

112TH CONGRESS  
1ST SESSION

# S. 895

To amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2011

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

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

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 “Investing in Innovation  
5 for Education Act of 2011”.

6 **SEC. 2. INVESTING IN INNOVATION.**

7 (a) IN GENERAL.—Title IV of the Elementary and  
8 Secondary Education Act of 1965 (20 U.S.C. 7101 et  
9 seq.) is amended by adding at the end the following:

1           **“PART D—INVESTING IN INNOVATION**

2   **“SEC. 4401. PURPOSES.**

3           “The purposes of this part are to—

4                   “(1) fund the identification, development, eval-  
5           uation, and expansion of innovative, evidence-based  
6           practices, programs, and strategies in order to sig-  
7           nificantly—

8                   “(A) increase student academic achieve-  
9           ment and decrease achievement gaps;

10                   “(B) increase high school graduation rates;

11                   “(C) increase college enrollment rates and  
12           rates of college persistence;

13                   “(D) improve teacher and school leader ef-  
14           fectiveness; and

15                   “(E) increase the identification of innova-  
16           tive educational strategies in rural areas; and

17                   “(2) support the rapid development, expansion,  
18           and adoption of tools and resources that improve the  
19           efficiency, effectiveness, or pace of adoption of such  
20           educational practices, programs, and strategies.

21   **“SEC. 4402. NATIONAL ACTIVITIES.**

22           “The Secretary may reserve not more than 10 per-  
23   cent of the funds appropriated under section 4408 for  
24   each fiscal year to carry out activities of national signifi-  
25   cance, which activities may include—

26                   “(1) capacity building;

1           “(2) technical assistance, including to appli-  
2 cants from rural areas;

3           “(3) pre-application workshops and web-based  
4 seminars for potential applicants, including appli-  
5 cants from rural areas;

6           “(4) the recruitment of peer-reviewers, includ-  
7 ing individuals with a background in rural edu-  
8 cation, to participate in the review of applications  
9 submitted under section 4404;

10           “(5) dissemination of best practices developed  
11 with grant funds provided under this part, including  
12 best practices developed with grant funds in rural  
13 areas;

14           “(6) carrying out prize awards consistent with  
15 section 24 of the Stevenson-Wydler Technology In-  
16 novation Act of 1980 (15 U.S.C. 3719); and

17           “(7) entering into partnerships with other agen-  
18 cies, nonprofits, and the private sector to carry out  
19 advanced research and development activities, in-  
20 cluding research and activities in rural areas.

21 **“SEC. 4403. PROGRAM AUTHORIZED; LENGTH OF GRANTS;**

22 **PRIORITIES.**

23           “(a) PROGRAM AUTHORIZATION.—The Secretary  
24 shall use funds made available to carry out this part to  
25 award grants, on a competitive basis, to local educational

1 agencies, educational service agencies, and nonprofit orga-  
2 nizations that propose to provide support to 1 or more  
3 public schools or local educational agencies, or both, con-  
4 sistent with section 4405.

5 “(b) DURATION OF GRANTS.—The Secretary shall  
6 award grants under this part for a period of not more  
7 than 3 years, and may extend such grants for an addi-  
8 tional 2-year period if the grantee demonstrates to the  
9 Secretary that it is making significant progress on the pro-  
10 gram performance measures identified in section 4406.

11 “(c) RURAL AREAS.—The Secretary shall ensure that  
12 not less than 25 percent of the funds awarded under sub-  
13 section (a) for any fiscal year are for projects that meet  
14 both of the following requirements:

15 “(1) The grantee is—

16 “(A) a local educational agency with an  
17 urban-centric district locale code of 32, 33, 41,  
18 42, or 43, as determined by the Secretary;

19 “(B) a consortium of such local edu-  
20 cational agencies; or

21 “(C) an educational service agency or a  
22 nonprofit organization with demonstrated ex-  
23 pertise in serving students from rural areas.

24 “(2) A majority of the schools to be served by  
25 the project are designated with a school locale code

1 of 41, 42, or 43, or a combination of such codes, as  
2 determined by the Secretary.

3 “(d) PRIORITIES.—In awarding grants under this  
4 part, the Secretary may give priority to an eligible entity  
5 that includes, in its application under section 4404, a plan  
6 to—

7 “(1) improve early learning outcomes;

8 “(2) support college access and success;

9 “(3) support family and community engage-  
10 ment;

11 “(4) address the unique learning needs of stu-  
12 dents with disabilities or English language learners;

13 “(5) support the effective use of education tech-  
14 nology to improve teaching and learning;

15 “(6) improve the teaching and learning of  
16 science, technology, engineering, or mathematics; or

17 “(7) serve schools in rural local educational  
18 agencies.

19 “(e) STANDARDS OF EVIDENCE.—The Secretary  
20 shall set standards for the quality of evidence that an ap-  
21 plicant shall provide in order to demonstrate that the ac-  
22 tivities the applicant proposes to carry out with funds  
23 under this part are likely to succeed in improving student  
24 outcomes or outcomes on other performance measures.  
25 These standards may include any of the following:

1           “(1) Strong evidence that the activities pro-  
2           posed by the applicant will have a statistically sig-  
3           nificant effect on student academic achievement, stu-  
4           dent growth, or outcomes on other performance  
5           measures.

6           “(2) Moderate evidence that the activities pro-  
7           posed by the applicant will improve student aca-  
8           demic achievement, student growth, or outcomes on  
9           other performance measures.

10           “(3) A rationale based on research findings or  
11           a reasonable hypothesis that the activities proposed  
12           by the applicant will improve student academic  
13           achievement, student growth, or outcomes on other  
14           performance measures.

15 **“SEC. 4404. APPLICATIONS.**

16           “(a) APPLICATIONS.—

17           “(1) IN GENERAL.—Each local educational  
18           agency, educational service agency, or nonprofit or-  
19           ganization that desires to receive a grant under this  
20           part shall submit an application to the Secretary at  
21           such time, in such manner, and containing such in-  
22           formation as the Secretary may reasonably require.

23           “(2) REASONABLE PERIOD OF TIME.—The Sec-  
24           retary shall ensure that prospective applicants are

1 provided a reasonable period of time in which to pre-  
2 pare and submit their applications.

3 “(b) CONTENTS.—At a minimum, each application  
4 shall—

5 “(1) describe the project for which the appli-  
6 cant is seeking a grant and how the evidence sup-  
7 porting that project meets the standards of evidence  
8 established by the Secretary under section 4403(e);

9 “(2) describe how the applicant will address at  
10 least 1 of the areas described in section 4405(a)(1);

11 “(3) provide an estimate of the number of stu-  
12 dents that the applicant plans to serve under the  
13 proposed project, including the percentage of those  
14 students who are from low-income families, and the  
15 number of students to be served through additional  
16 expansion after the grant ends;

17 “(4) demonstrate that the applicant has estab-  
18 lished 1 or more partnerships with private organiza-  
19 tions, nonprofit organizations, or community-based  
20 organizations, and that the partner or partners will  
21 provide matching funds, except that the Secretary  
22 may waive the matching funds requirement, on a  
23 case-by-case, upon a showing of exceptional cir-  
24 cumstances, such as the difficulty of raising match-  
25 ing funds for a project to serve a rural area;

1           “(5) describe the applicant’s plan for continuing  
2 the proposed project after funding under this part  
3 ends;

4           “(6) if the applicant is a local educational agen-  
5 cy—

6                 “(A) document the local educational agen-  
7 cy’s record during the previous 3 years in—

8                         “(i) increasing student achievement,  
9 including achievement for each subgroup  
10 described in section 1111(b)(2)(C)(v); and

11                         “(ii) decreasing achievement gaps;  
12 and

13                 “(B) demonstrate how the local edu-  
14 cational agency has made significant improve-  
15 ments in other outcomes, as applicable, on the  
16 performance measures described in section  
17 4406;

18           “(7) if the applicant is a nonprofit organiza-  
19 tion—

20                 “(A) provide evidence that the nonprofit  
21 organization has helped at least 1 school or  
22 local educational agency, during the previous 3  
23 years, significantly—



1           “(i) increase student achievement, in-  
2           cluding achievement for each subgroup de-  
3           scribed in section 1111(b)(2)(C)(v); and

4           “(ii) reduce achievement gaps; and

5           “(B) describe how the nonprofit organiza-  
6           tion has helped at least 1 school or local edu-  
7           cational agency make a significant improve-  
8           ment, as applicable, in other outcomes on the  
9           performance measures described in section  
10          4406;

11          “(8) if the applicant is an educational service  
12          agency—

13           “(A) provide evidence that the agency has  
14           helped at least 1 school or local educational  
15           agency, during the previous 3 years, signifi-  
16           cantly—

17           “(i) increase student achievement, in-  
18           cluding achievement for each subgroup de-  
19           scribed in section 1111(b)(2)(C)(v); and

20           “(ii) reduce achievement gaps; and

21           “(B) describe how the agency has helped  
22           at least 1 school or local educational agency  
23           make a significant improvement, as applicable,  
24           in other outcomes on the performance measures  
25           described in section 4406;

1           “(9) provide a description of the applicant’s  
2           plan for independently evaluating the effectiveness of  
3           activities carried out with funds under this part;

4           “(10) provide an assurance that the applicant  
5           will—

6                   “(A) cooperate with cross-cutting evalua-  
7                   tions;

8                   “(B) make evaluation data available to  
9                   third parties for validation and further study;  
10                  and

11                  “(C) participate in communities of prac-  
12                  tice; and

13           “(11) if the applicant is a nonprofit organiza-  
14           tion that intends to make subgrants, consistent with  
15           section 4405(b), provide an assurance that the appli-  
16           cant will apply paragraphs (1) through (10), as ap-  
17           propriate, in the applicant’s selection of subgrantees  
18           and in its oversight of those subgrants.

19           “(c) CRITERIA FOR EVALUATING APPLICATIONS.—  
20           The Secretary shall award grants under this part on a  
21           competitive basis, based on the quality of the applications  
22           submitted and, consistent with the standards established  
23           under section 4403(e), each applicant’s likelihood of  
24           achieving success in improving student outcomes or out-  
25           comes on other performance measures.

1 **“SEC. 4405. USES OF FUNDS.**

2 “(a) USES OF FUNDS.—Each local educational agen-  
3 cy, educational service agency, or nonprofit organization  
4 that receives a grant under this part—

5 “(1) shall use the grant funds to address, at a  
6 minimum, 1 of the following areas of school innova-  
7 tions:

8 “(A) Improving the effectiveness of teach-  
9 ers and school leaders and promoting equity in  
10 the distribution of effective teachers and school  
11 leaders.

12 “(B) Strengthening the use of data to im-  
13 prove teaching and learning.

14 “(C) Providing high-quality instruction  
15 based on rigorous standards that build toward  
16 college and career readiness and measuring stu-  
17 dents’ mastery using high-quality assessments  
18 aligned to those standards.

19 “(D) Turning around the lowest-per-  
20 forming schools.

21 “(E) Any other area of school innovation,  
22 as determined by the Secretary;

23 “(2) shall use those funds to develop or expand  
24 strategies to improve the performance of high-need  
25 students on the performance measures described in  
26 section 4406; and

1           “(3) may use the grant funds for an inde-  
2           pendent evaluation, as required by section  
3           4404(b)(9), of the innovative practices carried out  
4           with the grant.

5           “(b) **AUTHORITY TO SUBGRANT.**—A nonprofit orga-  
6           nization that receives a grant under this part may use the  
7           grant funds to make subgrants to other entities to provide  
8           support to 1 or more schools or local educational agencies.  
9           Any such entity shall comply with the requirements of this  
10          part relating to grantees, as appropriate.

11          **“SEC. 4406. PERFORMANCE MEASURES.**

12          “The Secretary shall establish performance measures  
13          for the programs and activities carried out under this part.  
14          These measures, at a minimum, shall track the grantee’s  
15          progress in—

16                 “(1) improving outcomes for each subgroup de-  
17                 scribed in section 1111(b)(2)(C)(v) that is served by  
18                 the grantee on measures, including, as applicable,  
19                 by—

20                         “(A) increasing student achievement and  
21                         decreasing achievement gaps;

22                         “(B) increasing high school graduation  
23                         rates;

24                         “(C) increasing college enrollment rates  
25                         and rates of college persistence;

1           “(D) improving teacher and school leader  
2 effectiveness;

3           “(E) improving school readiness; and

4           “(F) any other indicator as the Secretary  
5 or grantee may determine; and

6           “(2) implementing its project in rural schools,  
7 as applicable.

8 **“SEC. 4407. REPORTING; ANNUAL REPORT.**

9           “A local educational agency, educational service agen-  
10 cy, or nonprofit organization that receives a grant under  
11 this part shall submit to the Secretary, at such time and  
12 in such manner as the Secretary may require, an annual  
13 report that includes, among other things, information on  
14 the applicant’s progress on the performance measures es-  
15 tablished under section 4406, and the data supporting  
16 that progress.

17 **“SEC. 4408. AUTHORIZATION OF APPROPRIATIONS.**

18           “There are authorized to be appropriated to carry out  
19 this part \$500,000,000 for fiscal year 2012 and such sums  
20 as may be necessary for each of the 5 succeeding fiscal  
21 years.”.

22           (b) TABLE OF CONTENTS.—The table of contents in  
23 section 2 of the Elementary and Secondary Education Act  
24 of 1965 is amended by inserting after the item relating  
25 to section 4304 the following:

“PART D—INVESTING IN INNOVATION

- “Sec. 4401. Purposes.
- “Sec. 4402. National activities.
- “Sec. 4403. Program authorized; length of grants; priorities.
- “Sec. 4404. Applications.
- “Sec. 4405. Uses of funds.
- “Sec. 4406. Performance measures.
- “Sec. 4407. Reporting; annual report.
- “Sec. 4408. Authorization of appropriations.”.

