To amend the school dropout prevention program in the Elementary and Secondary Education Act of 1965.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the school dropout prevention program in the Elementary and Secondary Education Act of 1965.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Early Intervention for Graduation Success Authorization Act of 2011”.

SEC. 2. SCHOOL DROPOUT PREVENTION SHORT TITLE.

Section 1801 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551) is amended to read as follows:
“SEC. 1801. SHORT TITLE.

“This part may be cited as the ‘Early Intervention for Graduation Success Act’.”

SEC. 3. PURPOSE.

Section 1802 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6552) is amended to read as follows:

“SEC. 1802. PURPOSE.

“It is the purpose of this part—

“(1) to provide for effective strategies of early intervention for young children who have risk factors that are strongly associated with not graduating from high school;

“(2) to improve States’, school districts’, early childhood education providers’, educators’, and communities’ capacity to provide effective services to children with such risk factors;

“(3) to prevent such risk factors from becoming intractable; and

“(4) to facilitate high expectations for achievement among our Nation’s young children.”.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 1803 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6553) is amended to read as follows:
SEC. 1803. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

“(1) not more than 5 percent shall be available to carry out subpart 1 for each fiscal year; and

“(2) not less than 95 percent shall be available to carry out subpart 2 for each fiscal year.”.

SEC. 5. DEFINITIONS.

Part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.) is amended by inserting after section 1803 the following:

SEC. 1804. DEFINITIONS.

“In this part:

“(1) EARLY CHILDHOOD EDUCATION PROVIDER.—The term ‘early childhood education provider’ means—

“(A) a program that provides for the care, development, and education of infants, toddlers, or young children ages 5 and younger that—

“(i) meets all applicable State and local government licensing, certification, approval, and registration requirements; and

“(ii) is operated by—
“(I) a program operated by a public school that is supported, sponsored, or administered by the local educational agency;

“(II) a Head Start or Early Head Start agency that receives financial assistance under the Head Start Act;

“(III) a nonprofit or community-based organization; or

“(IV) a child care program that receives funding under the Child Care and Development Block Grant Act of 1990; or

“(B) a consortium of the providers described in subparagraph (A).

“(2) Outcomes data.—The term ‘outcomes data’ means—

“(A) objective and developmentally appropriate measures, if valid, reliable, and available, of—

“(i) kindergarten readiness;

“(ii) reading and numeracy skills;

“(iii) proficiency on State academic performance standards;
“(iv) attendance;
“(v) discipline referrals; and
“(vi) suspensions; and

“(B) other such applicable measures of student success.

“(3) POSTSECONDARY EDUCATION.—The term ‘postsecondary education’ means education and training provided by colleges or job training agencies to students who have graduated or aged out of public K–12 education.

“(4) QUALITY RATING AND IMPROVEMENT SYSTEM.—The term ‘quality rating and improvement system’ means a system of supporting and assessing the quality of early childhood education providers that builds on licensing requirements and other State regulatory standards for such providers that is designed to improve the quality of different types of early childhood education programs and that—

“(A) has a series of levels or tiers leading to nationally recognized high-quality program standards for early childhood education programs;

“(B) addresses staff qualifications, professional development, program standards, family engagement, and program environment;
“(C) provides financial and technical assistance to programs to achieve and sustain higher levels of quality; and

“(D) provides information to families and the public on the rating of programs that is accessible to all families.

“(5) STATE.—The term ‘State’ means the State educational agency.”.

SEC. 6. NATIONAL ACTIVITIES.

Section 1811(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6555(b)) is amended—

(1) in paragraph (1)(B), by striking “eligible schools” and inserting “States and partnerships of local educational agencies and early childhood education providers”;

(2) in paragraph (2), by striking “eligible schools” and inserting “States and partnerships of local educational agencies and early childhood education providers”;

(3) in paragraph (3)—

(A) by striking “school” and inserting “State, local educational agency, or early childhood education provider”; and

(B) by striking “within the eligible school district or nationally” and inserting “among
States, local educational agencies, and early childhood education providers”; and (4) by striking paragraph (4).

SEC. 7. SCHOOL DROPOUT PREVENTION INITIATIVE.

Subpart 2 of part H of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6561 et seq.) is amended to read as follows:

“Subpart 2—School Dropout Prevention Initiative

“SEC. 1821. PROGRAM AUTHORIZED.

“(a) In General.—

“(1) Grants Authorized.—

“(A) In General.—From the amount appropriated under section 1803 for a fiscal year, the Secretary shall award grants, on a competitive basis, to States to support activities as described in this part.

“(B) Duration.—Grants awarded under this section shall be 5 years in duration.

“(2) Priority.—In awarding grants under this section, the Secretary shall give—

“(A) priority to the 10 States that have the lowest averaged freshman graduation rates, as compiled by the National Center for Education Statistics; and
“(B) additional priority, if applicable, to any such State that has 1 or more subgroup of students, as described in section 1111(b)(2)(C)(v)(II), who have the lowest averaged freshman graduation rate in the Nation.

“(b) USE OF GRANT FUNDS.—Grant funds awarded under this subsection shall be used to fund effective, sustainable, and coordinated school dropout prevention activities as described in section 1825.

“SEC. 1822. APPLICATIONS.

“(a) IN GENERAL.—To receive—

“(1) a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

“(2) a subgrant under this subpart, a partnership of a local educational agency or agencies and early childhood education provider or providers shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

“(b) CONTENTS.—Each application submitted under subsection (a) shall—

“(1) include a plan—
“(A) describing the applicant’s strategy for increasing the State educational agency or local educational agency’s averaged freshman graduation rate in accordance with the activities described in section 1825(b) and how the strategies will serve the students who have risk factors for not graduating;

“(B) that addresses how the purpose described in section 1802 will be carried out by the applicant; and

“(C) for assessing the effectiveness of the efforts described in the plan;

“(2) describe a budget and timeline for implementing the strategies;

“(3) contain evidence of coordination with existing resources, including a State Advisory Council on Early Childhood Education and Care established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)) or a similar entity;

“(4) describe how the applicant may use local, State, and other Federal funds for school dropout prevention and reentry programs, or, as appropriate, programs intended to increase students’ readiness for school or academic proficiency;
“(5) describe how the activities conform with evidence-based practices about school dropout prevention; and

“(6) provide an assurance that the grantee will maintain the privacy of student and family data.

“(e) PARTNERSHIPS.—A partnership of a local educational agency and an early childhood education provider (or multiple such agencies or providers) that desires to receive a subgrant under this subpart shall include in its application information on the identity of the partner that will be the fiscal agent and what percentage of subgrant funds will be provided to each member of the partnership to collaborate in planning and providing services to at-risk students with the following entities, as appropriate:

“(1) Community and cultural organizations.

“(2) Relevant tribes and tribal organizations.

“(3) Institutions of higher education (including Tribal Colleges and Universities) and job training providers.

“(4) Parent organizations.

“(5) Social services organizations.

“(6) Organizations that provide service learning, tutoring, mentoring, and other supportive services to youth.

“(7) Homeless and foster youth advocates.
“(8) Advocates for students with disabilities.

“(9) Entities that engage in postsecondary education outreach and support.

“(10) Educational service agencies.

“(11) Organizations that provide professional development.

“(12) Other entities as appropriate and available.

“SEC. 1823. STATE RESERVATION.

“A State that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative costs related to activities described under this subpart.

“SEC. 1824. REPORTING AND ACCOUNTABILITY.

“(a) Partnership Reports.—To receive funds under this subpart for a fiscal year after the first fiscal year that a partnership of a local educational agency and an early childhood education provider receives funds under this subpart, the partnership subgrantee shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and an evaluation of the effectiveness of such activities for students at schools assisted under this subpart to the State, disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II).
“(b) **State Report on Program Activities.**—

Each State receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcomes data for students in schools assisted under this subpart.

“(c) **Accountability.**—The Secretary shall evaluate the effectiveness of the activities assisted under this subpart using rigorous evaluation methodologies, including, if feasible, control group studies. The Secretary may use funds appropriated for subpart 1 to carry out this evaluation.

“(d) **Dissemination.**—The Secretary shall make public and widely disseminate State reports described under subsection (b) and the evaluation described under subsection (c) in a manner that protects the privacy of individuals.

**SEC. 1825. Early Intervention Grants.**

“(a) **In General.**—

“(1) **Renewable Grants.**—

“(A) **Renewing Grants.**—The Secretary shall award grants to States to carry out the activities described in this section. The Secretary may renew such grants for a period of
not more than an additional 5 years for States with satisfactory annual performance reports in each of the preceding 5 years, to expand or improve, or both, the activities described in this section.

“(B) MATCH IN GRANTS THAT HAVE BEEN RENEWED.—A State that receives a grant that has been renewed under subparagraph (A) shall contribute to the activities assisted under such grant matching funds in an amount equal to not less than 50 percent of the amount of the grant. Such matching funds may be provided in cash or in-kind.

“(2) DROPOUT EARLY WARNING SYSTEM.—A State that receives a grant under this section—

“(A) may set aside grant funds, in addition to the State reservation described in section 1823, subject to the Secretary’s approval, to create or expand the database described in subsection (b)(1)(A)(iii); and

“(B) shall provide training and oversight for the implementation of the system described in subparagraph (A) by local educational agencies and other users.

“(3) SUBGRANTS.—
“(A) IN GENERAL.—A State that receives a grant under this section shall award sub-
grants to partnerships of local educational agencies and early childhood education pro-
viders that have high percentages of students with risk factors associated with low graduation rates, as described in subsection (b)(1)(A)(ii)(I).

“(B) PRIORITY.—In awarding subgrants under subparagraph (A), a State may give pri-
ority to partnerships of local educational agen-
cies and early childhood education providers based on the percentage of children served with risk factors associated with low graduation rates and actual low high school graduation rates, as appropriate.

“(C) SIZE OF SUBGRANTS AND ABILITY TO SUSTAIN PROGRAMS.—In awarding subgrants under subparagraph (A), a State shall ensure that—

“(i) the subgrants are of sufficient size so as to allow the subgrantee to plan and implement an effective program; and

“(ii) an entity awarded a subgrant under this paragraph has the capacity to
sustain the program after the Federal grant ends.

“(b) Activities.—

“(1) State activities.—

“(A) Required activities.—A State that receives a grant under this section shall carry out the following:

“(i) Statewide Graduation Success Plan.—The State, if it has not previously done so, shall create and periodically update a research-based Statewide Graduation Success Plan that includes effective strategies to address the factors associated with the risk of not graduating from high school in that State. The plan shall address risk factors associated with children from birth through grade 12. The State shall provide an opportunity for educators, parents, students, tribes, relevant agencies and organizations, and community members to provide comments during the development or updating of the Statewide plan. In developing the Statewide Graduation Success Plan, the State shall coordinate proposed activities with the
State Advisory Council on Early Childhood Education and Care established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)), and shall incorporate plans and recommendations from such Council where appropriate.

“(ii) TECHNICAL ASSISTANCE.—The State shall provide technical assistance to subgrantees, to the extent practicable.

“(iii) STATEWIDE DROPOUT EARLY WARNING SYSTEM.—

“(I) IN GENERAL.—The State shall implement a Statewide Dropout Early Warning System that integrates data elements from other State agencies into an existing State longitudinal data system to identify, ensure services are provided to, and analyze the effectiveness of such services designed to serve children at risk for not graduating from high school, from birth through elementary school, at minimum, who—

“(aa) have a parent who receives assistance under—
“(AA) the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(BB) the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(CC) the Medicaid program under title XIX of the Social Security Act;

“(bb) are homeless or are in foster care;

“(cc) are children with a disability (as defined in section 602 of the Individuals with Disabilities Education Act) or have other cognitive, physical, or emotional disabilities;
“(dd) are children who are limited English proficient;

“(ee) if available, were born to a teen mother who has low educational attainment;

“(ff) have been retained in prekindergarten or retained a grade or more in elementary school;

“(gg) have consistently poor attendance;

“(hh) have low proficiency on statewide reading or mathematics assessments;

“(ii) have preschool expulsion or school suspensions or other measures of school behavior problems;

“(jj) have been denied entry, at the legal age, to kindergarten;

“(kk) are under the supervision of a child services agency due to parental neglect or abuse;

“(ll) have a parent in jail or in substance abuse treatment; or
“(mm) have other indicators appropriate to the State to inform activities undertaken as part of the Statewide Graduation Success Plan.

“(II) ONE DATABASE.—The Statewide Dropout Early Warning System described in subclause (I) shall be housed in 1 database under the control of the State educational agency.

“(III) INFORMATION AVAILABLE.—The information in the Statewide Dropout Early Warning System shall be available to authorized users employed by the State educational agency, the State agency or agencies that administer funds for child care, the State Head Start Director, and, where applicable, the State early learning coordinator, subgrantee partnerships of local educational agencies, and early childhood education providers, and, as necessary, researchers employed by or under contract with
such entities to evaluate the effectiveness of the grants.

“(IV) PRIVACY.—The creation and use of the Statewide Dropout Early Warning System shall be carried out in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).

“(V) PREDICTIONS.—The State shall use the Statewide Dropout Early Warning System to provide data necessary to analyze which risk factors are most predictive of the likelihood of students dropping out of school and analyzing the efficacy of interventions.

“(B) PERMISSIBLE ACTIVITIES.—A State that receives a grant under this section may use the grant funds for any of the following:

“(i) EARLY CHILDHOOD EDUCATOR TUITION ASSISTANCE.—

“(I) IN GENERAL.—The State may provide not more than 50 percent of the cost of attendance per year for
an individual to receive an associate’s
degree or a 4-year degree in early
childhood education to enable such in-
dividual to teach in or be qualified
personnel employed by—

“(aa) a program funded
under the Child Care and Devel-
opment Block Grant Act of 1990
(42 U.S.C. 9858 et seq.);

“(bb) a program funded
under the Head Start Act (42
U.S.C. 9831 et seq.);

“(cc) an infant learning pro-
gram;

“(dd) a program funded
under part C of the Individuals
with Disabilities Education Act;

“(ee) a preschool program
funded by a State or local edu-
cational agency; or

“(ff) a special education
ever childhood certification pro-
gram.

“(II) AGREEMENT TO TEACH IN
EARLY CHILDHOOD PROGRAM.—
“(aa) IN GENERAL.—An individual who receives assistance under subclause (I) shall agree to teach in an early childhood education program for—

“(AA) not less than 3 years if the individual receives an associate’s degree in early childhood education; or

“(BB) not less than 5 years if the individual receives a 4-year degree in early childhood education.

“(bb) DOCUMENTATION.—An individual who receives assistance under subclause (I) shall annually provide documentation to the State showing that such service has been performed. Such notification shall be provided in such form and manner as the State may reasonably require.

“(III) REPAYMENT.—An individual who receives assistance under
subclause (I) and does not complete
the service requirement described in
subclause (II), or who notifies the
State that the individual intends not
to complete such service requirement,
shall repay to the State a pro-rated
amount of such assistance that re-
flects the amount of the service re-
requirement not completed, together
with interest, at a rate specified by
the State in the agreement.

“(IV) WAIVER OR REDUCTION.—
The State may waive or reduce the re-
quirement under subclause (III) if the
State determines that compliance with
such service requirement represents a
substantial hardship—

“(aa) because the individual
is permanently and totally dis-
abled at the time of the waiver
request; or

“(bb) based on documenta-
tion presented of substantial eco-
nomic or personal hardship.
“(V) Supplement not supplant.—Assistance under this clause may not supplant Federal financial aid programs for which the individual is otherwise eligible, including TEACH Grants under subpart 9 of part A of title IV of the Higher Education Act of 1965 or any other Federal loan or grant for which the individual is otherwise eligible.

“(ii) Increase and monitor early childhood program quality.—

“(I) Program quality standards.—The State may—

“(aa) develop and implement a quality rating and improvement system; and

“(bb) provide information obtained pursuant to item (aa) to the public in an easily accessible and understandable format, including in languages spoken by parents within the community.

“(II) Correlating success.—
“(aa) IN GENERAL.—The State may—

“(AA) gather data regarding students’ participation in early childhood education programs and the quality of those programs, and the students’ subsequent level of success in elementary school grades and the quality of such elementary schools; and

“(BB) correlate the data to evaluate the continuum of effectiveness of such programs in preparing students to attain and sustain academic proficiency and, as appropriate, in reducing risk factors associated with dropping out of school.

“(bb) CORRELATION IN CONJUNCTION WITH OTHER SYSTEMS.—The correlation under
item (aa) shall work in conjunction with the early childhood outcomes indicator data systems developed under section 619 and part C of the Individuals with Disabilities Education Act, and, as practicable, a quality rating and improvement system or other systems that the State may have developed to evaluate outcomes for children.

“(iii) P–20 VERTICAL PERFORMANCE STANDARDS ALIGNMENT.—The State may carry out activities directly related to the design and implementation of a progression of aligned performance standards, across all domains of learning, for pre-kindergarten through grade 12 and post-secondary education.

“(iv) EXPAND ACCESS.—The State may expand access to high-quality early childhood education for children most at risk of low proficiency in school.

“(2) PARTNERSHIP ACTIVITIES.—
“(A) Required activities.—A partnership of a local educational agency and an early childhood education provider that receives a subgrant under this section shall carry out both of the following:

“(i) Analyze data from statewide dropout early warning system.—The partnership shall analyze data from the Statewide Dropout Early Warning System relevant to risk factors for non-graduation and use the data to implement research-based, individualized interventions for at-risk students.

“(ii) Individual learning plans.—

“(I) In general.—The partnership shall develop and implement individual learning plans for each at-risk early childhood or elementary school student, which shall include a description of how subgrant program partners will implement services. Such plans shall be updated not less frequently than annually and forwarded to the next school of enrollment.
“(II) Waiver.—A partnership may apply to the State to be considered to have complied with the requirement under subclause (I) by developing and implementing individual learning plans for those students who are most at-risk if funds are not provided to develop and implement thorough and meaningful plans for each student who has a risk factor described in items (aa) through (ll) of paragraph (1)(A)(iii)(I).

“(III) Distinction from IEPS.—Individual learning plans developed under this clause are distinct from individualized education programs developed under the Individuals with Disabilities Education Act.

“(IV) No Entitlement.—The development or implementation of an individual learning plan under this clause does not confer an entitlement to services.

“(B) Choice of Activities.—A partnership of a local educational agency and an early
childhood education provider that receives a subgrant under this section shall carry out at least 1 activity from each of the following sub-sections:

“(i) PROFESSIONAL DEVELOPMENT.—

“(I) Provide teacher mentors for those prekindergarten through elementary school teachers who are in their first 3 years of teaching or who have been recommended for mentoring by their supervisor or principal, and who do not have such mentors.

“(II) Provide effective, researched-based professional development for early childhood teachers, elementary school teachers serving children with disabilities, and program professionals under section 619 or part C of the Individuals with Disabilities Education Act, and elementary school teachers to—

“(aa) provide effective, differentiated instruction;
“(bb) develop or improve family engagement and communication skills and strategies;

“(cc) integrate subjects such as the arts, physical education, and history into reading, writing, and mathematics instruction;

“(dd) use data to inform instruction;

“(ee) implement research-based interventions for at-risk students; and

“(ff) support children’s social, emotional, and physical development.

“(III) Train principals in effective—

“(aa) developmentally appropriate instructional practices and support for teachers and other staff in using such practices;

“(bb) leadership qualities and skills necessary to increase student achievement;
“(ee) early intervention for at-risk children;

“(dd) P–3 curriculum alignment;

“(ee) implementation of effective and ongoing communication and transition between community-based early childhood education providers and school staff; and

“(ff) enhancement of family engagement practices and opportunities.

“(IV) Include staff of partner agencies and specialized instructional support personnel who are involved in implementing the grant in all appropriate training to ensure that all members of the team have all appropriate skills to implement the coordinated program.

“(V) Establish partnerships with institutions of higher education, or other qualified agencies, to conduct professional development or induction
programs focused on increasing classroom teachers’ ability to use multiple types of assessments to individualize instruction for students with disabilities.

“(ii) Community integration and support services.—

“(I) Integrate community student support services, such as before- and after-school programs, health and wellness programs, social services, family engagement and communication activities, counseling, anti-bullying programs, community assets development, social-emotional learning programs, and transportation to break down barriers to individual student success.

“(II) Provide research-based parent training, involvement, and engagement activities.

“(III) Hire a culturally competent liaison for each partner school or program to coordinate communication and integrated, individualized
services to the families of all at-risk students.

“(IV) Engage educators, families, community organizations, tribes and tribal organizations, businesses, faith communities, and students in building sustainable networks of community engagement and school improvement.

“(V) Keep schools open before and after school hours, on school holidays and during the summer for organized, safe, and engaging activities designed to increase academic proficiency, improve school climate, and improve students’ health and wellness.

“(iii) HIGH EXPECTATIONS AND SUPPORT FOR ACADEMIC ACHIEVEMENT.—

“(I) Reinforce high expectations and goal setting by introducing students, in an age-appropriate way, to professions and trades, expanding access to age-appropriate career and technical education, and exposing students to institutions of higher edu-
cation and Federal student aid options.

“(II) Provide research-based, effective on-site tutoring and enrichment opportunities to at-risk students.

“(III) Improve school climate, promote social-emotional learning, and increase school connectedness.

“(IV) Ensure that curriculum is aligned to State standards, is relevant to the needs and interests of students, and promotes high expectations.

“(V) Implement research-based activities designed to increase the literacy, numeracy, and self-regulation skills of preschool and elementary school children.

“(c) EVALUATIONS.—

“(1) PARTNERSHIP EVALUATIONS.—

“(A) IN GENERAL.—Each State shall use outcomes data to evaluate each partnership subgrantee to which it awards a subgrant under this section to determine the effectiveness of the program funded under this part. Such evaluation shall include an analysis of activities that
are most and least effective in keeping students on track to graduate.

“(B) Evaluations to the Secretary.—

Each State shall send a report on the evaluations conducted under subparagraph (A) to the Secretary.

“(2) State evaluations.—The Secretary shall evaluate the effectiveness of programs implemented by each State to which it awards a grant under this section.

“(3) Reports to Congress.—

“(A) In general.—The Secretary shall provide an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives that—

“(i) describes the activities carried out by States awarded grants under this section; and

“(ii) provides an analysis of which interventions are most and least effective in ensuring that students remain on track to graduate on time from high school.
“(B) Dissemination.—The Secretary shall disseminate the reports described in sub-paragraph (A) to all States and to the public through the website of the Department.”.