

111TH CONGRESS
2D SESSION

S. 3441

To provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, MAY 26), 2010

Mr. DURBIN (for himself and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Students Achieving
5 through Reform Act of 2010” or “All-STAR Act of 2010”.

6 **SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.**

7 (a) IN GENERAL.—Subpart 1 of part B of title V of
8 the Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 7221 et seq.) is amended—

1 (1) by striking section 5212;

2 (2) by redesignating section 5210 as section
3 5211; and

4 (3) by inserting after section 5209 the fol-
5 lowing:

6 **“SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICA-**
7 **TION.**

8 “(a) PURPOSE.—It is the purpose of this section to
9 support State efforts to expand and replicate high-quality
10 public charter schools to enable such schools to serve addi-
11 tional students, with a priority to serve those students who
12 attend identified schools or schools with a low graduation
13 rate.

14 “(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND
15 INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER
16 SCHOOLS.—

17 “(1) GRANTS AUTHORIZED.—From the
18 amounts appropriated under section 5200 for any
19 fiscal year, the Secretary shall award grants, on a
20 competitive basis, to eligible entities to enable the el-
21 igible entities to make subgrants to eligible public
22 charter schools under subsection (e)(1) and carry
23 out the other activities described in subsection (e),
24 in order to allow the eligible public charter schools

1 to serve additional students through the expansion
2 and replication of such schools.

3 “(2) AMOUNT OF GRANTS.—In determining the
4 grant amount to be awarded under this subsection
5 to an eligible entity, the Secretary shall consider—

6 “(A) the number of eligible public charter
7 schools under the jurisdiction or in the service
8 area of the eligible entity that are operating;

9 “(B) the number of openings for new stu-
10 dents that could be created in such schools with
11 such grant;

12 “(C) the number of students eligible for
13 free or reduced price lunches under the Richard
14 B. Russell National School Lunch Act (42
15 U.S.C. 1751 et seq.) who are on waiting lists
16 for charter schools under the jurisdiction or in
17 the service area of the eligible entity, and other
18 information with respect to charter schools in
19 such jurisdiction or the service area that sug-
20 gest the interest of parents in charter school
21 enrollment for their children;

22 “(D) the number of students attending
23 identified schools or schools with a low gradua-
24 tion rate in the State or area where an eligible

1 entity intends to replicate or expand eligible
2 public charter schools; and

3 “(E) the success of the eligible entity in
4 overseeing public charter schools and the likeli-
5 hood of continued or increased success because
6 of the grant under this section.

7 “(3) DURATION OF GRANTS.—A grant under
8 this section shall be for a period of not more than
9 5 years, except that an eligible entity receiving such
10 grant may, at the discretion of the Secretary, con-
11 tinue to expend grant funds after the end of the
12 grant period.

13 “(c) APPLICATION REQUIREMENTS.—

14 “(1) APPLICATION REQUIREMENTS.—To be
15 considered for a grant under this section, an eligible
16 entity shall submit an application to the Secretary at
17 such time, in such manner, and containing such in-
18 formation as the Secretary may require.

19 “(2) CONTENTS.—The application described in
20 paragraph (1) shall include, at a minimum, the fol-
21 lowing:

22 “(A) RECORD OF SUCCESS.—Documenta-
23 tion of the record of success of the eligible enti-
24 ty in overseeing or operating public charter
25 schools, including—

1 “(i) the performance of public charter
2 school students on the academic assess-
3 ments described in section 1111(b)(3) of
4 the State where such schools are located,
5 disaggregated by—

6 “(I) economic disadvantage;

7 “(II) race and ethnicity;

8 “(III) disability status; and

9 “(IV) status as a student with
10 limited English proficiency;

11 “(ii) the status of such schools under
12 section 1116 in making adequate yearly
13 progress or as identified schools; and

14 “(iii) in the case of public charter
15 schools that are secondary schools, the
16 graduation rates and rates of college ac-
17 ceptance, enrollment, and persistence of
18 students, where possible.

19 “(B) PLAN.—A plan for—

20 “(i) replicating and expanding eligible
21 public charter schools operated or overseen
22 by the eligible entity;

23 “(ii) identifying eligible public charter
24 schools, or networks of eligible public char-

1 ter schools, to receive subgrants under this
2 section;

3 “(iii) increasing the number of open-
4 ings in eligible public charter schools for
5 students attending identified schools and
6 schools with a low graduation rate;

7 “(iv) ensuring that eligible public
8 charter schools receiving a subgrant under
9 this section enroll students through a ran-
10 dom lottery for admission, unless the char-
11 ter school is using the subgrant to expand
12 the school to serve additional grades, in
13 which case such school may reserve seats
14 in the additional grades for—

15 “(I) each student enrolled in the
16 grade preceding each such additional
17 grade;

18 “(II) siblings of students enrolled
19 in the charter school, if such siblings
20 desire to enroll in such grade; and

21 “(III) children of the charter
22 school’s founders, staff, or employees;

23 “(v)(I) in the case of an eligible entity
24 described in subparagraph (A) or (C) of
25 subsection (k)(4), the manner in which the

1 eligible entity will work with identified
2 schools and schools with a low graduation
3 rate that are eligible to enroll students in
4 a public charter school receiving a
5 subgrant under this section and that are
6 under the eligible entity’s jurisdiction, and
7 the local educational agencies serving such
8 schools, to—

9 “(aa) engage in community out-
10 reach, provide information in a lan-
11 guage that the parents can under-
12 stand, and communicate with parents
13 of students at identified schools and
14 schools with a low graduation rate
15 who are eligible to attend a public
16 charter school receiving a subgrant
17 under this section about the oppor-
18 tunity to enroll in or transfer to such
19 school, in a manner consistent with
20 section 444 of the General Education
21 Provisions Act (commonly known as
22 the ‘Family Educational Rights and
23 Privacy Act of 1974’); and

24 “(bb) ensure that a student can
25 transfer to an eligible public charter

1 school if the public charter school
2 such student was attending in the
3 previous school year is no longer an
4 eligible public charter school; and

5 “(II) in the case of an eligible entity
6 described in subparagraph (B) or (D) of
7 subsection (k)(4), the manner in which the
8 eligible entity will work with the local edu-
9 cational agency to carry out the activities
10 described in items (aa) and (bb) of sub-
11 clause (I); and

12 “(vi) disseminating to public schools
13 under the jurisdiction or in the service
14 area of the eligible entity, in a manner
15 consistent with section 444 of the General
16 Education Provisions Act (commonly
17 known as the ‘Family Educational Rights
18 and Privacy Act of 1974’), the best prac-
19 tices, programs, or strategies learned by
20 awarding subgrants to eligible public char-
21 ter schools under this section, with par-
22 ticular emphasis on the best practices with
23 respect to—

24 “(I) focusing on closing the
25 achievement gap; or

1 “(II) successfully addressing the
2 education needs of low-income stu-
3 dents.

4 “(C) CHARTER SCHOOL INFORMATION.—

5 The number of—

6 “(i) eligible public charter schools that
7 are operating in the State in which the eli-
8 gible entity intends to award subgrants
9 under this section;

10 “(ii) public charter schools approved
11 to open or likely to open during the grant
12 period in such State;

13 “(iii) available openings in eligible
14 public charter schools in such State that
15 could be created through the replication or
16 expansion of such schools if the grant is
17 awarded to the eligible entity;

18 “(iv) students on public charter school
19 waiting lists (if such lists are available)
20 in—

21 “(I) the State in which the eligi-
22 ble entity intends to award subgrants
23 under this section; and

24 “(II) each local educational agen-
25 cy serving an eligible public charter

1 school that may receive a subgrant
2 under this section from the eligible
3 entity; and

4 “(v) students, and the percentage of
5 students, in a local educational agency who
6 are attending eligible public charter schools
7 that may receive a subgrant under this
8 section from the eligible entity.

9 “(D) TRADITIONAL PUBLIC SCHOOL IN-
10 FORMATION.—In the case of an eligible entity
11 that is a State educational agency or local edu-
12 cational agency, a list of the following schools
13 under the jurisdiction of the eligible entity, in-
14 cluding the name and location of each such
15 school, the number and percentage of students
16 under the jurisdiction of the eligible entity who
17 are attending such school, and such demo-
18 graphic and socioeconomic information as the
19 Secretary may require:

20 “(i) Identified schools.

21 “(ii) Schools with a low graduation
22 rate.

23 “(E) ASSURANCE.—In the case of an eligi-
24 ble entity described in subsection (k)(4)(A), an
25 assurance that the eligible entity will include in

1 the notifications provided under section
2 1116(c)(6) to parents of each student enrolled
3 in a school served by a local educational agency
4 identified for school improvement or corrective
5 action under paragraph (1) or (7) of section
6 1116(c), information (in a language that the
7 parents can understand) about the eligible pub-
8 lic charter schools receiving subgrants under
9 this section.

10 “(d) PRIORITIES FOR AWARDING GRANTS.—

11 “(1) IN GENERAL.—In awarding grants under
12 this section, the Secretary shall give priority to an
13 eligible entity that—

14 “(A) serves or plans to serve a large per-
15 centage of low-income students from identified
16 schools or public schools with a low graduation
17 rate;

18 “(B) oversees or plans to oversee one or
19 more eligible public charter schools;

20 “(C) provides evidence of effective moni-
21 toring of the academic success of students who
22 attend public charter schools under the jurisdic-
23 tion of the eligible entity;

24 “(D) in the case of an eligible entity that
25 is a local educational agency under State law,

1 has a cooperative agreement under section
2 1116(b)(11); and

3 “(E) is under the jurisdiction of, or plans
4 to award subgrants under this section in, a
5 State that—

6 “(i) ensures that all public charter
7 schools (including such schools served by a
8 local educational agency and such schools
9 considered to be a local educational agency
10 under State law) receive, in a timely man-
11 ner, the Federal, State, and local funds to
12 which such schools are entitled under ap-
13 plicable law;

14 “(ii) does not have a cap that restricts
15 the growth of public charter schools in the
16 State;

17 “(iii) provides funding (such as cap-
18 ital aid distributed through a formula or
19 access to revenue generated bonds, and in-
20 cluding funding for school facilities) on a
21 per-pupil basis to public charter schools
22 commensurate with the amount of funding
23 (including funding for school facilities)
24 provided to traditional public schools;

1 “(iv) provides strong evidence of sup-
2 port for public charter schools and has in
3 place innovative policies that support aca-
4 demically successful charter school growth;

5 “(v) authorizes public charter schools
6 to offer early childhood education pro-
7 grams, including prekindergarten, in ac-
8 cordance with State law;

9 “(vi) ensures that each public charter
10 school in the State—

11 “(I) has a high degree of auton-
12 omy over the public charter school’s
13 budget and expenditures;

14 “(II) has a written performance
15 contract with an authorized public
16 chartering agency that ensures that
17 the school has an independent gov-
18 erning board with a high degree of
19 autonomy; and

20 “(III) in the case of an eligible
21 public charter school receiving a
22 subgrant under this section, amends
23 its charter to reflect the growth activi-
24 ties described in subsection (e);

1 “(vii) has an appeals process for the
2 denial of an application for a charter
3 school;

4 “(viii) provides that an authorized
5 public chartering agency that is not a local
6 educational agency, such as a State char-
7 tering board, is available for each indi-
8 vidual or entity seeking to operate a char-
9 ter school pursuant to such State law;

10 “(ix) allows any public charter school
11 to be a local educational agency in accord-
12 ance with State law;

13 “(x) ensures that each authorized
14 public chartering agency in the State sub-
15 mits annual reports to the State edu-
16 cational agency, and makes such reports
17 available to the public, on the performance
18 of the schools authorized or approved by
19 such public chartering agency, which re-
20 ports shall include—

21 “(I) the authorized public char-
22 tering agency’s strategic plan for au-
23 thORIZING or approving public charter
24 schools and any progress toward

1 achieving the objectives of the stra-
2 tegic plan;

3 “(II) the authorized public char-
4 tering agency’s policies for authorizing
5 or approving public charter schools,
6 including how such policies examine a
7 school’s—

8 “(aa) financial plan and
9 policies, including financial con-
10 trols and audit requirements;

11 “(bb) plan for identifying
12 and successfully (in compliance
13 with all applicable laws and regu-
14 lations) serving students with
15 disabilities, students who are
16 English language learners, stu-
17 dents who are academically be-
18 hind their peers, and gifted stu-
19 dents; and

20 “(cc) capacity and capability
21 to successfully launch and subse-
22 quently operate a public charter
23 school, including the backgrounds
24 of the individuals applying to the
25 agency to operate such school

1 and any record of such individ-
2 uals operating a school;

3 “(III) the authorized public char-
4 tering agency’s policies for renewing,
5 not renewing, and revoking a charter
6 school’s charter, including the role of
7 student academic achievement in such
8 decisions;

9 “(IV) the authorized public char-
10 tering agency’s transparent, timely,
11 and effective process for closing down
12 academically unsuccessful public char-
13 ter schools;

14 “(V) the academic performance
15 of each operating public charter
16 school authorized or approved by the
17 authorized public chartering agency,
18 including the information reported by
19 the State in the State annual report
20 card under section 1111(h)(1)(C) for
21 such school;

22 “(VI) the status of the author-
23 ized public chartering agency’s charter
24 school portfolio, by identifying all
25 charter schools served by the public

1 chartering agency in each of the fol-
2 lowing categories: approved (but not
3 yet open), operating, renewed, trans-
4 ferred, revoked, not renewed, volun-
5 tarily closed, or never opened;

6 “(VII) the authorizing functions
7 (such as approval, monitoring, and
8 oversight) performed by the author-
9 ized public chartering agency to the
10 public charter schools authorized or
11 approved by such agency, including an
12 itemized accounting of the actual
13 costs of such functions; and

14 “(VIII) the services purchased
15 (such as accounting, transportation,
16 and data management and analysis)
17 from the authorized public chartering
18 agency by the public charter schools
19 authorized or approved by such agen-
20 cy, including an itemized accounting
21 of the actual costs of such services;
22 and

23 “(xi) has or will have (within 1 year
24 after receiving a grant under this section)
25 a State policy and process for overseeing

1 and reviewing the effectiveness and quality
2 of the State’s authorized public chartering
3 agencies, including—

4 “(I) a process for reviewing and
5 evaluating the performance of the au-
6 thorized public chartering agencies in
7 authorizing or approving charter
8 schools, including a process that en-
9 ables the authorized public chartering
10 agencies to respond to any State con-
11 cerns; and

12 “(II) any other necessary policies
13 to ensure effective charter school au-
14 thorizing in the State in accordance
15 with the principles of quality charter
16 school authorizing, as determined by
17 the State in consultation with the
18 charter school community and stake-
19 holders.

20 “(2) SPECIAL RULE.—In awarding grants
21 under this section, the Secretary may determine how
22 the priorities described in paragraph (1) will apply
23 to the different types of eligible entities defined in
24 subsection (k)(4).

1 “(e) USE OF FUNDS.—An eligible entity receiving a
2 grant under this section shall use the grant funds for the
3 following:

4 “(1) SUBGRANTS.—

5 “(A) IN GENERAL.—To award subgrants,
6 in such amount as the eligible entity determines
7 is appropriate, to eligible public charter schools
8 to replicate or expand such schools.

9 “(B) APPLICATION.—An eligible public
10 charter school desiring to receive a subgrant
11 under this subsection shall submit an applica-
12 tion to the eligible entity at such time, in such
13 manner, and containing such information as the
14 eligible entity may require.

15 “(C) USES OF FUNDS.—An eligible public
16 charter school receiving a subgrant under this
17 subsection shall use the subgrant funds to pro-
18 vide for an increase in the school’s enrollment
19 of students through the replication or expansion
20 of the school, which may include use of funds
21 to—

22 “(i) support the physical expansion of
23 school buildings, including financing the
24 development of new buildings and cam-
25 puses to meet increased enrollment needs;

1 “(ii) pay costs associated with hiring
2 additional teachers to serve additional stu-
3 dents;

4 “(iii) provide transportation to addi-
5 tional students to and from the school, in-
6 cluding providing transportation to stu-
7 dents who transfer to the school under a
8 cooperative agreement established under
9 section 1116(b)(11);

10 “(iv) purchase instructional materials,
11 implement teacher and principal profes-
12 sional development programs, and hire ad-
13 ditional non-teaching staff; and

14 “(v) support any necessary activities
15 associated with the school carrying out the
16 purposes of this section.

17 “(D) PRIORITY.—In awarding subgrants
18 under this subsection, an eligible entity shall
19 give priority to an eligible public charter
20 school—

21 “(i) that has significantly closed any
22 achievement gap on the State academic as-
23 sessments described in section 1111(b)(3)
24 among the groups of students described in

1 section 1111(b)(2)(C)(v) by improving
2 scores;

3 “(ii) that—

4 “(I)(aa) ranks in at least the top
5 25th percentile of the schools in the
6 State, as ranked by the percentage of
7 students in the proficient or advanced
8 level of achievement on the State aca-
9 demic assessments in mathematics
10 and reading or language arts de-
11 scribed in section 1111(b)(3); or

12 “(bb) has an average student
13 score on an examination (chosen by
14 the Secretary) that is at least in the
15 60th percentile in reading and at least
16 in the 75th percentile in mathematics;
17 and

18 “(II) serves a high-need student
19 population and is eligible to partici-
20 pate in a schoolwide program under
21 section 1114, with additional priority
22 given to schools that serve, as com-
23 pared to other schools that have sub-
24 mitted an application under this sub-
25 section—

1 “(aa) a greater percentage
2 of low-income students; and

3 “(bb) a greater percentage
4 of not less than 2 groups of stu-
5 dents described in section
6 1111(b)(2)(C)(v)(II); and

7 “(iii) that meets the criteria described
8 in clause (i) and serves low-income stu-
9 dents who have transferred to such school
10 under a cooperative agreement described in
11 section 1116(b)(11).

12 “(E) DURATION OF SUBGRANT.—A
13 subgrant under this subsection shall be awarded
14 for a period of not more than 5 years, except
15 that an eligible public charter school receiving a
16 subgrant under this subsection may, at the dis-
17 cretion of the eligible entity, continue to expend
18 subgrant funds after the end of the subgrant
19 period.

20 “(2) FACILITY FINANCING AND REVOLVING
21 LOAN FUND.—An eligible entity may use not more
22 than 25 percent of the amount of the grant funds
23 received under this section to establish a reserve ac-
24 count described in subsection (f) to facilitate public

1 charter school facility acquisition and development
2 by—

3 “(A) conducting credit enhancement initia-
4 tives (as referred to in subpart 2) in support of
5 the development of facilities for eligible public
6 charter schools serving students;

7 “(B) establishing a revolving loan fund for
8 use by an eligible public charter school receiving
9 a subgrant under this subsection from the eligi-
10 ble entity under such terms as may be deter-
11 mined by the eligible entity to allow such school
12 to expand to serve additional students;

13 “(C) facilitating, through direct expendi-
14 ture or financing, the acquisition or develop-
15 ment of public charter school buildings by the
16 eligible entity or an eligible public charter
17 school receiving a subgrant under this sub-
18 section from the eligible entity, which may be
19 used as both permanent locations for eligible
20 public charter schools or incubators for growing
21 charter schools; or

22 “(D) establishing a partnership with 1 or
23 more community development financial institu-
24 tions (as defined in section 103 of the Commu-
25 nity Development Banking and Financial Insti-

1 tutions Act of 1994 (12 U.S.C. 4702)) or other
2 mission-based financial institutions to carry out
3 the activities described in subparagraphs (A),
4 (B), and (C).

5 “(3) ADMINISTRATIVE TASKS, DISSEMINATION
6 ACTIVITIES, AND OUTREACH.—

7 “(A) IN GENERAL.—An eligible entity may
8 use not more than 7.5 percent of the grant
9 funds awarded under this section to cover ad-
10 ministrative tasks, dissemination activities, and
11 outreach.

12 “(B) NONPROFIT ASSISTANCE.—In car-
13 rying out the administrative tasks, dissemina-
14 tion activities, and outreach described in sub-
15 paragraph (A), an eligible entity may contract
16 with an organization described in section
17 501(c)(3) of the Internal Revenue Code of 1986
18 (26 U.S.C. 501(c)(3)) and exempt from tax
19 under section 501(a) of such Code (26 U.S.C.
20 501(a)).

21 “(f) RESERVE ACCOUNT.—

22 “(1) IN GENERAL.—To assist eligible entities in
23 the development of new public charter school build-
24 ings or facilities for eligible public charter schools,
25 an eligible entity receiving a grant under this section

1 may, in accordance with State and local law, directly
2 or indirectly, alone or in collaboration with others,
3 deposit the amount of funds described in subsection
4 (e)(2) in a reserve account established and main-
5 tained by the eligible entity.

6 “(2) INVESTMENT.—Funds received under this
7 section and deposited in the reserve account estab-
8 lished under this subsection shall be invested in obli-
9 gations issued or guaranteed by the United States or
10 a State, or in other similarly low-risk securities.

11 “(3) REINVESTMENT OF EARNINGS.—Any earn-
12 ings on funds received under this subsection shall be
13 deposited in the reserve account established under
14 this section and used in accordance with the purpose
15 described in subsection (a).

16 “(4) RECOVERY OF FUNDS.—

17 “(A) IN GENERAL.—The Secretary, in ac-
18 cordance with chapter 37 of title 31, United
19 States Code, shall collect—

20 “(i) all funds in a reserve account es-
21 tablished by an eligible entity under this
22 subsection if the Secretary determines, not
23 earlier than 2 years after the date the eli-
24 gible entity first received funds under this
25 section, that the eligible entity has failed to

1 make substantial progress carrying out the
2 purpose described in paragraph (1); or

3 “(ii) all or a portion of the funds in
4 a reserve account established by an eligible
5 entity under this subsection if the Sec-
6 retary determines that the eligible entity
7 has permanently ceased to use all or a por-
8 tion of funds in such account to accomplish
9 the purpose described in paragraph (1).

10 “(B) EXERCISE OF AUTHORITY.—The Sec-
11 retary shall not exercise the authority provided
12 under subparagraph (A) to collect from any eli-
13 gible entity any funds that are being properly
14 used to achieve such purpose.

15 “(C) PROCEDURES.—Sections 451, 452,
16 and 458 of the General Education Provisions
17 Act shall apply to the recovery of funds under
18 subparagraph (A).

19 “(D) CONSTRUCTION.—This paragraph
20 shall not be construed to impair or affect the
21 authority of the Secretary to recover funds
22 under part D of the General Education Provi-
23 sions Act.

24 “(5) REALLOCATION.—Any funds collected by
25 the Secretary under paragraph (4) shall be awarded

1 to eligible entities receiving grants under this section
2 in the next fiscal year.

3 “(g) FINANCIAL RESPONSIBILITY.—The financial
4 records of each eligible entity and eligible public charter
5 school receiving a grant or subgrant, respectively, under
6 this section shall be maintained in accordance with gen-
7 erally accepted accounting principles and shall be subject
8 to an annual audit by an independent public accountant.

9 “(h) NATIONAL EVALUATION.—

10 “(1) NATIONAL EVALUATION.—From the
11 amounts appropriated under section 5200, the Sec-
12 retary shall conduct an independent, comprehensive,
13 and scientifically sound evaluation, by grant or con-
14 tract and using the highest quality research design
15 available, of the impact of the activities carried out
16 under this section on—

17 “(A) student achievement; and

18 “(B) other areas, as determined by the
19 Secretary.

20 “(2) REPORT.—Not later than 4 years after the
21 date of the enactment of the All Students Achieving
22 through Reform Act of 2010, and biannually there-
23 after, the Secretary shall submit to Congress a re-
24 port on the results of the evaluation described in
25 paragraph (1).

1 “(i) REPORTS.—Each eligible entity receiving a grant
2 under this section shall prepare and submit to the Sec-
3 retary the following:

4 “(1) REPORT.—A report that contains such in-
5 formation as the Secretary may require concerning
6 use of the grant funds by the eligible entity, includ-
7 ing the academic achievement of the students at-
8 tending eligible public charter schools as a result of
9 the grant. Such report shall be submitted before the
10 end of the 4-year period beginning on the date of en-
11 actment of the All Students Achieving through Re-
12 form Act of 2010 and every 2 years thereafter.

13 “(2) PERFORMANCE INFORMATION.—Such per-
14 formance information as the Secretary may require
15 for the national evaluation conducted under sub-
16 section (h)(1).

17 “(j) INAPPLICABILITY.—The provisions of sections
18 5201 through 5209 shall not apply to the program under
19 this section.

20 “(k) DEFINITIONS.—In this section:

21 “(1) ADEQUATE YEARLY PROGRESS.—The term
22 ‘adequate yearly progress’ has the meaning given
23 such term in a State’s plan in accordance with sec-
24 tion 1111(b)(2)(C).

1 “(2) ADMINISTRATIVE TASKS, DISSEMINATION
2 ACTIVITIES, AND OUTREACH.—The term ‘adminis-
3 trative tasks, dissemination activities, and outreach’
4 includes costs and activities associated with—

5 “(A) recruiting and selecting students to
6 attend eligible public charter schools;

7 “(B) outreach to parents of students en-
8 rolled in identified schools or schools with low
9 graduation rates;

10 “(C) providing information to such parents
11 and school officials at such schools regarding el-
12 igible public charter schools receiving subgrants
13 under this section;

14 “(D) necessary oversight of the grant pro-
15 gram under this section; and

16 “(E) initiatives and activities to dissemi-
17 nate the best practices, programs, or strategies
18 learned in eligible public charter schools to
19 other public schools operating in the State
20 where the eligible entity intends to award sub-
21 grants under this section.

22 “(3) CHARTER SCHOOL.—The term ‘charter
23 school’ means—

24 “(A) a charter school, as defined in section
25 5211(1); or

1 “(B) a school that meets the requirements
2 of such section, except for subparagraph (D),
3 and provides prekindergarten or adult education
4 services.

5 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means—

7 “(A) a State educational agency;

8 “(B) an authorized public chartering agen-
9 cy;

10 “(C) a local educational agency that has
11 authorized or is planning to authorize a public
12 charter school; or

13 “(D) an organization that has an organiza-
14 tional mission and record of success supporting
15 the replication and expansion of high-quality
16 charter schools and is—

17 “(i) described in section 501(c)(3) of
18 the Internal Revenue Code of 1986 (26
19 U.S.C. 501(c)(3)); and

20 “(ii) exempt from tax under section
21 501(a) of such Code (26 U.S.C. 501(a)).

22 “(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—
23 The term ‘eligible public charter school’ means a
24 charter school, including a public charter school that
25 is being developed by a developer, that—

1 “(A) has made adequate yearly progress
2 for the last 2 consecutive school years; and

3 “(B) in the case of a public charter school
4 that is a secondary school, has, for the most re-
5 cent school year for which data is available, met
6 or exceeded the graduation rate required by the
7 State in order to make adequate yearly progress
8 for such year.

9 “(6) IDENTIFIED SCHOOL.—The term ‘identi-
10 fied school’ means a school identified for school im-
11 provement, corrective action, or restructuring under
12 paragraph (1), (7), or (8) of section 1116(b).

13 “(7) LOCAL EDUCATIONAL AGENCY.—The term
14 ‘local educational agency’ includes any charter school
15 that is a local educational agency, as determined by
16 State law.

17 “(8) LOW-INCOME STUDENT.—The term ‘low-
18 income student’ means a student eligible for free or
19 reduced price lunches under the Richard B. Russell
20 National School Lunch Act (42 U.S.C. 1751 et
21 seq.).

22 “(9) GRADUATION RATE.—The term ‘gradua-
23 tion rate’ has the meaning given the term in section
24 1111(b)(2)(C)(vi), as clarified in section

1 200.19(b)(1) of title 34, Code of Federal Regula-
2 tions.

3 “(10) SCHOOL YEAR.—The term ‘school year’
4 has the meaning given such term in section 12(d) of
5 the Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1760(d)).

7 “(11) TRADITIONAL PUBLIC SCHOOL.—The
8 term ‘traditional public school’ does not include any
9 charter school, as defined in section 5211.”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Part B
11 of title V of the Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 7221 et seq.) is amended—

13 (1) by striking section 5231; and

14 (2) by inserting before subpart 1 the following:

15 **“SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR**
16 **SUBPARTS 1 AND 2.**

17 “(a) IN GENERAL.—There are authorized to be ap-
18 propriated to carry out subparts 1 and 2, \$700,000,000
19 for fiscal year 2011 and such sums as may be necessary
20 for each of the 5 succeeding fiscal years.

21 “(b) ALLOCATION.—In allocating funds appropriated
22 under this section for any fiscal year, the Secretary shall
23 consider—

1 “(1) the relative need among the programs car-
2 ried out under sections 5202, 5205, 5210, and sub-
3 part 2; and

4 “(2) the quality of the applications submitted
5 for such programs.”.

6 (c) CONFORMING AMENDMENTS.—The Elementary
7 and Secondary Education Act of 1965 (20 U.S.C. 6301
8 et seq.) is amended—

9 (1) in section 2102(2) (20 U.S.C. 6602(2)), by
10 striking “5210” and inserting “5211”;

11 (2) in section 5204(e) (20 U.S.C. 7221c(e)), by
12 striking “5210(1)” and inserting “5211(1)”;

13 (3) in section 5211(1) (as redesignated by sub-
14 section (a)(1)) (20 U.S.C. 7221i(1)), by striking
15 “The term” and inserting “Except as otherwise pro-
16 vided, the term”;

17 (4) in section 5230(1) (20 U.S.C. 7223i(1)), by
18 striking “5210” and inserting “5211”; and

19 (5) in section 5247(1) (20 U.S.C. 7225f(1)), by
20 striking “5210” and inserting “5211”.

21 (d) TABLE OF CONTENTS.—The table of contents of
22 the Elementary and Secondary Education Act of 1965 is
23 amended—

24 (1) by inserting before the item relating to sub-
25 part 1 of part B of title V the following:

“Sec. 5200. Authorization of appropriations for subparts 1 and 2.”;

1 (2) by striking the items relating to sections
2 5210 and 5211; and

3 (3) by inserting after the item relating to sec-
4 tion 5209 the following:

“Sec. 5210. Charter school expansion and replication.
“Sec. 5211. Definitions.”.

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