

108TH CONGRESS
1ST SESSION

S. 1554

To provide for secondary school reform, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1 (legislative day, JULY 21), 2003

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

A BILL

To provide for secondary school reform, and for other purposes.

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 “Pathways for All Stu-
5 dents to Succeed Act”.

6 **TITLE I—READING FOR SUCCESS**

7 **SEC. 101. FINDINGS.**

8 Congress makes the following findings:

9 (1) While the No Child Left Behind Act of
10 2001 provides a strong framework for helping chil-
11 dren in the early grades, our Nation still needs a

1 comprehensive strategy to address the literacy prob-
2 lems and learning gaps of students in middle school
3 and secondary school.

4 (2) Approximately 60 percent of students in the
5 poorest communities fail to graduate from secondary
6 school on time, in large part because of severe read-
7 ing deficits that contribute to academic failure.

8 (3) Forty percent of those attending high mi-
9 nority enrollment secondary schools enroll in reme-
10 dial reading coursework when entering higher edu-
11 cation, in an effort to gain the skills their secondary
12 education failed to provide.

13 (4) While 33 percent of all low-income students
14 are enrolled in secondary schools, only 15 percent of
15 the funding targeted to disadvantaged students goes
16 to secondary schools.

17 (5) Data from the National Assessment of Edu-
18 cational Progress for 1998 show that 32 percent of
19 boys and 19 percent of girls in 8th grade cannot
20 read at a basic level. These numbers do not change
21 significantly in the secondary school years and are
22 even more dramatic when students are identified by
23 minority status.

24 (6) The 2002 National Assessment of Edu-
25 cational Progress Writing Scores indicate that while

1 the percentage of 4th and 8th graders writing at or
2 above a basic level increased between 1998 and
3 2002, the percentage of 12th graders writing at or
4 above a basic level decreased. These numbers show
5 that our concentrated efforts for elementary school
6 students have improved their writing skills, but by
7 neglecting the needs of secondary school students,
8 we are squandering these gains.

9 (7) America cannot maintain its position as the
10 world's strongest economy if we continue to ignore
11 the literacy needs of adolescents in middle school
12 and secondary school.

13 **SEC. 102. PURPOSES.**

14 It is the purpose of this title to—

15 (1) provide assistance to State educational
16 agencies and local educational agencies in estab-
17 lishing effective research-based reading and writing
18 programs for students in middle schools and sec-
19 ondary schools, including students with disabilities
20 and students with limited English proficiency;

21 (2) provide adequate resources to schools to
22 hire and to provide in-service training for not less
23 than 1 literacy coach per 20 teachers who can assist
24 middle school and secondary school teachers to in-
25 corporate research-based reading and writing in-

1 instruction into their teaching of mathematics, science,
 2 history, civics, geography, literature, language arts,
 3 and other core academic subjects; and

4 (3) provide assistance to State educational
 5 agencies and local educational agencies—

6 (A) in strengthening reading and writing
 7 instruction in middle schools and secondary
 8 schools; and

9 (B) in procuring high quality diagnostic
 10 reading and writing assessments, and com-
 11 prehensive research-based programs and in-
 12 structional materials that will improve reading
 13 and writing performance among students in
 14 middle school and secondary school.

15 **SEC. 103. DEFINITIONS.**

16 In this title:

17 (1) **IN GENERAL.**—The terms “local educational
 18 agency”, “Secretary”, and “State educational agen-
 19 cy” have the meaning given the terms in section
 20 9101 of the Elementary and Secondary Education
 21 Act of 1965.

22 (2) **LITERACY COACH.**—The term “literacy
 23 coach” means a certified teacher, with a dem-
 24 onstrated effectiveness in teaching reading and writ-
 25 ing to students with specialized reading and writing

1 needs, and the ability to work with classroom teach-
2 ers to improve their instructional techniques to sup-
3 port reading and writing improvement, who works
4 on site at a school to—

5 (A) train teachers from across the cur-
6 riculum to incorporate the teaching of reading
7 and writing skills into their instruction of con-
8 tent;

9 (B) train teachers to assess students' read-
10 ing and writing skills and identify students re-
11 quiring remediation; and

12 (C) provide or assess remedial literacy in-
13 struction, including for—

14 (i) students in after school and sum-
15 mer school programs;

16 (ii) students requiring additional in-
17 struction; and

18 (iii) students with disabilities and stu-
19 dents with limited English proficiency.

20 (3) MIDDLE SCHOOL.—The term “middle
21 school” means a school that provides middle school
22 education, as determined under State law.

23 (4) SECONDARY SCHOOL.—The term “sec-
24 ondary school” means a school that provides sec-
25 ondary education, as determined under State law.

1 (5) STATE.—The term “State” means each of
2 the 50 States, the District of Columbia, the Com-
3 monwealth of Puerto Rico, the United States Virgin
4 Islands, Guam, American Samoa, and the Common-
5 wealth of the Northern Mariana Islands.

6 **SEC. 104. PROGRAM AUTHORIZED.**

7 (a) IN GENERAL.—The Secretary is authorized to es-
8 tablish a program, in accordance with the requirements
9 of this title, that will provide grants to State educational
10 agencies and local educational agencies to establish read-
11 ing and writing programs to improve overall reading and
12 writing performance among students in middle school and
13 secondary school.

14 (b) STATE RESPONSIBILITIES.—Each State edu-
15 cational agency receiving a grant under this title shall—

16 (1) award subgrants to local educational agen-
17 cies in accordance with section 106;

18 (2) establish a reading and writing partnership,
19 which may be the same as the partnership estab-
20 lished under section 1203(d) of the Elementary and
21 Secondary Education Act of 1965, that will provide
22 guidance to local educational agencies in selecting or
23 developing and implementing appropriate, research-
24 based reading and writing programs for middle
25 school and secondary school students;

1 (3) approve high quality applications for sub-
2 grants to local educational agencies; and

3 (4) oversee and evaluate subgrant services and
4 activities undertaken by the local educational agen-
5 cies as described in section 106(c).

6 (c) RESERVATION OF FUNDS BY THE SECRETARY.—

7 The Secretary shall reserve—

8 (1) 3 percent of the funds appropriated under
9 section 107 for each fiscal year to fund national ac-
10 tivities in support of the programs assisted under
11 this title, such as research and dissemination of best
12 practices, except that the Secretary may not use the
13 reserved funds to award grants directly to local edu-
14 cational agencies; and

15 (2) 2 percent of the funds appropriated under
16 section 107 for each fiscal year for the Bureau of
17 Indian Affairs to carry out the services and activities
18 described in section 106(c) for Indian children.

19 **SEC. 105. GRANTS.**

20 (a) GRANTS AUTHORIZED.—

21 (1) FORMULA GRANTS TO STATE EDUCATIONAL
22 AGENCIES.—If the funds appropriated under section
23 107 for a fiscal year are equal to or greater than
24 \$500,000,000, then the Secretary shall award
25 grants, from allotments under subsection (b), to

1 State educational agencies to enable the State edu-
2 cational agencies to provide subgrants to eligible
3 local educational agencies to establish reading and
4 writing programs to improve overall reading and
5 writing performance among students in middle
6 school and secondary school.

7 (2) DIRECT GRANTS TO LOCAL EDUCATIONAL
8 AGENCIES.—

9 (A) IN GENERAL.—If the funds appro-
10 priated under section 107 for a fiscal year are
11 less than \$500,000,000, then the Secretary
12 shall award grants, on a competitive basis, di-
13 rectly to eligible local educational agencies to
14 establish reading and writing programs to im-
15 prove overall reading and writing performance
16 among students in middle school and secondary
17 school.

18 (B) PRIORITY.—The Secretary shall give
19 priority in awarding grants under this para-
20 graph to eligible local educational agencies
21 that—

22 (i) are among the local educational
23 agencies in the State with the lowest grad-
24 uation rates as described in section

1 1111(b)(2)(C)(vi) of the Elementary and
2 Secondary Education Act of 1965; and
3 (ii) have the highest number or per-
4 centage of students who are counted under
5 section 1124(c) of the Elementary and
6 Secondary Education Act of 1965.

7 (b) ALLOTMENTS TO STATES.—

8 (1) IN GENERAL.—From funds appropriated
9 under section 107 and not reserved under section
10 104(c) for a fiscal year, the Secretary shall make an
11 allotment to each State educational agency having
12 an application approved under subsection (d) in an
13 amount that bears the same relation to the funds as
14 the amount the State received under part A of title
15 I of the Elementary and Secondary Education Act
16 of 1965 bears to the amount received under such
17 part by all States.

18 (2) MINIMUM ALLOTMENT.—Notwithstanding
19 paragraph (1), no State educational agency shall re-
20 ceive an allotment under this subsection for a fiscal
21 year in an amount that is less than 0.25 percent of
22 the funds allotted to State educational agencies
23 under paragraph (1) for the fiscal year.

1 (c) LENGTH OF GRANT.—A grant to a State edu-
2 cational agency under this title shall be awarded for a pe-
3 riod of 6 years.

4 (d) APPLICATIONS.—

5 (1) IN GENERAL.—In order to receive a grant
6 under this title, a State educational agency shall
7 submit an application to the Secretary containing
8 such information as the Secretary may require. Each
9 such application shall meet the following conditions:

10 (A) A State educational agency shall not
11 include the application for assistance under this
12 title in a consolidated application submitted
13 under section 9302 of the Elementary and Sec-
14 ondary Education Act of 1965.

15 (B) The State educational agency's appli-
16 cation shall include an assurance that—

17 (i) the State educational agency has
18 established a reading and writing partner-
19 ship that—

20 (I) coordinated the development
21 of the application for funds under this
22 title; and

23 (II) will assist in designing and
24 administering the State educational
25 agency's program under this title; and

1 (ii) the State educational agency will
2 participate, if requested, in any evaluation
3 of the program.

4 (C) The State educational agency's appli-
5 cation shall include a program plan that con-
6 tains a description of the following:

7 (i) How the State educational agency
8 will assist local educational agencies in im-
9 plementing subgrants, including providing
10 ongoing professional development for lit-
11 eracy coaches, teachers, paraprofessionals,
12 and administrators.

13 (ii) How the State educational agency
14 will help local educational agencies identify
15 high quality screening, diagnostic, and
16 classroom-based instructional reading and
17 writing assessments.

18 (iii) How the State educational agency
19 will help local educational agencies identify
20 high quality research-based materials and
21 programs.

22 (iv) How the State educational agency
23 will help local educational agencies identify
24 appropriate and effective materials, pro-
25 grams, and assessments for students with

1 disabilities and students with limited
2 English proficiency.

3 (v) How the State educational agency
4 will ensure that professional development
5 funded under this title is based on reading
6 and writing research, will effectively im-
7 prove instructional practices for reading
8 and writing for middle school and sec-
9 ondary school students, and is coordinated
10 with professional development activities
11 funded through other programs (including
12 federally funded programs such as pro-
13 grams funded under the Adult Education
14 and Family Literacy Act, the Individuals
15 with Disabilities Education Act, and the
16 Elementary and Secondary Education Act
17 of 1965).

18 (vi) How funded activities will help
19 teachers and other instructional staff to
20 implement research-based components of
21 reading and writing instruction.

22 (vii) The subgrant process the State
23 educational agency will use to ensure that
24 eligible local educational agencies receiving
25 subgrants implement programs and prac-

1 tices based on reading and writing re-
2 search.

3 (viii) How the State educational agen-
4 cy will build on and promote coordination
5 among reading and writing programs in
6 the State to increase overall effectiveness
7 in improving reading and writing instruc-
8 tion, including for students with disabilities
9 and students with limited English pro-
10 ficiency.

11 (ix) How the State educational agency
12 will regularly assess and evaluate the effec-
13 tiveness of the eligible local educational
14 agency activities funded under this title.

15 (2) REVIEW OF APPLICATIONS.—The Secretary
16 shall review applications from State educational
17 agencies under this subsection as the applications
18 are received.

19 (e) STATE USE OF FUNDS.—

20 (1) SUBGRANTS.—Each State educational agen-
21 cy shall use 80 percent of the grant funds the State
22 educational agency receives under this title to award
23 subgrants to local educational agencies having appli-
24 cations approved under section 106(b).

1 (2) STATE LEVEL ACTIVITIES.—Each State
2 educational agency shall use 20 percent of the grant
3 funds the State educational agency receives under
4 this title to carry out State level activities described
5 in subsection (d), to provide technical assistance to
6 local educational agencies and high-quality profes-
7 sional development to teachers and literacy coaches,
8 and for administrative costs, of which not more than
9 10 percent of the grant funds may be used for plan-
10 ning, administration, and reporting.

11 (f) NOTICE TO LOCAL EDUCATIONAL AGENCIES.—
12 Each State educational agency receiving a grant under
13 this title shall provide notice to all eligible local edu-
14 cational agencies in the State about the availability of sub-
15 grants under this title.

16 (g) SUPPLEMENT NOT SUPPLANT.—Grant funds
17 provided to a State educational agency under this section
18 shall be used to supplement not supplant funding provided
19 by the State for activities authorized under this title or
20 for other educational activities.

21 (h) NEW SERVICES AND ACTIVITIES.—Grant funds
22 provided under this title may be used only to provide serv-
23 ices and activities authorized under this title that were not
24 provided on the day before the date of enactment of the
25 Pathways for All Students to Succeed Act.

1 (i) REALLOTMENT.—If a State educational agency
2 does not apply for funding under this title, the Secretary
3 shall reallocate the State educational agency’s allotment to
4 the remaining States.

5 **SEC. 106. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

6 (a) ELIGIBILITY REQUIREMENTS.—To be eligible to
7 receive a subgrant under this title a local educational
8 agency shall be eligible to receive funds under part A of
9 title I of the Elementary and Secondary Education Act
10 of 1965.

11 (b) APPLICATIONS.—

12 (1) IN GENERAL.—Each local educational agen-
13 cy desiring a subgrant under this title shall submit
14 an application to the State educational agency in the
15 form and according to the schedule established by
16 the State educational agency.

17 (2) CONTENTS.—In addition to any information
18 required by the State educational agency, each such
19 application shall demonstrate how the local edu-
20 cational agency will carry out the following required
21 activities:

22 (A) Development or selection and imple-
23 mentation of research-based reading and writ-
24 ing assessments.

1 (B) Development or selection and imple-
2 mentation of research-based reading and writ-
3 ing programs, including programs for students
4 with disabilities and students with limited
5 English proficiency.

6 (C) Selection of instructional materials
7 based on reading and writing research.

8 (D) High quality professional development
9 for literacy coaches and teachers based on read-
10 ing and writing research.

11 (E) Evaluation strategies.

12 (F) Reporting.

13 (G) Providing access to research-based
14 reading and writing materials.

15 (3) CONSORTIA.—A local educational agency
16 may apply to the State educational agency for a
17 subgrant as a member of a consortium of eligible
18 local educational agencies, if each member of the
19 consortium meets the eligibility requirements in sub-
20 section (a).

21 (c) LOCAL USE OF FUNDS.—Each local educational
22 agency receiving a subgrant under this title shall use the
23 subgrant funds to provide, at the middle school and sec-
24 ondary school level, the following services and activities:

1 (1) Hiring literacy coaches, at a ratio of not
2 less than 1 literacy coach for every 20 teachers, and
3 provide professional development for literacy coach-
4 es—

5 (A) to work with classroom teachers to in-
6 corporate reading and writing instruction within
7 all subject areas, during regular classroom peri-
8 ods, after school, and during summer school
9 programs, for all students;

10 (B) to work with classroom teachers to
11 identify students with reading and writing prob-
12 lems and, where appropriate, refer students to
13 available programs for remediation and addi-
14 tional services;

15 (C) to work with classroom teachers to di-
16 agnose and remediate reading and writing dif-
17 ficulties of the lowest performing students, by
18 providing intensive, research-based instruction,
19 including during after school and summer ses-
20 sions, geared toward ensuring that these stu-
21 dents can access and be successful in rigorous
22 academic course work; and

23 (D) to assess and organize student data on
24 literacy and communicate that data to school
25 administrators to inform school reform efforts.

1 (2) Reviewing, analyzing, developing, and,
2 where possible, adapting curriculum to make sure
3 literacy skills are taught within the content area
4 subjects.

5 (3) Providing reading and writing professional
6 development for all teachers in middle school and
7 secondary school that addresses both remedial and
8 higher level literacy skills for students in the applica-
9 ble curriculum.

10 (4) Providing professional development for
11 teachers, administrators, and paraprofessionals,
12 serving middle schools and secondary schools to help
13 the teachers, administrators, and paraprofessionals
14 meet literacy needs.

15 (5) Procuring and implementing programs and
16 instructional materials based on reading and writing
17 research, including software and other education
18 technology related to reading and writing instruc-
19 tion.

20 (6) Building on and promoting coordination
21 among reading and writing programs in the local
22 educational agency to increase overall effectiveness
23 in improving reading and writing instruction, includ-
24 ing for students with disabilities and students with
25 limited English proficiency.

1 (7) Evaluating the effectiveness of the instruc-
2 tional strategies, teacher professional development
3 programs, and other interventions that are imple-
4 mented under the subgrant.

5 (f) MINIMUM SUBGRANT AMOUNT.—Each eligible
6 local educational agency receiving a subgrant under this
7 title for a fiscal year shall receive a minimum subgrant
8 amount that bears the same relation to the amount of
9 funds made available to the State educational agency
10 under section 105(e)(1) as the amount the local edu-
11 cational agency received under part A of title I of the Ele-
12 mentary and Secondary Education Act of 1965 for the
13 preceding fiscal year bears to the amount received by all
14 local educational agencies under such part for the pre-
15 ceding fiscal year.

16 (g) SUFFICIENT SIZE AND SCOPE.—Subgrants under
17 this section shall be of sufficient size and scope to enable
18 local educational agencies to fully implement activities as-
19 sisted under this title.

20 (h) SUPPLEMENT NOT SUPPLANT.—Each local edu-
21 cational agency receiving a subgrant under this section
22 shall use the subgrant funds to supplement not supplant
23 local educational agency funding for activities authorized
24 under this title or for other educational activities.

1 (i) NEW SERVICES AND ACTIVITIES.—Subgrant
 2 funds provided under this title may be used only to provide
 3 services and activities authorized under this title that were
 4 not provided on the day before the date of enactment of
 5 the Pathways for All Students to Succeed Act.

6 (j) EVALUATIONS.—Each local educational agency re-
 7 ceiving a grant under this title shall participate, as re-
 8 quested by the State educational agency or the Secretary,
 9 in reviews and evaluations of their programs and the effec-
 10 tiveness of their programs, and shall provide such reports
 11 as are requested by the State educational agency and the
 12 Secretary.

13 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

14 For the purposes of carrying out this title, there are
 15 authorized to be appropriated \$1,000,000,000 for fiscal
 16 year 2005 and such sums as may be necessary for each
 17 of the 5 succeeding fiscal years.

18 **TITLE II—PATHWAYS TO**
 19 **SUCCESS**

20 **SEC. 201. FINDINGS.**

21 Congress makes the following findings:

22 (1) In 2003, approximately 60 percent of stu-
 23 dents in the poorest communities failed to graduate
 24 from secondary school on time.

1 (2) All ninth grade students should have a plan
2 that assesses their instructional needs and outlines
3 the coursework they must complete to graduate on
4 time, properly prepared for college and careers.

5 (3) Research shows that 1 of the most impor-
6 tant factors behind student success in secondary
7 school is a close connection with at least 1 adult who
8 demonstrates concern for the student’s advancement.

9 (4) Secondary school counselors can help stu-
10 dents receive the instructional, tutorial, and social
11 supports that contribute to academic success.

12 (5) Model programs around the Nation have
13 demonstrated that effective academic and support
14 plans for students, developed by counselors serving
15 as academic coaches, in cooperation with students
16 and parents, result in a higher percentage of stu-
17 dents graduating from secondary school well pre-
18 pared for college study.

19 **SEC. 202. DEFINITIONS.**

20 In this title:

21 (1) IN GENERAL.—The terms “local educational
22 agency”, “poverty line”, “secondary school”, “Sec-
23 retary”, and “State educational agency” have the
24 meaning given the terms in section 9101 of the Ele-
25 mentary and Secondary Education Act of 1965.

1 (2) **ACADEMIC COUNSELOR.**—The term “aca-
2 demic counselor” means a highly qualified profes-
3 sional who has received professional development ap-
4 propriate to perform the functions listed in section
5 205(d).

6 (3) **STATE.**—The term “State” means each of
7 the 50 States, the District of Columbia, the Com-
8 monwealth of Puerto Rico, the United States Virgin
9 Islands, Guam, American Samoa, and the Common-
10 wealth of the Northern Mariana Islands.

11 **SEC. 203. PROGRAM AUTHORIZED.**

12 The Secretary is authorized to establish a program,
13 in accordance with the requirements of this title, that—

14 (1) enables a secondary school that receives as-
15 sistance under title I of the Elementary and Sec-
16 ondary Act of 1965, to hire a sufficient number of
17 academic counselors, in a ratio of not less than 1
18 counselor to 150 students, to develop personal plans
19 for each student at the school, including students
20 with limited English proficiency;

21 (2) involves parents in the development and im-
22 plementation of the personal plans; and

23 (3) provides academic counselors and staff at
24 the schools receiving grants under this title the op-
25 portunity to coordinate with other programs and

1 services, including those supported by Federal funds,
2 to ensure that students have access to the resources
3 and services necessary to fulfill their personal plans.

4 **SEC. 204. GRANTS TO STATES.**

5 (a) GRANTS AUTHORIZED.—From amounts made
6 available under section 206 and not reserved under sub-
7 section (i), the Secretary shall award grants, from allot-
8 ments under subsection (b), to State educational agencies
9 to enable the State educational agencies to provide sub-
10 grants to eligible local educational agencies to implement
11 programs in secondary schools in accordance with this
12 title.

13 (b) ALLOTMENTS TO STATES.—

14 (1) IN GENERAL.—From funds appropriated
15 under section 206 and not reserved under subsection
16 (i) for a fiscal year, the Secretary shall make an al-
17 lotment to each State educational agency having an
18 application approved under subsection (d) in an
19 amount that bears the same relation to the funds as
20 the amount the State received under part A of title
21 I of the Elementary and Secondary Education Act
22 of 1965 bears to the amount received under such
23 part by all States.

24 (2) MINIMUM ALLOTMENT.—Notwithstanding
25 paragraph (1), no State educational agency shall re-

1 ceive an allotment under this subsection for a fiscal
2 year in an amount that is less than 0.25 percent of
3 the amount allotted to the State educational agen-
4 cies under subsection (e)(1) for the fiscal year.

5 (3) RATABLE REDUCTIONS.—If the amount ap-
6 propriated to carry out this title for any fiscal year
7 is less than \$2,000,000,000, then the Secretary shall
8 ratably reduce the allotment made to each State
9 educational agency under this subsection in propor-
10 tion to the relative number of children who are
11 counted under section 1124(c) of the Elementary
12 and Secondary Education Act of 1965 in the State
13 compared to such number for all States.

14 (c) LENGTH OF GRANTS.—A grant to a State edu-
15 cational agency under this title shall be awarded for a pe-
16 riod of 6 years.

17 (d) APPLICATIONS.—In order to receive a grant
18 under this title, a State educational agency shall submit
19 an application to the Secretary in the form and according
20 to the schedule established by the Secretary by regulation.

21 (e) STATE USE OF FUNDS.—Each State educational
22 agency receiving a grant under this section shall use—

23 (1) 80 percent of the grant funds to award sub-
24 grants to eligible local educational agencies under
25 section 205; and

1 (2) 20 percent of the grant funds to provide
2 professional development to academic counselors and
3 technical assistance to local educational agencies,
4 and to pay for administrative costs, of which not
5 more than 10 percent of such 20 percent may be
6 used for planning, administration, and reporting.

7 (f) SUPPLEMENT NOT SUPPLANT.—Grant funds pro-
8 vided to State educational agencies under this section shall
9 be used to supplement not supplant funding provided by
10 the State for activities authorized under this title or for
11 other educational activities.

12 (g) NEW SERVICES AND ACTIVITIES.—Grant funds
13 provided under this title may be used only to provide serv-
14 ices and activities authorized under this title that were not
15 provided on the day before the date of enactment of the
16 Pathways for All Students to Succeed Act.

17 (h) REALLOTMENT.—If a State educational agency
18 does not apply for funding under this title, the Secretary
19 shall reallocate the State educational agency's allotment to
20 the remaining eligible State educational agencies.

21 (i) RESERVATIONS.—Of the funds appropriated
22 under section 206 for each fiscal year, the Secretary shall
23 reserve—

1 (1) 2 percent for the Bureau of Indian Affairs
2 to carry out the authorized activities described in
3 section 205(d); and

4 (2) 3 percent for national activities that sup-
5 port the programs assisted under this title, except
6 that the Secretary shall not use such reserved funds
7 to award grants directly to local educational agen-
8 cies.

9 **SEC. 205. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

10 (a) SUBGRANTS AUTHORIZED.—From amounts made
11 available under section 204(e)(1) a State educational
12 agency shall award subgrants to eligible local educational
13 agencies having applications approved under subsection
14 (c) to enable the eligible local educational agencies to carry
15 out the authorized activities described in subsection (d).

16 (b) ELIGIBILITY REQUIREMENTS.—To be eligible to
17 receive a subgrant under this title, a local educational
18 agency shall have jurisdiction over at least 1 secondary
19 school receiving assistance under part A of title I of the
20 Elementary and Secondary Education Act of 1965.

21 (c) APPLICATIONS.—

22 (1) IN GENERAL.—Each local educational agen-
23 cy desiring a subgrant under this title shall submit
24 an application to the State educational agency in the
25 form and according to the schedule established by

1 the State educational agency. Each such application
2 shall describe how the eligible local educational agen-
3 cy will—

4 (A) hire a sufficient number of highly
5 qualified academic counselors to develop per-
6 sonal plans for all students in such students'
7 first year of secondary school with a ratio of 1
8 academic counselor to not more than 150 stu-
9 dents in the secondary school served under the
10 subgrant;

11 (B) provide adequate resources to each
12 such school to offer the supplemental and other
13 support services that the implementation of stu-
14 dents' personal plans require, which supple-
15 mental services shall be provided, where pos-
16 sible, through coordination with Federal TRIO
17 programs under chapter 1 of subpart 2 of part
18 A of title IV of the Higher Education Act of
19 1965, Gear Up programs chapter 2 of such
20 subpart, programs under title I of the Elemen-
21 tary and Secondary Education Act of 1965,
22 21st Century Community Learning Centers
23 under part B of title IV of the Elementary and
24 Secondary Education Act of 1965, programs
25 under the Individuals with Disabilities Edu-

1 cation Act (in accordance with students' indi-
2 vidualized education programs), and programs
3 under the Carl D. Perkins Vocational and
4 Technical Education Act of 1998;

5 (C) include parents in the development and
6 implementation of students' personal plans; and

7 (D) provide staff at these schools with op-
8 portunities for appropriate professional develop-
9 ment and coordination to help the staff support
10 students in implementing their personal plans.

11 (2) CONSORTIA.—A local educational agency
12 may apply to the State educational agency for a
13 subgrant as a consortium, if each local educational
14 agency that is a member of the consortium meets
15 the eligibility requirements described in subsection
16 (b).

17 (d) AUTHORIZED ACTIVITIES.—Each local edu-
18 cational agency receiving a subgrant under this title shall
19 use the subgrant funds to provide the following services:

20 (1) Hiring academic counselors (at a ratio of
21 not less than 1 counselor per 150 students) to de-
22 velop the 6-year personal plans for all students in
23 such students' first year of secondary school and co-
24 ordinate the services required to implement such
25 personal plans. Such academic counselors shall—

1 (A) work with students and their families
2 to develop an individual plan that will define
3 such students' career and education goals, as-
4 sure enrollment in the coursework necessary for
5 on-time graduation and preparation for career
6 development or postsecondary education, and
7 identify the courses and supplemental services
8 necessary to meet those goals;

9 (B) advocate for students, helping the stu-
10 dents to access the services and supports nec-
11 essary to achieve the goals laid out in the per-
12 sonal plan for a student;

13 (C) assure student access to services, both
14 academic and nonacademic, needed to lower
15 barriers to succeed as needed;

16 (D) assess student progress on a regular
17 basis;

18 (E) work with school and local educational
19 agency administrators to promote reforms
20 based on student needs and performance data;

21 (F) involve parents or caregivers, including
22 those who are limited English proficient, and
23 teachers, in the development of students' per-
24 sonal plans to ensure the support and assist-
25 ance of the parents, caregivers, and teachers in

1 meeting the goals outlined in such personal
2 plans; and

3 (G) communicate to students and their
4 families the importance of implementing the 2
5 years of the personal plan following secondary
6 school graduation, and work with institutions of
7 higher education to help students transition
8 successfully and fully implement their personal
9 plans.

10 (2) Determining the academic needs of all en-
11 tering ninth grade students and identifying barriers
12 to success.

13 (3) Ensuring availability of the services nec-
14 essary for the implementation of students' personal
15 plans, including access to a college preparatory cur-
16 rriculum and advanced placement or international
17 baccalaureate courses.

18 (4) Where appropriate, modifying the cur-
19 rriculum at a secondary school receiving funds under
20 this title to address the instructional requirements of
21 students' personal plans.

22 (5) Providing for the ongoing assessment of
23 students for whom personal plans have been devel-
24 oped and modifying such personal plans as nec-
25 essary.

1 (6) Coordinating the services offered with
2 subgrant funds received under this title with other
3 Federal, State, and local funds, including programs
4 authorized under title I of the Elementary and Sec-
5 ondary Education Act of 1965, sections 402A and
6 404A of the Higher Education Act of 1965, the In-
7 dividuals with Disabilities Education Act (in accord-
8 ance with students' individualized education pro-
9 grams), and the Carl D. Perkins Vocational and
10 Technical Education Act of 1998.

11 (e) LOCAL EDUCATIONAL AGENCY PRIORITY.—In
12 awarding subgrants to local educational agencies a State
13 educational agency shall give priority to local educational
14 agencies with—

15 (1) the largest number or percentage of stu-
16 dents in grades 6 through 12 reading below grade
17 level; or

18 (2) the lowest graduation rates as described in
19 section 1111(b)(2)(C)(vi) of the Elementary and
20 Secondary Education Act of 1965.

21 (f) SCHOOL PRIORITY.—In awarding subgrant funds
22 to secondary schools a local educational agency shall give
23 priority to secondary schools that—

1 (1) have the highest percentages or numbers of
2 students in grades 6 through 12 reading below grade
3 level;

4 (2) have the highest percentages or numbers of
5 children living below the poverty line according to
6 census figures; or

7 (3) have the lowest graduation rates as de-
8 scribed in section 1111(b)(2)(C)(vi) of the Elemen-
9 tary and Secondary Education Act of 1965.

10 (g) MINIMUM SUBGRANT AMOUNT.—Each eligible
11 local educational agency receiving a subgrant under this
12 title for a fiscal year shall receive a minimum subgrant
13 amount that bears the same relation to the amount of
14 funds made available to the State educational agency
15 under section 204(e)(1) as the amount the local edu-
16 cational agency received under part A of title I of the Ele-
17 mentary and Secondary Education Act of 1965 for the
18 preceding fiscal year bears to the amount received by all
19 local educational agencies in the State under such part
20 for the preceding fiscal year.

21 (h) SUFFICIENT SIZE AND SCOPE.—Subgrants under
22 this section shall be of sufficient size and scope to enable
23 local educational agencies to fully implement activities as-
24 sisted under this title.

1 (i) SUPPLEMENT NOT SUPPLANT.—Each local edu-
 2 cational agency receiving a subgrant under this section
 3 shall use the subgrant funds to supplement not supplant
 4 funding for activities authorized under this title or for
 5 other educational activities.

6 (j) NEW SERVICES AND ACTIVITIES.—Subgrant
 7 funds provided under this title may be used only to provide
 8 services and activities authorized under this title that were
 9 not provided on the day before the date of enactment of
 10 the Pathways for All Students to Succeed Act.

11 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

12 For the purposes of carrying out this title, there are
 13 authorized to be appropriated \$2,000,000,000 for fiscal
 14 year 2005 and such sums as may be necessary for each
 15 of the 5 succeeding fiscal years.

16 **TITLE III—FOSTERING SUCCESS-**
 17 **FUL SECONDARY SCHOOLS**

18 **SEC. 301. FINDINGS.**

19 Congress makes the following findings:

20 (1) Personalization of the school environment
 21 has been proven to be an essential factor in helping
 22 low-performing secondary school students succeed.

23 (2) Effective schools provide ongoing, high-qual-
 24 ity professional development for teachers and admin-
 25 istrators to improve instruction.

1 (3) Student success is dependent upon align-
2 ment of curriculum, instruction, and assessment.

3 (4) Successful schools adapt instruction to the
4 unique interests and talents of each student.

5 (5) Successful schools have high expectations
6 for all students and offer a rigorous curriculum for
7 the entire student body.

8 (6) Ongoing assessment is the best way to
9 measure how each student is learning and respond-
10 ing to the teacher's instructional methods.

11 (7) Effective secondary schools have access to,
12 and utilize, data related to student performance
13 prior to, and following, secondary school enrollment.

14 (8) Despite significant increases to the pro-
15 gram, only about 7 percent of title I of the Elemen-
16 tary and Secondary Education Act of 1965 funding
17 goes to secondary schools.

18 (9) Each school day, approximately 3,000 sec-
19 ondary school students drop out of school.

20 (10) The Nation's secondary school graduation
21 rate hovers at 69 percent but in urban areas that
22 figure is even lower.

23 (11) Even secondary school graduates going on
24 to college are struggling with basic literacy skills,
25 with 40 percent of all 4-year college students taking

1 a remedial course and 63 percent of all community
2 college students assigned to at least 1 remedial
3 course.

4 **SEC. 302. PURPOSES.**

5 It is the purpose of this title to implement research-
6 based programs, practices, and models that will improve
7 student achievement in low performing secondary schools.

8 **SEC. 303. DEFINITIONS.**

9 In this title:

10 (1) **IN GENERAL.**—The terms “institution of
11 higher education”, “local educational agency”, “sec-
12 ondary school”, “Secretary”, and “State educational
13 agency” have the meanings given the terms in sec-
14 tion 9101 of the Elementary and Secondary Edu-
15 cation Act of 1965 (20 U.S.C. 7801).

16 (2) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—
17 The term “eligible local educational agency” means
18 a local educational agency that has jurisdiction over
19 at least 1 eligible secondary school.

20 (3) **ELIGIBLE PARTNERSHIP.**—The term “eligi-
21 ble partnership” means—

22 (A) an eligible local educational agency in
23 partnership with a regional educational labora-
24 tory, an institution of higher education, or an-
25 other nonprofit institution with significant expe-

1 rience in implementing and evaluating edu-
2 cation reforms; or

3 (B) a consortium of eligible secondary
4 schools or eligible local educational agencies,
5 each of which is an eligible entity described in
6 subparagraph (A).

7 (4) ELIGIBLE SECONDARY SCHOOL.—The term
8 “eligible secondary school” means a secondary school
9 identified for school improvement under section
10 1116(b) of the Elementary and Secondary Edu-
11 cation Act of 1965 as of the day preceding that date
12 of enactment of the Pathways for All Students to
13 Succeed Act.

14 (5) STATE.—The term “State” means each of
15 the several States of the United States, the District
16 of Columbia, the Commonwealth of Puerto Rico, the
17 United States Virgin Islands, Guam, American
18 Samoa, and the Commonwealth of the Northern
19 Mariana Islands.

20 **SEC. 304. PROGRAM AUTHORIZED; AUTHORIZATION OF AP-**
21 **PROPRIATIONS.**

22 (a) PROGRAM AUTHORIZED.—The Secretary is au-
23 thorized to award grants to State educational agencies,
24 from allotments under section 305(b), to enable the State
25 educational agencies to award subgrants to eligible local

1 educational agencies, from allocations under section
 2 305(c)(2), to promote secondary school improvement and
 3 student achievement.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to carry out this title
 6 \$500,000,000 for fiscal year 2005 and such sums as may
 7 be necessary for each of the 5 succeeding fiscal years.

8 **SEC. 305. RESERVATIONS, STATE ALLOTMENTS, AND LOCAL**
 9 **ALLOCATIONS.**

10 (a) RESERVATIONS.—From funds appropriated
 11 under section 304(b) for a fiscal year the Secretary shall
 12 reserve—

13 (1) 2 percent for schools funded or supported
 14 by the Bureau of Indian Affairs to carry out the
 15 purposes of this title for Indian children;

16 (2) 3 percent to carry out national activities in
 17 support of the purposes of this title; and

18 (3) 95 percent for allotment to the States in ac-
 19 cordance with subsection (b).

20 (b) ALLOTMENT TO STATES.—

21 (1) IN GENERAL.—From funds reserved under
 22 subsection (a)(3) for a fiscal year, the Secretary
 23 shall make an allotment to each State educational
 24 agency in an amount that bears the same relation-
 25 ship to the funds as the number of schools in that

1 State that have been identified for school improve-
2 ment under section 1116(b) of the Elementary and
3 Secondary Education Act of 1965 bears to the num-
4 ber of schools in all States that have been identified
5 for school improvement under such section 1116(b).

6 (2) REALLOTMENT.—The portion of any State
7 educational agency's allotment that is not used by
8 the State educational agency shall be reallocated
9 among the remaining State educational agencies on
10 the same basis as the original allotments were made
11 under paragraph (1).

12 (c) ALLOCATIONS TO ELIGIBLE LOCAL EDU-
13 CATIONAL AGENCIES.—

14 (1) RESERVATIONS.—Each State educational
15 agency receiving a grant under this title shall re-
16 serve—

17 (A) not more than 10 percent of the grant
18 funds—

19 (i) for State level activities to provide
20 high quality professional development and
21 technical assistance to local educational
22 agencies receiving funds under this title
23 and to other local educational agencies as
24 appropriate, including the dissemination
25 and implementation of research-based pro-

1 grams, practices, and models for secondary
2 school improvement; and

3 (ii) to contract for the evaluation of
4 all programs and activities in the State
5 that are assisted under this title; and

6 (B) not less than 90 percent of the grant
7 funds to award subgrants to eligible local edu-
8 cational agencies to enable the eligible local
9 educational agencies to carry out the activities
10 described in section 306.

11 (2) LOCAL ALLOCATION.—From funds reserved
12 under paragraph (1)(B), the State educational agen-
13 cy shall allocate to each eligible local educational
14 agency in the State an amount that bears the same
15 relation to such funds as the number of secondary
16 schools that have been identified for school improve-
17 ment under section 1116(b) of the Elementary and
18 Secondary Education Act of 1965 that are served by
19 the eligible local educational agency, bears to the
20 number of such schools served by all eligible local
21 educational agencies in the State.

22 **SEC. 306. LOCAL USES OF FUNDS.**

23 Each eligible local educational agency receiving a
24 subgrant under this title shall use the subgrant funds for
25 activities to improve secondary schools that have been

1 identified for school improvement under section 1116(b)
2 of the Elementary and Secondary Education Act of 1965,
3 such as—

4 (1) developing and implementing research-based
5 programs or models that have been shown to raise
6 achievement among secondary school students, in-
7 cluding smaller learning communities, adolescent lit-
8 eracy programs, block scheduling, whole school re-
9 forms, individualized learning plans, personalized
10 learning environments, and strategies to target stu-
11 dents making the transition from middle school to
12 secondary school;

13 (2) promoting community investment in school
14 quality by engaging parents, businesses, and commu-
15 nity-based organizations in the development of re-
16 form plans for eligible secondary schools;

17 (3) researching, developing, and implementing a
18 school district strategy to create smaller learning
19 communities for secondary school students, both by
20 creating smaller learning communities within exist-
21 ing secondary schools, and by developing new, small-
22 er, and more personalized secondary schools;

23 (4) providing professional development for
24 school staff in research-based practices, such as

1 interactive instructional strategies and opportunities
2 to connect learning with experience; and

3 (5) providing professional development and
4 leadership training for principals and other school
5 leaders in the best practices of instructional leader-
6 ship and implementing school reforms to raise stu-
7 dent achievement.

8 **SEC. 307. APPLICATIONS.**

9 (a) STATES.—Each State educational agency desiring
10 a grant under this title shall submit to the Secretary an
11 application at such time, in such manner, and containing
12 such information as the Secretary may require to ensure
13 compliance with the requirements of this title.

14 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—
15 Each eligible local educational agency desiring a subgrant
16 under this title shall submit to the State educational agen-
17 cy an application at such time, in such manner, and con-
18 taining such information as the State educational agency
19 may require to ensure compliance with the requirements
20 of this title. Each such application shall describe how the
21 eligible local educational agency will form an eligible part-
22 nership to carry out the activities assisted under this title.

23 **SEC. 308. EVALUATIONS.**

24 In cooperation with the State educational agencies re-
25 ceiving funds under this title, the Secretary shall under-

- 1 take or contract for a rigorous evaluation of the effective-
- 2 ness and success of activities conducted under this title.

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