

111TH CONGRESS
2D SESSION

H. R. 5586

To support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2010

Mr. PAYNE (for himself, Mr. GUTHRIE, and Mr. POLIS of Colorado) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, 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 “Equity in Excellence
5 Act of 2010”.

6 **SEC. 2. EQUITY IN EXCELLENCE GRANTS.**

7 (a) IN GENERAL.—Title I of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 6301 et
9 seq.) is amended—

1 (1) by redesignating part I as part J; and

2 (2) by inserting after section 1830 the fol-
3 lowing:

4 **“PART I—EQUITY IN EXCELLENCE GRANTS**

5 **“SEC. 1841. PURPOSE.**

6 “The purpose of this part is to support high-need
7 local educational agencies to develop programs that ensure
8 that the rate of growth in academic achievement of high-
9 achieving, educationally disadvantaged students in grades
10 1 through 4 who are served by the high-need local edu-
11 cational agencies is comparable to that of such students’
12 more advantaged, high-achieving peers.

13 **“SEC. 1842. DEFINITIONS.**

14 “In this part:

15 “(1) COHORT.—The term ‘cohort’ means a
16 group of high-achieving students in any of grades 1
17 through 4 who attend schools served by the same
18 local educational agency.

19 “(2) EDUCATIONALLY DISADVANTAGED STU-
20 DENT.—The term ‘educationally disadvantaged stu-
21 dent’ means a student who is from a low-income
22 family, as determined by the measure of poverty
23 used for the purposes of section 1113(a)(5) by the
24 local educational agency serving the student.

1 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means—

3 “(A) a high-need local educational agency;

4 “(B) a consortium of local educational
5 agencies that includes a high-need local edu-
6 cational agency; or

7 “(C) an eligible partnership.

8 “(4) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
9 ble partnership’ means a partnership consisting of—

10 “(A) not less than 1 eligible high-need
11 local educational agency; and

12 “(B) not less than 1 institution of higher
13 education, or nonprofit organization, with sig-
14 nificant expertise in educating students with
15 gifts and talents.

16 “(5) HIGH-ACHIEVING.—The term ‘high-achiev-
17 ing’, when used with respect to a student, means a
18 student who—

19 “(A) based on a valid and reliable assess-
20 ment administered upon the student’s entry
21 into grade 1, is performing academically in the
22 top 10 percent of the students entering grade
23 1 at the school, for any subgroup described in
24 section 1111(b)(2)(C)(v)(II) that includes the
25 student; or

1 “(B) is identified by the local educational
2 agency or elementary school for gifted edu-
3 cation services through teacher or family refer-
4 rals.

5 “(6) HIGH-NEED LOCAL EDUCATIONAL AGEN-
6 CY.—The term ‘high-need local educational agency’
7 means a local educational agency that meets the re-
8 quirements of section 2102(3)(A).

9 **“SEC. 1843. EQUITY IN EXCELLENCE GRANTS.**

10 “(a) PROGRAM AUTHORIZED.—

11 “(1) IN GENERAL.—From amounts appro-
12 priated to carry out this part and not reserved under
13 section 1845(b)(2), the Secretary is authorized to
14 award demonstration grants, on a competitive basis,
15 to eligible entities to enable the eligible entities to
16 develop targeted interventions and academic services
17 to ensure that, among the students served by high-
18 need local educational agencies, the rate of growth
19 in academic achievement of the cohort of high-
20 achieving, educationally disadvantaged students is
21 comparable to the cohort of such students’ more ad-
22 vantaged, high-achieving peers.

23 “(2) DURATION.—A grant awarded under this
24 part shall be for a period of not more than 3 years
25 and may be extended by the Secretary for an addi-

1 tional 2 years, in accordance with section
2 1845(a)(2).

3 “(b) APPLICATION.—An eligible entity desiring a
4 grant under this part shall submit an application to the
5 Secretary at such time, in such manner, and containing
6 such information as the Secretary may require.

7 **“SEC. 1844. AUTHORIZED USE OF FUNDS.**

8 “An eligible entity receiving a grant under this part
9 shall use grant funds to carry out, for the cohorts of high-
10 achieving students served by the high-need local edu-
11 cational agency participating in the eligible entity, all of
12 the following activities:

13 “(1) Ensuring that assessments provide diag-
14 nostic information that informs instruction for high-
15 achieving students.

16 “(2) Implementing evidence-based, innovative
17 educational strategies, such as enrichment programs
18 and academic acceleration strategies, designed to
19 maximize the learning of high-potential and high-
20 achieving students.

21 “(3) Procuring or utilizing high-quality instruc-
22 tional materials.

23 “(4) Carrying out training and professional de-
24 velopment for school personnel involved in the teach-
25 ing of high-achieving, educationally disadvantaged

1 students, such as instructional staff, principals,
2 counselors, and psychologists.

3 “(5) Conducting education and training for par-
4 ents of high-achieving, educationally disadvantaged
5 students to support educational excellence for such
6 students.

7 **“SEC. 1845. REPORTS AND DATA COLLECTION.**

8 “(a) THIRD-YEAR REPORT.—

9 “(1) IN GENERAL.—At the end of the third
10 year of a grant under this part, the eligible entity
11 receiving such grant shall prepare, and submit to the
12 Secretary, a report regarding—

13 “(A) how grant funds were expended; and

14 “(B) the outcomes produced by the grant.

15 “(2) REVIEW.—Upon review of a third-year re-
16 port submitted by an eligible entity under paragraph
17 (1), the Secretary may extend a grant awarded
18 under this part for not more than 2 more years
19 based on the eligible entity’s performance.

20 “(b) DATA COLLECTION.—

21 “(1) IN GENERAL.—The Secretary, acting
22 through the Director of the Institute of Education
23 Sciences, shall—

24 “(A) collect data annually comparing longi-
25 tudinal achievement levels of the cohorts of

1 high-achieving, educationally disadvantaged stu-
 2 dents served by a grant under this part with
 3 such students' more advantaged peers; and

4 “(B) release such data for analysis by
 5 independent research institutions.

6 “(2) RESERVATION.—The Secretary may re-
 7 serve not more than 1 percent of the total amount
 8 appropriated for this part to carry out subsection
 9 (a).

10 **“SEC. 1846. RULE OF CONSTRUCTION.**

11 “Nothing in this part shall be construed to prohibit
 12 a recipient of a grant under this part from serving high-
 13 achieving, educationally disadvantaged students simulta-
 14 neously with students with similar educational needs in
 15 the same educational settings, where appropriate.”.

16 (b) CONFORMING AMENDMENTS.—The Elementary
 17 and Secondary Education Act of 1965 (20 U.S.C. 6301
 18 et seq.) is further amended—

19 (1) in the table of contents in section 2—

20 (A) by striking the item relating to part I
 21 and inserting the following:

“PART J—GENERAL PROVISIONS”;

22 and

23 (B) by inserting after the item relating to
 24 section 1830 the following:

“PART I—EQUITY IN EXCELLENCE GRANTS

“Sec. 1841. Purpose.
 “Sec. 1842. Definitions.
 “Sec. 1843. Equity in excellence grants.
 “Sec. 1844. Authorized use of funds.
 “Sec. 1845. Reports and data collection.
 “Sec. 1846. Rule of construction.”;

1 (2) in section 1304(c)(2) (20 U.S.C.
 2 6394(c)(2)), by striking “part I” and inserting “part
 3 J”; and

4 (3) in section 1415(a)(2)(C) (20 U.S.C.
 5 6435(a)(2)(C)), by striking “part I” and inserting
 6 “part J”.

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 1002 of the Elementary and Secondary Edu-
 9 cation Act of 1965 (20 U.S.C. 6302) is amended by add-
 10 ing at the end the following:

11 “(j) EQUITY IN EXCELLENCE GRANTS.—For the
 12 purpose of carrying out part I, there is authorized to be
 13 appropriated \$50,000,000 for fiscal year 2011 and each
 14 of the 5 succeeding fiscal years.”.

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