

110TH CONGRESS
1ST SESSION

S. 1185

To provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2007

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

A BILL

To provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, 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 “Graduation Promise
5 Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) IN GENERAL.—The terms “local educational
2 agency”, “secondary school”, and “State educational
3 agency” have the meanings given the terms in sec-
4 tion 9101 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7801).

6 (2) GRADUATION RATE.—The term “graduation
7 rate” (except when used as part of the term “aver-
8 aged freshmen graduation rate”) has the meaning
9 given the term in section 1111(b)(2)(C)(vi) of the
10 Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 6311(b)(2)(C)(vi)).

12 (3) HIGH-PRIORITY.—The term “high-priority”,
13 when used with respect to a secondary school, means
14 a school that—

15 (A) has low student achievement; and
16 (B)(i) has a low graduation rate; or
17 (ii) feeds students into a high school that
18 has a low graduation rate.

19 (4) HIGH SCHOOL.—The term “high school”
20 means a secondary school in which the—

21 (A) entering grade of the school is not
22 lower than grade 6; and
23 (B) highest grade of the school is—
24 (i) grade 12; or

1 (ii) in the case of a secondary school
 2 approved by a State to issue a regular di-
 3 ploma concurrently with a postsecondary
 4 degree or with not more than 2 years'
 5 worth of postsecondary academic credit,
 6 grade 13.

7 (5) INSTITUTION OF HIGHER EDUCATION.—The
 8 term “institution of higher education” has the
 9 meaning given the term in section 101(a) of the
 10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (6) SECRETARY.—The term “Secretary” means
 12 the Secretary of Education.

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

19 **TITLE I—HIGH SCHOOL IM-**
 20 **PROVEMENT AND DROPOUT**
 21 **REDUCTION FUND**

22 **SEC. 101. FINDINGS.**

23 The Senate finds the following:

24 (1) About a third of our Nation’s high school
 25 students fail to graduate in 4 years, and another

1 third graduate without the skills and knowledge
2 needed to succeed in college or the workplace. The
3 outcomes for minority students are even worse: only
4 about 52 percent of Hispanic, 56 percent of African-
5 American, and 57 percent of Native-American stu-
6 dents graduate on time, compared to 78 percent of
7 white students.

8 (2) More than a decade after Congress declared
9 a national goal that 90 percent of American high
10 school students graduate from high school we are far
11 from that target and graduation rates have stag-
12 nated.

13 (3) Half of the Nation's dropouts attend a
14 "dropout factory"—schools where 40 percent or
15 more of the freshman class has disappeared by the
16 time the students reach their senior year. These
17 schools, which are located in nearly every State, pri-
18 marily serve minority and poor students, and have
19 fewer resources and less qualified teachers than
20 schools in more affluent neighborhoods with larger
21 numbers of white students. In fact, almost half of
22 African-American students and nearly 40 percent of
23 Latino students—compared to only 11 percent of
24 white students—attend high schools in which grad-
25 uation is not the norm.

1 (4) If the Nation's high schools and colleges
2 raise the graduation rates of Hispanic, African-
3 American, and Native-American students to the lev-
4 els of white students by 2020, the potential increase
5 in personal income across the Nation would add,
6 conservatively, more than \$310,000,000,000 to the
7 United States economy.

8 (5) If the high school graduation rate for male
9 students increased by just 5 percent, the Nation
10 could save almost \$5,000,000,000 a year in reduced
11 spending on crime-related expenses such as prisons
12 and medical costs for victims. An additional
13 \$2,700,000,000 could be generated in income if
14 these high school graduates went on to college at the
15 same rate as other male students.

16 (6) A high school diploma is increasingly impor-
17 tant for success in the 21st century economy. In
18 fact, an estimated 80 percent of current jobs and
19 approximately 90 percent of the fastest-growing,
20 highest-paying jobs require some sort of education
21 beyond high school.

22 (7) The Nation spends more than
23 \$1,400,000,000 a year to provide remedial courses
24 to community college students who recently com-
25 pleted high school. And that figure does not include

1 the almost \$2,300,000,000 that the economy loses
2 because students who take remedial courses, particu-
3 larly in reading, are more likely to leave college with-
4 out getting a degree, and thereby reduce their earn-
5 ing potential. Across the Nation, 42 percent of com-
6 munity college freshmen and 20 percent of freshmen
7 in 4-year institutions enroll in at least 1 remedial
8 course.

9 (8) Business and higher education consistently
10 report that students are leaving high school unpre-
11 pared for the demands of college and the workplace.
12 According to a survey of the National Association of
13 Manufacturers, more than 80 percent of manufac-
14 turing companies are experiencing a shortage of
15 qualified workers. More than two-thirds of manufac-
16 turing companies said that businesses train employ-
17 ees to raise basic skills, a sure sign that a high
18 school education is deficient even for the few jobs
19 that require nothing further. Forty percent of em-
20 ployers considered graduates deficient in their over-
21 all preparation for the workplace.

22 (9) For decades, Federal funding has largely
23 been spent on grades Pre-K to 6 and higher edu-
24 cation, with dramatically less given the middle and
25 high school grades. While children in their early

1 years must build a strong foundation for learning,
2 research also clearly demonstrates the need to con-
3 tinue the investment at each stage of the education
4 process or risk losing much of the benefit of the
5 early effort.

6 (10) The United States has made some
7 progress in education outcomes in the early years of
8 education and in higher education, but has seen de-
9 cline in the middle and high school years. In terms
10 of demonstrating return on investment, where Fed-
11 eral educational commitment has been made, posi-
12 tive outcomes have resulted.

13 (11) Only 8 percent of title I of the Elementary
14 and Secondary Education Act of 1965 (20 U.S.C.
15 6301 et seq.) participants are high school students,
16 leaving millions of title I-eligible, high school stu-
17 dents in low-performing schools without the focused
18 support, external assistance, and resources for im-
19 provement that title I was created to provide. Be-
20 cause title I funds serve as the trigger for school im-
21 provement requirements in the Elementary and Sec-
22 ondary Education Act of 1965, this also means that
23 most low-income, low-performing high schools are
24 not required to (or supported to) implement school
25 improvement activities.

1 (12) While the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6301 et seq.) includes
3 a strong focus on identifying low-performing schools,
4 America still needs a comprehensive strategy to sup-
5 port and improve chronically low-performing schools
6 and districts. School improvement strategies should
7 be tailored based on a variety of indicators and data,
8 so that educators can create and implement success-
9 ful school improvement strategies to address the
10 needs of the individual schools.

11 (13) Most districts and State educational agen-
12 cies do not necessarily have the capacity or infra-
13 structure to guide, support, and fund school im-
14 provement strategies where they are needed, but
15 good models for turning around low-performing high
16 schools do exist. Federal support should be used to
17 build this capacity based on evidence from successful
18 high schools.

19 (14) If the Nation is to maintain and increase
20 its competitiveness in the global economy, it must in-
21 vest in a systemic approach to improving its high
22 schools so that every child graduates prepared for
23 success.

24 **SEC. 102. PURPOSES.**

25 The purposes of this title are to—

1 (1) improve high school student academic
2 achievement and graduation rates;

3 (2) help States develop a high school improve-
4 ment system to deliver support and technical assist-
5 ance to high-priority high schools;

6 (3) ensure students graduate from high school
7 with the education and skills necessary to compete
8 in a global economy; and

9 (4) help build the capacity to develop and im-
10 plement research-based, sustainable, and replicable
11 high school improvement models and interventions
12 for high-priority high schools that engage the whole
13 community.

14 **SEC. 103. DEFINITIONS.**

15 In this title:

16 (1) **ADEQUATE YEARLY PROGRESS.**—The term
17 “adequate yearly progress” has the meaning given
18 the term in section 1111(b)(2)(B) of the Elementary
19 and Secondary Education Act of 1965 (20 U.S.C.
20 6311(b)(2)(B)).

21 (2) **AVERAGED FRESHMEN GRADUATION**
22 **RATE.**—The term “averaged freshmen graduation
23 rate” means the estimate of the percentage of high
24 school students who graduate on time by dividing
25 the number of graduates with regular diplomas by

1 the estimated size of the incoming freshman class 4
2 years earlier, expressed as a percentage, as cal-
3 culated and reported by the National Center for
4 Education Statistics.

5 (3) LOW-INCOME LOCAL EDUCATIONAL AGEN-
6 CY.—The term “low-income local educational agen-
7 cy” means a local educational agency in which not
8 less than 15 percent of the students served by such
9 agency are from families with incomes below the
10 poverty line.

11 (4) MIDDLE GRADES.—The term “middle
12 grades” means grades 6 through 8.

13 (5) POVERTY LINE.—The term “poverty line”
14 means the poverty line described in section 673 of
15 the Community Services Block Grant Act (42 U.S.C.
16 9902), applicable to a family of the size involved.

17 (6) TECHNICAL ASSISTANCE PROVIDER.—The
18 term “technical assistance provider” means a non-
19 profit entity with a proven track record of signifi-
20 cantly improving student achievement and outcomes
21 in high-priority high schools.

22 **SEC. 104. GRANTS AUTHORIZED.**

23 The Secretary is authorized to make grants to State
24 educational agencies with applications approved under sec-
25 tion 109 to establish or expand a differentiated high school

1 improvement system that can improve student achieve-
 2 ment and graduation rates, and effectively target re-
 3 sources and technical assistance to high-priority high
 4 schools.

5 **SEC. 105. ALLOTMENT TO STATES.**

6 (a) IN GENERAL.—The Secretary shall make grants
 7 to State educational agencies with applications approved
 8 under section 109 to enable the States to carry out the
 9 activities specified in section 110. Each grant shall consist
 10 of the allotment determined for a State under subsection
 11 (b)(2).

12 (b) DETERMINATION OF ALLOTMENTS.—

13 (1) RESERVATION OF FUNDS.—From the total
 14 amount appropriated for this Act, the Secretary
 15 shall reserve—

16 (A) 4 percent to—

17 (i) evaluate activities authorized under
 18 this title, including supporting large-scale
 19 randomized studies of planned variations
 20 in school time, such as length of school
 21 day, week, and year, teacher effectiveness,
 22 class size, teacher training, performance or
 23 placement incentives, and other major
 24 school improvement inputs, in order to de-
 25 termine the most effective strategies for

1 improving student achievement and out-
2 comes for students attending high-priority
3 high schools; and

4 (ii) disseminate findings of such eval-
5 uations;

6 (B) 2 percent to provide technical assist-
7 ance and ongoing regional training programs—

8 (i) to build the capacity of State edu-
9 cational agencies and local educational
10 agencies to provide technical assistance to
11 improve high-priority high schools;

12 (ii) to develop the capacity of State
13 educational agencies to effectively manage
14 a differentiated high school improvement
15 system and analyze the capacity of local
16 educational agencies and high schools to
17 effectively implement proven high school
18 reform strategies; and

19 (iii) to develop, in middle schools
20 served by a local educational agency whose
21 students go on to attend high schools iden-
22 tified by the local educational agency as in
23 need of whole school reforms or replace-
24 ment, middle grade early indicator warning
25 systems consisting of factors used to iden-

1 tify students who are struggling academi-
 2 cally and have poor attendance records or
 3 have been suspended in or before the mid-
 4 dle grades or are likely to struggle in high
 5 school or to not graduate and provide sup-
 6 ports to get such students back on track;
 7 and

8 (C) 2 percent to enter into contracts with
 9 or provide grants to technical assistance pro-
 10 viders to build their capacity to serve more high
 11 schools and to support the development or en-
 12 hancement of research-based whole secondary
 13 school reform or new secondary school models.

14 (2) STATE ALLOTMENT.—From the total
 15 amount appropriated under section 114 for a fiscal
 16 year and not reserved under paragraph (1), the Sec-
 17 retary shall make allotments as follows:

18 (A) LOW-INCOME LOCAL EDUCATIONAL
 19 AGENCIES.—From such amount, the Secretary
 20 shall allot to each State an amount that bears
 21 the same ratio to 50 percent of the sums being
 22 allotted as the percentage of students enrolled
 23 in schools served by low-income local edu-
 24 cational agencies in the State bears to the total
 25 of such percentages for all the States.

1 (B) LOWEST CALCULATION.—From such
2 amount, the Secretary shall allot to each State
3 within the lowest one-third averaged freshman
4 graduation rate an amount that bears the same
5 ratio to 25 percent of the sums being allotted as
6 the number of students enrolled in high schools
7 in the State bears to the total of such students
8 in all of such States within the lowest one-third
9 averaged freshman graduation rate.

10 (C) MIDDLE CALCULATION.—From such
11 amount, the Secretary shall allot to each State
12 within the middle one-third averaged freshman
13 graduation rate an amount that bears the same
14 ratio to 15 percent of the sums being allotted as
15 the number of students enrolled in high schools
16 in the State bears to the total of such students
17 in all of such States within the middle one-third
18 averaged freshman graduation rate.

19 (D) HIGHEST CALCULATION.—From such
20 amount, the Secretary shall allot to each State
21 within the highest one-third averaged freshman
22 graduation rate an amount that bears the same
23 ratio to 10 percent of the sums being allotted as
24 the number of students enrolled in high schools
25 in the State bears to the total of such students

1 in all of such States within the highest one-
2 third averaged freshman graduation rate.

3 (3) REALLOTMENT.—If any State does not
4 apply for an allotment under this subsection for any
5 fiscal year, the Secretary shall reallocate the amount of
6 the allotment to the remaining States in accordance
7 with this subsection.

8 (4) MATCHING FUNDS.—A State educational
9 agency that receives a grant under this title shall
10 provide matching funds, from non-Federal sources,
11 in an amount equal to 25 percent of the amount of
12 grant funds provided to the State under this title
13 (which may be provided in cash or in-kind, but not
14 more than 10 percent of the amount of grant funds
15 may be provided in-kind) to carry out the activities
16 supported by the grant. In-kind contributions shall
17 be directed toward supporting State educational
18 agency technical assistance efforts or the operation
19 of the State's differentiated high school improvement
20 system.

21 **SEC. 106. SECRETARIAL PEER REVIEW AND APPROVAL.**

22 (a) IN GENERAL.—The Secretary shall—

23 (1) establish a peer-review process to assist in
24 the review and approval of State plans;

1 (2) appoint individuals to the peer-review proc-
2 ess who are educators and experts in educational
3 standards, assessments, accountability, high school
4 improvement, dropout prevention, and other edu-
5 cational needs of high school students;

6 (3) approve a State plan submitted under this
7 title not later than 120 days after the date of the
8 submission of the plan unless the Secretary deter-
9 mines that the plan does not meet the requirements
10 of this title;

11 (4) if the Secretary determines that the State
12 plan does not meet the requirements of this title, im-
13 mediately notify the State of such determination and
14 the reasons for such determination;

15 (5) not decline to approve a State's plan be-
16 fore—

17 (A) offering the State an opportunity to
18 revise the State's plan;

19 (B) providing the State with technical as-
20 sistance in order to submit a successful applica-
21 tion; and

22 (C) providing a hearing to the State; and

23 (6) have the authority to disapprove a State
24 plan for not meeting the requirements of this title.

1 (b) STATE REVISIONS.—A State plan shall be revised
2 by the State educational agency if required to do so by
3 the Secretary to satisfy the requirements of this title.

4 (c) ACCURACY.—In approving a State plan, the Sec-
5 retary shall ensure that—

6 (1) the process the State educational agency
7 proposes for differentiating school improvement ac-
8 tions under section 109(b)(4) will assign high
9 schools to each category in such a way that accu-
10 rately identifies schools and leads to the implementa-
11 tion of the interventions necessary to meet student
12 needs; and

13 (2) the minimum expected growth targets pro-
14 posed by the State educational agency under section
15 109(b)(2)(B) are meaningful, achievable, and dem-
16 onstrate continuous and substantial progress.

17 **SEC. 107. TECHNICAL ASSISTANCE.**

18 If the Secretary determines that a State does not
19 have the capacity to carry out high school improvement
20 activities, the Secretary shall offer technical assistance to
21 carry out such activities to States directly or through con-
22 tracts with technical assistance providers.

1 **SEC. 108. DIFFERENTIATED HIGH SCHOOL IMPROVEMENT**
2 **SYSTEM.**

3 (a) IN GENERAL.—A State educational agency that
4 receives a grant under this title shall use such funds to
5 establish or expand differentiated high school improve-
6 ment systems.

7 (b) SYSTEM REQUIREMENTS.—The systems de-
8 scribed in subsection (a) shall be designed to do the fol-
9 lowing:

10 (1) IDENTIFY HIGH-PRIORITY HIGH SCHOOLS.—
11 The system shall be designed to identify high-pri-
12 ority high schools within the State.

13 (2) DIFFERENTIATE SCHOOL IMPROVEMENT
14 ACTIONS.—The system shall be designed to differen-
15 tiate school improvement actions based on the
16 amount and type of supports necessary to improve
17 student achievement and graduation rates in high
18 schools within the State.

19 (3) LOCALLY DRIVEN IMPROVEMENT PLANS.—
20 The system shall be designed to provide resources to
21 support evidence-based activities chosen by local
22 school improvement teams and based on school per-
23 formance data.

24 (4) TARGET FUNDS.—The system shall be de-
25 signed to target resources and support to those high-
26 priority high schools within the State.

1 (5) RECOGNIZE PROGRESS.—The system shall
 2 be designed to ensure that high schools making
 3 progress on school performance indicators continue
 4 to implement effective school improvement strategies
 5 identified in their current school improvement plan.

6 (6) DEMONSTRATE COMMITMENT.—The system
 7 shall be designed to ensure that high-priority high
 8 schools making progress on school performance indi-
 9 cators continue to have the resources and supports
 10 necessary to continue improving high school gradua-
 11 tion rates and student achievement.

12 (7) BUILD CAPACITY.—The system shall be de-
 13 signed to build the capacity of the State educational
 14 agencies and local educational agencies to assist in
 15 improving student achievement and graduation rates
 16 in high-priority high schools.

17 **SEC. 109. STATE APPLICATION TO DEVELOP DIFFEREN-**
 18 **TIATED HIGH SCHOOL IMPROVEMENT SYS-**
 19 **TEMS.**

20 (a) IN GENERAL.—

21 (1) IN GENERAL.—For a State to be eligible to
 22 receive a grant under this title, the State educational
 23 agency shall submit an application to the Secretary
 24 at such time, in such manner, and containing such

1 information as the Secretary may reasonably re-
2 quire.

3 (2) REVISED APPLICATION.—The State edu-
4 cational agency shall submit a revised application
5 every 5 years based on an evaluation of the activities
6 conducted under this title.

7 (b) CONTENTS.—Each application submitted under
8 this section shall include the following:

9 (1) SCHOOL IMPROVEMENT PROCESS.—The
10 State educational agency shall describe how the
11 State educational agency will use funds authorized
12 under this title to establish or expand a high school
13 improvement system described in sections 108 and
14 110.

15 (2) SCHOOL PERFORMANCE INDICATORS.—

16 (A) IN GENERAL.—The State educational
17 agency shall define a set of comprehensive
18 school performance indicators that shall be
19 used, in addition to the indicators used to de-
20 termine adequate yearly progress, to analyze
21 school performance, determine the amount and
22 type of support the school needs, and guide the
23 school improvement process, such as—

24 (i) student attendance rates;

1 (ii) earned on-time promotion rates
2 from grade to grade;

3 (iii) percent of students who have on-
4 time credit accumulation at the end of
5 each grade;

6 (iv) percent of students failing a core,
7 credit-bearing mathematics, reading or lan-
8 guage arts, or science course, or failing 2
9 or more of any course;

10 (v) percent of students taking a col-
11 lege preparatory curriculum, which may in-
12 clude percent of students taking Advanced
13 Placement, International Baccalaureate
14 courses, or college courses taken for dual
15 credit;

16 (vi) teacher quality and attendance
17 measures;

18 (vii) student rates of college enroll-
19 ment, persistence, and attainment; and

20 (viii) additional indicators proposed by
21 the State educational agency and approved
22 by the Secretary as part of the peer-review
23 process described in section 110.

24 (B) EXPECTED GROWTH.—The State edu-
25 cational agency shall define a minimum percent

1 of expected annual growth for each school per-
2 formance indicator that demonstrates contin-
3 uous and substantial progress.

4 (3) CAPACITY EVALUATIONS.—

5 (A) STATE EDUCATIONAL AGENCY AND
6 LOCAL EDUCATIONAL AGENCY CAPACITY.—The
7 State educational agency shall describe how it
8 will evaluate and ensure that the State edu-
9 cational agency and local educational agency
10 have sufficient capacity to improve high-priority
11 high schools.

12 (B) HIGH SCHOOL CAPACITY AND NEEDS
13 ASSESSMENT.—The State educational agency
14 shall describe how it will ensure that each high
15 school that does not make adequate yearly
16 progress for 2 consecutive years will undergo a
17 capacity and needs assessment as described in
18 section 111(e) and use such information to as-
19 sist in determining the amount of the subgrant
20 awarded under section 110(f).

21 (4) DIFFERENTIATED SCHOOL IMPROVE-
22 MENT.—The State educational agency shall describe
23 how data from the school performance indicators de-
24 scribed in paragraph (2) and indicators used to de-
25 termine adequate yearly progress will be used by

1 local educational agencies as criteria for placing high
2 schools that do not make adequate yearly progress
3 for 2 consecutive years into 1 of the following school
4 improvement categories:

5 (A) SCHOOLS NEEDING TARGETED INTER-
6 VENTIONS.—High schools whose school per-
7 formance indicators demonstrate a need for tar-
8 geted interventions to improve student out-
9 comes and make adequate yearly progress.

10 (B) SCHOOLS NEEDING WHOLE SCHOOL
11 REFORMS.—High schools whose school perform-
12 ance indicators demonstrate a need for com-
13 prehensive schoolwide reform to improve stu-
14 dent outcomes and make adequate yearly
15 progress.

16 (C) SCHOOLS NEEDING REPLACEMENT.—
17 High schools whose school performance indica-
18 tors demonstrate a need for replacement, as de-
19 scribed in section 112(d).

20 (D) SPECIAL RULE.—States may propose
21 systems of differentiation aligned with their ex-
22 isting State accountability systems that include
23 additional categories.

24 (E) RULE OF CONSTRUCTION.—Notwith-
25 standing any other provision of law, for pur-

poses of this title, a high school shall be designated as a school in need of whole school reform or as a school in need of replacement in the case that such high school has—

(i) a graduation rate of 60 percent or less; or

(ii) achievement levels below the initial baseline for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement in either mathematics or English or language arts in accordance with section 1111(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(E)).

(5) STATE REVIEW OF LOCAL EDUCATIONAL AGENCY PLANS.—The State educational agency shall describe the following:

(A) REVIEW LOCAL EDUCATIONAL AGENCY PLANS.—The State educational agency shall describe how it will collect and review high school improvement plans of local educational agencies using the peer-review process described in section 110(b) submitted by local educational agencies in accordance with section 111(e).

1 (B) ALLOCATION OF SUBGRANTS.—The
2 State educational agency shall describe how it
3 will award subgrants to local educational agen-
4 cies using the peer-review process described in
5 section 110(b) in accordance with section
6 110(f).

7 (C) MONITORING OF SCHOOL IMPROVE-
8 MENT PLANS.—The State educational agency
9 shall describe how it will review and monitor
10 the implementation of high school improvement
11 plans of high schools that do not meet the ex-
12 pected growth targets set in accordance with
13 paragraph (2)(B) and defined in the school im-
14 provement plan described in section 111(d).

15 (D) PROVIDE TECHNICAL ASSISTANCE.—

16 (i) IN GENERAL.—The State edu-
17 cational agency shall describe how it will
18 provide technical assistance to local edu-
19 cational agencies and high schools that
20 need support to implement high school im-
21 provement plans described in section
22 111(d) and improve graduation rates and
23 student achievement, including through the
24 use of technical assistance providers, where
25 appropriate.

1 (ii) SCHOOL IMPROVEMENT TEAMS.—

2 The State educational agency shall de-
3 scribe how it will assist school improve-
4 ment teams described in section 111(b),
5 when needed, including how it will—

6 (I) support and provide resources
7 and training to school improvement
8 teams;

9 (II) allocate staff to participate
10 on school improvement teams;

11 (III) provide technical assistance
12 to the school improvement teams; and

13 (IV) ensure that the school im-
14 provement teams have access to tech-
15 nical assistance providers when need-
16 ed.

17 (6) DEMONSTRATION OF COMMITMENT.—The
18 State educational agency shall demonstrate how it
19 will provide ongoing support to high schools that
20 need targeted interventions, whole school reforms
21 and replacement, and are making progress on school
22 performance indicators, to ensure continued im-
23 provement, including the availability of funds from
24 non-Federal sources.

1 (7) MIDDLE GRADE EARLY INDICATOR WARN-
 2 ING SYSTEM.—The State educational agency shall
 3 demonstrate how it will work with local educational
 4 agencies with low graduation rates to develop middle
 5 grade early indicator warning systems consisting of
 6 factors used to identify students who are struggling
 7 academically and have poor attendance records or
 8 have been suspended in or before the middle grades
 9 or are likely to struggle in high school or to not
 10 graduate and, where appropriate, provide supports
 11 to get such students back on track.

12 (8) EVALUATION OF SUCCESS.—The State edu-
 13 cational agency shall describe how, every 5 years, it
 14 will evaluate how the activities assisted under this
 15 title have been successful in improving student
 16 achievement and outcomes of the cohort of students
 17 that entered 9th grade 4 years earlier.

18 **SEC. 110. STATE EDUCATIONAL AGENCY USE OF FUNDS.**

19 (a) IN GENERAL.—A State educational agency that
 20 receives a grant under section 105—

21 (1) may reserve not more than 10 percent of
 22 the grant funds to carry out the activities under this
 23 title; and

1 (2) shall use not less than 90 percent of the
2 grant funds to make subgrants to local educational
3 agencies in accordance with subsection (b).

4 (b) STATE EDUCATIONAL AGENCY PEER REVIEW.—

5 A State educational agency that receives a grant under
6 this title shall review applications submitted under section
7 111 and make awards in accordance with subsection (f)
8 with the assistance and advice of a panel who are edu-
9 cators and experts in—

10 (1) educational standards, assessments, and ac-
11 countability;

12 (2) high school improvement;

13 (3) dropout prevention; and

14 (4) other educational needs of high school stu-
15 dents.

16 (c) ACCURACY.—The State educational agency, in
17 consultation with the panel described in subsection (b),
18 shall ensure the local educational agency has designated
19 the school improvement category described in section
20 109(b)(4) for each high school served by the local edu-
21 cational agency that did not make adequate yearly
22 progress for 2 consecutive years in such a way that accu-
23 rately identifies schools and leads to the implementation
24 of the interventions necessary to meet student needs.

1 (d) OPPORTUNITY TO REVISE.—If the State edu-
 2 cational agency, in consultation with the panel described
 3 in subsection (b), determines that the local educational
 4 agency’s application does not meet the requirements of
 5 this title, the State educational agency shall immediately
 6 notify the local educational agency of such determination
 7 and the reasons for such determination, and offer—

8 (1) the local educational agency an opportunity
 9 to revise the application; and

10 (2) technical assistance to the local educational
 11 agency to revise the application.

12 (e) TECHNICAL ASSISTANCE.—The State educational
 13 agency shall provide technical assistance to a local edu-
 14 cational agency requesting such assistance in preparing
 15 the application and needs assessment required under sec-
 16 tion 111.

17 (f) AWARD OF SUBGRANTS TO LOCAL EDUCATIONAL
 18 AGENCIES.—

19 (1) IN GENERAL.—A State educational agency
 20 that receives a grant under this title shall award
 21 subgrants to local educational agencies with applica-
 22 tions approved on the basis of—

23 (A) the quality of the plan to improve stu-
 24 dent graduation rates and student achievement

1 in high schools that have not made adequate
 2 yearly progress for 2 consecutive years; and

3 (B) the capacity of the local educational
 4 agency to implement the plan.

5 (2) AMOUNT.—A subgrant under this section
 6 shall be awarded in an amount that is based on—

7 (A) the number and size of high schools
 8 served by the local educational agency need-
 9 ing—

10 (i) targeted interventions;

11 (ii) whole school reforms; and

12 (iii) replacement;

13 (B) the types of reforms or interventions
 14 proposed;

15 (C) the resources available to the high
 16 schools to implement the reforms or interven-
 17 tions proposed; and

18 (D) the resources available to the local
 19 educational agency to implement the reforms or
 20 interventions proposed.

21 (3) PRIORITY.—The State educational agency
 22 shall first award subgrants to local educational agen-
 23 cies serving high schools needing whole school re-
 24 forms and replacement. The State educational agen-
 25 cy shall award remaining subgrant funds to local

1 educational agencies serving high schools needing
2 targeted interventions.

3 (g) **AUTHORITY TO INTERVENE.**—If the State edu-
4 cational agency determines that a local educational agency
5 does not have the capacity to implement high school im-
6 provement activities described in the school improvement
7 plan, the State educational agency may intervene to imple-
8 ment the high school improvement plans or enter into con-
9 tracts with technical assistance providers to assist local
10 educational agencies with the implementation of high
11 school improvement plans.

12 (h) **IMPLEMENTATION OF STATE EDUCATIONAL**
13 **AGENCY APPLICATION.**—The State educational agency
14 shall use funds under this title to carry out the activities
15 included in the application described in section 109.

16 (i) **SUPPLEMENT, NOT SUPPLANT.**—A State edu-
17 cational agency that receives a grant under this title shall
18 use the grant funds to supplement, and not supplant, Fed-
19 eral and non-Federal funds available to high schools.

20 **SEC. 111. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION**
21 **OF SCHOOL IMPROVEMENT SYSTEM.**

22 (a) **DIFFERENTIATE HIGH SCHOOLS.**—A local edu-
23 cational agency that applies for a subgrant under this title
24 shall designate the category of high school improvement,
25 as described in section 109(b)(4), using data from the

1 school performance indicators as criteria, as prescribed by
 2 the State educational agency, for each high school served
 3 by such agency that does not make adequate yearly
 4 progress for 2 consecutive years.

5 (b) SCHOOL IMPROVEMENT TEAMS.—

6 (1) IN GENERAL.—To be eligible to receive a
 7 subgrant under this title, a local educational agency
 8 shall convene a school improvement team for each
 9 high school served by such agency that does not
 10 make adequate yearly progress for 2 consecutive
 11 years and is assigned to 1 of the school improvement
 12 categories defined in section 109(b)(4), which—

13 (A) shall include—

14 (i) the building principal;

15 (ii) teachers representing different
 16 grade levels or disciplines;

17 (iii) local educational agency staff;

18 (iv) parents, including parents of stu-
 19 dents who have low graduation rates;

20 (v) community representatives, includ-
 21 ing representatives of nonprofit organiza-
 22 tions serving young people and the busi-
 23 ness community; and

24 (vi) pupil service representatives; and

25 (B) may include—

1 (i) technical assistance providers,
2 where appropriate; and

3 (ii) State educational agency staff
4 when requested by the local educational
5 agency or assigned by the State edu-
6 cational agency.

7 (2) COLLABORATION.—A local educational
8 agency shall ensure collaboration—

9 (A) of school improvement teams with per-
10 sonnel of middle schools served by the local
11 educational agency whose students go on to at-
12 tend high schools that are designated as in need
13 of targeted assistance, whole school reform, or
14 replacement, where appropriate; and

15 (B) between school improvement teams
16 working at different high schools served by the
17 local educational agency, to the extent appro-
18 priate.

19 (c) DEVELOP STUDENT INDICATORS.—To be eligible
20 to receive a subgrant under this title, a local educational
21 agency shall develop a set of indicators to determine the
22 number and percent of students who begin high school at
23 high risk for not graduating high school with a regular
24 diploma and describe how the school improvement team
25 will use such indicators to determine the type and inten-

1 sity of supports each student needs. Such indicators shall
 2 include the number and percent of 9th grade students
 3 who—

4 (1) in the 8th grade—

5 (A) failed a credit-bearing mathematics or
 6 reading or language arts course, or 2 or more
 7 of any course;

8 (B) attended school less than 90 percent of
 9 the required time; and

10 (C) received an out-of-school suspension;

11 (2) repeat the 9th grade;

12 (3) enter the 9th grade over the average age; or

13 (4) have experienced interrupted formal edu-
 14 cation.

15 (d) DEVELOP HIGH SCHOOL IMPROVEMENT
 16 PLANS.—The school improvement team convened under
 17 subsection (b) shall use data from the school performance
 18 indicators, the student indicators, measures used to deter-
 19 mine adequate yearly progress, the capacity and needs as-
 20 sessment described in subsection (e), and other relevant
 21 data and knowledge of the school to develop a multiyear
 22 school improvement plan for each school. Such plan
 23 shall—

24 (1) identify annual benchmarks for school per-
 25 formance indicators that meet or exceed the min-

1 imum percentage of expected growth defined by the
2 State educational agency in section 109(b)(2)(B);

3 (2) define the evidence-based academic and
4 nonacademic interventions and resources necessary
5 to meet annual benchmarks and make adequate
6 yearly progress;

7 (3) identify the roles of the State educational
8 agency, the local educational agency, the school, and
9 technical assistance providers and service providers,
10 as appropriate, in providing identified interventions
11 and resources necessary to meet annual benchmarks
12 and make adequate yearly progress;

13 (4) provide for the involvement of business and
14 community organizations and other entities, includ-
15 ing parents and institutions of higher education, in
16 the activities to be assisted under this title; and

17 (5) describe and direct the use of—

18 (A) any additional funding to be provided
19 by the State educational agency, the local edu-
20 cational agency, or other sources; and

21 (B) technical assistance providers, where
22 appropriate.

23 (e) HIGH SCHOOL CAPACITY AND NEEDS ASSESS-
24 MENT.—

1 (1) IN GENERAL.—To be eligible to receive a
2 subgrant under this title, a local educational agency
3 shall submit, with the application described in sub-
4 section (f), to the State educational agency a capac-
5 ity and needs assessment for each high school served
6 by such agency that does not make adequate yearly
7 progress for 2 consecutive years.

8 (2) ASSESSMENT.—The assessment under para-
9 graph (1) shall be conducted by a school improve-
10 ment team described in subsection (b) and the local
11 educational agency and shall include—

12 (A) a description and analysis of the
13 school's capacity to implement needed school
14 improvement activities identified in the school
15 improvement plan, including an analysis of—

16 (i) the number, experience, training
17 level, responsibilities, and stability of exist-
18 ing administrative, instructional, and non-
19 instructional staff for each high school to
20 be assisted;

21 (ii) a review of the budget, including
22 how Federal, State, and local funds are
23 currently being spent for instruction and
24 operations at the school level for staff sala-
25 ries, instructional materials, professional

development, and student support services to establish the extent to which existing resources need to and can be reallocated to support the needed school improvement activities; and

(iii) additional resources and staff necessary to implement the needed school improvement activities described in section 112; and

(B) an analysis of the local educational agency's capacity to provide technical assistance, additional staff, and resources to implement the school improvement plan to improve high school performance.

(3) REQUIREMENTS.—The information provided in the capacity and needs assessment in coordination with the school improvement plan shall be used to determine the level and direct the use of—

(A) funds requested by the local educational agency for each high school to be assisted under this title;

(B) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

1 (C) technical assistance providers, where
2 appropriate.

3 (f) APPLICATION.—

4 (1) IN GENERAL.—To be eligible to receive a
5 subgrant under this title, a local educational agen-
6 cy—

7 (A) shall submit an application to the
8 State educational agency at such time, in such
9 manner, and containing such information as the
10 State educational agency may reasonably re-
11 quire; and

12 (B) may request technical assistance from
13 the State educational agency in preparing the
14 application and the capacity and needs assess-
15 ment required under this section.

16 (2) CONTENTS.—Each application submitted
17 under this section shall use data from the capacity
18 and needs assessment required in subsection (e) and
19 shall include the following:

20 (A) A description of how the local edu-
21 cational agency used data from the school per-
22 formance indicators as criteria to designate the
23 school improvement category described in sec-
24 tion 109(b)(4) for each high school served by

1 such agency that did not make adequate yearly
2 progress for 2 consecutive years.

3 (B) An identification of each high school
4 served by the local educational agency that did
5 not make adequate yearly progress for 2 con-
6 secutive years and the designation of the school
7 improvement category for each such school, as
8 described in section 109(b)(4).

9 (C) A description of the activities to be
10 carried out by the local educational agency
11 under this title and a description of how the ac-
12 tivities will be research-based and an expla-
13 nation of why the activities are expected to im-
14 prove student achievement and increase gradua-
15 tion rates.

16 (D) An assurance that the local edu-
17 cational agency will use funds authorized under
18 this title and received from the State edu-
19 cational agency first to meet the needs of high
20 schools served by the local educational agency
21 that need whole school reforms or high schools
22 served by the local educational agency that need
23 replacement.

24 (E) A description of how the local edu-
25 cational agency will provide for the involvement

1 of parents, business and community organiza-
2 tions, including institutions of higher education,
3 in the activities to be assisted under this title,
4 and the resources such entities will make avail-
5 able to assist in such activities.

6 (F) An assurance that the local edu-
7 cational agency shall provide ongoing support
8 and resources to high schools that need whole
9 school reforms and that need replacement, and
10 are making progress on school performance in-
11 dicators, to ensure continued improvement.

12 (G) A description of how the local edu-
13 cational agency will increase its capacity to im-
14 prove high schools with low student achieve-
15 ment and graduation rates.

16 (H) A description of the options that will
17 be provided to high school students served by
18 the local educational agency, such as—

19 (i) programs for credit recovery for
20 overage or under-credited students; and

21 (ii) secondary-postsecondary learning
22 opportunities, including dual enrollment
23 programs and early college high schools.

1 (g) IMPLEMENT HIGH SCHOOL IMPROVEMENT
2 PLANS.—The local educational agency shall use funds to
3 ensure the implementation of school improvement plans.

4 (h) ENSURE CONTINUOUS HIGH SCHOOL IMPROVE-
5 MENT.—

6 (1) IN GENERAL.—The local educational agency
7 shall ensure the continuous improvement of high
8 schools by evaluating the progress of high schools in
9 making the continuous and substantial progress as
10 defined in the school improvement plan in accord-
11 ance with the minimum expected growth set by the
12 State educational agency in section 109(b)(2)(B)
13 and determining whether the high school is on track
14 or not on track as provided in paragraphs (2) and
15 (3).

16 (2) ON TRACK.—Each high school that is meet-
17 ing the annual benchmarks as defined in the school
18 improvement plan shall continue to implement school
19 improvement activities in accordance with the school
20 improvement plan.

21 (3) NOT ON TRACK.—For each high school that
22 is not meeting the annual benchmarks as defined in
23 the school improvement plan, the local educational
24 agency shall—

1 (A) after 1 year, review the school im-
 2 provement plan, and develop and implement a
 3 new plan, as appropriate;

4 (B) after 2 years, redesignate the school
 5 into a different school improvement category, as
 6 described in section 109(b)(4), either—

7 (i) as a school in need of whole school
 8 reform; or

9 (ii) as a school in need of replace-
 10 ment; and

11 (C) develop and submit to the State edu-
 12 cational agency for review a new school im-
 13 provement plan, as appropriate.

14 (i) TARGETED INTERVENTIONS FOR FEEDER MID-
 15 DLE SCHOOLS.—A local educational agency that receives
 16 a subgrant under this title, consistent with subsection
 17 (f)(2)(D), may use funds to—

18 (1) implement research- and evidence-based
 19 interventions to improve middle schools served by
 20 such agency whose students go on to attend high
 21 schools served by the local educational agency that
 22 need whole school reforms or high schools served by
 23 the local educational agency that need replacement;
 24 and

1 (2) establish an early indicator warning system
2 consisting of factors used to identify students who
3 are struggling academically and have poor attend-
4 ance records or have been suspended in or before the
5 middle grades or are likely to struggle in high school
6 or to not graduate and provide supports to get such
7 students back on track.

8 (j) SUPPLEMENT, NOT SUPPLANT.—A local edu-
9 cational agency that receives a subgrant under this title
10 shall use the subgrant funds to supplement, and not sup-
11 plant, Federal and non-Federal funds available for high
12 schools.

13 (k) MATCHING FUNDS.—

14 (1) IN GENERAL.—A local educational agency
15 receiving a grant under this title shall provide
16 matching funds, from non-Federal sources, in an
17 amount equal to not less than 15 percent of the
18 total subgrant award for the local educational agen-
19 cy, which may be provided in cash or in-kind, to pro-
20 vide technical assistance to high schools served by
21 the local educational agency in developing their high
22 school improvement plans, conducting the capacity
23 and needs assessment, and in implementing and
24 monitoring the implementation of the high school
25 improvement plans.

1 (2) WAIVER.—The Secretary may waive all or
2 part of the matching requirement described in para-
3 graph (1) for any fiscal year for a local educational
4 agency if the Secretary determines that applying the
5 matching requirement to such local educational
6 agency would result in serious hardship or an inabil-
7 ity to carry out the authorized activities described in
8 section 110.

9 **SEC. 112. SCHOOL IMPROVEMENT ACTIVITIES.**

10 (a) IN GENERAL.—Each school improvement team
11 convened as described in section 111 shall ensure that the
12 school improvement activities developed under the school
13 improvement plan are implemented.

14 (b) TARGETED INTERVENTIONS.—A high school or
15 local educational agency, as determined by the school im-
16 provement team, shall implement research-based targeted
17 interventions, using data from the school performance and
18 student indicators and capacity evaluations for schools
19 identified for such interventions pursuant to section 111.
20 The targeted interventions shall be designed, at a min-
21 imum, to address the specific problems identified by the
22 indicators.

23 (c) WHOLE SCHOOL REFORMS.—The local edu-
24 cational agency or State educational agency, with tech-
25 nical assistance from technical assistance providers, as de-

1 terminated by the school improvement team, shall imple-
2 ment research-based whole school reforms, using data
3 from the school performance indicators (as described in
4 section 109(b)(2)) and capacity evaluations (as described
5 in section 109(b)(3)), to schools designated as needing
6 whole school reform pursuant to section 111. Such re-
7 forms—

8 (1) shall address the comprehensive aspects of
9 high school reform, such as—

10 (A) attendance;

11 (B) student engagement, behavior, and ef-
12 fort;

13 (C) academic success; and

14 (D) teacher and administrator skill and
15 collaboration;

16 (2) shall address resource allocation, includ-
17 ing—

18 (A) student supports;

19 (B) teacher and staff support;

20 (C) materials and equipment;

21 (D) time for collaboration; and

22 (E) the use of data;

23 (3) shall be designed to address—

1 (A) the multiple layers of school improve-
 2 ment demonstrated by research and best prac-
 3 tice;

4 (B) schoolwide needs;

5 (C) students who need targeted assistance;
 6 and

7 (D) students who need intensive interven-
 8 tions;

9 (4) shall include activities that serve to—

10 (A) personalize the school experience, in-
 11 crease student engagement, attendance, and ef-
 12 fort, and enable schools to provide the level and
 13 intensity of student support needed, by creating
 14 constructs, such as—

15 (i) smaller schools or smaller units
 16 within schools with their own leadership,
 17 such as 9th grade transition programs or
 18 academies, and upper grade programs or
 19 academies, including career academies;

20 (ii) thematic small-learning commu-
 21 nities;

22 (iii) teams of teachers who work ex-
 23 clusively with small groups of students; or

24 (iv) using extended periods, such as
 25 block scheduling, to reduce the number of

1 students for whom teachers are responsible
2 and the number of courses students are
3 taking at any one time;

4 (B) improve curriculum and instruction,
5 such as—

6 (i) implementing a college- and work-
7 ready curriculum for all students;

8 (ii) adopting well-designed curriculum
9 and instructional materials aligned to high
10 academic standards for all students, in-
11 cluding students with diverse learning
12 needs;

13 (iii) offering extended learning oppor-
14 tunities, both in school and through after-
15 school and summer programs;

16 (iv) emphasizing intensive core aca-
17 demic preparation and college and work-
18 ready skills development;

19 (v) increasing rigor through advanced
20 placement courses, international bacca-
21 laurate courses, dual enrollment, and
22 early college high schools opportunities;

23 (vi) creating contextual learning op-
24 portunities aligned with college and work
25 readiness, such as through a high-quality

1 career and technical education (as defined
 2 in section 3 of the Carl D. Perkins Career
 3 and Technical Education Act of 2006 (20
 4 U.S.C. 2302)) option for upper grades;

5 (vii) collecting and using comprehen-
 6 sive data, including formative assessments;

7 (viii) offering mentoring and tutoring;

8 and

9 (ix) implementing pedagogies that ac-
 10 tively engage students in the learning proc-
 11 ess;

12 (C) increase teacher and principal effec-
 13 tiveness through activities such as—

14 (i) providing teacher and adminis-
 15 trator supports and research-based, ongo-
 16 ing professional development tied to needs
 17 identified in the school improvement plan;

18 (ii) providing regular opportunities for
 19 teachers of core academic subjects to—

20 (I) meet together in both subject
 21 area and interdisciplinary groups;

22 (II) review student achievement
 23 data; and

24 (III) plan instruction;

- 1 (iii) implementing a schoolwide lit-
- 2 eracy or mathematics plan that may in-
- 3 clude hiring literacy or mathematics coach-
- 4 es; and
- 5 (iv) developing administrator learning
- 6 networks and supports;
- 7 (D) increase student supports, such as—
- 8 (i) student advisories;
- 9 (ii) 9th grade transition programs;
- 10 (iii) credit completion recovery pro-
- 11 grams;
- 12 (iv) additional counselors, social work-
- 13 ers, and mental and behavioral health serv-
- 14 ice providers;
- 15 (v) student advocates;
- 16 (vi) strengthening involvement of par-
- 17 ents in the academic life of students;
- 18 (vii) school-family-community partner-
- 19 ships;
- 20 (viii) wraparound social services;
- 21 (ix) before and after school programs;
- 22 or
- 23 (x) additional supports for students
- 24 with diverse learning needs, including stu-

1 dents with disabilities and English lan-
2 guage learners;

3 (E) improve middle schools within a local
4 educational agency whose students go on to at-
5 tend such high schools and establish an early
6 indicator warning system consisting of factors
7 used to identify students who are struggling
8 academically and have poor attendance records
9 or have been suspended in or before the middle
10 grades or are likely to struggle in high school
11 or not to graduate and provide supports to get
12 them back on track; and

13 (F) provide the local educational agency or
14 high school with flexible budget and hiring au-
15 thority where needed to implement improve-
16 ments; and

17 (5) may include other activities designed to ad-
18 dress whole school needs, such as implementing a
19 comprehensive reform model.

20 (d) REPLACEMENT.—The local educational agency or
21 the State educational agency, with assistance from tech-
22 nical assistance providers, shall replace high schools, using
23 data from the school performance indicators and high
24 school capacity and needs assessment (described in para-
25 graphs (2) and (3) of section 109(b), respectively) des-

1 ignated as needing replacement pursuant to section 111.

2 Replacement shall be implemented—

3 (1) by replacing such schools with 1 or more
4 new small schools using effective school models with
5 evidence of success with students with similar aca-
6 demic challenges and outcomes to those attending
7 the school being replaced;

8 (2) by reopening such schools after combining
9 the assignment of a new administrative team that
10 has the authority to select a new teaching staff with
11 the use of research-based strategies through—

12 (A) the implementation of a whole school
13 reform model with evidence of success with stu-
14 dents with similar academic outcomes to those
15 attending the school being replaced; and

16 (B) increasing learning time;

17 (3) by closing such schools and reassigning the
18 students to high schools that have made adequate
19 yearly progress for the past 2 years; or

20 (4) by otherwise replacing such schools.

21 **SEC. 113. EVALUATION AND REPORTING.**

22 (a) LOCAL EDUCATIONAL AGENCY REPORTING.—On
23 an annual basis, each local educational agency receiving
24 funds under this title shall report to the State educational
25 agency and to the public on—

1 (1) the designated category of school improve-
 2 ment for each high school served by the local edu-
 3 cational agency under this title;

4 (2) the school performance indicators (as de-
 5 scribed in section 109(b)(2)) for each school served
 6 under this title, in the aggregate and disaggregated
 7 by the subgroups described in section
 8 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
 9 ondary Education Act of 1965 (20 U.S.C.
 10 6311(b)(2)(C)(v)(II));

11 (3) progress in meeting the benchmarks for
 12 each high school served pursuant to this title; and

13 (4) the use of funds by the local educational
 14 agency and each such school.

15 (b) STATE EDUCATIONAL AGENCY REPORTING.—On
 16 an annual basis, each State educational agency receiving
 17 funds under this title shall report to the Secretary and
 18 to the public on—

19 (1) the school performance indicators (as de-
 20 scribed in section 109(b)(2)), in the aggregate and
 21 disaggregated by the subgroups described in section
 22 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
 23 ondary Education Act of 1965 (20 U.S.C.
 24 6311(b)(2)(C)(v)(II));

1 (2) progress in meeting the benchmarks for
2 each high school served pursuant to this title;

3 (3) the high schools that have changed school
4 improvement categories in accordance with section
5 111(h); and

6 (4) the use of funds by each local educational
7 agency and each school served with such funds.

8 (c) REPORT TO CONGRESS.—Every 2 years, the Sec-
9 retary shall report to Congress and to the public—

10 (1) a summary of the State reports; and

11 (2) on the use of funds by each State under
12 this title.

13 **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to carry out
15 the activities authorized under this title, \$2,400,000,000
16 for fiscal year 2008 and each of the 4 succeeding fiscal
17 years.

18 **TITLE II—DEVELOPMENT OF**
19 **EFFECTIVE SCHOOL MODELS**

20 **SEC. 201. FINDINGS AND PURPOSES.**

21 (a) FINDINGS.—The Senate finds the following:

22 (1) With close to a third of our Nation's high
23 school students failing to graduate in 4 years, and
24 another third graduating without the skills and
25 knowledge needed to succeed in college or the work-

1 place, new models of high school are clearly needed,
2 especially for struggling students who are not on
3 track to a high school diploma.

4 (2) Researchers have identified leading indica-
5 tors that, taken together, are as much as 85 percent
6 predictive of which 9th graders will not graduate
7 from high school 4 years later.

8 (3) In the 2000 high schools nationwide with
9 estimated 4-year graduation rates of 60 percent or
10 lower, 80 percent of the 9th graders are significantly
11 behind in skills or credits. By a conservative esti-
12 mate, this adds up to not fewer than 500,000 stu-
13 dents who are not on track to graduation.

14 (4) Poor outcomes for struggling students are
15 endemic in cities, towns, and rural areas across the
16 country. Graduation rates for students who are not
17 on-track to an on-time graduation in ninth grade are
18 as low as 20 percent.

19 (5) Schools designed to accelerate students'
20 learning and get them on track to a college-ready di-
21 ploma make a difference. The Early College High
22 School Initiative has started 130 schools serving ap-
23 proximately 16,000 students in 23 States. Early re-
24 sults indicate that in the first programs to graduate
25 students, over 95 percent earned a high school di-

1 ploma, over 57 percent earned an associate's degree,
2 and over 80 percent were accepted at a 4-year col-
3 lege

4 (6) Most States and districts have limited ca-
5 pacity to expand and spread proven practices and
6 models for improving graduation rates within a high
7 standards environment.

8 (7) The Nation's young people understand the
9 value of education and will persist, often against
10 considerable odds, to further their education. From
11 1980 to 2002, a period of time with no discernible
12 increase in the country's graduation rates, the per-
13 centage of 10th graders aspiring to a bachelor's de-
14 gree or higher increased from 40 percent to 80 per-
15 cent, with the largest increase among low-income
16 youth.

17 (8) Young people who fall behind and drop out
18 of high school often report that they regret leaving
19 and wish they had been encouraged and supported
20 to work harder while they were in school. Many per-
21 sever despite a lack of school options or pathways
22 designed to help them succeed. Close to 60 percent
23 of dropouts eventually earn a high school creden-
24 tial—in most cases a GED certificate. Almost half
25 of these students—44 percent—later enroll in 2-year

1 or 4-year colleges, but despite their efforts fewer
 2 than 10 percent earn a postsecondary degree.

3 (b) PURPOSES.—The purposes of this title are—

4 (1) to facilitate the development and implemen-
 5 tation of effective secondary school models for strug-
 6 gling students and dropouts; and

7 (2) to build the capacity of State educational
 8 agencies, local educational agencies, nonprofit orga-
 9 nizations, and institutions of higher education to im-
 10 plement effective secondary school models for strug-
 11 gling students and dropouts.

12 **SEC. 202. DEFINITIONS.**

13 In this title:

14 (1) DROPOUT.—The term “dropout” means an
 15 individual who—

16 (A) is not older than 21;

17 (B)(i) is not attending any school; or

18 (ii) prior to attending a school based on an
 19 effective school model, was not attending any
 20 school; and

21 (C) has not received a secondary school
 22 regular diploma or its recognized equivalent.

23 (2) EFFECTIVE SCHOOL MODEL.—The term
 24 “effective school model” means—

1 (A) an existing secondary school model
 2 with demonstrated effectiveness in improving
 3 student academic achievement and outcomes for
 4 struggling students or dropouts; or

5 (B) a proposed new secondary school
 6 model design that is based on research-based
 7 organizational and instructional practices for
 8 improving student academic achievement and
 9 outcomes for struggling students or dropouts.

10 (3) ELIGIBLE ENTITY.—The term “eligible enti-
 11 ty” means—

12 (A) a local educational agency, nonprofit
 13 organization, or institution of higher edu-
 14 cation—

15 (i) that proposes to enhance or ex-
 16 pand an existing effective school model for
 17 struggling students or dropouts; or

18 (ii) that has a track record of serving
 19 struggling students or dropouts and pro-
 20 poses to develop a new effective school
 21 model for struggling students or dropouts;
 22 or

23 (B) a partnership involving 2 or more enti-
 24 ties described in subparagraph (A).

(4) STRUGGLING STUDENT.—The term “struggling student”—

(A) means a high school-aged student who is not making sufficient progress toward graduating from secondary school with a regular diploma in the standard number of years; and

(B) includes a student who—

(i) has been retained in grade level;

(ii) is under-credited, defined as a high school student who lacks either the necessary credits or courses, as determined by the relevant local educational agency and State educational agency, to graduate from secondary school with a regular diploma in the standard number of years; or

(iii) is a late entrant English language learner, defined as a high school student who—

(I) enters a school served by a local educational agency at grade 9 or higher; and

(II) is identified by the local educational agency as being limited English proficient and as having experienced interrupted formal education.

1 **SEC. 203. GRANTS AUTHORIZED.**

2 (a) IN GENERAL.—The Secretary is authorized to
 3 award grants, on a competitive basis, to eligible entities
 4 to enable the eligible entities to develop and implement,
 5 or replicate, effective school models for struggling students
 6 and dropouts.

7 (b) PERIOD OF GRANT.—A grant awarded under this
 8 section shall be for a period of 3 years.

9 **SEC. 204. APPLICATION.**

10 (a) IN GENERAL.—Each eligible entity desiring a
 11 grant under this title shall submit an application to the
 12 Secretary at such time, in such manner, and containing
 13 such information as the Secretary may require.

14 (b) CONTENTS.—Each application submitted under
 15 this section shall include a description of—

16 (1) how the eligible entity will carry out the
 17 mandatory activities under section 206(a);

18 (2) the research or evidence concerning the ef-
 19 fective school model that the eligible entity proposes
 20 to develop and implement or replicate, including—

21 (A) for an existing effective school model
 22 described in section 203(2)(A), the evidence
 23 that the model has improved academic out-
 24 comes for struggling students or dropouts; or

25 (B) for a proposed effective school model
 26 described in section 203(2)(B), the research

1 that supports the key organizational and in-
2 structional practices of the proposed effective
3 school model;

4 (3) the eligible entity's school design elements
5 and principles that will be used in the effective
6 school model, including—

7 (A) the academic program;

8 (B) the instructional practices;

9 (C) the methods of assessment; and

10 (D) student supports and services, such as
11 those provided by the school or offered by other
12 organizations and agencies in the community,
13 to support positive student academic achieve-
14 ment and outcomes;

15 (4) how the eligible entity will use student data
16 from the local educational agency or State edu-
17 cational agency—

18 (A) to demonstrate the need for and pro-
19 jected benefits of the effective school model; and

20 (B) in the implementation of the model, in
21 order to improve academic outcomes for strug-
22 gling students or dropouts;

23 (5) for each school in which the eligible entity
24 implements or replicates an effective school model
25 under this title, how the eligibility entity will sustain

1 the implementation or replication of the effective
2 school model, including the financing mechanism to
3 be used;

4 (6) how the eligible entity will collect data and
5 information to assess the performance of the effective
6 school model and will make necessary adjustments
7 to ensure continuous and substantial improvement
8 in student academic achievement and outcomes;
9 and

10 (7) how the eligible entity will make the performance
11 data available to State educational agencies,
12 local educational agencies, and schools serving
13 struggling students or dropouts.

14 **SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.**

15 The Secretary shall—

16 (1) establish a peer-review process to assist in
17 the review and approval of applications submitted by
18 eligible entities under section 204; and

19 (2) appoint individuals to the peer-review process
20 who are experts in high school reform, dropout
21 prevention and recovery, new school development for
22 struggling students and dropouts, and adolescent
23 and academic development.

1 **SEC. 206. USE OF FUNDS.**

2 (a) MANDATORY USE OF FUNDS.—An eligible entity
3 receiving a grant under this title shall use grant funds
4 to—

5 (1) enhance and expand, or replicate, an exist-
6 ing effective school model described in section
7 202(2)(A), or develop a proposed effective school
8 model described in section 202(2)(B), for struggling
9 students and dropouts;

10 (2) assess the progress of the implementation
11 or replication of the effective school model and make
12 necessary adjustments to ensure continuous im-
13 provement;

14 (3) provide opportunities for professional devel-
15 opment associated with the continuous improvement
16 and implementation or replication of the effective
17 school model;

18 (4) collect data and information on the school
19 model's effectiveness in improving student academic
20 achievement and outcomes for struggling students
21 and dropouts and disseminate such data and infor-
22 mation to State educational agencies, local edu-
23 cational agencies, and schools; and

24 (5) build the capacity of the eligible entity to—

25 (A) sustain the implementation or replica-
26 tion of the effective school model assisted under

1 paragraph (1) after the grant period has ended;
2 and

3 (B) replicate the effective school model.

4 (b) OPTIONAL USE OF FUNDS.—An eligible entity re-
5 ceiving a grant under this title may use grant funds to—

6 (1) identify and create partnerships needed to
7 improve the academic achievement and outcomes of
8 the students attending a school assisted under this
9 title;

10 (2) support family and community engagement
11 in the effective school model; and

12 (3) carry out any additional activities that the
13 Secretary determines are within the purposes de-
14 scribed in section 201.

15 **SEC. 207. EVALUATION AND REPORTING.**

16 (a) CONTENTS OF REPORT.—Each eligible entity re-
17 ceiving a grant under this title shall annually report to
18 the Secretary on—

19 (1) the data and information being gathered to
20 assess the effective school model's effectiveness in
21 improving student academic achievement and out-
22 comes for struggling students and dropouts;

23 (2) the implementation status of the models,
24 any barriers to implementation, and actions taken to
25 overcome the barriers;

1 (3) any professional development activities to
2 build the capacity of—

3 (A) the eligible entity to sustain or rep-
4 licate the effective school model; or

5 (B) the staff of a school assisted under
6 this title to implement or improve the effective
7 school model;

8 (4) the progress made in improving student
9 academic achievement and outcomes in the effective
10 school models for struggling students and dropouts;
11 and

12 (5) the use of grant funds by the eligible entity.

13 (b) INDEPENDENT EVALUATIONS.—The Secretary
14 shall reserve not more than \$5,000,000 to carry out an
15 independent evaluation of the grant program under this
16 title and the progress of the eligible entities receiving
17 grants under this title.

18 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to carry out
20 this title \$60,000,000 for fiscal year 2008 and each of
21 the 4 succeeding fiscal years.

22 **TITLE III—STRENGTHENING**
23 **STATE POLICIES**

24 **SEC. 301. FINDINGS AND PURPOSES.**

25 (a) FINDINGS.—The Senate finds the following:

1 (1) Frontrunner States have begun to move
2 more aggressively on the dual challenge of raising
3 high school graduation rates while also raising the
4 standards to the level of a college and work-ready di-
5 ploma.

6 (2) Seven States are publically reporting 4-year
7 cohort graduation rates and 20 States plan to pub-
8 lically report by 2008.

9 (3) Thirteen States now require students to
10 take a college-and work-ready course of study to
11 earn a diploma, up from just 3 in 2006. Another 16
12 States report that they plan to raise requirements
13 during 2007.

14 (4) States that act aggressively to raise gradua-
15 tion rates without conceding ground on academic
16 proficiency are gaining traction in such cutting- edge
17 policy areas as: dual enrollment to support early col-
18 lege high schools that lead to high school diplomas
19 and 2 years of postsecondary credit; expanding high
20 school accountability to include indicators to reward
21 schools for keeping struggling students in school and
22 on track to proficiency; the development of new sec-
23 ondary educational options, including both small
24 school models and recovery or alternative models for
25 struggling students and dropouts.

1 (5) Even frontrunner States have not yet
 2 adopted a comprehensive set of policies to support
 3 high standards and high graduation rates. They lack
 4 the supports and resources to track implementation
 5 of the policies they have put in place or to partner
 6 with districts to build further capacity to carry out
 7 evidence-based practices and programming.

8 (6) Past Federal educational initiatives have
 9 been effective in supporting and accelerating bolder,
 10 more strategic action with positive results, for exam-
 11 ple the National Science Foundation State Systemic
 12 Initiative.

13 (7) Supporting frontrunner States to become
 14 laboratories of innovation and models for other
 15 States will accelerate the number of young people
 16 graduating from high schools across the Nation who
 17 are college and career ready.

18 (b) PURPOSES.—The purposes of this title are to—

19 (1) provide incentives for States to strengthen
 20 and develop new State policies in order to substan-
 21 tially raise the graduation rate in the State while en-
 22 suring rigorous secondary education content stand-
 23 ards and assessments; and

24 (2) evaluate the effectiveness of such changes to
 25 the State policies.

1 **SEC. 302. SYSTEMIC INITIATIVE TO IMPROVE HIGH SCHOOL**
2 **GRADUATION RATE.**

3 (a) GRANT PROGRAM AUTHORIZED.—The Secretary
4 is authorized to award grants, on a competitive basis, to
5 States that meet the requirements of section 303 to enable
6 such States to design and align State policies in order to
7 act as laboratories of innovation by reducing barriers and
8 creating incentives to improve outcomes for high school
9 students.

10 (b) NUMBER OF GRANTS; DURATION.—

11 (1) NUMBER OF GRANTS.—For each of the first
12 3 consecutive years of the grant program under this
13 title, the Secretary shall award 4 or more grants
14 under this title, except that the Secretary shall
15 award a total of not more than 20 grants under this
16 title for all 3 such years.

17 (2) DURATION OF GRANT.—Each grant award-
18 ed under this title shall be for a period of 5 years.

19 **SEC. 303. ELIGIBLE STATE.**

20 To be eligible to receive a grant under this title, a
21 State shall comply with each of the following:

22 (1) The State shall receive a grant under title
23 I and carry out the activities required under such
24 title.

1 (2) The State shall have implemented, or be in
2 the process of developing, a statewide longitudinal
3 data system with individual student identifiers.

4 (3) The Governor of the State and any indi-
5 vidual, entity, or agency designated under section
6 304(a) by the Governor shall regularly consult with
7 each other and with the State board of education,
8 the State educational agency, the head of the State
9 higher education entity, the head of career and tech-
10 nical education in the State, and other agencies as
11 appropriate, regarding carrying out the activities re-
12 quired under this title.

13 (4) The State shall meet any additional criteria
14 determined by the Secretary to be necessary to carry
15 out the purposes of this title.

16 **SEC. 304. APPLICATION.**

17 (a) IN GENERAL.—If a State desires a grant under
18 this title, the Governor of the State, or an individual, enti-
19 ty, or agency designated by the Governor, shall submit an
20 application to the Secretary at such time, in such manner,
21 and containing such information as the Secretary may re-
22 quire.

23 (b) CONTENTS.—Each application submitted under
24 this section shall include the following:

1 (1) A description of the State’s plan to conduct
2 the policy gap and impact analysis described in sec-
3 tion 305(1).

4 (2) A description of the State’s plan for using
5 the findings of the policy gap and impact analysis to
6 strengthen the policies of the State in effect as of
7 the date of enactment of this Act.

8 (3) A description of how the State will ensure
9 that the State elementary and secondary education
10 content standards and academic assessments de-
11 scribed in section 1111(b) of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 6311(b)) are aligned to college and work readiness.

14 (4) A description of how the State will ensure
15 that all students have access to a college preparatory
16 curriculum.

17 (5) A plan to ensure the statewide longitudinal
18 student data system, other statewide data systems,
19 and data protocols are designed and implemented in
20 such a way that allows for data interoperability and
21 portability across local educational agencies and
22 among pre-kindergarten through grade 12 systems,
23 institutions of higher education, and systems that
24 identify whether students enter the Armed Forces.

1 (6) A plan to grant additional flexibility and
2 autonomy to schools and local educational agencies
3 working to increase the graduation rates and college
4 readiness of secondary school students.

5 (7) A plan to stimulate the development of mul-
6 tiple pathways and expanded educational options to
7 help secondary students, including struggling stu-
8 dents and dropouts, attain a secondary school di-
9 ploma that prepares the student with the necessary
10 skills to succeed in higher education and work.

11 (8) An assurance that the following stake-
12 holders are committed to achieving the goals and ob-
13 jectives set forth in the grant application:

14 (A) The Governor of the State.

15 (B) The chief executive officer of the State
16 higher education coordinating board.

17 (C) The chief State school officer.

18 (D) The head of the State Board of Edu-
19 cation.

20 (E) The head of career and technical edu-
21 cation in the State.

22 (F) Other agency heads, as determined ap-
23 propriate by the Governor and the individuals,
24 entities, and agencies involved in the consulta-
25 tion under section 303(3).

1 **SEC. 305. USE OF FUNDS.**

2 A State receiving a grant under this title shall carry
3 out the following:

4 (1) Conduct, or enter into a contract with a
5 third party to conduct, a policy gap and impact
6 analysis to determine how to strengthen the policies
7 of the State in order to substantially raise the grad-
8 uation rate in the State while ensuring rigorous sec-
9 ondary education content standards and assess-
10 ments. Such analysis shall—

11 (A) examine the policies of the State, and
12 of the local educational agencies within the
13 State, affecting—

14 (i) school funding;
15 (ii) data capacity;
16 (iii) accountability systems;
17 (iv) interventions in high-priority sec-
18 ondary schools;
19 (v) new school development; and
20 (vi) the dissemination and implemen-
21 tation of effective local school improvement
22 activities throughout the State; and

23 (B) provide recommendations regarding
24 how the State can strengthen the policies of the
25 State to substantially raise the graduation rate
26 in the State while ensuring rigorous postsec-

1 ondary and work-ready academic standards, in-
2 cluding recommendations on—

3 (i) innovative finance models, such as
4 weighted student funding;

5 (ii) data capacity that enables longitu-
6 dinal and cross-sectoral analysis of State
7 education and other systems, such as juve-
8 nile justice, social services, and early child-
9 hood;

10 (iii) improving a differentiated system
11 of supports, sanctions, and interventions
12 for high-priority high schools;

13 (iv) the development of additional sec-
14 ondary educational options, including both
15 the development of small school models
16 and recovery or alternative models for
17 struggling students and dropouts;

18 (v) additional accountability measures
19 in the State accountability system;

20 (vi) dual student enrollment in sec-
21 ondary schools and institutions of higher
22 education; and

23 (vii) the development of school-family-
24 community partnerships to improve stu-
25 dent achievement.

1 (2) Implement or enact—

2 (A) the changes to the policies of the State
3 recommended by the policy gap and impact
4 analysis under paragraph (1)(B); and

5 (B) any additional changes to the policies
6 of the State necessary to enable the State to
7 carry out all of the plans described in the appli-
8 cation under subsection (b).

9 (3) Develop a system to—

10 (A) measure how the changes to the poli-
11 cies of the State carried out under this title im-
12 prove student outcomes at the State and local
13 levels; and

14 (B) adjust the policies of the State accord-
15 ingly in order to achieve the desired policy tar-
16 gets and student outcomes at the State and
17 local levels.

18 (4) Devote resources to ensure the sustain-
19 ability of the activities carried out under this title
20 and the long-term success of the secondary schools
21 within the State.

22 **SEC. 306. EVALUATION AND REPORTING.**

23 (a) **EVALUATION AND REPORT.**—Not later than 180
24 days after the date of enactment of this Act, and annually

1 thereafter for the period of the grant, each State receiving
2 a grant under this title shall—

3 (1) conduct an evaluation of the State's
4 progress regarding the impact of the changes made
5 to the policies of the State in accordance with this
6 title, on substantially raising the graduation rate in
7 the State while ensuring rigorous postsecondary and
8 work-ready academic standards, including—

9 (A) a description of the specific changes
10 made, or in the process of being made, to poli-
11 cies as a result of the grant;

12 (B) a discussion of any barriers hindering
13 the identified changes in policies, and strategies
14 to overcome such barriers;

15 (C) evidence of the impact of changes to
16 policies on desired behavior and actions at the
17 local educational agency and school level;

18 (D) after the first year of the grant period,
19 a description of how the results of the previous
20 year's evaluation were used to adjust policies of
21 the State as necessary to achieve the purposes
22 of this title; and

23 (E) evidence of the impact of the changes
24 to policies in accordance with this title on im-
25 proving graduation rates or other measures,

1 such as percent of students who are making
2 sufficient progress toward graduating secondary
3 school in the standard number of years;

4 (2) use the results of the evaluation conducted
5 under paragraph (1) to adjust the policies of the
6 State as necessary to achieve the purposes of this
7 title; and

8 (3) submit the results of the evaluation to the
9 Secretary.

10 (b) AVAILABILITY.—The Secretary shall make the re-
11 sults of each State’s evaluation under subsection (a) avail-
12 able to other States and local educational agencies.

13 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to carry out
15 this title \$40,000,000 for fiscal year 2008 and the 4 suc-
16 ceeding fiscal years.

○