To provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

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

A BILL

To provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Race to the Top Act of 2011”.

SEC. 2. RACE TO THE TOP.

(a) IN GENERAL.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 6301 and 6302 as sections 6401 and 6402, respectively; and

(3) by inserting after part B the following:

“PART C—RACE TO THE TOP

“SEC. 6301. PURPOSES.

“The purposes of this part are to—

“(1) provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

“(A) significant improvements in outcomes for all students, including improvements in student achievement, secondary school graduation rates, postsecondary education enrollment rates, and rates of postsecondary education persistence; and

“(B) significant reductions in achievement gaps among subgroups of students; and

“(2) encourage the broad identification, adoption, use, dissemination, replication, and expansion of effective State and local policies and practices...
that lead to significant improvement in outcomes for all students, and the elimination of those policies and practices that are not effective in improving student outcomes.

“SEC. 6302. RESERVATION OF FUNDS.

“(a) RESERVATION.—From the amount made available to carry out this part for a fiscal year, the Secretary may reserve not more than 10 percent of such amount to carry out activities related to—

“(1) technical assistance;

“(2) outreach and dissemination; and


“(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds for prize awards under subsection (a)(3) shall remain available until expended.

“SEC. 6303. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—From the amounts made available under section 6308 for a fiscal year and not reserved under section 6302, the Secretary shall award grants, on a competitive basis, to States or local educational agencies, or both, in accordance with section 6304(b), to enable the States or local educational agencies to carry out the purposes of this part.
“(b) GRANT AND SUBGRANT ELIGIBILITY LIMITATIONS.—

“(1) ARRA state incentive grants.—A State that has received a grant under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 283) may not receive a grant under this part during the period of its grant under such section.

“(2) NUMBER OF GRANTS.—A State or local educational agency may not receive more than 1 grant under this part per grant period.

“(3) NUMBER OF SUBGRANTS.—A local educational agency may receive 1 grant and 1 subgrant under this part for the same fiscal year.

“(c) DURATION OF GRANTS.—

“(1) IN GENERAL.—A grant under this part shall be awarded for a period of not more than 4 years.

“(2) CONTINUATION OF GRANTS.—A State or local educational agency that is awarded a grant under this part shall not receive grant funds under this part for the second or any subsequent year of the grant unless the State or local educational agency demonstrates to the Secretary, at such time and in such manner as determined by the Secretary, that
the State or local educational agency, respectively,
is—

“(A) making progress in implementing the plan under section 6304(a)(3) at a rate that the Secretary determines will result in the State or agency fully implementing such plan during the remainder of the grant period; or

“(B) making progress against the performance measures set forth in section 6305 at a rate that the Secretary determines will result in the State or agency reaching its targets and achieving the objectives of the grant during the remainder of the grant period.

“SEC. 6304. APPLICATIONS.

“(a) APPLICATIONS.—Each State or local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

“(1) documentation of the applicant’s record, as applicable—

“(A) in increasing student achievement, including for all subgroups described in section 1111(b)(2)(C)(v)(II);
“(B) in decreasing achievement gaps, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

“(C) in increasing secondary school graduation rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

“(D) in increasing postsecondary education enrollment and persistence rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II); and

“(E) with respect to any other performance measure described in section 6305 that is not included in subparagraphs (A) through (D);

“(2) evidence of conditions of innovation and reform that the applicant has established and the applicant’s proposed plan for implementing additional conditions for innovation and reform, including—

“(A) a description of how the applicant has identified and eliminated ineffective practices in the past and the applicant’s plan for doing so in the future;

“(B) a description of how the applicant has identified and promoted effective practices
in the past and the applicant’s plan for doing so in the future; and

“(C) steps the applicant has taken and will take to eliminate statutory, regulatory, procedural, or other barriers and to facilitate the full implementation of the proposed plan under this paragraph;

“(3) a comprehensive and coherent plan for using funds under this part, and other Federal, State, and local funds, to improve the applicant’s performance on the measures described in section 6305, consistent with criteria set forth by the Secretary, including how the applicant will, if applicable—

“(A) improve the effectiveness of teachers and school leaders, and promote equity in the distribution of effective teachers and school leaders, in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children;

“(B) strengthen the use of high-quality and timely data to improve instructional practices, policies, and student outcomes, including teacher evaluations;
“(C) implement internationally benchmarked, college- and career-ready elementary and secondary academic standards, including in the areas of assessment, instructional materials, professional development, and strategies that translate the standards into classroom practice;

“(D) turn around the persistently lowest-achieving elementary schools and secondary schools served by the applicant;

“(E) support or coordinate with early learning programs for high-need children from birth through grade 3 to improve school readiness and ensure that students complete grade 3 on track for school success; and

“(F) create or maintain successful conditions for high-performing charter schools and other innovative, autonomous public schools;

“(4)(A) in the case of an applicant that is a State—

“(i) evidence of collaboration between the State, its local educational agencies, schools (as appropriate), parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the com-
mitment and capacity to implement the plan; and

“(ii)(I) the names of the local educational agencies the State has selected to participate in carrying out the plan; or

“(II) a description of how the State will select local educational agencies to participate in carrying out the plan; or

“(B) in the case of an applicant that is a local educational agency, evidence of collaboration between the local educational agency, schools, parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan;

“(5) the applicant’s annual performance measures and targets, consistent with the requirements of section 6305; and

“(6) a description of the applicant’s plan to conduct a rigorous evaluation of the effectiveness of activities carried out with funds under this part.

“(b) CRITERIA FOR EVALUATING APPLICATIONS.—

“(1) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis, based
on the quality of the applications submitted under subsection (a), including—

“(A) each applicant’s record in the areas described in subsection (a)(1);

“(B) each applicant’s record of, and commitment to, establishing conditions for innovation and reform, as described in subsection (a)(2);

“(C) the quality and likelihood of success of each applicant’s plan described in subsection (a)(3) in showing improvement in the areas described in subsection (a)(1), including each applicant’s capacity to implement the plan and evidence of collaboration as described in subsection (a)(4); and

“(D) each applicant’s evaluation plan as described in subsection (a)(6).

“(2) EXPLANATION.—The Secretary shall publish an explanation of how the application review process under this section will ensure an equitable and objective evaluation based on the criteria described in paragraph (1).

“(c) PRIORITY.—In awarding grants to local educational agencies under this part, the Secretary shall give priority to—
“(1) local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line; and

“(2) local educational agencies that serve schools designated with a school locale code of 41, 42, or 43.

“SEC. 6305. PERFORMANCE MEASURES.

“Each State and each local educational agency receiving a grant under this part shall establish performance measures and targets, approved by the Secretary, for the programs and activities carried out under this part. These measures shall, at a minimum, track the State’s or local educational agency’s progress in—

“(1) implementing its plan described in section 6304(a)(3); and

“(2) improving outcomes for all subgroups described in section 1111(b)(2)(C)(v)(II) including, as applicable, by—

“(A) increasing student achievement;

“(B) decreasing achievement gaps;

“(C) increasing secondary school graduation rates;

“(D) increasing postsecondary education enrollment and persistence rates;
“(E)(i) improving the effectiveness of teachers and school leaders and increasing the retention of effective teachers and school leaders; and

“(ii) promoting equity in the distribution of effective teachers and school leaders in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children; and

“(F) making progress on any other measures identified by the Secretary.

“SEC. 6306. USES OF FUNDS.

“(a) GRANTS TO STATES.—Each State that receives a grant under this part shall use—

“(1) not less than 50 percent of the grant funds to make subgrants to the local educational agencies in the State that participate in the State’s plan under section 6304(a)(3), based on such local educational agencies’ relative shares of funds under part A of title I for the most recent year for which those data are available; and

“(2) not more than 50 percent of the grant funds for any purpose included in the State’s plan under section 6304(a)(3).
“(b) Grants to Local Educational Agencies.—

Each local educational agency that receives a grant under this part shall use the grant funds for any purpose included in the local educational agency’s plan under section 6304(a)(3).

“(c) Subgrants to Local Educational Agencies.—Each local educational agency that receives a subgrant under this part from a State shall use the subgrant funds for any purpose included in the State’s plan under section 6304(a)(3).

“SEC. 6307. REPORTING.

“(a) Annual Reports.—A State or local educational agency that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report including—

“(1) data on the State’s or local educational agency’s progress in achieving the targets for the performance measures established under section 6305;

“(2) a description of the challenges the State or agency has faced in implementing its program and how it has addressed or plans to address those challenges; and
“(3) findings from the evaluation plan as described in section 6304(a)(6).

“(b) LOCAL REPORTS.—Each local educational agency that receives a subgrant from a State under this part shall submit to the State such information as the State may require to complete the annual report required under subsection (a).

“SEC. 6308. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $1,350,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

(b) CONFORMING AMENDMENTS.—The table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by striking the items relating to part C of title VI; and

(2) by inserting after the item relating to section 6234 the following:

“PART C—RACE TO THE TOP

“PART D—GENERAL PROVISIONS
“Sec. 6401. Prohibition against Federal mandates, direction, or control.
“Sec. 6402. Rule of construction on equalized spending.”.