

individuals served by a school described in section 3112(a).

SEC. 3202. [20 U.S.C. 7013] NATIONAL CLEARINGHOUSE.

(a) **IN GENERAL.**—The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for English learners, and related programs. The National Clearinghouse shall—

(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

(4) collect and disseminate information on—

(A) educational research and processes related to the education of English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners; and

(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) publish, on an annual basis, a list of grant recipients under this title.

(b) **CONSTRUCTION.**—Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).

SEC. 3203. [20 U.S.C. 7014] REGULATIONS.

In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

TITLE IV—21ST CENTURY SCHOOLS

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4001. [20 U.S.C. 7101] GENERAL PROVISIONS.

(a) **PARENTAL CONSENT.**—

(1) **IN GENERAL.**—

(A) **INFORMED WRITTEN CONSENT.**—A State, local educational agency, or other entity receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to par-

icipate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.

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

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

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

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

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

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

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

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

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

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

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

Subpart 1—Student Support and Academic Enrichment Grants

SEC. 4101. [20 U.S.C. 7111] PURPOSE.

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

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

- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

SEC. 4102. [20 U.S.C. 7112] DEFINITIONS.

In this subpart:

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

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

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

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

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

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

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

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

(D) online and computer-based assessments;

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

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

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

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

(A) controlled substances;

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

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

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

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

local educational agencies in the State, determines that such evidence is reasonably available); and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

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

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

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

SEC. 4103. [20 U.S.C. 7113] FORMULA GRANTS TO STATES.

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

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

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

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

(b) **STATE ALLOTMENTS.**—

(1) **ALLOTMENT.**—

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

(B) **SMALL STATE MINIMUM.**—No State receiving an allotment under this paragraph shall receive less than one-

half of 1 percent of the total amount allotted under this paragraph.

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

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

(c) STATE PLAN.—

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

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

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

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

(C) Assurances that the State educational agency will—

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

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

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

SEC. 4104. [20 U.S.C. 7114] STATE USE OF FUNDS.

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

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

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

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

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

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

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

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

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

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

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

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

(III) foreign languages;

(IV) accelerated learning programs that provide—

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

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

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

(VI) environmental education; or

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

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

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

- (i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);
 - (ii) supporting local educational agencies to—
 - (I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or
 - (II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;
 - (iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and
 - (iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv); and
- (C) increase access to personalized, rigorous learning experiences supported by technology by—
- (i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—
 - (I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;
 - (II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and
 - (III) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;
 - (ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;
 - (iii) developing or using strategies that are innovative or evidence-based (to the extent the State deter-

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

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

(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and

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

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

SEC. 4105. [20 U.S.C. 7115] ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

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

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

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

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

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

SEC. 4106. [20 U.S.C. 7116] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

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

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

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

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

(c) CONSULTATION.—

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

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

(d) NEEDS ASSESSMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4107. [20 U.S.C. 7117] ACTIVITIES TO SUPPORT WELL-ROUNDED EDUCATIONAL OPPORTUNITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) facilitating collaboration among school, after-school program, and informal program personnel to improve the integration of programming and instruction in the identified subjects; and

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

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

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

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

(E) activities to promote the development, implementation, and strengthening of programs to teach traditional

American history, civics, economics, geography, or government education;

(F) foreign language instruction;

(G) environmental education;

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

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

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

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

SEC. 4108. [20 U.S.C. 7118] ACTIVITIES TO SUPPORT SAFE AND HEALTHY STUDENTS.

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

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

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

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

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

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

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

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

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

(B) in accordance with sections 4001 and 4111—

(i) school-based mental health services, including early identification of mental health symptoms, drug

use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers; and

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

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

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

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

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

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

(C) programs or activities that—

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

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

(iii) help prevent bullying and harassment;

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

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

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

(vii) establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by pro-

viding integrated systems of student and family supports;

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

- (i) suicide prevention;
- (ii) effective and trauma-informed practices in classroom management;
- (iii) crisis management and conflict resolution techniques;
- (iv) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102));
- (v) school-based violence prevention strategies;
- (vi) drug abuse prevention, including educating children facing substance abuse at home; and
- (vii) bullying and harassment prevention;

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

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

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

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

- (i) is consistent with best practices;
- (ii) includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and
- (iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a “youth PROMISE plan”; or

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

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

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

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

(iii) strengthening relationships between schools and communities; or

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

SEC. 4109. [20 U.S.C. 7119] ACTIVITIES TO SUPPORT THE EFFECTIVE USE OF TECHNOLOGY.

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

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

(A) personalize learning to improve student academic achievement;

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

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

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

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

(A) procuring content and ensuring content quality; and

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

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

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

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

(B) ongoing professional development for teachers, principals, other school leaders, or other personnel in-

involved in the project that is designed to support the implementation and academic success of the project;

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

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

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

SEC. 4110. [20 U.S.C. 7120] SUPPLEMENT, NOT SUPPLANT.

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

SEC. 4111. [20 U.S.C. 7121] RULE OF CONSTRUCTION.

Nothing in this subpart may be construed to—

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

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

SEC. 4112. [20 U.S.C. 7122] AUTHORIZATION OF APPROPRIATIONS.

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

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

Subpart 2—Internet Safety

SEC. 4121. [20 U.S.C. 7131] INTERNET SAFETY.

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

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

(i) obscene;

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

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

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

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

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

(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

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

(2) PROCESS.—

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

(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

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

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

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

such time as such school comes into compliance with such requirements.

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

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

(d) **NONCOMPLIANCE.**—

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

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

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

(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

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

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

(e) **DEFINITIONS.**—In this subpart:

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

(2) **ACCESS TO INTERNET.**—A computer shall be considered to have access to the Internet if such computer is equipped

with a modem or is connected to a computer network that has access to the Internet.

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

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

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

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

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

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

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

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

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

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

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

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

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 4201. [20 U.S.C. 7171] PURPOSE; DEFINITIONS.

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

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

(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music,