

110TH CONGRESS
2D SESSION

S. 3184

To make grants to States to implement statewide portal initiatives, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24 (legislative day, JUNE 23), 2008

Mr. KERRY introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To make grants to States to implement statewide portal
initiatives, 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 “Empowering Teaching
5 and Learning Through Education Portals Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **21ST CENTURY SKILLS.**—The term “21st
9 century skills”—

1 (A) means skills that students need to suc-
 2 ceed in school, work, and life; and

3 (B) includes—

4 (i) skills related either to core aca-
 5 demic subjects or to 21st century themes;

6 (ii) learning and innovation skills,
 7 such as—

8 (I) creativity and innovation;

9 (II) critical thinking and problem
 10 solving; or

11 (III) communication and collabo-
 12 ration; and

13 (iii) life and career skills to prepare
 14 students for the global economy, such as—

15 (I) flexibility and adaptability;

16 (II) productivity and account-
 17 ability; or

18 (III) leadership and responsi-
 19 bility.

20 (2) CORE ACADEMIC SUBJECTS; EDUCATIONAL
 21 AGENCIES; SCHOOLS; STATE.—The terms “core aca-
 22 demic subjects”, “elementary school”, “local edu-
 23 cational agency”, “secondary school”, “State”, and
 24 “State educational agency” have the meanings given

1 the terms in section 9101 of the Elementary and
 2 Secondary Education Act of 1965 (20 U.S.C. 7801).

3 (3) COVERED EDUCATOR.—The term “covered
 4 educator” means a teacher, administrator, or other
 5 professional staff member, at a covered school.

6 (4) COVERED PARENT.—The term “covered
 7 parent” means the parent of a covered student.

8 (5) COVERED SCHOOL.—The term “covered
 9 school” means a Head Start agency operating a
 10 Head Start program, or a public school that is a
 11 preschool, elementary school, secondary school, or
 12 institution of higher education (including such an in-
 13 stitution offering a program leading to a bacca-
 14 laurate degree or a program leading to an advanced
 15 degree).

16 (6) COVERED STUDENT.—The term “covered
 17 student” means a student at a covered school.

18 (7) COVERED TEACHER.—The term “covered
 19 teacher” means a teacher at a covered school.

20 (8) EDUCATION TECHNOLOGY.—The term
 21 “education technology” means any technology re-
 22 source that improves the learning, training, and en-
 23 gagement of students or helps teachers learn, im-
 24 prove their knowledge, and practice.

1 (9) INSTITUTION OF HIGHER EDUCATION.—The
 2 term “institution of higher education” has the
 3 meaning given the term in sections 101 and 102 of
 4 the Higher Education Act of 1965 (20 U.S.C. 1001,
 5 1002).

6 (10) PROFESSIONAL DEVELOPMENT.—The
 7 term “professional development” means a resource
 8 or training that increases a teacher’s skills, content
 9 knowledge, or other information that has a positive
 10 impact on student learning.

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

13 **SEC. 3. GRANTS.**

14 (a) IN GENERAL.—The Secretary may award grants
 15 to eligible States, to pay for the Federal share of the cost
 16 of implementing and maintaining education portal initia-
 17 tives.

18 (b) AMOUNTS.—The Secretary may award the grants
 19 for periods of not less than 1 year and not more than 3
 20 years.

21 (c) FEDERAL SHARE.—

22 (1) IN GENERAL.—The Federal share of the
 23 cost described in subsection (a) shall be 50 percent.

24 (2) NON-FEDERAL SHARE.—The State may
 25 provide the non-Federal share of the cost in cash or

1 in kind, fairly evaluated, including plant, equipment,
2 or services. The State may provide the non-Federal
3 share from State, local, or private sources.

4 **SEC. 4. APPLICATIONS AND AWARDS.**

5 (a) IN GENERAL.—To be eligible to receive a grant
6 under this section for an initiative, a State shall submit
7 an application to the Secretary at such time, in such man-
8 ner, and containing such information as the Secretary may
9 require.

10 (b) CONTENTS.—The application shall contain, at a
11 minimum—

12 (1) a comprehensive plan for the initiative for
13 which the State seeks the grant, including evidence
14 that the initiative meets the requirements of sub-
15 sections (a) and (c) of section 5;

16 (2) information describing how the State will
17 provide the non-Federal share of the cost described
18 in section 3(a), and will continue to provide that
19 share during the implementation of the initiative and
20 the remainder of the grant period;

21 (3) information describing how the State will
22 meet the maintenance of effort requirements in sec-
23 tion 6;

1 (4) information explaining the protocol the
2 State will use to ensure safe and legal access to the
3 education portal;

4 (5) an assurance that the State has established
5 or will establish an advisory panel, to provide advice
6 on the implementation and maintenance of the ini-
7 tiative, including representatives of leaders in school
8 districts, leaders at institutions of higher education,
9 State educational agencies, parents, and teachers;
10 and

11 (6) a plan to ensure sufficient statewide band-
12 width capacity and systems access to implement and
13 maintain the State education portal.

14 (c) AWARDS.—In determining the amounts of grants
15 under this Act, the Secretary—

16 (1) shall take into consideration the extent to
17 which a State has developed and implemented an
18 education portal initiative prior to the date of the
19 submission of the application involved; but

20 (2) shall not penalize States that have made
21 greater progress in developing and implementing
22 such initiatives.

23 **SEC. 5. USE OF FUNDS.**

24 (a) REQUIRED USES.—A State that receives a grant
25 under this Act for a fiscal year shall use the funds made

1 available through the grant to implement or maintain an
2 education portal initiative that includes—

3 (1) collecting and making available—

4 (A) high quality resources (including data,
5 tools, and digital media content) for covered
6 educators, covered students, and covered par-
7 ents, that support teaching, leading, and learn-
8 ing, and are, as appropriate, aligned with State
9 education standards; and

10 (B) information for covered teachers to use
11 in assisting covered students to attain skills
12 such as 21st century skills; and

13 (2) collecting resources for ongoing and sustain-
14 able professional development for covered educators,
15 related to the use of education technology, and mak-
16 ing the resources available through the implementa-
17 tion of research-based methods and strategies for
18 teacher coaching, collaborating, or mentoring.

19 (b) ALLOWABLE USES.—The State may use the
20 funds made available through the grant for such an initia-
21 tive, for a portal that—

22 (1) gives covered educators access to formative
23 assessment and other resources to address various
24 student learning styles, needs, and achievement lev-
25 els;

1 (2) provides an entry point to other information
2 or services, including information on model examples
3 of effective classroom practices, subscriptions or
4 data systems, content standards, lesson plans,
5 courses of study, engaging interactive media, Web
6 resources, e-mail list management software, online
7 portfolios, after-school program resources, and other
8 educational resources;

9 (3) provides access to technology-based cur-
10 riculum resources and tools that promote the teach-
11 ing and learning of 21st century skills;

12 (4) enables covered educators to quickly search
13 for lesson plans, professional development resources,
14 model examples of effective classroom practices, or
15 other resources, by content standard, grade level, or
16 topic;

17 (5) provides an online support network or com-
18 munity for covered educators to collaborate on and
19 discuss teaching, learning, curricula, and experi-
20 ences, and serves as a communication tool between
21 covered educators and covered parents;

22 (6) includes digital media content developed by
23 a television public broadcasting entity in coordina-
24 tion with the grant recipient; or

1 (7) makes available access to 1 or more re-
 2 source sections of the education portal, subject to
 3 the protocol described in section 4(b)(4), by covered
 4 education, covered students, and covered parents,
 5 from other States (with no requirement for State-
 6 specific log-ins), so that those covered educators,
 7 covered students, and covered parents can benefit
 8 from resources developed in the State, thereby ex-
 9 panding access to the national learning community.

10 (c) PROVISION OF AND ACCESS TO RESOURCES.—

11 The covered educators, covered students, and covered par-
 12 ents in the State may provide resources and information
 13 for the education portal, subject to the protocol described
 14 in section 4(b)(4). The resources and information in the
 15 education portal shall be accessible statewide by the edu-
 16 cators, students, and parents, subject to the protocol.

17 (d) OTHER FEDERAL FUNDS.—A State that receives
 18 a grant under part A of title II of the Elementary and
 19 Secondary Education Act of 1965 (20 U.S.C. 6601 et
 20 seq.) may use funds made available through that grant
 21 to maintain (but not implement) the State’s education
 22 portal initiative under this Act, after the end of the period
 23 in which the State receives funding under this Act.

24 (e) CONFORMING AMENDMENT.—Section 2113(a) of
 25 the Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6613(a)) is amended by striking “A” and inserting
 2 “Subject to section 5 of the Empowering Teaching and
 3 Learning Through Education Portals Act, a”.

4 **SEC. 6. MAINTENANCE OF EFFORT.**

5 (a) IN GENERAL.—A State that receives a grant
 6 under this Act for a fiscal year shall maintain the expendi-
 7 tures of the State for education portal initiatives at a level
 8 not less than the level of such expenditures of the State
 9 for the fiscal year preceding the first fiscal year for which
 10 the State received such a grant.

11 (b) REDUCTION.—If the Secretary determines that a
 12 State, during a fiscal year, expends less than the sum re-
 13 quired to comply with subsection (a), the Secretary shall—

14 (1) determine the difference between the re-
 15 quired sum and the expenditure; and

16 (2) reduce the State’s grant under this Act for
 17 the following year by the amount of the difference.

18 **SEC. 7. EVALUATIONS AND CONFERENCE.**

19 (a) FEDERAL EVALUATION.—The Secretary shall
 20 conduct an evaluation of each initiative funded under this
 21 Act. The Secretary shall submit a report containing the
 22 results of the evaluation to Congress.

23 (b) FEDERAL CONFERENCE.—Not less often than
 24 once every 2 years, the Secretary shall hold a conference
 25 for advisory panels described in section 4(b)(5), to share

1 information on best practices relating to education portal
2 initiatives.

3 (c) STATE EVALUATIONS.—Each State that receives
4 a grant under this Act shall conduct an evaluation of the
5 initiative funded under the grant, using funds provided as
6 part of the non-Federal share of the costs described in
7 section 3(a). The State shall prepare and submit to the
8 Secretary a report containing the results of the evaluation.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to carry out
11 this Act \$100,000,000 for each of fiscal years 2009
12 through 2012, and such sums as may be necessary for
13 each of the following 2 fiscal years.

14 **SEC. 9. SPECIAL RULES RELATING TO CORPORATE CHARITABLE CONTRIBUTIONS TO EDUCATION PORTAL PROJECTS OF ELIGIBLE STATES.**

17 (a) IN GENERAL.—Paragraph (2) of Section 170(b)
18 of the Internal Revenue Code of 1986 (related to percent-
19 age limitations) is amended by redesignating subpara-
20 graphs (C) and (D), respectively, and by inserting after
21 subparagraph (A) the following new subparagraph:

22 “(B) SPECIAL RULE FOR CORPORATE CONTRIBUTIONS TO EDUCATION PORTAL PROJECTS
23 OF ELIGIBLE STATES.—
24

1 “(i) IN GENERAL.—In the case of
2 qualified education portal project contribu-
3 tions—

4 “(I) subparagraph (A) shall be
5 applied separately with respect to
6 such contributions and with respect to
7 other charitable contributions of the
8 taxpayer, and

9 “(II) in applying subparagraph
10 (A) to such qualified education portal
11 project contributions, subparagraph
12 (A) shall be applied by substituting
13 ‘50 percent’ for ‘10 percent’.

14 “(ii) QUALIFIED EDUCATION PORTAL
15 PROJECT CONTRIBUTION.—For purposes
16 of this paragraph, the term ‘qualified edu-
17 cation portal project contribution’ means a
18 charitable contribution in cash—

19 “(I) to a State (as defined in sec-
20 tion 2 of the Empowering Teaching
21 and Learning Through Education
22 Portals Act) which has a grant appli-
23 cation approved under section 4 of
24 such Act, and

1 “(II) for the purpose of paying
2 the non-Federal share of the cost of
3 implementing and maintaining edu-
4 cation portal initiatives (within the
5 meaning of section 3 of such Act).”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to contributions made after the
8 date of the enactment of this Act.

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