences; work schedules for high school students that enable them to attend classes on

time and be ready to learn; "adopt a school" programs that encourage volunteerism and community-led projects in school; and community-based, real-world learning experiences for students.

(I) implementing comprehensive school reform models, such as creating smaller learning communities; Expand students' graduation options through creative partnerships with community colleges in career and technical fields and with alternative schools so that students have another way to earn a high school diploma. For students who are incarcerated, tie their release to high school graduation at the end of their sentences; Increase career education and workforce readiness programs in schools so that students see the connection between school and careers after graduation. To ensure that students have the skills they need for these careers, integrate 21st century skills into the curriculum and provide all students with access to 21st century technology.

(J) school reentry activities;

Section 1825 Strategies and Capacity Building-

Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, wide replicated strategies for school dropout prevention and reentry. The strategies may include-

1. specific strategies for targeted purposes, such as
 - A. effective early intervention programs designed to identify at-risk students. (Target students with known at-risk behavior & heed early warning systems and adult advocates to provide support for students at risk of dropping out; Act early so students do not drop out, using high quality, Universal Preschool and full-day kindergarten and programs that ensure students are doing grade-level work; Parental, Family, and Community involvement; Monitor students' academic progress through various measures during the school year)
 - B. effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and
 - C. effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education (Establish high school graduation centers for students 19 to 21 years old to provide specialized instruction and counseling to all students in this age group); (Expand students graduation options through creative partnerships with community colleges in career and technical fields and with alternative schools so that students have another way to earn a high school diploma); (Increase career education and work force readiness programs in schools)
2. approaches such as breaking down larger schools into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment. (Make sure students receive individual attention in safe schools, smaller learning communities with larger schools, in small classes (15 or fewer students), and in programs during the summer, weekends, and before and after school that provide tutoring and build on what students learn during the school day.

3. Make sure educators have the training and resources they need to prevent students from dropping out, including professional development focused on the needs of diverse students, and students who are at risk of dropping out.

Amend Sec. 1830 Reporting and Accountability.

Reports-

“(1) REPORTS TO THE SECRETARY- An eligible agency receiving funds under this title shall annually provide the Secretary with a report on the number participants who are 16, 17, or 18 years of age in the programs and services provided under section ____, disaggregated by race, ethnicity, gender, limited English proficiency status, disability, and socioeconomic status.

“(2) REPORTS TO CONGRESS- Not later than June 30, 2007, and by June 30 annually thereafter, the Secretary shall submit a report to the Congress containing the results of the eligible agency reports required by paragraph (1).”.

APPENDIX X: Charter Schools

[note: these could be added to Section 4.b.(5) (“Assurance”) of the Polis bill, H.R. 4330 (111th Congress); the second “assurance” would be that the state commit in writing to addressing in policy each of these accountability issues, which would need to be specified, within two years of the date of enactment, similar to the approach ED used in RTTT of asking states to commit in writing to making certain policy changes by a date certain]

- A. Certified States. States certified by the U.S. Department of Education as having met minimum federal charter school accountability requirements will:
- (a) Require all public schools operating in the state to collect and submit to the State education agency, on an annual basis, student promotion data for each grade level, using a single published state definition and standard for how this data is to be interpreted and reported. The State Education agency will make the compiled data publicly available by posting on its website. [We should ask US ED to begin working on a workable national definition, parallel to its efforts to define dropout rates using a single standard.]
 - (b) Require, if and to the extent this is required of regular public schools in the state, that each school in the state receiving public funding, including charter schools, magnet schools and alternative schools, report to the State education agency the amounts of non-public funding it spent, on an annual basis. The State Education agency will make this information publicly available on its website.
 - (c) Operate an annual charter authorizer review and oversight process and publish an annual report setting forth, at a minimum:
 - i) charter school authorizer practices and findings it considers to have important effects on charter school quality;
 - ii) steps the responsible state entity is taking to ensure that charter schools, as part of the public school system, are complying with the state’s open meeting laws;
 - iii) steps the responsible state entity is taking and will take to enhance the rigor and effectiveness of those processes in promoting improved charter school quality; and
 - iv) any recommended policy changes to the state’s charter school laws and regulations which it believes would improve the quality of charter schools in the state.
 - (d) Develop, publish and enforce clear guidelines to ensure arm’s length distance between EMOs, CMOs and other charter operator personnel, and oversight entities (charter school governing boards, charter school authorizers, state government officials charged with charter school oversight responsibilities) which need to be independent and free of individuals with conflicts of interest.
 - (e) Ensure that financial audits of their charter schools, adjusted to take into account any relevant differences from other public schools, take place with comparable frequency and have results made available in ways comparable to audits of regular public schools.
 - (f) Accord charter school employees the same rights to representation as are available to other public education employees in the state as specified in state law.
 - (g) Provide adequate funding to charter school authorizers to provide effective oversight and technical assistance.
 - (h) For each facility in which its charter schools operates, collect and report publicly each source of facilities financing—federal, state, local funds, non-public funds—that was utilized and who owns

title to the facility. [Where taxpayer funding, at any level, was used to construct or renovate a facility in which a charter school operates, title to the facility must be held by a public agency.]

- (i) If and to the extent that the salaries of regular public school administrators, school board members, school district officials and state education department officials are made available to the public, charter school administrator, governing board member, and founder, EMO or CMO employee salaries shall likewise be made available to the public.
- (j) Collect and publish, on an annual basis, information on charter school policies and practices which distinguish those schools from regular and other public schools in the state. The report will contain an independent, rigorous analysis of whether these distinctive charter school practices appear to be benefiting students, and assess whether those practices could and should, perhaps with specified modifications, be applied to benefit many more public school students in the state.
- (k) Note: recent reports are showing charter schools are more segregated in many ways than nearby regular schools, and they are under-enrolling both ELLs and students with disabilities, especially students with more severe disabilities.

B. In order for charter schools operating in its state to receive federal financial assistance in the period beginning on the date of enactment of the reauthorized ESEA and ending two years following that date, the State must commit in writing to the policy adoption or modification requirements set forth in A(a)-(j) above.

C. Charter schools operating in states which the US Department of Education has certified as in compliance with accountability requirements A(a)-(j) no later than 2 years following the date of enactment of ESEA will remain eligible for federal charter school assistance consistent with the provisions of federal policies.

D. Beginning 2 years after date of enactment of ESEA, charter schools operating in states which are not yet certified by the U.S. Department of Education as compliant with A(a)-(j) shall no longer be eligible to receive federal financial assistance to charter schools.

E. Once a state is newly certified by the US Department of Education as compliant, its charter schools again become eligible to receive federal charter school assistance consistent with the provisions of federal policies.

F. State education agencies may collect up to __(?)% (insert reasonable %) of the award of each grant recipient to use to implement the accountability requirements set forth in A(a)-(j).

APPENDIX XI

Title V, Part B – 21st Century Skills Grants to States (MORE LANGUAGE FORTHCOMING)

Create a grant program to states:

Grants to states to develop (educators, business, and other stakeholders) and incorporate a 21st century standards and framework for education, with particular emphasis on high schools. Funds also should be available to review and revise assessments to ensure that students are provided opportunities to demonstrate critical thinking, problem solving and communications skills; to integrate 21st century skills and knowledge, including critical thinking and problem solving skills into the entire curriculum at the high school level; to support 21st century skills planning groups that include teachers and members with a range of backgrounds in business and education; and to provide professional development for educators regarding how to integrate 21st century skills into the entire curriculum. (www.21stcenturyskills.org)

Findings=Case for 21st Century Education

THE CASE FOR 21ST CENTURY EDUCATION:

The success of US education in the 21st century depends upon student acquisition of 21st century skills because:

- 1 Education is changing.** We can no longer claim that the US educational results are unparalleled. Students around the world outperform American students on assessments that measure 21st century skills. Today's teachers need better tools to address this growing problem.
- 2 Competition is changing internationally.** Innovation and creativity no longer set US education apart. Innovators around the world rival Americans in breakthroughs that fuel economic competitiveness.
- 3 The workplace, jobs and skill demands are changing.** Today every student, whether he/she plans to go on to a 4-year college, trade school or entry-level job, requires 21st century skills to succeed. We need to ensure that all students are qualified to succeed in work and life in this new global economy.

21st century skills are the skills students need to succeed in work, school and life.

They include:

- Core subjects (as defined by NCLB)
- 21st century content: global awareness, financial, economic, business and entrepreneurial literacy, civic literacy and health and wellness awareness
- Learning and thinking skills: critical thinking and problem solving skills, communications skills, creativity and innovation skills, collaboration skills, contextual learning skills and information and media literacy skills
- Information and communications technology literacy
- Life skills: leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction and social responsibility

WHY ARE 21ST CENTURY SKILLS STANDARDS IMPORTANT?

Standards that reflect content mastery alone do not enable accountability and measurement of 21st century skills. And without a system of measurement, it is impossible to integrate these skills effectively into classroom instruction or monitor whether students have mastered the skills necessary for success in life and work today.

APPENDIX XII

ENVIRONMENTAL EDUCATION GRANT PROGRAM FOR BUILDING AND STRENGTHENING STATE AND NATIONAL CAPACITY.

Title V is amended by adding the following subpart:

“Subpart __. — ENVIRONMENTAL EDUCATION GRANT PROGRAM.

“SEC _____. PURPOSE AND GOALS.

“(a) The purposes of this subpart are the following:

“(1) To responsibly prepare children to understand and address major challenges facing the United States, such as clean energy, climate change, environmental health risks, and natural disaster resilience”

“(2) To support systemic education reform by strengthening environmental education as an integral part of the elementary school and secondary school curriculum;

“(3) To help ensure that all students meet challenging State academic content and achievement standards in environmental learning;

“(4) To support the national effort to enable all students to demonstrate competence in environmental learning

“(5) To leverage and expand private and public support for environmental education partnerships at national, State, and local levels,

“(6) To award grants and contracts to initiate, expand, and improve environmental education programs for all kindergarten through 12th grade students.

“(7) To reduce the risk of “nature-deficit disorder” in students by restoring and increasing field experiences as part of the regular school curriculum and schedule

“SEC. _____. GRANT PROGRAM AUTHORIZED.

“The Secretary is authorized to award competitive one to three year grants to nonprofit organizations, state education authorities, local educational authorities, and institutions of higher education that have as their primary purpose the development of the institutional, financial, intellectual and policy resources needed to help the field of environmental education become more effective and widely practiced.

“SEC. _____. USE OF FUNDS.

“(a) Assistance made available under this subpart may be used for any of the following:

“(1) Developing and implementing challenging State environmental education academic content standards, student academic achievement standards, and State curriculum frameworks.

“(2) Replicating or disseminating information about proven and tested model environmental education programs that

“(A) use the environment as an integrating theme or content throughout the curriculum, and/or

“(B) provide integrated, interdisciplinary instruction about natural, social and economic systems along with field experience.

“(3) Developing and implementing new policy approaches to advancing environmental education at the state and national level.

“(4) Conducting studies of national significance.

“(5) Executing projects that advance wide spread state and school district adoption and use of environmental education content standards, especially in textbook selection criteria.

“(6) Planning and initiating new State or national sources of environmental education funding such as environmental education trust funds, permanent funds with dedicated funding sources such as environmental fines, lotteries, state licenses or user fees.

“SEC. ____ . APPLICATIONS.

“(a). SUBMISSION - Each nonprofit organization, state education authority, local educational authority, and institution of higher education desiring a grant or contract under this subpart shall submit to the Secretary an application that contains a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning.

“(b) PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS – An application for funds under this subpart may provide for the participation, in the activities funded under this subpart, of -

“(1) Students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

“(2) Home-schooled students, and their parents and teachers.

“SEC. ____ . REQUIREMENTS.

“(a) ANNUAL REPORT TO THE SECRETARY – In order to continue receiving funding after the first year of a multiyear grant or contract under this subpart, the administrator of the grant or contract for nonprofit organizations, state education authorities, local educational authorities, and institutions of higher education shall submit to the Secretary an annual report that –

“(1) Describes the activities conducted during the preceding year;
and

“(2) Demonstrates that progress has been made in helping schools to meet State standards for environmental education.

“(b) ADMINISTRATIVE EXPENSES – Not more than 15 percent of the grant funds made available to a nonprofit organization, state education authority, local educational authority, and institution of higher education under this subpart for any fiscal year may be used for administrative expenses.

“SEC. _____. ADMINISTRATIVE PROVISIONS.

“(a) FEDERAL SHARE – The Federal share under this subpart may not exceed –

“(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this subpart; and

“(2) 75 percent of such cost for the second and each subsequent such year.

“(b) PROPORTIONALITY – To the extent practicable, the Secretary shall ensure that grants awarded under this subpart shall be equitably distributed among nonprofit organizations, state education authorities, local educational authorities, and institutions of higher education serving urban and rural areas.

“(c) REPORT TO CONGRESS – Not later than June 1, 2008, the secretary shall submit a report to Congress that –

“(1) Describes the programs assisted under this subpart;

“(2) Documents the success of such programs in improving national and state environmental education capacity; and

“(3) Makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

“(d) AVAILABILITY OF FUNDS – Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

“SEC. _____. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.”

APPENDIX XIII

Title V, Part D Subpart 12—Connecting Education and Emerging Professionals Act

Incorporate language from S. 178, the Connecting Education and Emerging Professionals Act, to authorize a connecting education and emerging professions demonstration grant program.

APPENDIX XIV

Title VI, Part I Early Education Programs

Comprehensive early learning standards that are aligned with curricula and assessments

The U.S. Department of Education *encourages* states to develop developmentally appropriate content standards that are aligned with state's K-3 content standards. Title I of NCLB does not required alignment between pre-k and k-12 so, most states are developing standards, curriculum and assessments that are separate in both structure and content from K-12 standards.

1. States and school districts should review and revise their standards to ensure state early learning standards:
 - Reflect the five domains of school readiness identified by the National Education Goals Panel (Physical well being and motor development; Social and emotional development; Approaches to learning; Language development, Cognitive and general knowledge).
 - Vertically and horizontally align curriculum and assessments in pre-k through grade 3.
2. LEA's should serve on the State Advisory Council as referenced in the Head Start Act (42 U.S.C. 9831) to engage in statewide efforts to:
 - Improve the quality of early education programs.
 - Increase the education and training of pre-kindergarten teachers.
 - Allocate resources and funding for at risk populations.

Teacher Quality

Many state pre-k programs do not require teachers to possess a bachelor's degree and requirements for "highly qualified" teachers are ambiguous for pre-k programs.

1. **Title I** Require Prekindergarten teachers to meet the requirements for highly qualified teacher in all Title I funded preschool programs.
2. **To appear in Title II**

Use funds to increase the supply of highly qualified pre-k teachers and promote high quality, coordinated in-service training of pre-k through third grade teachers on topics including:

- Knowledge of and expectations for implementing curricula to address state early learning standards
- Effective practices in teaching and supporting children from diverse backgrounds, children with disabilities and English language learners
- Implementation of appropriate screening and assessment tools
- Effective parental involvement and engagement

School Readiness

LEAs should be prepared to help children enter school ready to learn; and equipped to address issues and factors that prevent children succeeding while in school.

2. Collaborate with community based-organizations, public health, child care and social service agencies to develop a plan for:
 - Reviewing available services and identifying gaps in services for children from birth to school age.

- Providing referrals and linkages to child and family support services that include counseling, housing assistance, mentoring, social services.
 - Providing health screenings, immunizations and adequate nutrition programs on school sites.
 - Developing comprehensive transition policies that support children and families as they enter school and move from grade to grade within school.
 - Sharing relevant information and data about children entering kindergarten from Head Start and community based child care programs.
 - Providing safe, high quality after school and wrap around care for children attending half- day pre-k and kindergarten programs.
 - Providing safe and reliable transportation to and from school on school buses.
2. Expand high quality pre-kindergarten programs to provide universal access to all four year old children (a high quality pre-kindergarten program as defined by the National Institute for Early Education Research).

School Modernization: Full-day Kindergarten

Make funds available to:

- Expand or remodel school sites
- Lease appropriate space while construction and or remodeling occurs
- Coordinate or collaborate with other districts to share space or create kindergarten campuses.
- Modify existing school construction plans to include additional facilities for providing full day kindergarten.

APPENDIX XV

Title VI, Part J Full-Day Kindergarten

To establish full day Kindergarten program and for other purposes.

October x, 2005

A BILL

Section 1. Short Title.

This Act may be cited as ‘The Full Day Kindergarten Act.’

Section 2. Findings.

- (A) Kindergarten programs are essential to ensuring the school readiness of children when they enter the 1st grade.

Section 3. Purpose.

The purpose of this Act is to expand full day kindergarten opportunities for children aged five.

Section 4. PROGRAM AUTHORIZATION.—The Department of Education shall establish a program to provide for the development of –

- (1) high-quality full-day kindergarten programs for all children age 5.

Section 5. PLAN AND REQUIREMENTS.

(a) State Plan—The designated State agency shall develop a plan to implement the program described in section 4. Such plan shall include each of the following:

(1). A description of the full day kindergarten program that will be established and how it will ensure school readiness for such children.

(2) A statement of the-goals for the full day kindergarten program and how such goals will be measured through multiple indicators

(3) A description of how the designated State agency will involve representatives of early childhood program providers that sponsor programs addressing children 5 years old.

(4) A description of how the designated State agency will coordinate with existing State-funded prekindergarten programs, federally funded programs (such as Head Start programs), public school programs, and child care providers.

(5) A plan to ensure that kindergarten teachers have the requisite training in child development and early childhood education

(6) A plan to address how the programs will meet the needs of children with disabilities, limited English proficiency, and other special needs.

(8) A plan to provide transportation for children to and from the programs.

(9) A plan to ensure parents of children enrolled in the program are actively involved with and engaged in their child's education.

(10) A plan to include educators, administrators, university and college faculty and early childhood experts in the development of the program.

(11). A plan to assign the same funding weight to children in full-day kindergarten that is provided to children in grades 1-12.

(12). A definition of full-day kindergarten that defines the minimum number of instructional days and instructional hours as equal to grades 1-12.

(b) LOCAL REQUIREMENTS.

(1) In General- An eligible program provider receiving funding under this Act shall—

(A) maintain a maximum class size of 20 children;

(B) maintain a ratio of not more than 10 children for each member of the teaching staff;

(C)(i) ensure that all kindergarten teachers meet State requirements for teachers under applicable State law; and

(2) Local Application- Program providers under this Act shall submit an application to the designated State agency under this Act containing the following:

(A) A description of the program to be provided.

(B) A statement of the demonstrated need for a program, or an enhanced or expanded program, in the area served by the eligible program provider.

(C) A description of how the eligible program provider will collaborate with existing community-based child care providers and Head Start programs, as appropriate.

(D) A description of how students and families will be assisted in obtaining supportive services available in their communities.

(E) A plan to promote parental involvement in the program.

(F) A description of how teachers will receive ongoing professional development in implementing full-day kindergarten programs.

(G). A plan to alignment content standards with State Early Learning Standards.

(H) A plan for providing full-day kindergarten to targeted populations of at risk students first and phasing in program to all five year old children.

Section 6. PROFESSIONAL DEVELOPMENT SET-ASIDE.

A designated State agency may set aside a portion of funding under this Act for ongoing professional development activities for teachers and staff at kindergarten programs that wish to participate in the programs under this Act. Funds set aside under this subsection may be used for ongoing professional development--

(1) To provide kindergarten teachers and staff with the knowledge and skills for the application of recent research on child cognitive, social, emotional, and physical development, including language and literacy development, and on early childhood pedagogy;

(2) To provide the cost of education needed to obtain specific training in early childhood development or education;

(3) To work with children who have limited English proficiency, disabilities, and other special needs; and

(4) To select and use developmentally appropriate screening and diagnostic assessments to improve teaching and learning and make appropriate referrals for services to support the development and learning of children in such programs.

Section 7. DEFINITION.

In this Act the term 'eligible program provider' means a program provider that is--

(A) A public school;

or

(B) A Head Start program.

APPENDIX XV-A

Current Title VI (may be moved to Title VII as specified in NEA legislative specifications)

Part B –Rural Education Achievement Program Reauthorization Act

Part G—Rural Early Education Access Act

Part H—Strengthening Community Opportunities through Rural Education (SCORE) Act

Part I—Investment in Rural After-School Programs Act

We support the following rural education bills:

- H.R. 2446/S. 1052 The Rural Education Achievement Program Reauthorization Act
- H.R. 1755 The Rural Early Education Access Act
- H.R. 3180 The Strengthening Community Opportunities through Rural Education (SCORE) Act
- H.R. 3078/S. 1281 The Investment in Rural After-School Programs Act

Appendix XVI

NEA supports the following recommendations from the National Indian Education Association

1. Amend ESEA, section 1111(a) to strike “other staff, and parents,” and insert “other staff, educational representatives of tribal governing bodies present in the state, and parents”.
 - (B) Amend ESEA, section 1111(b) to insert at the end –

“(11) Tribal Governing Body Involvement – Each State plan shall include an assurance that the State educational agency has consulted with tribal governing bodies located within the state in the development of the state plan in order to improve the academic achievement of Indian students served under this title.”
3. Amend ESEA, section 1111(m) to insert at the end –

“(4) Each such school that has been granted a waiver under section 1116(g)(1)(B) may adopt an appropriate assessment that is consistent with the requirements of this section and in consultation with and with the approval of the Secretary of the Interior.”
4. Amend ESEA, section 1112(b)(1) to insert a new (E) and redesignate accordingly –

“(E) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title VII to assist American Indian and Alaska Native students to meet the challenging academic achievement standards in a manner consistent with tribal traditions, languages, and cultures.”
5. Amend ESEA, section 1112I(1) to insert a new (D) and redesignate accordingly –

“(D) provide timely and meaningful consultation with educational representatives of tribes located or partially located on tribal lands that have students served by the local education agency.”
6. Amend ESEA, section 1112(d)(1) to strike “and other appropriate school personnel, and with parents of children in schools served under this part.” And insert “other appropriate school personnel, education representatives of tribal governing bodies if the local educational agency is located or partially located on tribal lands, and parents of children in schools served under this part.
7. Amend ESEA, section 1115(b)(2)(A) to strike “migrant children or limited English proficient children, are eligible for services” and insert “migrant children, limited English proficient children, or Indian children are eligible for services”.
 - (C) Amend ESEA, section 1116(b)(3)(A)(ix) to strike “; and” and insert “;”.
Amend ESEA, section 1116(b)(3)(A)(x) to insert “and” at the end.
Amend ESEA, section 1116(b)(3)(A) to insert a new (xi) –

“(xi) provides an assurance that the school will not be required to spend or redirect funds made available under title VII of this Act for the purpose of implementing a revised school plan.”

9. Amend ESEA, section 1116I(7)(A) to strike “in consultation with parent, school staff, and others.” And insert “in consultation with those described in section 1112(d)(1).” (as amended).

(D) Amend ESEA, section 1116I(7)(A)(vii) to “; and” and insert “;”.
Amend ESEA, section 1116I(7)(A)(viii) to insert “and” at the end.
Amend ESEA, section 1116I(7)(A) to insert a new (xi) –

“(xi) incorporate, as appropriate, educational activities that are linguistically and culturally based for students eligible to be served under title VII of this Act.”

(E) Amend ESEA, section 1116(g)(1)(B) to read as follows –

“(B) WAIVER– The tribal governing body or school board of a school, **or consortium of such bodies or boards**, funded by the Bureau of Indian Affairs may waive, in part or in whole, the definition of adequate yearly progress established pursuant to paragraph (A) where such definition is determined by such body or school board, **or consortium of such bodies or boards**, to be inappropriate. If such definition is waived, the tribal governing body or school board, **or consortium of such bodies or boards**, shall, within 60 days thereafter, submit to the Secretary of Interior a proposal for an alternative definition of adequate yearly progress, consistent with section 1111(b), that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, shall approve such alternative definition unless the Secretary **of the Interior** determines that the definition does not meet the requirements of section 1111(b), taking into account the unique circumstances and needs of such school or schools and the students served.”

[new language in bold]

12. Amend ESEA, section 1116(g)(1)I to insert “, or consortium of such bodies or boards,” after “Bureau of Indian Affairs”.

13. Amend ESEA, section 1116(g)(1) to insert a new (D) –

~~(D) DEEMED APPROVAL.— A proposed alternative definition of AYP submitted pursuant to subparagraph (B) shall be deemed to be approved by the Secretary of the Interior unless the Secretary of the Interior makes a written determination, prior to the expiration of the 60-day period beginning on the date on which the Secretary received the proposed alternative definition of AYP, that the proposed alternative definition of AYP does not meet the purposes of this part.~~

~~{The above alternative mirrors the current law 60-day deadline.}~~

~~**OR [NIEA to choose option prior to submitting language]**~~

(D) DEEMED APPROVAL.—A proposed alternative definition of AYP submitted pursuant to subparagraph (B) shall be deemed to be approved by the Secretary of the Interior unless the Secretary of the Interior makes a written determination, prior to the expiration of the 120-day

period beginning on the date on which the Secretary received the proposed alternative definition of AYP, that the proposed alternative definition of AYP does not meet the purposes of this part.

(E) DISAPPROVAL.—The Secretary of the Interior shall not finally disapprove the proposed alternative definition of AYP, except after giving the entities described in (B) notice and an opportunity for a hearing.

(F) NOTIFICATION.—If the Secretary of the Interior finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

(i) give the entities described in (B) notice and an opportunity for a hearing; and

(ii) notify the entities described in (B) of the finding of noncompliance and, in such notification, shall—

(I) cite the specific provisions in the proposal that are not in compliance; and

(II) request additional information, only as to the noncompliant provisions, needed to make the proposal compliant.

(G) RESPONSE.—If the entities described in (B) respond to the Secretary’s notification described in subsection (F)(ii) during the 45-day period beginning on the date on which the entities received the notification, and resubmits the application with the requested information described in subsection (F)(ii)(II), the Secretary shall approve or disapprove such application prior to the later of—

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

(ii) the expiration of the 120-day period described in subsection (D).

(H) FAILURE TO RESPOND.—If the entities described in (B) do not respond to the Secretary’s notification described in subsection (F)(ii) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

[The above language mirrors “deemed approved” language found in various titles in ESEA.]

14. Amend ESEA, section 1118(a)(2)(E) to strike “have limited literacy, or are of any racial or ethnic background” and insert “have limited literacy, are members of Tribes or whose children attend Bureau of Indian Affairs schools, or are of any racial or ethnic background”.

(F) Amend ESEA, section 1903(b)(2)(F) to strike “; and” and insert “;”.

Amend ESEA, section 1903(b)(2)(G) to strike “.” And insert “; and”.

Amend ESEA, section 1903(b)(2) to insert a new (H) –

“(H) educational representatives from tribal governing bodies (or TEAs) in a state where tribes are located.”

APPENDIX XVII

(see Student Privacy Protection Act of 2009, HR 1091)

Title IX, Military Recruiting (currently section 9528)

To amend the Elementary and Secondary Education Act of 1965 to direct local educational agencies to release secondary school student information to military recruiters if the student's parent provides written consent for the release, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Student Privacy Protection Act of 2009'.

SEC. 2. ACCESS BY MILITARY RECRUITERS TO SECONDARY SCHOOL STUDENT INFORMATION.

(a) Amendments- Section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908) is amended--

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

(a) Military Recruiters-

(1) ACCESS TO STUDENT RECRUITING INFORMATION- Notwithstanding section 503(c) of title 10, United States Code, each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters, access to the name, address, and telephone listing of each secondary student served by the agency if the parent of the student involved has provided written consent to the agency for the release of such information to military recruiters.

(2) NOTICE; OPPORTUNITY TO CONSENT- A local educational agency receiving assistance under this Act shall--

(A) notify the parent of each secondary school student served by the agency of the option to consent to the release of the student's name, address, and telephone listing to military recruiters; and

(B) give the parent an opportunity to provide such consent in writing.;

(3) in subsection (b) (as so redesignated)--

(A) by striking 'Policy-' and inserting 'Institutions of Higher Education-'; and

(B) in paragraph (1), by striking 'military recruiters or'; and

(4) by transferring paragraph (3) of subsection (b) (as so redesignated) from the end of such subsection to the end of subsection (a) (as added by paragraph (2)).

(b) Application- The amendments made by this Act apply only with respect to school years beginning after the date of the enactment of this Act.

END

APPENDIX XVIII

Title X Repeals

Section 1. District of Columbia Schools

- (a) Findings-Congress makes the following findings:
- (1) Publicly funded voucher programs diverts public funds and threaten civil rights.
 - (2) Ensuring that every child has the opportunity to attend a school with highly qualified teachers, small class sizes, strong mechanisms to ensure increased parental involvement, and highly quality after school opportunities are effective alternatives to ineffective voucher programs.
 - (3) The Supreme Court in *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002) did not hold that all voucher programs are constitutional.
 - (4) Vouchers disproportionately benefit sectarian schools. In the year 2000 in the Cleveland voucher program, approximately 96 percent of all vouchers were routed to religious schools.
 - (5) The Voucher Program, established in the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 3), effectively eliminates many civil rights protections for students by placing such students, with Federal funds, in private schools not bound by all Federal civil rights laws.
 - (6) The DC Voucher program, established in the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 3), permits discrimination against students based upon their disability, gender, limited-English proficiency, and academic performance, and does not prohibit religious organizations from discriminating based on religion in employment

decisions.

(7) Unlike other voucher programs, the DC Voucher program, established in the DC School Choice Act of 2003 (Public Law 108-199; 118 Stat 3) does not allow students who use vouchers to attend religious schools to opt out of religious activities. Experience suggest that even where there are such prohibitions, schools defy them.

(8) Private schools do not have the capacity to serve all low income students and were not designed for the purpose. In fact, most private schools were established so they would not have to serve all students.

(9) In the Cleveland voucher program, studies show that public school students, on average, made larger test score gains than voucher school students, and that public school teachers were more likely to be certified and to have completed some graduate coursework than private school teachers.

(b) DC PUBLIC AND CHARTER SCHOOL IMPROVEMENT-The Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3) is amended by striking title III of Division C and inserting the following:

SEC. 301. DISTRICT OF COLUMBIA PUBLIC AND CHARTER SCHOOL IMPROVEMENT.

"Of the amount appropriated to carry out this title

(1) 50 percent shall be available to improve public school education in the District of Columbia by carrying out school reforms, including transformation schools, public school choice, supplemental services, professional development for teachers, curriculum reform, and other research-based activities, in accordance with section 116 of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 6316; and

(2) 50 percent shall be available to expand quality charter schools in the District of Columbia.

APPENDIX XIX

Title X Repeals, Redesignations, and Amendments

(See HR 235, 111th Congress)

To amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Social Security Fairness Act of 2009'.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) In General- Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) Conforming Amendments-

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking 'subsections (k)(5) and (q)' and inserting 'subsection (q)'.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking 'subsections (k)(5) and (q)' and inserting 'subsection (q)'.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking 'subsection (k)(5), subsection (q),' and inserting 'subsection (q)'.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking 'subsection (k)(5), subsection (q)' and inserting 'subsection (q)'.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) In General- Section 215 of the Social Security Act (42 U.S.C. 415) is amended--

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) Conforming Amendments- Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking 'section 215(f)(5), 215(f)(6), or 215(f)(9)(B)' in subparagraphs (C) and (D)(i) and inserting 'paragraph (5) or (6) of section 215(f)'.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2009. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.