



A Congressional Quarterly Publication

House Action Reports

Edition: Fact Sheet

No. 114-3/Dec. 1, 2015

K-12 Education Agreement

This Conference Summary describes the conference agreement on S 1177 , Every Student Succeeds Act, which the House will consider on Wednesday, Dec. 2.

The agreement reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965 for four years, through FY 2020, replacing the widely criticized No Child Left Behind Act to end that law's federal accountability system and shift authority for academic standards and school accountability back to states and local school districts.

The measure continues the requirement for regular testing of students to assess their proficiency in math, reading and science, with the results of those assessments to be disaggregated by race, income and other categories to determine whether any subgroup of students is lagging academically. States would be required to develop plans to help the lowest-performing 5% of all public schools, all high schools that fail to graduate one-third or more of their students, as well as schools where any subgroup of students consistently underperforms.

It prohibits the Education Department from setting national academic standards or otherwise imposing conditions on states and school districts in exchange for federal grants or waivers from ESEA requirements. The president is expected to sign the measure.

Contents

I. Background & Summary	2
II. New Accountability Standards	8
III. Title I Funding & Modifications	16
IV. Teacher Quality & Other Education Programs	25

Section I

Background & Summary

The Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) was enacted as part of President Lyndon B. Johnson's "War on Poverty" to help establish educational equity on a national basis for children from low-income households and areas.

In particular, given that state public schools are primarily funded by local property taxes, the law authorized the provision of federal funds to help even out differences in school funding between more affluent and poorer areas of a state so that public schools in the poorer areas will have the resources needed to provide a quality education for those students. Although states have constitutional authority over education within their boundaries, by providing that funding ESEA gave the federal government a voice in state education policy since states must conform with federal requirements that accompany federal funds. ESEA has been reauthorized seven times since 1965, and while each reauthorization made changes to education policy, the central goal of improving education opportunities for economically disadvantaged students has remained.

In 1994, with growing concern that children across the nation were not getting the education they deserved, Congress enacted the Improving America's Schools Act (PL 103-382), which established key standards for student performance for states and local school districts that receive federal funding under the law. It was followed by the 2001 No Child Left Behind Act (NCLB; PL 107-110) , which further held schools accountable for improving the educational achievement of their students by requiring states to test student progress regularly in reading, math and science, and by implementing penalties for schools that failed to meet the targets.

However, NCLB relatively quickly proved to be unpopular and unworkable since it set an unrealistic target of 100% student proficiency in reading and math by 2014 and punished schools that did not meet testing goals. The law also had the unintended consequence of school districts focusing on reading and math to the detriment of other subjects, like music and art, with some states lowering their academic standards to enable more students to pass the required tests. NCLB expired in 2007, with lawmakers unable to agree on policy changes to reauthorize the ESEA.

In 2011, with reports that up to 80% of the nation's public schools were likely to fall short of their test score targets, the administration began issuing waivers of the NCLB's adequate yearly progress (AYP) requirements in return for state acceptance of certain

standards set by the Education Department, including those that matched criteria that the administration used in its Race to the Top grant competition — such as revamped accountability standards, higher academic standards and teacher evaluation systems based in part on student test scores. Currently, more than 40 states have NCLB waivers.

Recent Action

Past efforts to reauthorize ESEA and replace NCLB have faced partisan divisions, with many conservative Republicans seeking to significantly roll back, or end entirely, the federal government's role in state and local education policy. In the 113th Congress, the House passed a GOP-drafted reauthorization, while the Senate Health, Education, Labor and Pensions Committee approved by a party-line vote a Democrat-drafted measure; that measure was never considered on the Senate floor, however.

In this Congress, House consideration in February of its GOP-drafted bill (HR 5) had to be suspended because of concerns by GOP conservatives that it did not do enough to return control of education to states and localities and further empower parents. The House eventually passed its bill on July 8, by a 218-213 vote, after GOP leaders allowed additional conservative amendments to be considered (see House Action Reports Fact Sheet 114-2, Feb. 24 , and Floor Summary 114-10, July 13). The Senate, meanwhile, on July 16 passed by a 81-17 vote its own reauthorization (S 1177), which had been developed on a bipartisan basis.

Both bills eliminated the adequate yearly progress requirements of NCLB and the specified actions that must be taken with regard to failing schools, but they both also maintained the requirement that states have standards and assessments for reading and math and that states measure student academic achievement and identify the lowest-performing schools. Both bills also eliminated or consolidated a number of programs.

Unlike the Senate bill, the House bill also sought to eliminate other federal requirements and give states much greater latitude — including by repealing requirements that states maintain existing levels of state funding for education (so-called maintenance-of-effort, or MOE, requirements), making Title I funds "portable" by allowing them to follow low-income students to schools in high-income areas, eliminating support for targeted Title I programs and combining the funds for those programs into block grants, and allowing parents to opt their children out of required assessments.

Conference Consideration

Once a House-Senate conference on the measure convened, agreement was reached relatively quickly on a "framework" that used the Senate's bipartisan measure as a base. Negotiators from both chambers and from both sides of the aisle said many compromises

were made between the two bills, which would return many authorities to state and local school districts while maintaining core federal efforts to help the disadvantaged. While not going as far as some GOP conservatives and conservative outside groups would like, Republicans said that in addition to restoring local control of most decisions on education and reducing the federal role, the agreement would further empower parents and would end the federal conditions imposed on local school systems in return for NCLB waivers.

The White House has not released an official position on the detailed agreement that was filed on Monday, although it did indicate support for the framework for the agreement when that was released by conferees in late November.

Summary of Agreement on S 1177

This conference agreement reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965 for four years, through FY 2020, and modifies programs and policies throughout the law with the overall goal of giving states, school districts, schools, teachers and parents greater control over all aspects of elementary and secondary education. It maintains some federal oversight of state programs through the Education Department's ability to approve state plans for the use of federal funds, but it places strong restrictions on department actions and control.

Total authorizations in the measure equal \$24.5 billion for FY 2017 (\$1.2 billion more than the FY 2015 appropriation), increasing to \$26.1 billion in FY 2020.

According to the House and Senate Education committees, the measure eliminates or consolidates 49 elementary and secondary programs, including many from Title I. As with the House bill, many of the programs to be eliminated had never been funded, are too small to improve student achievement meaningfully or have been deemed ineffective by the federal government. Funding for others is consolidated into other programs.

Accountability and Testing

The agreement eliminates the current national school accountability system and goals created in 2001 by No Child Left Behind. States and local school districts must establish their own accountability system and goals, including how to use test scores to determine a school's performance and how to hold schools accountable and improve poorly performing schools.

It maintains the requirement under NCLB for regular testing of students to assess their proficiency in math, reading and science, and that the results of those student assessments be disaggregated by race, income, English proficiency and other specified categories in order to determine whether any particular subgroup of students is lagging academically.

The measure requires states to develop plans to help the lowest-performing 5% of all public schools that receive Title I funding, all public high schools that fail to graduate one-third or more of their students, as well as schools where any subgroup of students consistently underperforms.

It prohibits the U.S. Education Department from setting national academic standards or otherwise imposing conditions on states and school districts in exchange for federal grants or waivers from ESEA requirements, and it requires the department to downsize to reflect the elimination of 49 federal education programs.

Title I Funding & Modifications

The agreement maintains current formula calculations used to allocate Title I funds to states, as well as "maintenance of effort" requirements under which state and local school district education funding must be maintained at 90% or more of the previous year's funding in order to receive a full allotment of federal dollars (the House bill would have eliminated maintenance-of-effort requirements).

It does not include House "portability" provisions that would have allowed Title I money to follow children to the school of their choice.

For base, traditional Title I formula funding to support schools and districts with large numbers of low-income children, the agreement authorizes \$15 billion in FY 2017, \$15.5 billion in FY 2018, \$15.9 billion in FY 2019 and \$16.2 billion in FY 2020 (a total of \$14.9 billion was appropriated for FY 2015).

The measure modifies the education plans that states and local school districts must develop and submit to the Education Department in order to receive Title I funding. Among the new provisions, states must describe how they will intervene in schools that are "low performing," and the department must assemble peer review teams to review state plans.

Pilot Programs / Other Provisions

The agreement establishes a pilot program to allow states to use Title I funding to develop innovative systems to assess student achievement toward state academic standards, as well as a pilot program under which up to 50 school districts could pool federal, state and local funding together and establish a new allocation system that would provide more funding for needy schools.

It also requires that parents be consulted in the development of state and local school district plans, and it includes provisions aimed at informing parents and getting parents more involved with their child's education.

Teacher Quality & Evaluation

Like both the House and the Senate bills, the agreement eliminates the term "highly qualified teacher" created under NCLB and prohibits the Education Department from prescribing standards for the evaluation of teachers.

It significantly rewrites Title II of ESEA, which deals with teacher training and evaluations, setting the goals of the program as increasing student achievement, improving teacher and school leader effectiveness, increasing the number of teachers and school leaders who are effective in improving student academic achievement, and providing low-income and minority students greater access to effective teachers and school leaders.

The measure authorizes \$2.3 billion annually for teaching grants through FY 2020, as well as \$469 million each year through FY 2019 and \$489 million for FY 2020 for other national activities.

National Teacher Training Activities

The agreement establishes a number of new national initiatives to promote teacher training and effectiveness, including a Teacher and School Leader Incentive Program, a Literacy Education for All, Results for the Nation initiative, an American History and Civics Education program, and several Programs of National Significance.

Other Provisions

The agreement reauthorizes through FY 2020 the charter school program established under ESEA and modifies it to support the startup, replication and expansion of charter schools and to consolidate facility financing assistance programs. It replaces the current charter school grant programs with a program awarding grants to states and, through them, subgrants to charter school developers to open new charter schools and expand and replicate high-quality charter school models.

It also includes the following:

- **English Learners** — Authorizes \$756 million for the program in FY 2017, increasing to \$885 million for FY 2020, and redefines the goals of the program to increase expectations and standards.

- **Student Support & Academic Enrichment Grants** — Authorizes \$1.7 billion for FY 2017 and \$1.6 billion for each year thereafter for a new program aimed at increasing the capacity of states, local educational agencies, schools and local communities to provide students with a well-rounded education, improve school conditions for student learning and improve the use of technology to improve academic achievement and digital learning.
- **Preschool Development Grants** — Authorizes \$250 million per year for a new preschool development program to be administered by the Health and Human Services (HHS) Department in conjunction with the Education Department, which seeks to coordinate existing preschool programs to provide better access to early childhood education for low-income and disadvantaged children with the goal of preparing these children to be ready for kindergarten.
- **Impact Aid** — Authorizes about \$1.3 billion per year for the Impact Aid program, which provides direct funding to school districts affected by the presence of the federal government.
- **Homeless Children** — Authorizes \$85 million per year for the Education for Homeless Children and Youths program of the McKinney-Vento Homeless Assistance Act, the primary federal law that provides funding to states and school districts to educate homeless children and youth.
- **Native Populations Education** — Reauthorizes the American Indian, Alaska Native Education and Native Hawaiian Education programs and modifies the programs to promote greater academic achievement in those student populations and to emphasize the preservation of their cultures, particularly their native languages.

References

All conferees except Sen. Rand Paul, R-Ky., signed the conference report (H Rept 114-354), which was filed Monday, Nov. 30, 2015.

The House passed its bill (HR 5) on July 8, 2015, by a 218-213 vote (see House Action Reports Fact Sheet 114-2 and Floor Summary 114-10). The Senate passed its bill (S 1177) on July 16, 2015, by a 81-17 vote.

Section II

New Accountability Standards

This section describes the provisions of the conference agreement on S 1177 , Every Student Succeeds Act, that return control over elementary and secondary school education accountability standards to states and local school districts, and which restrict the U.S. Education Department's authority to impose requirements on, or influence, state and local academic standards, assessments, reporting and accountability.

In reauthorizing the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10), the agreement ends the current national school accountability system and goals created by the 2001 No Child Left Behind Act (NCLB; PL 107-110), requiring states and local school districts to establish their own accountability system and goals — including how to use test scores to determine a school's performance and how to hold schools accountable and improve poorly performing schools.

However, it continues the requirement under NCLB that regular testing of students to assess their proficiency in math, reading and science occur, and that the results of those student assessments be disaggregated by race, income, English proficiency and other specified categories so that it can be determined whether any particular subgroup of students is lagging academically.

It also prohibits the U.S. Education Department from setting national academic standards or otherwise imposing conditions on states and school districts in exchange for federal grants or for waivers from ESEA requirements, and it requires the department to downsize to reflect the agreement's consolidation of 49 federal education programs.

Academic Standards, Assessments & Accountability

The agreement continues current law requirements that states and schools test students for achievement, but it repeals the existing national school accountability system created by NCLB and instead requires each individual state to establish its own performance evaluation system using academic standards that the state develops. Under the measure, states would be required to develop and take actions to improve performance at the lowest-performing 5% of schools and high schools that fail to graduate one-third or more of their students; actions also must be taken to help consistently low-performing subgroups of students.

State Academic Standards & Testing

As under current law, the agreement requires states to establish academic standards that apply to all students and schools in the subjects of reading, math and science, and it allows states to develop standards in additional subjects at their discretion. States would not be required to submit their standards to the Education Department for review or approval; in fact, the measure explicitly prohibits the department from exercising any authority, direction or control over state academic standards.

Under the measure, the state standards must be "challenging" and include at least three levels of achievement that would apply to all public schools and public school students. The standards must prescribe the same knowledge, skills and level of achievement that is expected of all public school students, and they must be aligned with entrance requirements for credit-bearing coursework for higher education and career and technical institutions.

States could adopt alternate academic achievement standards for students with the most significant cognitive disabilities, as long as they are aligned with the state's regular standards, promote access to the general education curriculum and are consistent with the Individuals with Disabilities Education Act (IDEA; PL 108-446).

Each state also must adopt English language proficiency standards involving speaking, listening, reading and writing that address different proficiency levels and align with the state's regular academic standards.

School Assessments

The agreement continues the existing requirement that states regularly test students for academic achievement in math, reading and science.

Under the measure, math and reading assessments must be administered in each of grades three through eight and at least once in grades nine through 12. Science assessments must be administered at least once during grades three through five, once during grades six through nine and once during grades 10 through 12. Local school districts also must annually assess the English proficiency of all English learners, although English learners who have been in school in the United States for less than 12 months would be exempt.

The academic assessments used must align with the state's academic standards and must provide coherent and timely information about student attainment toward those standards and whether the student is performing at grade level. For elementary schools,

the same assessments must be used for all public school students statewide, while for high schools a state may approve the use of locally selected, nationally recognized high school academic assessments.

As under current law, the results of assessments within a state must be disaggregated by local school district and individual school by race, economically disadvantaged students, children with disabilities, English proficiency status and gender. The agreement also adds migrant status as a category that must be disaggregated, and it provides that an English learner may be included in that subgroup for assessment purposes for no more than four years. The results must be available to parents, teachers, principals and administrators so that the specific academic needs of student subgroups who are academically lagging can be addressed.

The agreement retains the current cap of 1% on the number of cognitively disabled students who can be assessed under alternative achievement standards in a state and not be included in the report card measuring a school's academic progress, but it allows individual local school districts to exceed that cap if the district justifies its need to do so.

Other Provisions

The agreement allows states to set a target limit on the aggregate amount of time that students spend taking academic assessments for each grade, and it allows parents to opt a student out of required assessments for any reason. Many schools and parents have complained that the federal assessments required by NCLB added to testing already performed by states and became excessive.

The measure also allows states to use computer-adaptive tests that enable students to be assessed on content above their grade level.

State Accountability Systems

The agreement repeals the NCLB's adequate yearly progress (AYP) standards, which required that every public school make progress each year toward having 100% of its students be proficient in reading and math, and instead requires each state to establish its own statewide accountability system starting with the 2017-18 school year.

Under the measure, a state's system must be based on the state's adopted academic standards, and each state must establish long-term goals that include interim measurements of progress toward those goals for all students, as well as separately for certain subgroups of students (specifically, economically disadvantaged students, students from major racial and

ethnic groups, children with disabilities and English learners). The state's long-term goals must include improved academic achievement, improved high school graduation rates and increases in the percentage of students making progress in English language proficiency.

In determining the performance of individual schools, the agreement requires that "much" more of a state's accountability plan focus on quantitative measures, such as graduation rates, performance on state tests and progress in achieving English language proficiency, than on subjective measures such as student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety. States must measure the annual progress of at least 95% of all students, including 95% of all students in subgroups.

States would have to submit their accountability plans to the Education Department for approval, although the measure explicitly prohibits the department from adding or deleting requirements or specific elements to state plans. The department also is prohibited from issuing any regulation regarding state development or implementation of accountability systems that would add new requirements or criteria.

Low-Performing Schools

Like the Senate bill, the agreement requires states to develop plans to help the lowest-performing 5% of all public schools that receive Title I funding, all public high schools that fail to graduate one-third or more of their students and any additional statewide categories that a state deems appropriate.

Specifically, it requires the appropriate local school district to develop and implement a support and improvement plan to improve student outcomes at such schools. Such plans must include evidence-based interventions, be based on school-level needs assessments and identify any resource inequities to be addressed through the plan. The plans must be approved by the school, local school district and state educational agency, and they must be monitored and periodically reviewed by the state educational agency.

Schools under such plans would be eligible for "comprehensive support and improvement" funding to take appropriate actions under the approved plans, for up to four years as determined by the state. If a school has not addressed all its issues within the state-determined time period, a state could take more rigorous action.

The agreement also permits local school districts to allow the school's students to transfer to another public school, starting with the lowest-achieving children from low-income families, unless prohibited by state law.

Underperforming Student Subgroups

The agreement requires schools where any subgroup of students is consistently underperforming to take actions to correct the problem.

Specifically, schools with consistently underperforming subgroups of students must develop and implement their own school-level targeted support and improvement plan for those students. Such plans must include evidence-based actions to intervene and identify any resource inequities that need to be addressed. The plans must be approved and monitored by the local school district; if they are unsuccessful after a number of years, additional actions must be taken, including development of a comprehensive support and improvement plan using federal funds.

For both comprehensive support and improvement plans for low-performing schools and targeted support and improvement plans for subgroups of students at certain schools, states must periodically review the resource allocations being made by the local school district and provide the local school district with technical assistance. States themselves would also be authorized to establish alternative, evidence-based strategies to assist those schools.

Funding for School Improvement

Like the House bill, the agreement eliminates the School Improvement Grants program and rolls that funding into general Title I funding.

It also requires that approximately 7% of Title I funding (up from the current 4%) be set aside for uses that include school improvement. States must use 95% of that 7% for school improvement activities, which they can distribute either through a formula set by the state or through competitive grants.

Annual State Report Card & Disaggregated Data

The agreement retains the requirement in current law that states publicly disseminate information regarding the performance of individual local school districts and the state as a whole. The report card must be concise, understandable and widely accessible to the public. It must include information similar to what is now required under statute; however, the requirements are modified to fit the new accountability standards established under the agreement.

In addition to the currently required categories for disaggregation of assessment data on subgroups of students, it requires that data be collected and reported on students who are homeless, who are in foster care and who have a parent who is a member of the armed forces on active duty. For all disaggregated subgroups, the report must include the percentage of students assessed and not assessed.

The measure also requires that the report card include the number and names of all public schools that have been identified as low-performing and are under a comprehensive support and improvement plan, as well as schools with consistently underperforming subgroups of students who are receiving targeted support and improvement.

In addition, it requires that a state's report publicly present the following:

- Data regarding measures of school quality, and the numbers and percentage of students enrolled in preschool programs and accelerated coursework for postsecondary credit while still in high school.
- The number and percentage of inexperienced teachers and principals, teachers teaching with emergency or provisional credentials, and teachers who are not teaching in the field for which they are certified. This data must be presented in the aggregate and disaggregated by high-poverty compared with low-poverty schools.
- The per-pupil expenditures of federal, state and local funds, including personnel expenditures and non-personnel expenditures, disaggregated by source of funds, for each local school district and each school for the preceding fiscal year.
- The number and percentage of students with the most significant cognitive disabilities who take an alternative assessment, by grade and subject.
- Results on state academic assessments in reading and math in grades four and eight of the National Assessment of Educational Progress, compared with the national average.
- For each high school in the state, beginning for 2017, the cohort graduation rate.
- For each local school district, results on academic assessments compared with students in the state as a whole.

- For each school, results on academic assessments compared with students in the same local educational agency and the state as a whole.

Education Department Authority & Workforce

Like both the House and Senate bills, the agreement limits the Education Department's authority.

Specifically, it prohibits the department from imposing conditions on states and school districts in exchange for a waiver from ESEA requirements or for federal grants, or from changing state standards or influencing states to enter into partnerships with other states. It also prohibits the department from establishing a national curriculum, supporting a national test for students or requiring particular academic standards, whether directly or indirectly through grants or other means.

It explicitly prohibits the department from requiring states to adopt the Common Core State Standards, a set of grade-level benchmarks for what students should know in both reading and math for kindergarten through high school. The Common Core standards were developed by the National Governors Association and the Council of Chief State School Officers in an effort to set common achievement standards among states.

Reduce Department Workforce

Like the House bill, the agreement requires the Education Department to identify the number of full-time equivalent (FTE) employee positions that are associated with the federal education programs that would be eliminated or consolidated by the bill, and to reduce the department's workforce by that number.

Specifically, the department must identify the number of such employees within 60 days of enactment and, within the next 12 months, reduce the department's workforce accordingly. The department must report to Congress on the number of employees whose positions were eliminated and their average salary, as well as the number and average salary of employees associated with each program that is reauthorized by the agreement.

(The agreement eliminates 49 federal education programs.)

Regulations

The agreement includes Senate provisions that expand the number of issues on which the Education Department must pursue negotiated rule-making.

Under the measure, such issues include education standards, academic assessments and the requirement under current law that Title I funds provided to states "supplement and not supplant" state education funding. However, it provides for an alternative process in cases where the negotiated rule-making does not reach consensus, or where the department determines that negotiated rule-making is not necessary.

It also requires state educational agencies to identify and eliminate any duplicative or contrasting requirements between state and federal rules or regulations.

Section III

Title I Funding & Modifications

This section describes the provisions of the conference agreement on S 1177 , Every Student Succeeds Act, that deal with funding and modifications to the education law's Title I program, which distributes funding to K-12 schools and school districts that have a high percentage of students from low-income families.

The agreement generally reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) for four years, through fiscal 2020, including the Title I program. It retains "maintenance of effort" requirements that prevent states and school districts from significantly reducing state and local funding for education, and it provides a new purpose for Title I of the ESEA, specifically: "to provide all children the opportunity for a fair, equitable, and significant opportunity to receive a high-quality education, and to close educational achievement gaps."

It also modifies the education plans that states and local school districts must develop in order to receive Title I funding; establishes a pilot program to allow state use of Title I funding to develop innovative systems to assess student achievement toward state academic standards, as well as a pilot program under which school districts could pool federal, state and local funding together and establish a new allocation system that provides more funding for needy schools; and requires that parents be consulted in the development of state and local school district plans, and includes provisions aimed at informing parents and getting parents more involved.

The agreement does not include House "portability" provisions that would have allowed Title I money to follow children to the school of their choice.

Title I Authorizations

For base, traditional Title I formula funding to support schools and districts with large numbers of low-income children, the agreement authorizes \$15 billion in FY 2017, \$15.5 billion in FY 2018, \$15.9 billion in FY 2019 and \$16.2 billion in FY 2020 (a total of \$14.9 billion was appropriated for FY 2015).

It authorizes \$378 million each year for state assessment grants, \$375 million each year for the education of migratory children and \$48 million each year for prevention and intervention programs for children and youth who are neglected, delinquent or at-risk. It also authorizes \$710,000 each year for the Education Department to conduct evaluations.

Other Program Provisions

The agreement maintains current formula calculations used to allocate Title I funds to states, as well as "maintenance of effort" requirements under which state and local school district education funding must be maintained at 90% or more of the previous year's funding in order to receive a full allotment of federal dollars (the House bill would have eliminated maintenance-of-effort requirements).

However, it expands the criteria under which waivers from the requirement may be made, allowing waivers in cases in which a state experiences a change in organizational structure (under current law, waivers are allowed for exceptional or uncontrollable circumstances, such as a natural disaster, or for a precipitous decline in a state's financial resources).

The measure eliminates or consolidates 49 elementary and secondary programs, including many from Title I, according to the House and Senate Education committees. As with the House bill, many of the programs to be eliminated had never been funded, are too small to improve student achievement meaningfully or have been deemed ineffective by the federal government. Funding for others is consolidated into other programs.

State Plans

The agreement modifies the elements that states must include in plans they submit to the Education Department as part of the process for receiving Title I funds.

Under the measure, state plans must include provisions to:

- Help local school districts and elementary schools support early childhood education;
- Ensure that low-income and minority children are not disproportionately taught by ineffectual, out-of-field or inexperienced teachers, and publish any criteria used to measure teacher or principal effectiveness;
- Support local school district efforts to reduce bullying;
- Help local school districts provide for student transitions between levels of school to reduce the risk of students dropping out;
- Ensure the educational stability of children in foster care by allowing them to stay in their original school;

- Support the educational stability of homeless children and youths; and
- Eliminate state fiscal and accounting barriers so schools can easily consolidate and use funds from federal, state and local sources.

(In order to receive Title I funds, the agreement also requires states to establish "challenging" academic standards, assessments to measure whether schools and students are meeting those standards, and accountability systems that establish goals and annually measure whether schools and subgroups of students are achieving those goals. See Section II, New Accountability Standards.)

Education Department Reviews

Plans submitted by the states would be reviewed by the Education Department, including by multidisciplinary peer review teams intended to maximize collaboration with each state, promote effective implementation of the challenging state academic standards and provide transparent, timely and objective feedback. Neither the Education secretary nor any other political appointee could participate in or attempt to influence the peer review process.

The public must have access through the department's website to the state plans, the peer-review guidance and comments, state plan determinations by the department, and notices and transcripts of hearings. The department would have 120 days to review a state plan, and if it rejects a plan the state must be allowed to revise and resubmit the plan and the department must provide technical assistance to the state to help meet plan requirements. States must also be given the opportunity for a hearing on the plan. If a state fails to meet any of the requirements for its plan, the department may withhold funds for state administration until the state fulfills those requirements.

Local School District Plans

The agreement modifies the elements that local school districts must include in their plans in order to receive Title I funding.

Under the measure, local plans must be developed with meaningful consultation with teachers, principals, paraprofessional, charter school leaders (if applicable), administrators and parents of children in the schools. Plans must be coordinated with other programs and laws that affect education, such as the Individuals with Disabilities Act, the Carl D. Perkins Career and Technical Education Act, the Head Start Act, and the Adult Education and Family Literacy Act.

States may approve plans only if they substantially help children served by the local school district. Plans must ensure that all children receive a high-quality education and must close the achievement gap between children meeting the state's academic standards and children who are not.

In their plans, local school districts must describe how they will monitor students' progress in meeting the challenging state academic standards by: implementing a well-rounded program of instruction; identifying students who may be at risk of academic failure; providing additional educational assistance to individual students; and implementing strategies to strengthen academic programs and improve school conditions for learning. The plans must address disparities that result in low-income and minority students being taught by ineffective, inexperienced or out-of-field teachers. They must describe educational services that will be provided for neglected or delinquent children and for homeless children and youths, as well as how it will implement effective parent and family engagement. Plans must also describe how the agencies will identify and serve gifted and talented students and assist schools in developing effective school library programs that provide an opportunity to develop digital literacy.

Local school districts also must provide assurances that they will provide services to eligible children attending private schools. They must collaborate with state or local child welfare agencies to implement clear procedures regarding the transportation of foster children to maintain their original school, when staying in the school is in the child's best interest. If the local school district uses Title I funds to provide early childhood education services, it must ensure that those services comply with standards established by the Head Start Act.

Allocation of Funds Within Local School Districts

The agreement provides certain exceptions for how Title I funds are distributed by local school districts.

Under current law, Title I funds may be used for schoolwide programs only in schools where at least 40% of the children attending are from low-income families. The agreement retains that requirement but allows schools with less than 40% low-income enrollment to operate schoolwide programs if they receive waivers from the state. Schools would apply for the waivers by demonstrating how a schoolwide program will best serve the needs of the students by improving academic achievement and other factors.

The measure also allows local school districts, when available Title I funding is insufficient to fully fund all schools, to provide funding to high schools where at least 50% of students are from low-income households. Under current law, when funding is insufficient, local school districts must give priority to schools where more than 75% of the students are low-income.

State Assessment Grants

The agreement authorizes \$378 million per year through FY 2020 in Title I funding to states for use in developing state assessments and standards and in conducting activities related to those assessments and standards. (That annual authorization is equal to the FY 2015 appropriation.)

Under the measure, each state that receives an assessment grant must receive at least \$1.5 million, and at least 20% of a state's grant must be allocated to local school districts to help them improve assessment quality.

Among other things, states may use assessment grants funds to ensure accommodations for English learners and children with disabilities, develop or improve assessments of English language proficiency, develop models to assess student progress or growth, improve assessments for children with disabilities and measure student academic achievement using multiple measures from multiple sources.

Innovative Assessment System

The agreement establishes a pilot program that allows states to use Title I funding to develop innovative systems to assess student achievement toward state academic standards.

The measure defines an innovative assessment system as a system of assessments that may include competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments or performance-based assessments that combine into an annual summative determination for a student. The assessment may be administered through adaptive assessment computer technology. An innovative assessment system may also consist of assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

During the first three years of the program, grants would be provided to up to seven state educational agencies and consortia (which could not include more than four state educational agencies). At the end of the first three years, the Institute of Education Sciences

(IES) must report on the initial progress of developing such innovative assessment systems; after the IES report is published, grants to additional state educational agencies could be made.

The IES report must analyze whether the state solicited feedback from teachers, principals and parents regarding their satisfaction with the assessment system; whether teachers and principals demonstrate a commitment and capacity to implement the system; whether states assessed as many students using the innovative system as the regular assessment system; whether the system would meet state requirements for assessing student achievement of the state's academic standards; and whether it will generate accurate data to satisfy the information disaggregation requirements for the state report card.

The department could extend the program for an additional two years if there is evidence that the innovative assessment system continues to meet the program requirements and the state educational agency has the capacity to transition the assessment system to statewide use by the end of the two-year extension. Participating states could then fully transition to the innovative assessment system.

Pilot Program to Pool Education Funding

The agreement establishes a three-year pilot program that allows 50 local school districts to pool education funding from federal, state and local sources and design their own allocation formula to distribute that funding to the schools they serve, with the goal of targeting more funds toward the neediest schools.

Under the measure, in developing their pooled system, local school districts must consult with teachers, principals, parents, community leaders, administrators of affected federal programs and other relevant stakeholders. The allocation system must be approved by the Education Department, and the department could waive any provision of ESEA that would otherwise prevent the local school district from using eligible federal funds.

The allocation system must support the academic achievement of all students, including low-income students, the lowest-achieving students, English learners and children with disabilities. The funding formula to schools must give greater weight to schools with students who are educationally disadvantaged and must ensure that high-poverty schools receive more per-pupil in funding than they previously received. It also must ensure that low-performing and low-income schools receive at least as much funding as they did prior to the pilot program.

If a significant majority of the local school districts participating in the pilot program meet the program's requirements as of the end of the 2018-19 school year, the Education Department could extend the program to other local school districts, and it could renew for three years those in the existing program if the department determines students are being well-served by the program.

All federal funding under Titles I through III of ESEA (improving the academic achievement of the disadvantaged, teacher training and language instruction for English learners) could be pooled into the new allocation system, as could Title IV funding for student support and academic enrichment and Title V funding for the rural education initiative.

Parental Involvement

The agreement requires that parents be consulted in the development of state and local school district plans under Title I of ESEA, and it includes provisions aimed at informing parents and providing options for parents and students.

Promote Family Engagement

The agreement requires local school districts to help schools implement effective parent and family involvement activities that will improve student academic achievement. These activities may include consultation with employers, business leaders, philanthropic organizations or individuals with expertise in engaging parents in education. The school districts must coordinate and integrate family involvement strategies with those strategies that exist at the federal, state and local levels, and with the meaningful involvement of parents must conduct an annual evaluation of the family engagement policy in improving the academic quality of all schools served.

Local school districts must reserve at least 1% of funds received under Title I funding to assist schools in parental and family engagement.

Parents Right-to-Know

The agreement requires local school districts that receive Title I funding to provide certain information to parents.

Specifically, local school districts must notify parents of their right to receive information regarding the professional qualifications of the student's classroom teachers, including whether the teacher has met state qualification and licensing criteria; whether the teacher is teaching under a provisional status; and whether the teacher is teaching in

his or her field of certification. They must provide parents with information regarding the student's level of achievement and growth on each of the state academic assessments and provide timely notice if the student has been taught for four or more consecutive weeks by a teacher who does not meet state certification requirements.

If requested, school districts must provide parents information regarding student participation in mandated assessments and the parent's right to opt the student out of the assessment. They must also make publicly available on their websites information on each required assessment, including subject matter, purpose of assessment, source of the requirement, amount of time that students will spend on the assessment, the schedule for the assessment, and the time and format for disseminating the results.

English Language Instruction

The agreement requires local school districts that receive Title I funds to implement outreach to parents of English learners. The agencies must inform parents regarding how they can be involved in their children's education and assist their children to attain English proficiency, achieve at high levels within a well-rounded education and meet the challenging state academic standards.

School districts that receive funding to provide English language instruction must inform parents at least 30 days before the start of the school year if their child may be participating in the program. The school district must state how and why the student was selected for participation and describe the exit requirements for the program. Information provided must clarify that parents have the right not to have their student participate and that they may opt their student out of the program at any time.

Other Provisions

Direct Student Services

Like the Senate bill, the agreement authorizes states to award grants to local school districts to use for certain direct student services.

Those direct services include enrollment and participation in academic courses not available at the school; credit recovery and academic acceleration courses that lead to a regular high school diploma; assisting students in completing postsecondary-level instruction and exams for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs; personalized learning, including high-quality academic tutoring; and transportation of students from the lowest-performing 5% of schools where states are seeking to address the school's problems.

Under the measure, states must award grants to geographically diverse local school districts, prioritizing funding for students at those lowest-performing schools as well as underperforming student subgroups at other schools where state action is being taken.

School districts that receive such funding may use up to 1% for outreach and communication to parents about direct student services and up to 2% for administrative costs, with the remainder to be used for the direct student services.

Migratory Children

The agreement authorizes \$375 million per year for Title I funding for the education of migratory children and requires that for fiscal 2017 through 2019 all states will receive at least 90% of the state's allocation for the preceding year. Like the House bill, it modifies how migrant student counts are determined in each state, basing state allocations on the average number of eligible migratory children from the previous three years.

It allows that funding to be used for outreach programs for migratory children and their families to provide information regarding other education, health, nutrition and social services to connect children and families to these services. Those outreach programs may also provide advocacy for children and their families, professional development programs (including mentoring) for teachers and other program personnel, evidence-based family literacy programs, and programs to facilitate the transition of secondary school students to postsecondary education or employment with the need for remediation.

It also requires the Education Department to ensure the linkage of migratory student record systems across states in a cost-effective manner.

Study on Title I Funding Formula

Although the agreement does not modify the existing formula for allocating Title I funds, it requires the Institute of Education Sciences (IES) to conduct a study on the effectiveness of the four current key Title I formulas in delivering funds to the most economically disadvantaged communities. IES must complete the study within 18 months and make recommendations for modifying or consolidating the formulas to better target funds to the most economically disadvantaged communities and most economically disadvantaged eligible schools.

Section IV

Teacher Quality & Other Education Programs

This section describes the provisions of the conference agreement on S 1177 , Every Student Succeeds Act, that address teacher quality, early childhood education and other provisions.

The agreement generally reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) through FY 2020 but eliminates the "highly qualified teacher" designation and removes the Education Department from the process of evaluating teachers. It modifies teacher training programs to provide for state and local development of their own, individual teacher evaluation programs that could be tied to student achievement and be used for decisions regarding hiring, dismissal and compensation. Other teacher support programs are consolidated into a new flexible grant program.

It also reauthorizes through FY 2020 the charter school program established under ESEA and modifies it to support the startup, replication and expansion of charter schools and to consolidate facility financing assistance programs; it reauthorizes English learners programs, as well American Indian, Alaska Native Education and Native Hawaiian Education programs; and it includes Senate provisions to establish a new early childhood education program that would be jointly run by the Education and the Health and Human Services departments.

Teacher Quality & Evaluation

Like both the House and Senate bills, the agreement eliminates the term "highly qualified teacher" and prohibits the Education Department from prescribing standards for the evaluation of teachers.

And like the House it significantly rewrites Title II of ESEA, which deals with teacher training and evaluations, to set the goals of the program as increasing student achievement; improving teacher and school leader effectiveness; increasing the number of teachers and school leaders who are effective in improving student academic achievement; and providing low-income and minority students greater access to effective teachers and school leaders.

The measure authorizes \$2.3 billion annually for teaching grants through FY 2020, as well as \$469 million each year through FY 2019 and \$489 million for FY 2020 for other national activities.

States that receive grants must report to the Education Department annually regarding how the funds are being used and whether the activities have improved equitable access to teachers for low-income and minority students.

State Allotments and Use of Funds

The agreement retains existing "hold harmless" provisions that require states to receive the same amount of funding each year through FY 2022 as they did in FY 2001, and requires states to reserve at least 95% of their allotment for subgrants to local school districts. Up to 1% could be used for administrative expenses.

It also allows states to use up to 3% of the amount reserved for subgrants to local school districts to be used for specified state activities, including the following:

- Reforming teacher or principal certification, licensing or tenure systems or preparation program standards and approval processes;
- Designing and implementing teacher or principal evaluation and support systems that are based on evidence of student academic achievement;
- Improving equitable access to effective teachers, and conducting programs to establish, expand or improve alternative routes for teacher certification;
- Establishing or expanding teacher and principal preparation academies;
- Developing mechanisms to effectively recruit and retain teachers and principals who are effective in improving student academic achievement, including teachers from underrepresented minority groups;
- Developing strategies that provide differential pay, performance-based pay systems or other incentives to recruit and retain teachers in high-need academic subjects and low-income schools;
- Supporting efforts to train teachers and principals to effectively integrate technology into curricula and instruction;
- Providing professional development to promote high-quality instruction and leadership in science, technology, engineering, math and computer science;
- Providing training for school personnel on how to prevent and recognize child sexual abuse;

State Applications

In applying for teacher training grants, states must describe their system of certification and licensing of teachers and principals; how activities they will perform align with the state's academic standards and how they will improve student achievement; how they will improve the skills of teachers and principals to identify students with specific learning needs; and the actions the state may take to improve preparation programs and strengthen support for teachers.

Where applicable, states must describe how they will use funds to improve equitable access to effective teachers and how the state will work with local school districts to implement teacher and principal evaluation and support systems.

Under the agreement, the Education Department is expressly prohibited from controlling the development, improvement or implementation of any teacher or principal evaluation system, a state or local educational agency's definition of teacher or principal effectiveness, or any teacher or principal standards, certifications or licensing.

Local School District Applications

In their applications for teacher training subgrants, local school districts must describe the activities they will carry out and how the activities are aligned with the state's academic standards, as well as how they will prioritize funds to low-performing schools where comprehensive support and improvement plans are in place or schools where targeted support and improvement plans are in place for underperforming student subgroups.

School districts must provide assurance that they will comply with the requirement to distribute funds to private schools and that they will coordinate professional development activities with those provided by federal, state and local programs.

National Teacher Training Activities

The agreement establishes several new national initiatives to promote teacher training and effectiveness, as follows:

- **Teacher and School Leader Incentives** — A program to expand performance-based compensation systems for teachers and school leaders who raise student academic achievement and close the achievement gap between high- and low-performing students.

- **Literacy Education for All, Results for the Nation** — A program to improve student academic achievement in reading and writing by providing federal support for states to develop comprehensive literacy instruction plans.
- **American History and Civics Education** — A program to improve the quality of American history, civics and government education and to improve the quality of teaching of these subjects.
- **Programs of National Significance** — A set of programs to provide teachers and principals from nontraditional preparation routes to serve in traditionally underserved local school districts; to provide evidence-based professional development activities to address literacy, numeracy, remedial or other needs; to provide teachers and principals with professional development activities that enable the provision of postsecondary coursework; to make services and learning opportunities available through publicly accessible electronic means; and to provide teachers and principals with evidence-based professional enhancement activities.

Prohibit Aiding and Abetting of Sexual Abuse

The agreement includes provisions to prohibit states and state and local school districts from assisting any school employee, contractor or agent in obtaining a new job, apart from the routine transmission of personnel files, if the agency knows or has probable cause to believe that the employee engaged in sexual misconduct regarding a minor or student in violation of the law.

States must enact laws to implement and enforce this prohibition. The Education Department would be prohibited from having any control or direction over the measures adopted.

Charter School Program

The agreement reauthorizes through FY 2020 the charter school program established under ESEA and modifies it to support the startup, replication and expansion of charter schools and to consolidate facility financing assistance programs. It replaces the current charter school grant programs with a program awarding grants to states and, through them, subgrants to charter school developers to open new charter schools and expand and replicate high-quality charter school models.

The measure authorizes \$270 million each year for FY 2017 and FY 2018, and \$300 million a year for FY 2019 and FY 2020 for the Charter Schools and Credit Enhancement for Charter School Initiatives.

The agreement's provisions generally follow those in the House bill.

High-Quality Charter Schools

The agreement replaces the current charter school grant program with a program awarding grants to state entities, including state educational agencies, state charter school boards or governors and, through them, subgrants to charter school developers to open new charter schools and expand and replicate high-quality charter schools. (Under current law, only state educational agencies are allowed to apply for grants for charter schools. The measure opens the competition for subgrants to other entities.)

Under the measure, state entities that receive these grants must use 90% of the funds to provide subgrants to eligible applicants to open new charter schools, open replicable, high-quality charter school models or expand high-quality charter schools. At least 7% of funds must be used for technical assistance to carry out those activities and to work with authorized public chartering agencies to improve authorizing quality. No more than 3% of funds may be used for administrative costs.

Subgrants to entities would be awarded for a period of five years, of which not more than 18 months can be used for planning and program design; a charter school could receive only one grant, unless it can demonstrate at least three years of improved educational results for its students.

The agreement modifies the application requirements for state entities requesting a grant to emphasize the expansion and replication of high-quality charter school models, the inclusion of all students, the educational needs of students with disabilities and English learners, and a high degree of autonomy for schools over budgets and operations. It gives priority in providing funds to states that:

- Allow at least one entity that is not a local educational agency to be an authorized chartering agency, or have an appeals process for the denial of a charter school application if only local educational agencies are allowed to be chartering agencies.
- Ensure equitable financing for charter schools and students.
- Use charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.

- Ensure that public chartering agencies implement best practices for charter school authorizing.
- Provide charter schools with funding for facilities, assistance with facility acquisition, access to public facilities and low- or no-cost leasing privileges, and right of first refusal to purchase public school buildings.
- Support charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery or comprehensive career counseling.

At the end of the third year of the five-year grant period, states must report to Congress on the number of students served by the program, progress toward priorities, how quality charter school objectives were met, the number of subgrants that were awarded and how the state worked with charter schools to foster community involvement in the schools. States would be allowed to use a weighted lottery to improve admission chances for educationally disadvantaged students, as long as the lottery is not prohibited by state law and does not create schools exclusively to serve a particular subset of students.

Charter Schools Facilities Assistance

The agreement reserves 12.5% of the funding for the Charter School Program to be used for facilities assistance and revises grant programs that provide financial assistance for charter schools to allow the acquisition and renovation of facilities for school use. It consolidates the existing credit enhancement program and the state facilities aid program.

In using the credit enhancement grant program, the Education Department would be required to award grants to approved public and private nonprofit entities that demonstrate innovative methods for helping charter schools address the costs of acquiring, constructing and renovating facilities.

The grant recipient will deposit the funds in a reserve account and use them to guarantee, insure and reinsure bonds, notes loans and interests therein that are used to acquire or renovate facilities to be used as charter schools. The reserve account can also be used to guarantee and insure leases of property, to facilitate financing by identifying potential lending sources, to encourage private lending, to facilitate the issuance of bonds by charter schools or to provide technical, administrative or other appropriate assistance. The funds in a reserve account must be invested only in low-risk securities, such as obligations issued by the United States or a state. No financial obligation of a grant recipient is an obligation of or guaranteed by the United States.

No more than 2.5% of the funds received may be used for administrative costs. Grant recipients must report to the department annually on their operations and activities.

It also revises the per-pupil facilities aid program (under which the department makes competitive matching grants to states to provide per-pupil financing for charter school facilities) to allow states to partner with organizations to provide up to 50% of the state share of funding for the program. Under the measure, the federal share of the five-year grants would decline from 90% in the first year to 20% in the fifth year. States could receive more than one program grant so long as the amount of the grant funds provided to charter schools increases with each successive grant.

National Activities

The agreement reserves 22.5% of the funding for charter schools for national activities, and it requires the Education Department to use no more than 11% of those reserved funds for technical assistance for state entities, disseminating best practices and evaluating the impact of the charter school program. At least 80% of the funding must be used to provide grants on a competitive basis for the startup, replication and expansion of charter schools.

The grants are to be awarded to applicants that want to open a charter school in a state that did not apply for or did not receive a high-quality charter school grant. Charter management organizations are eligible for these grants regardless of whether the state in which they are based applied for or received a grant.

English Learners

Like the Senate bill, the agreement maintains as its own title in ESEA the program and funding to support language instruction for English learners (the House bill eliminated the title and placed the program and funding under Title I).

The agreement authorizes \$756 million for the program in FY 2017, increasing to \$770 million for FY 2018, \$785 million for FY 2019 and \$885 million for FY 2020.

The measure redefines the goals of the program, which are: to ensure English proficiency and develop high levels of academic achievement in English for English learners; to assist English learners in meeting the same challenging state academic standards as all students; to assist teachers and schools in establishing and sustaining effective language instruction programs to teach English learners; to assist teachers and school

leaders in providing effective programs to prepare English learners to enter all-English instructional settings; and to promote parental and community participation in language instruction educational programs for parents, families and communities of English learners.

The requirements for state and local education agency plans that must be submitted to receive this funding is modified by the agreement to reflect the changes to the goals. The measure also provides a list of recommended activities that local school districts may fund under the program.

Student Support and Academic Enrichment Grants

Like the Senate bill, the agreement includes provisions that establish grants aimed at increasing the capacity of states, local educational agencies, schools and local communities to provide students with a well-rounded education, improve school conditions for student learning and improve the use of technology to improve academic achievement and digital learning.

The agreement authorizes \$1.7 billion for the program for FY 2017 and \$1.6 billion for each year thereafter. It requires that the funds provided under the program be used to supplement, and not supplant, non-federal funds that would otherwise be used for program activities.

Under the measure, states must apply for these grants by submitting a plan describing how the funds will be used. States must review existing resources and programs and coordinate with them. States must reserve 95% of the funds they receive for allocations to local school districts; remaining funding may be used to monitor, train and provide assistance to local school districts, and to identify and eliminate state barriers to the coordination and integration of programs and funding streams.

Funds can be used to offer a well-rounded educational experience to all students, and may be used to increase student access to and improve student engagement and achievement in science, technology, engineering, math and computer science, as well as music and the arts, foreign languages, and American history, civics, economics, geography, social studies or government education. or environmental education.

Funds could also be used for a variety of activities to foster safe, healthy supportive and drug-free environments that support student academic achievement, as well as to increase access to personalized, rigorous learning experiences supported by technology.

Local School District Grants

The agreement requires local school districts to conduct a comprehensive needs assessment every three years for the activities it will support. At least 20% of the funds must be used for providing a well-rounded education, with at least another 20% used to foster safe and supportive learning environments. Some funding must be used to increase access to learning experiences supported by technology.

Activities may be carried out in partnership with institutions of higher education, businesses, nonprofit organizations, community-based organizations or other public or private entities.

School districts must prioritize distribution of funds to schools with the greatest needs, that have the highest percentages or numbers of low-performing and high-poverty students, are identified for comprehensive support or targeted support and improvement plans, or are identified as persistently dangerous.

Early Childhood Education

The agreement includes Senate provisions that establish a new preschool development program to be administered by the Health and Human Services (HHS) Department in conjunction with the Education Department.

The program, which is authorized at \$250 million per year through FY 2020, is meant to provide better access to early childhood education for low-income and disadvantaged children with the goal of preparing these children to be ready for kindergarten. The program is also meant to coordinate existing preschool programs to eliminate redundancy and increase access and parental choice.

Grants to States

Under the measure, the HHS and Education Departments will award grants to states on a competitive basis, but will grant priority to states that have never received preschool development grants. Initial grants are for a year and can be renewed once for an additional three years. States must provide matching funds of at least 30%.

Funds are to be used to conduct periodic statewide needs assessments of the availability and quality of existing preschool programs, including programs serving the most vulnerable or underserved populations or children in rural areas. States must develop

strategic plans for collaboration, coordination and quality improvement activities among existing state programs, and must ensure parental choice by providing information to parents about the variety of programs available.

States may award subgrants to programs across the state to address improvements identified by the state, expand access to existing programs, and develop new programs to address parents and children not served. Funds must be used to supplement, not supplant, existing programs. States must prioritize the subgrants to improve service for low-income and disadvantaged children in rural areas. States that receive renewal grants may award only 60% of the funds as subgrants in the first year, and only 75% in the second and third years.

States that receive initial grants must report to HHS after six months on how the grant funds were used, the strategies undertaken, new partnerships developed and how these partnerships improved coordination and delivery of service. The report must also describe whether activities funded by the grant led to the blending of other public or private funding, how information was made available to parents and families and other best practices regarding the coordination of early childhood programs.

HHS Review

The agreement also requires HHS to conduct an interdepartmental review of all early childhood education programs in order to eliminate overlapping programs and determine if the activities conducted under the new Preschool Development Grants program have led to better utilization of resources. HHS must make recommendations to Congress for streamlining all programs.

Native American, Alaskan and Hawaiian Education

The agreement reauthorizes and modifies the American Indian, Alaska Native Education and Native Hawaiian Education programs.

In addition to modifying programs to promote greater academic achievement in those student populations, the measure emphasizes the preservation of their cultures, particularly their native languages.

Indian Education Programs

The agreement authorizes about \$100 million for FY 2017, increasing gradually to \$107 million for FY 2020, for Indian Education formula grants to local educational agencies. For special programs to improve educational opportunities for Indian children, it authorizes \$18 million per year while for national activities it authorizes \$5.6 million per year.

The measure provides more flexibility than current law with regard to entities that may apply for grants under the Indian Education program. Native American tribes and organizations that represent 25% of the native students could enter into cooperative agreements with local educational agencies to apply for grants; under current law, the tribe or organization must represent half of the native students to be treated as a local educational agency. The measure allows Native American community-based organizations to apply if more formal organizations fail to do so.

It also modifies the application process to emphasize the participation of Native American students' tribes and parents in the development of the programs to be implemented with the grant funding, and it allows funding to be used for Native American language immersion and restoration programs, as well as dropout, substance abuse and suicide prevention programs.

Grants for Education Department national activities could be used for Native American language programs aimed at helping all students achieve fluency in a Native American language and academic proficiency in math, English, reading or language arts and science. However, the agreement eliminates national activities for in-service training for teachers of Native American children, fellowships for Native American students, programs for gifted and talented Native American students and for the improvement of educational opportunities for Native American adults.

The agreement authorizes Native American tribes to enter into written cooperative agreements with state and local educational agencies that operate schools on Native American lands. Under such an agreement the tribal education agency is authorized to plan, conduct, consolidate and administer programs, services, functions and activities, and the tribe is authorized to reallocate funds for these programs and services.

Alaska Native Education

The agreement authorizes appropriations of \$31 million for each year through FY 2020 for Alaska Native Education programs.

In stating the purposes of the Alaska Native Education programs, it places much greater emphasis on the role of Alaska Native languages and culture in the educational success and long-term well-being of Alaska Native students. It allows additional entities with experience in Alaska Native educational programs to be eligible for grants, and it mandates that the programs develop strategies to improve the educational outcomes of Alaska Native people and collect data to assist in the evaluation of the programs.

Permissible activities under the agreement are expanded to include student enrichment programs in science, technology, engineering and math and activities that support the unique cultural and educational needs of Alaska Native children.

Native Hawaiian Education

The agreement authorizes \$32 million each year through FY 2020 for Native Hawaiian Education programs.

The measure modifies the purposes of the program to place greater emphasis on the role of developing Native Hawaiian language and culture-based education programs. It also makes charter schools eligible for grants under the program.

It eliminates current program criteria for prioritizing grants and instead requires the Education Department in awarding grants to give priority to programs that meet the educational priorities of the Native Hawaiian Education Council, that would repair and renovate public schools that serve high concentrations of Native Hawaiian students and that are designed to improve academic achievement of Native Hawaiian students by meeting their unique cultural and language needs. Priority would also be given to programs wherein a nonprofit entity serving underserved Native Hawaiians applies as part of a partnership or consortium. (Under current law, priority is given for grants that promote reading and literacy in kindergarten through third grade, for programs serving the needs of at-risk children and youth, for programs in disciplines in which Native Hawaiians are underemployed and for programs that employ the Hawaiian language in instruction.)

The measure also changes the composition of the Native Hawaiian Education Council, preserving the requirement that representatives come from specific islands but specifying that specific individuals or their designees be on the council — such as the president of the University of Hawaii, the governor of Hawaii and mayors of specified counties. The council remains responsible for providing advice on the coordination of educational services and programs for Native Hawaiians, including programs funded by this agreement.

Reports

The agreement requires two reports:

- A report on Native American Language Medium Education to evaluate all levels of education being provided primarily through the medium of Native American languages.

- A report on Responses to Indian Student Suicides to describe efforts to address outbreaks of suicides among elementary and secondary school students.

Impact Aid

The agreement reauthorizes and modifies the Impact Aid program, which provides direct funding to school districts affected by the presence of the federal government. The program reimburses districts located near, or serving students from, military bases, federal lands and Indian reservations for the loss of property taxes because the government owns the land.

Authorization Levels

The agreement reauthorizes the following amounts for the Impact Aid program:

- **Federal acquisition of real property** — \$67 million for each year through FY 2019 and \$72 million for FY 2020.
- **Basic Support Payments** — \$1.2 billion for each year through FY 2020.
- **Payments for children with disabilities** — \$48 million for each year through FY 2019 and \$52 million for FY 2020.
- **Construction** — \$17 million for each year through FY 2019 and \$18 million for FY 2020.
- **Facilities Management** — \$5 million for each year through FY 2020.

Program Modifications

The agreement makes permanent certain provisions included in the FY 2013 Defense Authorization Act (PL 112-239) regarding impact aid; those provisions are currently scheduled to expire in 2018.

Specifically, it changes the formula for calculating how much Impact Aid a school district receives. Under the measure, each eligible school district would receive a base payment that is based either on 90% of the Impact Aid payment most recently received (FY 2009) or the average of payments received from FY 2006-09, whichever is greater. Districts would also receive an additional payment using a calculated per-acre value.

McKinney-Vento Homeless Assistance Act

The agreement reauthorizes the Education for Homeless Children and Youths program of the McKinney-Vento Homeless Assistance Act (PL 100-77), which is the primary federal law that provides funding to states and school districts to educate homeless children and youth.

It authorizes \$85 million for each year through FY 2020 for the program.

The measure modifies the program to place greater emphasis on identifying homeless children and youth, to improve collaboration and information sharing among federal and state agencies, and to provide greater school stability and protections for homeless youth and parents.

21st Century Schools & Other Provisions

The agreement reauthorizes programs under the 21st Century Schools title of ESEA, including the 21st Century Community Learning Centers for which \$1 billion is authorized for FY 2017 and \$1.1 billion is authorized for each subsequent year through FY 2020.

It reauthorizes 21st Century Schools national activities, authorizing \$201 million for each year through FY 2018 and \$221 million for each subsequent year through FY 2020. The national activities reauthorized are Education Innovation and Research, Community Support for School Success, National Activities for School Safety and Academic Enrichment.

It reauthorizes and expands the Magnet School program, and also reauthorizes the existing Parental Information and Resource Centers program — renaming them Family Engagement Centers, with the purpose of "strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement."

The 21st Century Schools title of the measure also requires parental consent for children under 18 years of age to participate in any mental-health assessment, and it prohibits funds provided under 21st Century Schools from being used for medical services or drug treatments or rehabilitation. It also prohibits schools and states from requiring a child to obtain a prescription for a controlled substance as a condition of receiving an evaluation or other service under 21st Century Schools programs.

The agreement also:

- Expresses the sense of Congress that students' privacy and personally identifiable information must be protected, and that the Education Department should review all regulations addressing issues of student privacy.
- Expands the federal funds that states and local educational agencies may use as they choose to fund programs and activities that address their "unique needs." Under current law, states may repurpose 50% of nonadministrative state funds provided by certain provisions of ESEA. Under the agreement, states and local educational agencies would be allowed to repurpose all, or any lesser amount, of state funds from a broader range of ESEA provisions, and may use these funds for particular ESEA programs.