

S. 664

To establish tutoring assistance programs to help children learn to read well.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 1997

Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. CLELAND, Mr. INOUE, Mr. GLENN, Mr. DODD, Mr. WELLSTONE, Mr. KERRY, Mr. SARBANES, Mr. DASCHLE, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To establish tutoring assistance programs to help children learn to read well.

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

3 TITLE I—AMERICA READS CHALLENGE ACT

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6 follows:

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FINDINGS

(1) While students today generally read as well as students of previous generations, however, 40 percent of America's fourth graders are performing below the basic level on the National Assessment of Educational Progress (NAEP). This reading performance is not adequate to prepare these students to meet the complexity of the jobs they will have and the society in which they will live.

(2) Problems in reading performance of young children exist in States and communities throughout

1 the country, including urban and rural locations. Re-
2 search shows that children who cannot read well and
3 independently by the end of third grade are ham-
4 pered at the start of their education—and for the
5 rest of their lives—and have a greater likelihood of
6 dropping out and of increased delinquent behaviors.

7 (3) Reading is a skill that is developed not only
8 in the classroom, but also outside of school and in
9 the home. While communities must work with teach-
10 ers, libraries, and principals to strengthen in-school
11 reading programs, all Americans can play a role in
12 helping young children learn to read.

13 (4) As their children's first teachers, parents
14 can give their children the firm foundation they need
15 to do well in school by, for example, reading to their
16 children 30 minutes each day from infancy onward,
17 talking with their children, reducing TV watching,
18 getting their children library cards and using them
19 regularly, and seeking the support they may need to
20 help their children learn to read.

21 (5) Research underscores the importance of
22 one-on-one tutoring in helping students improve
23 their reading ability. Effective tutoring programs
24 typically rely on trained tutors who provide reading
25 help, on a regular basis outside of school hours, to

1 young children who are behind in reading. Effective
 2 programs often use funds for reading specialists and
 3 program coordinators, are linked with in-school
 4 reading programs, and support the active involve-
 5 ment of parents.

6 (6) When appropriately trained, concerned indi-
 7 viduals from all walks of life—from libraries,
 8 schools, community-based organizations, religious or-
 9 ganizations, colleges and universities, businesses and
 10 other employers, labor organizations, senior citizens
 11 groups, parent associations, youth and civic groups,
 12 and literacy coalitions—can serve as reading tutors
 13 for young children to support their reading success.

14 (7) Early efforts to teach reading are particu-
 15 larly important to children from language minority
 16 backgrounds. Data from the National Assessment of
 17 Educational Progress indicate that a large gap in
 18 reading achievement between students from non-
 19 English backgrounds and the general population is
 20 present by the early grades and persists through
 21 high school.

22 PURPOSE

23 SEC. 103. (a) PURPOSE.—The purpose of this Act
 24 is to help all children read well and independently by the
 25 end of the third grade so that they can succeed in school,
 26 later in the workplace, and in life. This Act assists in

1 achieving that purpose primarily by providing joint finan-
2 cial support from the Department of Education and the
3 Corporation for National and Community Service for ef-
4 fective local reading programs for preschool-aged children
5 and children attending both public and private schools.

6 (b) LOCAL READING PROGRAM.—As used in this Act,
7 a “local reading program” is a program that—

8 (1) helps children read well and independently
9 by the end of the third grade;

10 (2) serves an area with a high number or per-
11 centage of children from low-income families or with
12 the greatest need for reading assistance;

13 (3) recruits, and provides appropriate and effec-
14 tive training for, tutors for after-school, weekend, or
15 summer reading programs, or for other proven read-
16 ing programs, for children from preschool through
17 fourth grade.

18 (4) uses qualified and trained individuals, such
19 as program coordinators to organize and supervise
20 the program and reading specialists who can train
21 participating tutors to effectively supplement the in-
22 school reading program;

23 (5) ensures that all program personnel are
24 screened to meet State and local safety standards;

(6) builds on and supports the in-school reading programs for the children being served, and maintains regular communication between program staff and school personnel;

(7) makes parental involvement and support a high priority, and is coordinated with early-childhood and family-literacy programs, such as Head Start and Even Start programs, and with related programs carried out under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(8) provides information to the public about the program's strategies for, and progress in, helping children read well and independently by the end of the third grade.

DEFINITIONS

SEC. 104. As used in this Act, the following terms have the following meanings:

(1) CHIEF EXECUTIVE OFFICER.—The term “Chief Executive Officer” means the Chief Executive Officer of the Corporation for National and Community Service.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

1 (3) LOCAL EDUCATIONAL AGENCY.—The term
 2 “local educational agency” has the meaning given
 3 that term in section 14101(18) (A) and (B) of the
 4 Elementary and Secondary Education Act of 1965
 5 (20 U.S.C. 8801(18) (A) and (B)).

6 (4) NATIONAL SERVICE LAWS.—The term “na-
 7 tional service laws” means the National and Com-
 8 munity Service Act of 1990 (42 U.S.C. 12501 et
 9 seq.) and the Domestic Volunteer Service Act of
 10 1973 (42 U.S.C. 4950 et seq.).

11 (5) READING SPECIALIST.—The term “reading
 12 specialist” means an individual with advanced train-
 13 ing in reading who is licensed or certified to teach
 14 reading by the State in which the individual will
 15 serve a local reading program.

16 (6) SECRETARY.—The term “Secretary” means
 17 the Secretary of Education.

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

21 (8) STATE COMMISSION ON NATIONAL AND
 22 COMMUNITY SERVICE.—The term “State Commis-
 23 sion on National and Community Service” means
 24 the State Commission described in section 178 of
 25 the National and Community Service Act of 1990

1 (42 U.S.C. 12638), including any alternative admin-
 2 istrative entity approved by the Chief Executive Offi-
 3 cer under subsection (a)(2) of that section.

4 (9) STATE EDUCATIONAL AGENCY.—The term
 5 “State educational agency” has the meaning given
 6 that term in section 14101(28) of the Elementary
 7 and Secondary Education Act of 1965 (20 U.S.C.
 8 8801(28)).

9 FUNDS APPROPRIATED; FUNDS CONTRIBUTED BY
 10 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
 11 SEC. 105. (a) FUNDS APPROPRIATED TO THE SEC-
 12 RETARY OF EDUCATION.—(1) For the purpose of carrying
 13 out this Act jointly with the Chief Executive Officer, there
 14 are appropriated to the Secretary of Education, from
 15 funds not otherwise appropriated, \$260,000,000 for the
 16 fiscal year 1998, \$290,000,000 for the fiscal year 1999,
 17 \$335,000,000 for the fiscal year 2000, \$380,000,000 for
 18 the fiscal year 2001, and \$460,000,000 for the fiscal year
 19 2002.

20 (2) Of the funds appropriated by paragraph (1) for
 21 any fiscal year, the Secretary may reserve not more than
 22 five percent, but not to exceed \$15,000,000, for supportive
 23 activities under part 4 of this title.

24 (b) CORPORATION FOR NATIONAL AND COMMUNITY
 25 SERVICE.—(1) From the amounts appropriated to carry
 26 out the national service laws for each of the fiscal years

1 1998 through 2002, the full amount that exceeds the
 2 amount of the fiscal year 1997 appropriation, up to
 3 \$200,000,000 will be available in each such fiscal year to
 4 the Chief Executive Officer of the Corporation for Na-
 5 tional and Community Service only to carry out this Act
 6 jointly with the Secretary.

7 (2) Of the funds available under paragraph (1), the
 8 Chief Executive Officer may reserve not more than five
 9 percent for supportive activities under part 4 of this title.

10 (c) CARRY-OVER OF FUNDS.—The Secretary and the
 11 Chief Executive Officer may carry over, for one additional
 12 fiscal year, any funds described in subsection (a) or sub-
 13 section (b) that remain available at the end of the fiscal
 14 year for which they were appropriated.

15 PART 2—GRANTS TO STATES

16 FUNDS AVAILABLE

17 SEC. 111. (a) DEPARTMENT OF EDUCATION.—From
 18 the sums appropriated by section 105(a)(1), the Secretary
 19 shall make available not less than \$197,000,000 for the
 20 fiscal year 1998, \$225,500,000 for the fiscal year 1999,
 21 \$270,000,000 for the fiscal year 2000, \$315,000,000 for
 22 the fiscal year 2001, and \$395,000,000 for the fiscal year
 23 2002 to carry out this part.

24 (b) CORPORATION.—For any fiscal year, the Chief
 25 Executive Officer shall make available, to carry out this

1 part, at least 70 percent, but not more than 75 percent,
 2 of the sums available under section 105(b)(1). The sums
 3 made available under this subsection include amounts nec-
 4 essary for education awards for national service partici-
 5 pants to be deposited in the National Service Trust.

6 DISTRIBUTION OF FUNDS

7 SEC. 112. (a) RESERVATION FOR INDIAN TRIBES
 8 AND THE OUTLYING AREAS.—The Secretary and the
 9 Chief Executive Officer shall reserve up to one percent of
 10 the funds described in section 111(a) and 111(b), respec-
 11 tively, jointly to make grants to Indian tribes and to
 12 American Samoa, Guam, the Virgin Islands, and the Com-
 13 monwealth of the Northern Mariana Islands, to carry out
 14 activities that the Secretary and the Chief Executive Offi-
 15 cer jointly approve, subject to conditions they establish,
 16 consistent with the purpose of this Act, in consultation
 17 with the Secretary of the Interior.

18 (b) AWARDS TO STATES.—After reserving funds
 19 under subsection (a), the Secretary and the Chief Execu-
 20 tive Officer shall—

21 (1) allocate 70 percent of the funds available
 22 under section 111 (a) and (b), respectively, among
 23 the States in accordance with the relative amounts
 24 they received under part A of title I of the Elemen-
 25 tary and Secondary Education Act of 1965 (20

1 U.S.C. 6311 et seq.) for the preceding fiscal year;
2 and

3 (2) distribute the remaining 30 percent of those
4 funds among some or all of the States on the basis
5 of the quality of their applications submitted under
6 section 113, as determined by the Secretary and the
7 Chief Executive Officer, and the extent to which the
8 State has mobilized a broad base of local and state-
9 wide organizations to help many more children read
10 well and independently, and has adopted a promising
11 approach to promote reading success from early
12 childhood through fourth grade, except that, begin-
13 ning with the third year, the Secretary and the Chief
14 Executive Officer may adjust distributions under
15 this paragraph on the basis of the relative perform-
16 ance of the States in achieving the purpose of this
17 Act.

18 (c) REALLOCATIONS AND DIRECT LOCAL GRANTS.—

19 (1) If a State does not submit an application under this
20 part, the Secretary and the Chief Executive Officer may
21 use the State's allocations under this section to make di-
22 rect grants to eligible applicants in that State to carry
23 out local reading programs, consistent with sections 115
24 and 116.

1 (2) If a State requests funds only from the Secretary
 2 or the Chief Executive Officer, but not from both, the Sec-
 3 retary or the Chief Executive Officer, as the case may be,
 4 shall reallocate the funds for which the State is not apply-
 5 ing to other States in the manner the Secretary and the
 6 Chief Executive Officer determine will best achieve the
 7 purpose of this Act.

8 STATE APPLICATIONS

9 SEC. 113. (a) JOINT APPLICATIONS REQUIRED.—(1)
 10 A State that wishes to receive funds under this part shall
 11 submit a single application to an “America Reads” contact
 12 jointly identified by the Secretary and the Chief Executive
 13 Officer.

14 (2) The State educational agency and the State Com-
 15 mission on National and Community Service jointly shall
 16 prepare the application, in consultation with appropriate
 17 individuals, agencies, and organizations, and shall provide
 18 a reasonable period for public comment on the application
 19 before submitting it for approval.

20 (b) CONTENTS.—Each application shall—

21 (1) describe how the State will make competi-
 22 tive subgrants, in accordance with section 115, to
 23 develop, carry out, or expand local reading programs
 24 that—

25 (A) will reach the children in greatest need
 26 of assistance, such as those children who are

1 from low-income families or who have limited
2 English proficiency, to read well and independ-
3 ently by the end of the third grade; and

4 (B) use effective practices that have shown
5 the most promise in helping all children, includ-
6 ing children with limited English proficiency
7 and children with disabilities, read well and
8 independently;

9 (2) describe the State's strategy for building on
10 existing literacy initiatives in the State, including
11 family literacy initiatives such as those carried out
12 under the Even Start program, and for attracting
13 other resources to promote the purpose of this Act,
14 including how the State will work with the business
15 sector and with other public and private agencies,
16 such as school districts, elementary schools, libraries,
17 literacy organizations, reading associations, institu-
18 tions of higher education, senior citizens groups, arts
19 and cultural groups, religious and other community
20 groups, and programs funded under the national
21 service laws, to implement that strategy;

22 (3) describe the State's intended distribution of
23 funds for Parents as First Teachers programs and
24 activities under section 116 and how the State will
25 consult with representatives of programs for pre-

1 school children (including the State's Head Start
2 program and State child-care programs), family lit-
3 eracy programs (such as Even Start programs), and
4 programs funded under the Adult Education Act (20
5 U.S.C. 1201 et seq.), in carrying out that section;

6 (4) describe how local programs assisted under
7 this part will be evaluated and how the State will as-
8 sess its progress toward meeting the purpose of this
9 Act if it does not participate in the biennial assess-
10 ments of fourth-grade reading proficiency through
11 the National Assessment of Educational Progress
12 under section 411 of the National Education Statis-
13 tics Act of 1994 (20 U.S.C. 9010);

14 (5) describe the proposed uses of funds re-
15 quested from the Corporation under this part;

16 (6) include an assurance that the State, and
17 other recipients of funds under this part in the
18 State, will comply with this Act and other applicable
19 laws; and

20 (7) include other information and assurances
21 that the Secretary and the Chief Executive Officer
22 jointly may require.

23 (c) APPLICATION REVIEW.—(1) The Secretary and
24 the Chief Executive Officer jointly shall review each State
25 application submitted under this part and jointly shall ap-

1 prove each application that meets the requirements of this
2 section.

3 (2) If a State's application does not meet the require-
4 ments of this section, the Secretary and the Chief Execu-
5 tive Officer shall give the State a reasonable opportunity
6 to revise and resubmit it and, at the State's request, shall
7 provide technical assistance to the State on its application.

8 AWARD OF FUNDS

9 SEC. 114. Except as provided in section 112(c), for
10 each State whose application has been approved under this
11 part, the Secretary and the Chief Executive Officer shall
12 award the State's share of the funds described in section
13 111 (a) and (b) to the State educational agency and the
14 State Commission on National and Community Service,
15 respectively.

16 LOCAL READING PROGRAMS

17 SEC. 115. (a) SUBGRANTS TO LOCAL APPLICANTS.—
18 Except as provided in sections 116 and 117, each State
19 shall use funds awarded to it under this part to make sub-
20 grants to local applicants to develop, carry out, or expand
21 local reading programs, as defined in section 103(b).

22 (b) ELIGIBLE APPLICANTS.—An eligible local appli-
23 cant is a consortium consisting of a local educational agen-
24 cy (or one or more schools of such an agency) and at least
25 one other public or private agency or organization (such
26 as a library, museum, or other cultural institution, com-

1 munity-based organization, business or other employer,
2 senior citizens group, youth group, parent association,
3 civic group, literacy organization, or institution of higher
4 education) or Indian tribe.

5 (c) LOCAL APPLICATIONS.—Each eligible local appli-
6 cant wishing to receive funds under this part shall submit
7 an application to a single “America Reads Challenge” con-
8 tact jointly identified by the State educational agency and
9 the State Commission on National and Community Serv-
10 ice that—

11 (1) describes how it will use those funds to de-
12 velop and carry out, or to expand, a local reading
13 program that meets each of the conditions described
14 in section 103(b);

15 (2) identifies a local educational agency or
16 other member of the consortium with a record of
17 sound fiscal management to act as the applicant’s
18 fiscal agent; and

19 (3) includes other information that the State
20 may require.

21 (d) AUTHORIZED ACTIVITIES.—Funds made avail-
22 able under this part shall be used by local applicants only
23 for expenses reasonably necessary to develop, carry out,
24 or expand effective local reading programs, such as the
25 costs of reading specialists, materials, training of tutors,

1 and family literacy activities, except that funds made
 2 available under this part by the Chief Executive Officer
 3 shall be used by local applicants only for activities that
 4 are also described in this part and authorized by the na-
 5 tional service laws.

6 LOCAL “PARENTS AS FIRST TEACHERS” PROGRAMS

7 SEC. 116. (a) REQUIRED FUNDING.—Notwithstand-
 8 ing any other provision of this part, each State shall use
 9 at least 20 percent of the funds it receives from the Sec-
 10 retary under this part to develop, carry out, or expand
 11 effective local programs, such as family literacy programs,
 12 that provide appropriate support, training, and edu-
 13 cational materials to involve and assist parents (and other
 14 adult primary caregivers) to help their children become
 15 successful readers by the end of the third grade.

16 (b) CRITERIA AND REQUIREMENTS.—Funds under
 17 this section—

18 (1) may be included as part of an award under
 19 section 115;

20 (2) may be awarded separately to consortia de-
 21 scribed in that section (except that such a consor-
 22 tium need not include a local educational agency or
 23 a school of such an agency); and

24 (3) shall be provided only to applicants that—

1 (A)(i) have a demonstrated record of suc-
 2 cessfully working with parents in improving the
 3 reading skills of their young children; or

4 (ii) plan to use a program model that has
 5 been demonstrated to be effective; and

6 (B) demonstrate that the proposed pro-
 7 gram—

8 (i) has the support of the community;
 9 and

10 (ii) will be coordinated with other pro-
 11 grams that provide support for parents,
 12 such as adult education programs.

13 STATE ADMINISTRATION

14 SEC. 117. Notwithstanding any other provision of
 15 this part, each State educational agency and State Com-
 16 mission on National and Community Service may use not
 17 more than one percent of the amount it receives under
 18 this part for any fiscal year for the administration of this
 19 part.

20 PART 3—LOCAL AND REGIONAL GRANTS TO SUPPORT 21 EFFECTIVE MODELS AND EXEMPLARY PARTNERSHIPS

22 FUNDS AVAILABLE

23 SEC. 121. (a) DEPARTMENT OF EDUCATION.—From
 24 the sums appropriated by section 105(a)(1) for any fiscal
 25 year, the Secretary shall make available \$50,000,000 to
 26 carry out this part.

1 (b) CORPORATION.—For any fiscal year, the Chief
 2 Executive Officer shall make available, to carry out this
 3 part, 25 percent of the sums available under section
 4 105(b). The sums available under this subsection include
 5 amounts necessary for education awards for national serv-
 6 ice participants to be deposited in the National Service
 7 Trust.

8 GRANTS AUTHORIZED

9 SEC. 122. (a) IN GENERAL.—The Secretary and the
 10 Chief Executive Officer jointly shall make competitive
 11 grants to eligible applicants to develop, carry out, or ex-
 12 pand—

13 (1) large-scale local reading programs that will
 14 serve as effective models for helping large numbers
 15 of children read well and independently by the end
 16 of the third grade;

17 (2) national or regional networks that provide
 18 information to interested persons on how parents
 19 can help their children read better and that support
 20 the efforts of parents of children of any age from
 21 birth through age eight to give their children a solid
 22 foundation for reading and later success in school;

23 (3) reading programs conducted by national or-
 24 ganizations in more than one State; or

25 (4) other local, regional, and national activities
 26 that identify and promote the most effective and

13 ELIGIBLE APPLICANTS

15 (1) national organizations;

(3) local applicants that are eligible for sub-grants under section 115 or section 116 and that have the capacity to conduct programs of sufficient size to serve as national models.

SEC. 124. (a) APPLICATIONS REQUIRED.—An eligible applicant that wishes to receive a grant under this part shall submit a single application to an “America Reads

1 Challenge” contact jointly identified by the Secretary and
 2 the Chief Executive Officer.

3 (b) CONTENTS.—Each application shall—

4 (1) identify the amount of funds, if any, the ap-
 5 plicant is requesting from the Secretary;

6 (2) identify the amount of funds, if any, the ap-
 7 plicant is requesting from the Chief Executive Offi-
 8 cer;

9 (3) describe the specific activities the applicant
 10 will carry out with the funds for which it is applying;

11 (4) describe how those activities are related to
 12 school-based reading programs and early childhood
 13 programs, if appropriate;

14 (5) describe how the applicant will serve chil-
 15 dren in greatest need of reading assistance, such as
 16 those children who are from low-income families or
 17 who have limited English proficiency;

18 (6) demonstrate that the applicant’s proposed
 19 project—

20 (A) is likely to have a substantial local, re-
 21 gional, or national impact;

22 (B) will be cost-effective; and

23 (C) will be coordinated with the business
 24 and nonprofit sectors and with other State and
 25 local programs that provide support for parents;

1 (7) describe how the applicant periodically will
 2 evaluate its program and make necessary improve-
 3 ments;

4 (8) include an assurance that the applicant will
 5 comply with this Act and other applicable laws; and

6 (9) include other information and assurances
 7 that the Secretary and the Chief Executive Officer
 8 may require.

9 (c) APPLICATION REVIEW.—The Secretary and the
 10 Chief Executive Officer jointly shall review and act on
 11 each application submitted under this part.

12 PART 4—SUPPORTIVE ACTIVITIES

13 AUTHORIZED ACTIVITIES

14 SEC. 131. The Secretary and the Chief Executive Of-
 15 ficer shall use funds reserved under sections 105(a)(2) and
 16 105(b)(2), respectively, directly or through grants to, or
 17 contracts with, public and private agencies, organizations,
 18 and institutions or Indian tribes—

19 (1) for technical assistance, dissemination of
 20 materials and information about best practices, and
 21 other activities that further the purpose of this Act;
 22 and

23 (2) to evaluate programs carried out under this
 24 Act.

1 TITLE II—GENERAL PROVISIONS

2 WAIVERS

3 SEC. 201. The Secretary and the Chief Executive Of-
4 ficer may waive any provision of this Act, and the Chief
5 Executive Officer may waive any provision of the national
6 service laws to the extent it is applicable to this Act, at
7 the request of an applicant or recipient who demonstrates
8 to their satisfaction that such a waiver would significantly
9 promote the purpose of this Act.

10 CONSULTATION WITH SECRETARY OF HEALTH AND

11 HUMAN SERVICES

12 SEC. 202. The Secretary and the Chief Executive Of-
13 ficer shall consult with the Secretary of Health and
14 Human Services in carrying out this Act.

15 PROHIBITION ON USE OF FUNDS

16 SEC. 203. Notwithstanding section 201 or any other
17 law, funds under this Act may not be—

18 (1) awarded to a pervasively sectarian organiza-
19 tion; or

20 (2) used to support religious worship, instruc-
21 tion, or proselytization.

○