

109TH CONGRESS
1ST SESSION

S. 921

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

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2005

Mrs. MURRAY (for herself, Mr. DURBIN, Mr. KENNEDY, and Mrs. CLINTON)
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 AND MATHE-**
7 **MATICS SKILLS FOR SUCCESS**

8 **SEC. 101. FINDINGS.**

9 Congress makes the following findings:

1 (1) While the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6301 et seq.), as
3 amended by the No Child Left Behind Act of 2001
4 (Public Law 107–110, 115 Stat. 1425), provides a
5 strong framework for helping children in the early
6 grades, our Nation still needs a comprehensive strat-
7 egy to address the literacy problems and learning
8 gaps of students in middle school and secondary
9 school.

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

14 (3) Forty percent of students attending high
15 minority enrollment secondary schools enroll in re-
16 medial reading coursework when entering higher
17 education, in an effort to gain the skills their sec-
18 ondary education failed to provide.

19 (4) While 33 percent of all low-income students
20 are enrolled in secondary schools, only 15 percent of
21 the funding targeted to disadvantaged students goes
22 to secondary schools.

23 (5) Data from the 1998 National Assessment of
24 Educational Progress show that 32 percent of boys
25 and 19 percent of girls in eighth grade cannot read

1 at a basic level. These numbers do not change sig-
2 nificantly in the secondary school years and are even
3 more dramatic when students are identified by mi-
4 nority status.

5 (6) The 2002 National Assessment of Edu-
6 cational Progress writing scores indicate that while
7 the percentage of fourth and eighth graders writing
8 at or above a basic level increased between 1998 and
9 2002, the percentage of 12th graders writing at or
10 above a basic level decreased. These numbers show
11 that our concentrated efforts for elementary school
12 students have improved their writing skills, but by
13 neglecting the needs of secondary school students,
14 we are squandering these gains.

15 (7) The United States cannot maintain its posi-
16 tion as the world's strongest economy if we continue
17 to ignore the literacy needs of adolescents in middle
18 school and secondary school.

19 (8) The achievement gap between White and
20 Asian students and Black and Hispanic students re-
21 mains wide in the area of mathematics.

22 (9) The 2003 National Assessment of Edu-
23 cation Progress shows that the achievement gap be-
24 tween the mathematics scores of eighth grade Black

1 and Hispanic students and White students is the
2 same in 2003 as in 1990.

3 (10) The 2003 National Assessment of Edu-
4 cation Progress shows that eighth grade students el-
5 igible for a free or reduced-price school lunch did not
6 meet the basic mathematics score, unlike non-eligible
7 students.

8 (11) According to the latest results from inter-
9 national assessments, 15-year-olds from the United
10 States performed below the international average in
11 mathematics literacy and problem-solving, placing
12 27th out of 39 countries.

13 (12) Only $\frac{1}{3}$ of the United States workforce
14 has any post-secondary education, yet 60 percent of
15 new jobs in the 21st century will require post-sec-
16 ondary education.

17 **SEC. 102. PURPOSES.**

18 The purposes of this title are—

19 (1) to provide assistance to State educational
20 agencies and local educational agencies in estab-
21 lishing effective research-based reading, writing, and
22 mathematics programs for students in middle
23 schools and secondary schools, including students
24 with disabilities and students with limited English
25 proficiency;

1 (2) to provide adequate resources to schools to
2 hire and to provide in-service training for not less
3 than 1 literacy coach per 20 teachers who can assist
4 middle school and secondary school teachers to in-
5 corporate research-based reading and writing in-
6 struction into the teachers' teaching of mathematics,
7 science, history, civics, geography, literature, lan-
8 guage arts, and other core academic subjects;

9 (3) to provide assistance to State educational
10 agencies and local educational agencies—

11 (A) in strengthening reading and writing
12 instruction in middle schools and secondary
13 schools; and

14 (B) in procuring high-quality diagnostic
15 reading and writing assessments and com-
16 prehensive research-based programs and in-
17 structional materials that will improve reading
18 and writing performance among students in
19 middle school and secondary school; and

20 (4) to provide adequate resources to schools to
21 hire and to provide in-service training for not less
22 than 1 mathematics coach per 20 teachers who can
23 assist middle school and secondary school teachers
24 to utilize research-based mathematics instruction to
25 develop students' mathematical abilities and knowl-

1 edge, and assist teachers in assessing student learn-
 2 ing.

3 **SEC. 103. DEFINITIONS.**

4 In this title:

5 (1) IN GENERAL.—The terms “local educational
 6 agency”, “Secretary”, and “State educational agen-
 7 cy” have the meaning given the terms in section
 8 9101 of the Elementary and Secondary Education
 9 Act of 1965 (20 U.S.C. 7801).

10 (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
 11 The term “eligible local educational agency” means
 12 a local educational agency who is eligible to receive
 13 funds under part A of title I of the Elementary and
 14 Secondary Education Act of 1965 (20 U.S.C. 6311
 15 et seq.).

16 (3) LITERACY COACH.—The term “literacy
 17 coach” means a certified or licensed teacher with a
 18 demonstrated effectiveness in teaching reading and
 19 writing to students with specialized reading and
 20 writing needs, and the ability to work with classroom
 21 teachers to improve the teachers’ instructional tech-
 22 niques to support reading and writing improvement,
 23 who works on site at a school—

24 (A) to train teachers from across the cur-
 25 riculum to incorporate the teaching of reading

1 and writing skills into their instruction of con-
 2 tent;

3 (B) to train teachers to assess students'
 4 reading and writing skills and identify students
 5 requiring remediation; and

6 (C) to provide or assess remedial literacy
 7 instruction, including for—

8 (i) students in after school and sum-
 9 mer school programs;

10 (ii) students requiring additional in-
 11 struction;

12 (iii) students with disabilities; and

13 (iv) students with limited English pro-
 14 ficiency.

15 (4) MATHEMATICS COACH.—The term “mathe-
 16 matics coach” means a certified or licensed teacher,
 17 with a demonstrated effectiveness in teaching mathe-
 18 matics to students with specialized needs in mathe-
 19 matics, a command of mathematical content knowl-
 20 edge, and the ability to work with classroom teach-
 21 ers to improve the teachers’ instructional techniques
 22 to support mathematics improvement, who works on
 23 site at a school—

24 (A) to train teachers to better assess stu-
 25 dent learning in mathematics;

1 (B) to train teachers to assess students’
 2 mathematics skills and identify students requir-
 3 ing remediation; and

4 (C) to provide or assess remedial mathe-
 5 matics instruction, including for—

6 (i) students in after school and sum-
 7 mer school programs;

8 (ii) students requiring additional in-
 9 struction;

10 (iii) students with disabilities; and

11 (iv) students with limited English pro-
 12 ficiency.

13 (5) MIDDLE SCHOOL.—The term “middle
 14 school” means a school that provides middle school
 15 education, as determined under State law.

16 (6) SECONDARY SCHOOL.—The term “sec-
 17 ondary school” means a school that provides sec-
 18 ondary education, as determined under State law.

19 (7) STATE.—The term “State” means each of
 20 the 50 States, the District of Columbia, the Com-
 21 monwealth of Puerto Rico, the United States Virgin
 22 Islands, Guam, American Samoa, and the Common-
 23 wealth of the Northern Mariana Islands.

1 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) LITERACY GRANTS.—For the purposes of car-
 3 rying out subtitle A, there are authorized to be appro-
 4 priated \$1,000,000,000 for fiscal year 2006 and such
 5 sums as may be necessary for each of the 5 succeeding
 6 fiscal years.

7 (b) MATHEMATICS GRANTS.—For the purposes of
 8 carrying out subtitle B, there are authorized to be appro-
 9 priated \$1,000,000,000 for fiscal year 2006 and such
 10 sums as may be necessary for each of the 5 succeeding
 11 fiscal years.

12 **Subtitle A—Literacy Skills**
 13 **Programs**

14 **SEC. 111. LITERACY SKILLS PROGRAMS.**

15 (a) GRANTS AUTHORIZED.—

16 (1) IN GENERAL.—From funds appropriated
 17 under section 104(a) for a fiscal year, the Secretary
 18 shall establish a program, in accordance with the re-
 19 quirements of this subtitle, that will provide grants
 20 to State educational agencies, and grants or sub-
 21 grants to eligible local educational agencies, to estab-
 22 lish reading and writing programs to improve the
 23 overall reading and writing performance of students
 24 in middle school and secondary school.

1 (2) LENGTH OF GRANT.—A grant to a State
 2 educational agency under this subtitle shall be
 3 awarded for a period of 6 years.

4 (b) RESERVATION OF FUNDS BY THE SECRETARY.—
 5 From amounts appropriated under section 104(a) for a
 6 fiscal year, the Secretary shall reserve—

7 (1) 3 percent of such amounts to fund national
 8 activities in support of the programs assisted under
 9 this subtitle, such as research and dissemination of
 10 best practices, except that the Secretary may not use
 11 the reserved funds to award grants directly to local
 12 educational agencies; and

13 (2) 2 percent of such amounts for the Bureau
 14 of Indian Affairs to carry out the services and activi-
 15 ties described in section 112(c) for Indian children.

16 (c) GRANT FORMULAS.—

17 (1) FORMULA GRANTS TO STATE EDUCATIONAL
 18 AGENCIES.—If the amounts appropriated under sec-
 19 tion 104(a) for a fiscal year are equal to or greater
 20 than \$500,000,000, then the Secretary shall award
 21 grants, from allotments under paragraph (3), to
 22 State educational agencies to enable the State edu-
 23 cational agencies to provide subgrants to eligible
 24 local educational agencies to establish reading and
 25 writing programs to improve overall reading and

1 writing performance among students in middle
2 school and secondary school.

3 (2) DIRECT GRANTS TO ELIGIBLE LOCAL EDU-
4 CATIONAL AGENCIES.—

5 (A) IN GENERAL.—If the amounts appro-
6 priated under section 104(a) for a fiscal year
7 are less than \$500,000,000, then the Secretary
8 shall award grants, on a competitive basis, di-
9 rectly to eligible local educational agencies to
10 establish reading and writing programs to im-
11 prove overall reading and writing performance
12 among students in middle school and secondary
13 school.

14 (B) PRIORITY.—The Secretary shall give
15 priority in awarding grants under this para-
16 graph to eligible local educational agencies
17 that—

18 (i) are among the local educational
19 agencies in the State with the lowest grad-
20 uation rates, as described in section
21 1111(b)(2)(C)(vi) of the Elementary and
22 Secondary Education Act of 1965 (20
23 U.S.C. 6311(b)(2)(C)(vi)); and

24 (ii) have the highest number or per-
25 centage of students who are counted under

1 section 1124(c) of the Elementary and
2 Secondary Education Act of 1965 (20
3 U.S.C. 6333(c)).

4 (3) ALLOTMENTS TO STATES.—

5 (A) IN GENERAL.—From funds appro-
6 priated under section 104(a) and not reserved
7 under subsection (b) for a fiscal year, the Sec-
8 retary shall make an allotment to each State
9 educational agency having an application ap-
10 proved under subsection (d) in an amount that
11 bears the same relation to the funds as the
12 amount the State received under part A of title
13 I of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 6311 et seq.) bears to
15 the amount received under such part by all
16 States.

17 (B) MINIMUM ALLOTMENT.—Notwith-
18 standing subparagraph (A), no State edu-
19 cational agency shall receive an allotment under
20 this paragraph for a fiscal year in an amount
21 that is less than 0.25 percent of the funds allot-
22 ted to all State educational agencies under sub-
23 paragraph (A) for the fiscal year.

24 (4) REALLOTMENT.—If a State educational
25 agency does not apply for a grant under this sub-

1 title, the Secretary shall reallocate the State educational
 2 agency's allotment to the remaining States.

3 (d) APPLICATIONS.—

4 (1) IN GENERAL.—In order to receive a grant
 5 under this subtitle, a State educational agency shall
 6 submit an application to the Secretary at such time,
 7 in such manner, and accompanied by such informa-
 8 tion as the Secretary may require. Each such appli-
 9 cation shall meet the following conditions:

10 (A) A State educational agency shall not
 11 include the application for assistance under this
 12 subtitle in a consolidated application submitted
 13 under section 9302 of the Elementary and Sec-
 14 ondary Education Act of 1965 (20 U.S.C.
 15 7842).

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

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

21 (I) coordinated the development
 22 of the application for a grant under
 23 this subtitle; and

24 (II) will assist in designing and
 25 administering the State educational

1 agency's program under this subtitle;
2 and

3 (ii) the State educational agency will
4 participate, if requested, in any evaluation
5 of the State educational agency's program
6 under this subtitle.

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

10 (i) How the State educational agency
11 will assist eligible local educational agen-
12 cies in implementing subgrants, including
13 providing ongoing professional development
14 for literacy coaches, teachers, paraprofes-
15 sionals, and administrators.

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

21 (iii) How the State educational agency
22 will help eligible local educational agencies
23 identify high-quality research-based mate-
24 rials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this subtitle—

(I) is based on reading and writing research;

(II) will effectively improve instructional practices for reading and writing for middle school and secondary school students; and

(III) is coordinated with professional development activities funded through other programs (including federally funded programs such as programs funded under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 6301 et
2 seq.)).

3 (vi) How funded activities will help
4 teachers and other instructional staff to
5 implement research-based components of
6 reading and writing instruction.

7 (vii) The subgrant process the State
8 educational agency will use to ensure that
9 eligible local educational agencies receiving
10 subgrants implement programs and prac-
11 tices based on reading and writing re-
12 search.

13 (viii) How the State educational agen-
14 cy will build on and promote coordination
15 among reading and writing programs in
16 the State to increase overall effectiveness
17 in improving reading and writing instruc-
18 tion, including for students with disabilities
19 and students with limited English pro-
20 ficiency.

21 (ix) How the State educational agency
22 will regularly assess and evaluate the effec-
23 tiveness of the eligible local educational
24 agency activities funded under this sub-
25 title.

1 (2) REVIEW OF APPLICATIONS.—The Secretary
2 shall review applications from State educational
3 agencies under this subsection as the applications
4 are received.

5 (e) STATE USE OF FUNDS.—Each State educational
6 agency receiving a grant under this subtitle shall—

7 (1) establish a reading and writing partnership,
8 which may be the same as the partnership estab-
9 lished under section 1203(d) of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C.
11 6363(d)), that will provide guidance to eligible local
12 educational agencies in selecting or developing and
13 implementing appropriate, research-based reading
14 and writing programs for middle school and sec-
15 ondary school students;

16 (2) use 80 percent of the grant funds received
17 under this subtitle for a fiscal year to award sub-
18 grants to eligible local educational agencies having
19 applications approved under section 112(a); and

20 (3) use 20 percent of the grant funds received
21 under this subtitle—

22 (A) to carry out State-level activities de-
23 scribed in the application submitted under sub-
24 section (d);

25 (B) to provide—

1 (i) technical assistance to eligible local
2 educational agencies; and

3 (ii) high-quality professional develop-
4 ment to teachers and literacy coaches;

5 (C) to oversee and evaluate subgrant serv-
6 ices and activities undertaken by the eligible
7 local educational agencies as described in sec-
8 tion 112(c); and

9 (D) for administrative costs,
10 of which not more than 10 percent of the grant
11 funds may be used for planning, administration, and
12 reporting.

13 (f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL
14 AGENCIES.—Each State educational agency receiving a
15 grant under this subtitle shall provide notice to all eligible
16 local educational agencies in the State about the avail-
17 ability of subgrants under this subtitle.

18 (g) SUPPLEMENT NOT SUPPLANT.—Each State edu-
19 cational agency receiving a grant under this subtitle shall
20 use the grant funds to supplement not supplant State
21 funding for activities authorized under this subtitle or for
22 other educational activities.

23 (h) NEW SERVICES AND ACTIVITIES.—Grant funds
24 provided under this subtitle may be used only to provide
25 services and activities authorized under this subtitle that

1 were not provided on the day before the date of enactment
2 of this Act.

3 **SEC. 112. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL**
4 **AGENCIES.**

5 (a) APPLICATION.—

6 (1) IN GENERAL.—Each eligible local edu-
7 cational agency desiring a subgrant under this sub-
8 title shall submit an application to the State edu-
9 cational agency in the form and according to the
10 schedule established by the State educational agen-
11 cy.

12 (2) CONTENTS.—In addition to any information
13 required by the State educational agency, each appli-
14 cation under paragraph (1) shall demonstrate how
15 the eligible local educational agency will carry out
16 the following required activities:

17 (A) Development or selection and imple-
18 mentation of research-based reading and writ-
19 ing assessments.

20 (B) Development or selection and imple-
21 mentation of research-based reading and writ-
22 ing programs, including programs for students
23 with disabilities and students with limited
24 English proficiency.

1 (C) Selection of instructional materials
2 based on reading and writing research.

3 (D) High-quality professional development
4 for literacy coaches and teachers based on read-
5 ing and writing research.

6 (E) Evaluation strategies.

7 (F) Reporting.

8 (G) Providing access to research-based
9 reading and writing materials.

10 (3) CONSORTIA.—An eligible local educational
11 agency may apply to the State educational agency
12 for a subgrant as a member of a consortium, if each
13 member of the consortium is an eligible local edu-
14 cational agency.

15 (b) AWARD BASIS.—

16 (1) MINIMUM SUBGRANT AMOUNT.—Each eligi-
17 ble local educational agency receiving a subgrant
18 under this subtitle for a fiscal year shall receive a
19 minimum subgrant amount that bears the same re-
20 lation to the amount of funds made available to the
21 State educational agency under section 111(e)(2) as
22 the amount the eligible local educational agency re-
23 ceived under part A of title I of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 6311
25 et seq.) for the preceding fiscal year bears to the

1 amount received by all eligible local educational
2 agencies under such part for the preceding fiscal
3 year.

4 (2) SUFFICIENT SIZE AND SCOPE.—Subgrants
5 under this section shall be of sufficient size and
6 scope to enable eligible local educational agencies to
7 fully implement activities assisted under this sub-
8 title.

9 (c) LOCAL USE OF FUNDS.—Each eligible local edu-
10 cational agency receiving a subgrant under this subtitle
11 shall use the subgrant funds to carry out, at the middle
12 school and secondary school level, the following services
13 and activities:

14 (1) Hiring literacy coaches, at a ratio of not
15 less than 1 literacy coach for every 20 teachers, and
16 providing professional development for literacy
17 coaches—

18 (A) to work with classroom teachers to in-
19 corporate reading and writing instruction within
20 all subject areas, during regular classroom peri-
21 ods, after school, and during summer school
22 programs, for all students;

23 (B) to work with classroom teachers to
24 identify students with reading and writing prob-
25 lems and, where appropriate, refer students to

1 available programs for remediation and addi-
 2 tional services;

3 (C) to work with classroom teachers to di-
 4 agnose and remediate reading and writing dif-
 5 ficulties of the lowest-performing students, by
 6 providing intensive, research-based instruction,
 7 including during after school and summer ses-
 8 sions, geared toward ensuring that the students
 9 can access and be successful in rigorous aca-
 10 demic coursework; and

11 (D) to assess and organize student data on
 12 literacy and communicate that data to school
 13 administrators to inform school reform efforts.

14 (2) Reviewing, analyzing, developing, and,
 15 where possible, adapting curricula to make sure lit-
 16 eracy skills are taught within the content area sub-
 17 jects.

18 (3) Providing reading and writing professional
 19 development for all teachers in middle school and
 20 secondary school that addresses both remedial and
 21 higher level literacy skills for students in the applica-
 22 ble curriculum.

23 (4) Providing professional development for
 24 teachers, administrators, and paraprofessionals serv-
 25 ing middle schools and secondary schools to help the

1 teachers, administrators, and paraprofessionals meet
2 literacy needs.

3 (5) Procuring and implementing programs and
4 instructional materials based on reading and writing
5 research, including software and other education
6 technology related to reading and writing instruc-
7 tion.

8 (6) Building on and promoting coordination
9 among reading and writing programs in the eligible
10 local educational agency to increase overall effective-
11 ness in improving reading and writing instruction,
12 including for students with disabilities and students
13 with limited English proficiency.

14 (7) Evaluating the effectiveness of the instruc-
15 tional strategies, teacher professional development
16 programs, and other interventions that are imple-
17 mented under the subgrant.

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

24 (e) NEW SERVICES AND ACTIVITIES.—Subgrant
25 funds provided under this subtitle may be used only to

1 provide services and activities authorized under this sub-
 2 title that were not provided on the day before the date
 3 of enactment of this Act.

4 (f) EVALUATIONS.—Each eligible local educational
 5 agency receiving a grant under this subtitle shall partici-
 6 pate, as requested by the State educational agency or the
 7 Secretary, in reviews and evaluations of the programs of
 8 the eligible local educational agency and the effectiveness
 9 of such programs, and shall provide such reports as are
 10 requested by the State educational agency and the Sec-
 11 retary.

12 **Subtitle B—Mathematics Skills** 13 **Programs**

14 **SEC. 121. MATHEMATICS SKILLS PROGRAMS.**

15 (a) GRANTS AUTHORIZED.—

16 (1) IN GENERAL.—From funds appropriated
 17 under section 104(b) for a fiscal year, the Secretary
 18 shall establish a program, in accordance with the re-
 19 quirements of this subtitle, that will provide grants
 20 to State educational agencies, and grants and sub-
 21 grants to eligible local educational agencies, to estab-
 22 lish mathematics programs to improve the overall
 23 mathematics performance of students in middle
 24 school and secondary school.

1 (2) LENGTH OF GRANT.—A grant to a State
2 educational agency under this subtitle shall be
3 awarded for a period of 6 years.

4 (b) RESERVATION OF FUNDS BY THE SECRETARY.—
5 From amounts appropriated under section 104(b) for a
6 fiscal year, the Secretary shall reserve—

7 (1) 3 percent of such amounts to fund national
8 activities in support of the programs assisted under
9 this subtitle, such as research and dissemination of
10 best practices, except that the Secretary may not use
11 the reserved funds to award grants directly to local
12 educational agencies; and

13 (2) 2 percent of such amounts for the Bureau
14 of Indian Affairs to carry out the services and activi-
15 ties described in section 122(c) for Indian children.

16 (c) GRANT FORMULAS.—

17 (1) FORMULA GRANTS TO STATE EDUCATIONAL
18 AGENCIES.—If the amounts appropriated under sec-
19 tion 104(b) for a fiscal year are equal to or greater
20 than \$500,000,000, then the Secretary shall award
21 grants, from allotments under paragraph (3), to
22 State educational agencies to enable the State edu-
23 cational agencies to provide subgrants to eligible
24 local educational agencies to establish mathematics
25 programs to improve overall mathematics perform-

1 ance among students in middle school and secondary
2 school.

3 (2) DIRECT GRANTS TO ELIGIBLE LOCAL EDU-
4 CATIONAL AGENCIES.—

5 (A) IN GENERAL.—If the amounts appro-
6 priated under section 104(b) for a fiscal year
7 are less than \$500,000,000, then the Secretary
8 shall award grants, on a competitive basis, di-
9 rectly to eligible local educational agencies to
10 establish mathematics programs to improve
11 overall mathematics performance among stu-
12 dents in middle school and secondary school.

13 (B) PRIORITY.—The Secretary shall give
14 priority in awarding grants under this para-
15 graph to eligible local educational agencies
16 that—

17 (i) are among the local educational
18 agencies in the State with the lowest grad-
19 uation rates, as described in section
20 1111(b)(2)(C)(vi) of the Elementary and
21 Secondary Education Act of 1965 (20
22 U.S.C. 6311(b)(2)(C)(vi)); and

23 (ii) have the highest number or per-
24 centage of students who are counted under
25 section 1124(c) of the Elementary and

1 Secondary Education Act of 1965 (20
2 U.S.C. 6333(c)).

3 (3) ALLOTMENTS TO STATES.—

4 (A) IN GENERAL.—From funds appro-
5 priated under section 104(b) and not reserved
6 under subsection (b) for a fiscal year, the Sec-
7 retary shall make an allotment to each State
8 educational agency having an application ap-
9 proved under subsection (d) in an amount that
10 bears the same relation to the funds as the
11 amount the State received under part A of title
12 I of the Elementary and Secondary Education
13 Act of 1965 (20 U.S.C. 6311 et seq.) bears to
14 the amount received under such part by all
15 States.

16 (B) MINIMUM ALLOTMENT.—Notwith-
17 standing subparagraph (A), no State edu-
18 cational agency shall receive an allotment under
19 this paragraph for a fiscal year in an amount
20 that is less than 0.25 percent of the funds allot-
21 ted to all State educational agencies under sub-
22 paragraph (A) for the fiscal year.

23 (4) REALLOTMENT.—If a State educational
24 agency does not apply for a grant under this sub-

1 title, the Secretary shall reallocate the State educational
 2 agency's allotment to the remaining States.

3 (d) APPLICATIONS.—

4 (1) IN GENERAL.—In order to receive a grant
 5 under this subtitle, a State educational agency shall
 6 submit an application to the Secretary at such time,
 7 in such manner, and accompanied by such informa-
 8 tion as the Secretary may require. Each such appli-
 9 cation shall meet the following conditions:

10 (A) A State educational agency shall not
 11 include the application for assistance under this
 12 subtitle in a consolidated application submitted
 13 under section 9302 of the Elementary and Sec-
 14 ondary Education Act of 1965 (20 U.S.C.
 15 7842).

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

18 (i) the State educational agency has
 19 established a mathematics partnership
 20 that—

21 (I) coordinated the development
 22 of the application for a grant under
 23 this subtitle; and

24 (II) will assist in designing and
 25 administering the State educational

1 agency's program under this subtitle;
2 and

3 (ii) the State educational agency will
4 participate, if requested, in any evaluation
5 of the State educational agency's program
6 under this subtitle.

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

10 (i) How the State educational agency
11 will assist eligible local educational agen-
12 cies in implementing subgrants, including
13 providing ongoing professional development
14 for mathematics coaches, teachers, para-
15 professionals, and administrators.

16 (ii) How the State educational agency
17 will help eligible local educational agencies
18 identify high-quality screening, diagnostic,
19 and classroom-based instructional mathe-
20 matics assessments.

21 (iii) How the State educational agency
22 will help eligible local educational agencies
23 identify high-quality research-based mathe-
24 matics materials and programs.

1 (iv) How the State educational agency
 2 will help eligible local educational agencies
 3 identify appropriate and effective mate-
 4 rials, programs, and assessments for stu-
 5 dents with disabilities and students with
 6 limited English proficiency.

7 (v) How the State educational agency
 8 will ensure that professional development
 9 funded under this subtitle—

10 (I) is based on mathematics re-
 11 search;

12 (II) will effectively improve in-
 13 structional practices for mathematics
 14 for middle school and secondary
 15 school students; and

16 (III) is coordinated with profes-
 17 sional development activities funded
 18 through other programs.

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

23 (vii) The subgrant process the State
 24 educational agency will use to ensure that
 25 eligible local educational agencies receiving

subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this subtitle.

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

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this subtitle shall—

(1) establish a mathematics partnership that will provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for middle school and secondary school students;

1 (2) use 80 percent of the grant funds received
 2 under this subtitle for a fiscal year to approve high-
 3 quality applications for subgrants to eligible local
 4 educational agencies having applications approved
 5 under section 122(a); and

6 (3) use 20 percent of the grant funds received
 7 under this subtitle—

8 (A) to carry out State-level activities de-
 9 scribed in the application submitted under sub-
 10 section (d);

11 (B) to provide—

12 (i) technical assistance to eligible local
 13 educational agencies; and

14 (ii) high-quality professional develop-
 15 ment to teachers and mathematics coaches;

16 (C) to oversee and evaluate subgrant serv-
 17 ices and activities undertaken by the eligible
 18 local educational agencies as described in sec-
 19 tion 122(c); and

20 (D) for administrative costs,
 21 of which not more than 10 percent of the grant
 22 funds may be used for planning, administration, and
 23 reporting.

24 (f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL
 25 AGENCIES.—Each State educational agency receiving a

1 grant under this subtitle shall provide notice to all eligible
 2 local educational agencies in the State about the avail-
 3 ability of subgrants under this subtitle.

4 (g) SUPPLEMENT NOT SUPPLANT.—Each State edu-
 5 cational agency receiving a grant under this subtitle shall
 6 use the grant funds to supplement not supplant State
 7 funding for activities authorized under this subtitle or for
 8 other educational activities.

9 (h) NEW SERVICES AND ACTIVITIES.—Grant funds
 10 provided under this subtitle may be used only to provide
 11 services and activities authorized under this subtitle that
 12 were not provided on the day before the date of enactment
 13 of this Act.

14 **SEC. 122. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL**
 15 **AGENCIES.**

16 (a) APPLICATION.—

17 (1) IN GENERAL.—Each eligible local edu-
 18 cational agency desiring a subgrant under this sub-
 19 title shall submit an application to the State edu-
 20 cational agency in the form and according to the
 21 schedule established by the State educational agen-
 22 cy.

23 (2) CONTENTS.—In addition to any information
 24 required by the State educational agency, each appli-
 25 cation under paragraph (1) shall demonstrate how

1 the eligible local educational agency will carry out
 2 the following required activities:

3 (A) Development or selection and imple-
 4 mentation of research-based mathematics as-
 5 sessments.

6 (B) Development or selection and imple-
 7 mentation of research-based mathematics pro-
 8 grams, including programs for students with
 9 disabilities and students with limited English
 10 proficiency.

11 (C) Selection of instructional materials
 12 based on mathematics research.

13 (D) High-quality professional development
 14 for mathematics coaches and teachers based on
 15 mathematics research.

16 (E) Evaluation strategies.

17 (F) Reporting.

18 (G) Providing access to research-based
 19 mathematics materials.

20 (3) CONSORTIA.—An eligible local educational
 21 agency may apply to the State educational agency
 22 for a subgrant as a member of a consortium if each
 23 member of the consortium is an eligible local edu-
 24 cational agency.

25 (b) AWARD BASIS.—

1 (1) MINIMUM SUBGRANT AMOUNT.—Each eligi-
2 ble local educational agency receiving a subgrant
3 under this subtitle for a fiscal year shall receive a
4 minimum subgrant amount that bears the same re-
5 lation to the amount of funds made available to the
6 State educational agency under section 121(e)(2) as
7 the amount the eligible local educational agency re-
8 ceived under part A of title I of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 6311
10 et seq.) for the preceding fiscal year bears to the
11 amount received by all eligible local educational
12 agencies under such part for the preceding fiscal
13 year.

14 (2) SUFFICIENT SIZE AND SCOPE.—Subgrants
15 under this section shall be of sufficient size and
16 scope to enable eligible local educational agencies to
17 fully implement activities assisted under this sub-
18 title.

19 (c) LOCAL USE OF FUNDS.—Each eligible local edu-
20 cational agency receiving a subgrant under this subtitle
21 shall use the subgrant funds to carry out, at the middle
22 school and secondary school level, the following services
23 and activities:

24 (1) Hiring mathematics coaches, at a ratio of
25 not less than 1 mathematics coach for every 20

1 teachers, and providing professional development for
 2 mathematics coaches—

3 (A) to work with classroom teachers to bet-
 4 ter assess student learning in mathematics;

5 (B) to work with classroom teachers to
 6 identify students with mathematics problems
 7 and, where appropriate, refer students to avail-
 8 able programs for remediation and additional
 9 services;

10 (C) to work with classroom teachers to di-
 11 agnose and remediate mathematics difficulties
 12 of the lowest-performing students, by providing
 13 intensive, research-based instruction, including
 14 during after school and summer sessions,
 15 geared toward ensuring that those students can
 16 access and be successful in rigorous academic
 17 coursework; and

18 (D) to assess and organize student data on
 19 mathematics and communicate that data to
 20 school administrators to inform school reform
 21 efforts.

22 (2) Reviewing, analyzing, developing, and,
 23 where possible, adapting curricula to make sure
 24 mathematics skills are taught within the content
 25 area subjects.

1 (3) Providing mathematics professional develop-
2 ment for all teachers in middle school and secondary
3 school that addresses both remedial and higher level
4 mathematics skills for students in the applicable cur-
5 riculum.

6 (4) Providing professional development for
7 teachers, administrators, and paraprofessionals serv-
8 ing middle schools and secondary schools to help the
9 teachers, administrators, and paraprofessionals meet
10 mathematics needs.

11 (5) Procuring and implementing programs and
12 instructional materials based on mathematics re-
13 search, including software and other education tech-
14 nology related to mathematics instruction.

15 (6) Building on and promoting coordination
16 among mathematics programs in the eligible local
17 educational agency to increase overall effectiveness
18 in improving mathematics instruction, including for
19 students with disabilities and students with limited
20 English proficiency.

21 (7) Evaluating the effectiveness of the instruc-
22 tional strategies, teacher professional development
23 programs, and other interventions that are imple-
24 mented under the subgrant.

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

7 (e) NEW SERVICES AND ACTIVITIES.—Subgrant
 8 funds provided under this subtitle may be used only to
 9 provide services and activities authorized under this sub-
 10 title that were not provided on the day before the date
 11 of enactment of this Act.

12 (f) EVALUATIONS.—Each eligible local educational
 13 agency receiving a grant under this subtitle shall partici-
 14 pate, as requested by the State educational agency or the
 15 Secretary, in reviews and evaluations of the programs of
 16 the eligible local educational agency and the effectiveness
 17 of such programs, and shall provide such reports as are
 18 requested by the State educational agency and the Sec-
 19 retary.

20 **TITLE II—PATHWAYS TO** 21 **SUCCESS**

22 **SEC. 201. FINDINGS.**

23 Congress makes the following findings:

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

4 (2) All ninth grade students should have a plan
5 that assesses the student's instructional needs and
6 outlines the coursework the student must complete
7 to graduate on time, properly prepared for college
8 and career.

9 (3) Research shows that 1 of the most impor-
10 tant factors behind student success in secondary
11 school is a close connection with at least 1 adult who
12 demonstrates concern for the student's advancement.

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

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

23 **SEC. 202. DEFINITIONS.**

24 In this title:

1 (1) IN GENERAL.—The terms “local educational
2 agency”, “poverty line”, “secondary school”, “Sec-
3 retary”, and “State educational agency” have the
4 meaning given the terms in section 9101 of the Ele-
5 mentary and Secondary Education Act of 1965 (20
6 U.S.C. 7801).

7 (2) ACADEMIC COUNSELOR.—The term “aca-
8 demic counselor” means a highly qualified profes-
9 sional who has received professional development ap-
10 propriate to perform the services described in section
11 205(c).

12 (3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
13 The term “eligible local educational agency” means
14 a local educational agency who has jurisdiction over
15 not less than 1 secondary school receiving assistance
16 under part A of title I of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C. 6311 et
18 seq.).

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

1 **SEC. 203. PROGRAM AUTHORIZED.**

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

4 (1) enables a secondary school that receives as-
5 sistance under title I of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 6301 et
7 seq.), to hire a sufficient number of academic coun-
8 selors, in a ratio of not less than 1 counselor to 150
9 students, to develop personal plans for each student
10 at the school, including students with limited
11 English proficiency;

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

14 (3) provides academic counselors and staff at
15 the schools receiving grants under this title the op-
16 portunity to coordinate with other programs and
17 services, including those supported by Federal funds,
18 to ensure that students have access to the resources
19 and services necessary to fulfill the students' per-
20 sonal plans.

21 **SEC. 204. GRANTS TO STATES.**

22 (a) GRANTS AUTHORIZED.—From amounts made
23 available under section 206 and not reserved under sub-
24 section (i), the Secretary shall award grants, from allot-
25 ments under subsection (b), to State educational agencies
26 to enable the State educational agencies to provide sub-

1 grants to eligible local educational agencies to implement
 2 programs in secondary schools in accordance with this
 3 title.

4 (b) ALLOTMENTS TO STATES.—

5 (1) IN GENERAL.—From funds appropriated
 6 under section 206 and not reserved under subsection
 7 (i) for a fiscal year, the Secretary shall make an al-
 8 lotment to each State educational agency having an
 9 application approved under subsection (d) in an
 10 amount that bears the same relation to the funds as
 11 the amount the State received under part A of title
 12 I of the Elementary and Secondary Education Act
 13 of 1965 (20 U.S.C. 6311 et seq.) bears to the
 14 amount received under such part by all States.

15 (2) MINIMUM ALLOTMENT.—Notwithstanding
 16 paragraph (1), no State educational agency shall re-
 17 ceive an allotment under this subsection for a fiscal
 18 year in an amount that is less than 0.25 percent of
 19 the amount allotted to the State educational agen-
 20 cies under subsection (e)(1) for the fiscal year.

21 (3) RATABLE REDUCTIONS.—If the amount ap-
 22 propriated to carry out this title for any fiscal year
 23 is less than \$2,000,000,000, then the Secretary shall
 24 ratably reduce the allotment made to each State
 25 educational agency under this subsection in propor-

1 tion to the relative number of children who are
 2 counted under section 1124(c) of the Elementary
 3 and Secondary Education Act of 1965 (20 U.S.C.
 4 6333(c)), in the State compared to such number for
 5 all States.

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

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

13 (e) STATE USE OF FUNDS.—Each State educational
 14 agency receiving a grant under this title shall use—

15 (1) 80 percent of the grant funds to award sub-
 16 grants to eligible local educational agencies under
 17 section 205; and

18 (2) 20 percent of the grant funds to provide
 19 professional development to academic counselors and
 20 technical assistance to local educational agencies,
 21 and to pay for administrative costs, of which not
 22 more than 10 percent of such 20 percent may be
 23 used for planning, administration, and reporting.

24 (f) SUPPLEMENT NOT SUPPLANT.—Grant funds pro-
 25 vided to State educational agencies under this title shall

1 be used to supplement not supplant funding provided by
2 the State for activities authorized under this title or for
3 other educational activities.

4 (g) NEW SERVICES AND ACTIVITIES.—Grant funds
5 provided under this title may be used only to provide serv-
6 ices and activities authorized under this title that were not
7 provided on the day before the date of enactment of this
8 Act.

9 (h) REALLOTMENT.—If a State educational agency
10 does not apply for funding under this title, the Secretary
11 shall reallocate the State educational agency's allotment to
12 the remaining eligible State educational agencies.

13 (i) RESERVATIONS.—Of the funds appropriated
14 under section 206 for each fiscal year, the Secretary shall
15 reserve—

16 (1) 2 percent for the Bureau of Indian Affairs
17 to carry out the authorized activities described in
18 section 205(c); and

19 (2) 3 percent for national activities that sup-
20 port the programs assisted under this title, except
21 that the Secretary shall not use such reserved funds
22 to award grants directly to local educational agen-
23 cies.

1 **SEC. 205. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL**
2 **AGENCIES.**

3 (a) SUBGRANTS AUTHORIZED.—From amounts made
4 available under section 204(e)(1), a State educational
5 agency shall award subgrants to eligible local educational
6 agencies having applications approved under subsection
7 (b) to enable the eligible local educational agencies to
8 carry out the authorized activities described in subsection
9 (c).

10 (b) APPLICATIONS.—

11 (1) IN GENERAL.—Each eligible local edu-
12 cational agency desiring a subgrant under this title
13 shall submit an application to the State educational
14 agency in the form and according to the schedule es-
15 tablished by the State educational agency. Each
16 such application shall describe how the eligible local
17 educational agency will—

18 (A) hire a sufficient number of highly
19 qualified academic counselors to develop per-
20 sonal plans for all students in such students'
21 first year of secondary school, with a ratio of 1
22 academic counselor to not more than 150 stu-
23 dents in each secondary school served under the
24 subgrant;

25 (B) provide adequate resources to each
26 such school to offer the supplemental and other

1 support services that the implementation of stu-
2 dents' personal plans require, and provide such
3 supplemental services, where possible, through
4 coordination with Federal TRIO programs
5 under chapter 1 of subpart 2 of part A of title
6 IV of the Higher Education Act of 1965 (20
7 U.S.C. 1070a–11 et seq.), Gear Up programs
8 under chapter 2 of such subpart (20 U.S.C.
9 1070a–21 et seq.), programs under title I of the
10 Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 6301 et seq.), 21st Century
12 Community Learning Centers under part B of
13 title IV of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7171 et seq.),
15 programs under the Individuals with Disabil-
16 ities Education Act (20 U.S.C. 1400 et seq.) (in
17 accordance with students' individualized edu-
18 cation programs), and programs under the Carl
19 D. Perkins Vocational and Technical Education
20 Act of 1998 (20 U.S.C. 2301 et seq.);

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

23 (D) provide staff at each such school with
24 opportunities for appropriate professional devel-
25 opment and coordination to help the staff sup-

1 port students in implementing the students'
2 personal plans.

3 (2) CONSORTIA.—An eligible local educational
4 agency may apply to the State educational agency
5 for a subgrant as a consortium, if each member of
6 the consortium is an eligible local educational agen-
7 cy.

8 (c) AUTHORIZED ACTIVITIES.—Each eligible local
9 educational agency receiving a subgrant under this title
10 shall use the subgrant funds to provide the following serv-
11 ices:

12 (1) Hiring academic counselors (at a ratio of
13 not less than 1 counselor per 150 students) to de-
14 velop the 6-year personal plans for all students in
15 such students' first year of secondary school and co-
16 ordinate the services required to implement such
17 personal plans. Such academic counselors shall—

18 (A) work with students and their families
19 to develop an individual plan that will define
20 such students' career and education goals, as-
21 sure enrollment in the coursework necessary for
22 on-time graduation and preparation for career
23 development or postsecondary education, and
24 identify the courses and supplemental services
25 necessary to meet those goals;

1 (B) advocate for students, helping the stu-
2 dents to access the services and supports nec-
3 essary to achieve the goals laid out in the per-
4 sonal plan for the student;

5 (C) assure student access to services, both
6 academic and nonacademic, needed to lower
7 barriers to succeed as needed;

8 (D) assess student progress on a regular
9 basis;

10 (E) work with school and eligible local edu-
11 cational agency administrators to promote re-
12 forms based on student needs and performance
13 data;

14 (F) involve parents or caregivers, including
15 those parents or caregivers who are limited
16 English proficient, and teachers, in the develop-
17 ment of students' personal plans to ensure the
18 support and assistance of the parents, care-
19 givers, and teachers in meeting the goals out-
20 lined in such personal plans; and

21 (G) communicate to students and their
22 families the importance of implementing the 2
23 years of the personal plan following secondary
24 school graduation, and work with institutions of
25 higher education to help students transition

1 successfully and fully implement the students’
2 personal plans.

3 (2) Determining the academic needs of all stu-
4 dents entering grade 9 and identifying barriers to
5 success.

6 (3) Ensuring availability of the services nec-
7 essary for the implementation of students’ personal
8 plans, including access to a college preparatory cur-
9 riculum and advanced placement or international
10 baccalaureate courses.

11 (4) Where appropriate, modifying the cur-
12 riculum at a secondary school receiving subgrant
13 funds under this title to address the instructional re-
14 quirements of students’ personal plans.

15 (5) Providing for the ongoing assessment of
16 students for whom personal plans have been devel-
17 oped and modifying such personal plans as nec-
18 essary.

19 (6) Coordinating the services offered with
20 subgrant funds received under this title with other
21 Federal, State, and local funds, including programs
22 authorized under title I of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 6301 et
24 seq.), sections 402A and 404A of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1070a–11 and

1 1070a–21), the Individuals with Disabilities Edu-
2 cation Act (20 U.S.C. 1400 et seq.) (in accordance
3 with students’ individualized education programs),
4 and the Carl D. Perkins Vocational and Technical
5 Education Act of 1998 (20 U.S.C. 2301 et seq.).

6 (d) ELIGIBLE LOCAL EDUCATIONAL AGENCY PRI-
7 ORITY.—In awarding subgrants to eligible local edu-
8 cational agencies, a State educational agency shall give
9 priority to eligible local educational agencies with—

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

13 (2) the lowest graduation rates as described in
14 section 1111(b)(2)(C)(vi) of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C.
16 6311(b)(2)(C)(vi)).

17 (e) SCHOOL PRIORITY.—In awarding subgrant funds
18 to secondary schools, an eligible local educational agency
19 shall give priority to secondary schools that—

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

23 (2) have the highest percentages or numbers of
24 children living below the poverty line according to
25 census figures; or

1 (3) have the lowest graduation rates as de-
2 scribed in section 1111(b)(2)(C)(vi) of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311(b)(2)(C)(vi)).

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 204(e)(1) as the amount the eligible local
11 educational agency received under part A of title I of the
12 Elementary and Secondary Education Act of 1965 (20
13 U.S.C. 6311 et seq.) for the preceding fiscal year bears
14 to the amount received by all eligible local educational
15 agencies in the State under such part for the preceding
16 fiscal year.

17 (g) SUFFICIENT SIZE AND SCOPE.—Subgrants under
18 this section shall be of sufficient size and scope to enable
19 eligible local educational agencies to fully implement ac-
20 tivities assisted under this title.

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

1 (i) NEW SERVICES AND ACTIVITIES.—Subgrant
 2 funds provided under this section may be used only to pro-
 3 vide services and activities authorized under this section
 4 that were not provided on the day before the date of enact-
 5 ment of this Act.

6 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

7 For the purposes of carrying out this title, there are
 8 authorized to be appropriated \$2,000,000,000 for fiscal
 9 year 2006 and such sums as may be necessary for each
 10 of the 5 succeeding fiscal years.

11 **TITLE III—FOSTERING SUCCESS-**
 12 **FUL SECONDARY SCHOOLS**

13 **SEC. 301. FINDINGS.**

14 Congress makes the following findings:

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

18 (2) Effective schools provide ongoing, high-qual-
 19 ity professional development for teachers and admin-
 20 istrators to improve instruction.

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

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

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

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

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

10 (8) Despite significant increases to the pro-
11 gram, only about 7 percent of funding for title I of
12 the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 6301 et seq.) goes to secondary
14 schools.

15 (9) Every year, 1,300,000 students do not
16 graduate with their peers, which means every school
17 day, our Nation loses 7,000 students.

18 (10) Nationally, of 100 ninth-graders, only 68
19 will graduate from high school on time, only 38 will
20 directly enter college, only 26 will still be enrolled
21 for the sophomore year, and only 18 will end up
22 graduating from college. The numbers for minority
23 students are even lower.

24 (11) Even secondary school graduates going on
25 to college are struggling with basic literacy skills,

1 with 40 percent of all 4-year college students taking
 2 a remedial course and 63 percent of all community
 3 college students assigned to at least 1 remedial
 4 course.

5 **SEC. 302. PURPOSES.**

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

9 **SEC. 303. DEFINITIONS.**

10 In this title:

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

17 (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
 18 The term “eligible local educational agency” means
 19 a local educational agency that has jurisdiction over
 20 not less than 1 eligible secondary school.

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

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

1 other nonprofit institution with significant expe-
 2 rience in implementing and evaluating edu-
 3 cation reforms; or

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

8 (4) ELIGIBLE SECONDARY SCHOOL.—The term
 9 “eligible secondary school” means a secondary school
 10 identified for school improvement under section
 11 1116(b) of the Elementary and Secondary Edu-
 12 cation Act of 1965 (20 U.S.C. 6316(b)), as of the
 13 day preceding the date of enactment of the Path-
 14 ways for All Students to Succeed Act.

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

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

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

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

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to carry out this title
 7 \$500,000,000 for fiscal year 2006 and such sums as may
 8 be necessary for each of the 5 succeeding fiscal years.

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

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

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

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

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

21 (b) ALLOTMENT TO STATES.—

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

1 ship to the funds as the number of schools in that
 2 State that have been identified for school improve-
 3 ment under section 1116(b) of the Elementary and
 4 Secondary Education Act of 1965 (20 U.S.C.
 5 6316(b)), bears to the number of schools in all
 6 States that have been identified for school improve-
 7 ment under such section 1116(b).

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

14 (c) ALLOCATIONS TO ELIGIBLE LOCAL EDU-
 15 CATIONAL AGENCIES.—

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

19 (A) not more than 10 percent of the grant
 20 funds—

21 (i) for State-level activities to provide
 22 high-quality professional development and
 23 technical assistance to local educational
 24 agencies receiving funds under this title
 25 and to other local educational agencies as

1 appropriate, including the dissemination
2 and implementation of research-based pro-
3 grams, practices, and models for secondary
4 school improvement; and

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

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

13 (2) LOCAL ALLOCATION.—From funds reserved
14 under paragraph (1)(B), the State educational agen-
15 cy shall allocate to each eligible local educational
16 agency in the State an amount that bears the same
17 relation to such funds as the number of secondary
18 schools that have been identified for school improve-
19 ment under section 1116(b) of the Elementary and
20 Secondary Education Act of 1965 (20 U.S.C.
21 6316(b)), that are served by the eligible local edu-
22 cational agency, bears to the number of such schools
23 served by all eligible local educational agencies in the
24 State.

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

2 Each eligible local educational agency receiving a
3 subgrant under this title shall use the subgrant funds for
4 activities to improve secondary schools that have been
5 identified for school improvement under section 1116(b)
6 of the Elementary and Secondary Education Act of 1965
7 (20 U.S.C. 6316(b)), such as—

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

17 (2) promoting community investment in school
18 quality by engaging parents, businesses, and commu-
19 nity-based organizations in the development of re-
20 form plans for eligible secondary schools;

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

1 (4) providing professional development for
2 school staff in research-based practices, such as
3 interactive instructional strategies and opportunities
4 to connect learning with experience; and

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

10 **SEC. 307. APPLICATIONS.**

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

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

1 **SEC. 308. EVALUATIONS.**

2 In cooperation with the State educational agencies re-
 3 ceiving funds under this title, the Secretary shall under-
 4 take or contract for a rigorous evaluation of the effective-
 5 ness and success of activities conducted under this title.

6 **TITLE IV—DATA CAPACITY**

7 **SEC. 401. GRANTS FOR INCREASING DATA CAPACITY FOR**
 8 **PURPOSES OF ASSESSMENT AND ACCOUNT-**
 9 **ABILITY.**

10 (a) PROGRAM AUTHORIZED.—From funds appro-
 11 priated under subsection (e) for a fiscal year, the Sec-
 12 retary may award grants, on a competitive basis, to State
 13 educational agencies to enable the State educational agen-
 14 cies to develop or increase the capacity of data systems
 15 for assessment and accountability purposes, including the
 16 collection of graduation rates.

17 (b) APPLICATION.—Each State educational agency
 18 desiring a grant under this section shall submit an appli-
 19 cation to the Secretary at such time, in such manner, and
 20 containing such information as the Secretary may require.

21 (c) USE OF FUNDS.—Each State educational agency
 22 that receives a grant under this section shall use the grant
 23 funds for the purpose of—

24 (1) increasing the capacity of, or creating, State
 25 databases to collect, disaggregate, and report infor-
 26 mation related to student achievement, enrollment,

1 and graduation rates for assessment and account-
 2 ability purposes; and

3 (2) reporting, on an annual basis, for the ele-
 4 mentary schools and secondary schools within the
 5 State, on—

6 (A) the enrollment data from the begin-
 7 ning of the academic year;

8 (B) the enrollment data from the end of
 9 the academic year; and

10 (C) the twelfth grade graduation rates.

11 (d) DEFINITIONS.—In this section:

12 (1) GRADUATION RATE.—The term “graduation
 13 rate” means the percentage that—

14 (A) the total number of students who—

15 (i) graduate from a secondary school
 16 with a regular diploma (which shall not in-
 17 clude the recognized equivalent of a sec-
 18 ondary school diploma or an alternative de-
 19 gree) in an academic year; and

20 (ii) graduated on time by progressing
 21 1 grade per academic year; represents of

22 (B) the total number of students who en-
 23 tered the secondary school in the entry level
 24 academic year applicable to the graduating stu-
 25 dents.

1 (2) STATE EDUCATIONAL AGENCY.—The term
2 “State educational agency” has the meaning given
3 such term in section 9101 of the Elementary and
4 Secondary Education Act of 1965 (20 U.S.C. 7801).

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Education.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$50,000,000 for fiscal year 2006, and such sums as may
10 be necessary for each of the 2 succeeding fiscal years.

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