

111TH CONGRESS
2D SESSION

S. 3882

To amend the Elementary and Secondary Education Act of 1965 to invest
in innovation for education.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. BEGICH (for himself, Mrs. GILLIBRAND, Ms. LANDRIEU, and Mr.
LIEBERMAN) introduced the following bill; which was read twice and re-
ferred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act
of 1965 to invest in innovation for education.

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 “Investing in Innovation
5 for Education Act of 2010”.

6 **SEC. 2. INVESTING IN INNOVATION.**

7 (a) IN GENERAL.—Title IV of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 7101 et
9 seq.) is amended by adding at the end the following:

1 **“PART D—INVESTING IN INNOVATION**

2 **“SEC. 4401. PURPOSES.**

3 “The purposes of this part are to—

4 “(1) fund the identification, development, eval-
5 uation, and expansion of innovative, evidence-based
6 practices, programs, and strategies in order to sig-
7 nificantly—

8 “(A) increase student academic achieve-
9 ment and decrease achievement gaps;

10 “(B) increase high school graduation rates;

11 “(C) increase college enrollment rates and
12 rates of college persistence; and

13 “(D) improve teacher and school leader ef-
14 fectiveness; and

15 “(2) support the rapid development, expansion,
16 and adoption of tools and resources that improve the
17 efficiency, effectiveness, or pace of adoption of such
18 educational practices, programs, and strategies.

19 **“SEC. 4402. NATIONAL ACTIVITIES.**

20 “The Secretary may reserve not more than 15 per-
21 cent of the funds appropriated under section 4408 for
22 each fiscal year to carry out activities of national signifi-
23 cance, which activities may include capacity building, tech-
24 nical assistance, dissemination, and prize awards.

1 **“SEC. 4403. PROGRAM AUTHORIZED; LENGTH OF GRANTS;**
 2 **PRIORITIES.**

3 “(a) PROGRAM AUTHORIZATION.—The Secretary
 4 shall use funds made available to carry out this part for
 5 a fiscal year to award grants, on a competitive basis, to
 6 local educational agencies and nonprofit organizations
 7 that propose to provide support to 1 or more public schools
 8 or local educational agencies, or both, consistent with sec-
 9 tion 4404(b).

10 “(b) DURATION OF GRANTS.—The Secretary shall
 11 award grants under this part for a period of not more
 12 than 3 years, and may extend such grants for an addi-
 13 tional 2-year period if the grantee demonstrates to the
 14 Secretary that it is making significant progress on the pro-
 15 gram performance measures identified in section 4406.

16 “(c) PRIORITIES.—In awarding grants under this
 17 part, the Secretary may give priority to an eligible entity
 18 that includes, in its application under section 4404, a plan
 19 to—

20 “(1) improve early learning outcomes;

21 “(2) support college access and success;

22 “(3) support family and community engage-
 23 ment;

24 “(4) address the unique learning needs of stu-
 25 dents with disabilities or English language learners;

1 “(5) serve schools in rural local educational
2 agencies;

3 “(6) support the effective use of education tech-
4 nology to improve teaching and learning; or

5 “(7) improve the teaching and learning of
6 science, technology, engineering, or mathematics.

7 “(d) STANDARDS OF EVIDENCE.—The Secretary
8 shall set standards for the quality of evidence that an ap-
9 plicant shall provide in order to demonstrate that the ac-
10 tivities the applicant proposes to carry out with funds
11 under this part are likely to succeed in improving student
12 outcomes or outcomes on other performance measures.
13 These standards may include any of the following:

14 “(1) Strong evidence that the activities pro-
15 posed by the applicant will have a statistically sig-
16 nificant effect on student academic achievement, stu-
17 dent growth, or outcomes on other performance
18 measures.

19 “(2) Moderate evidence that the activities pro-
20 posed by the applicant will improve student aca-
21 demic achievement, student growth, or outcomes on
22 other performance measures.

23 “(3) A rationale based on research findings or
24 a reasonable hypothesis that the activities proposed
25 by the applicant will improve student academic

1 achievement, student growth, or outcomes on other
2 performance measures.

3 **“SEC. 4404. APPLICATIONS.**

4 “(a) APPLICATIONS.—Each local educational agency
5 or nonprofit organization that desires to receive a grant
6 under this part shall submit an application to the Sec-
7 retary at such time, in such manner, and containing such
8 information as the Secretary may reasonably require. At
9 a minimum, each application shall—

10 “(1) describe the project for which the appli-
11 cant is seeking a grant and how the evidence sup-
12 porting that project meets the standards of evidence
13 established by the Secretary under section 4403(d);

14 “(2) describe how the applicant will address at
15 least 1 of the areas described in section 4405(a)(1);

16 “(3) provide an estimate of the number of stu-
17 dents that the applicant plans to serve under the
18 proposed project, including the percentage of those
19 students who are from low-income families, and the
20 number of students to be served through additional
21 expansion after the grant ends;

22 “(4) demonstrate that the applicant has estab-
23 lished 1 or more partnerships with private organiza-
24 tions and that the partner or partners will provide
25 matching funds;

1 “(5) describe the applicant’s plan for continuing
2 the proposed project after funding under this part
3 ends;

4 “(6) if the applicant is a local educational agen-
5 cy—

6 “(A) document the local educational agen-
7 cy’s record during the previous 3 years in—

8 “(i) increasing student achievement,
9 including achievement for each subgroup
10 described in section 1111(b)(2)(C)(v); and

11 “(ii) decreasing achievement gaps;
12 and

13 “(B) demonstrate how the local edu-
14 cational agency has made significant improve-
15 ments in other outcomes, as applicable, on the
16 performance measures described in section
17 4406;

18 “(7) if the applicant is a nonprofit organiza-
19 tion—

20 “(A) provide evidence that the nonprofit
21 organization has helped at least 1 school or
22 local educational agency, during the previous 3
23 years, significantly—

1 “(i) increase student achievement, in-
 2 cluding achievement for each subgroup de-
 3 scribed in section 1111(b)(2)(C)(v); and

4 “(ii) reduce achievement gaps; and

5 “(B) describe how the nonprofit organiza-
 6 tion has helped at least 1 school or local edu-
 7 cational agency make a significant improve-
 8 ment, as applicable, in other outcomes on the
 9 performance measures described in section
 10 4406;

11 “(8) provide a description of the applicant’s
 12 plan for independently evaluating the effectiveness of
 13 activities carried out with funds under this part;

14 “(9) provide an assurance that the applicant
 15 will—

16 “(A) cooperate with cross-cutting evalua-
 17 tions;

18 “(B) make evaluation data available to
 19 third parties for validation and further study;
 20 and

21 “(C) participate in communities of prac-
 22 tice; and

23 “(10) if the applicant is a nonprofit organiza-
 24 tion that intends to make subgrants, consistent with
 25 section 4405(b), provide an assurance that the appli-

1 cant will apply paragraphs (1) through (9), as ap-
 2 propriate, in the applicant’s selection of subgrantees
 3 and in its oversight of those subgrants.

4 “(b) CRITERIA FOR EVALUATING APPLICATIONS.—

5 The Secretary shall award grants under this part on a
 6 competitive basis, based on the quality of the applications
 7 submitted and, consistent with the standards established
 8 under section 4403(d), each applicant’s likelihood of
 9 achieving success in improving student outcomes or out-
 10 comes on other performance measures.

11 **“SEC. 4405. USES OF FUNDS.**

12 “(a) USES OF FUNDS.—Each local educational agen-
 13 cy or nonprofit organization that receives a grant under
 14 this part—

15 “(1) shall use the grant funds to address, at a
 16 minimum, 1 of the following areas of school reform:

17 “(A) Improving the effectiveness of teach-
 18 ers and school leaders and promoting equity in
 19 the distribution of effective teachers and school
 20 leaders.

21 “(B) Strengthening the use of data to im-
 22 prove teaching and learning.

23 “(C) Providing high-quality instruction
 24 based on rigorous standards that build toward
 25 college and career readiness and measuring stu-

1 dents’ mastery using high-quality assessments
2 aligned to those standards.

3 “(D) Turning around the lowest-per-
4 forming schools.

5 “(E) Any other area of school reform, as
6 determined by the Secretary.

7 “(2) shall use those funds to develop or expand
8 strategies to improve the performance of high-need
9 students on the performance measures described in
10 section 4406; and

11 “(3) may use the grant funds for an inde-
12 pendent evaluation, as required by section
13 4404(a)(8), of the innovative practices carried out
14 with the grant.

15 “(b) AUTHORITY TO SUBGRANT.—A nonprofit orga-
16 nization that receives a grant under this part may use the
17 grant funds to make subgrants to other entities to provide
18 support to 1 or more schools or local educational agencies.
19 Any such entity shall comply with the requirements of this
20 part relating to grantees, as appropriate.

21 **“SEC. 4406. PERFORMANCE MEASURES.**

22 “The Secretary shall establish performance measures
23 for the programs and activities carried out under this part.
24 These measures, at a minimum, shall track the grantee’s
25 progress in improving outcomes for each subgroup de-

1 scribed in section 1111(b)(2)(C)(v) that is served by the
2 grantee on measures, including, as applicable, by—

3 “(1) increasing student achievement and de-
4 creasing achievement gaps;

5 “(2) increasing high school graduation rates;

6 “(3) increasing college enrollment rates and
7 rates of college persistence;

8 “(4) improving teacher and school leader effec-
9 tiveness;

10 “(5) improving school readiness; and

11 “(6) any other indicator as the Secretary or
12 grantee may determine.

13 **“SEC. 4407. REPORTING; ANNUAL REPORT.**

14 “A local educational agency or nonprofit organization
15 that receives a grant under this part shall submit to the
16 Secretary, at such time and in such manner as the Sec-
17 retary may require, an annual report that includes, among
18 other things, information on the applicant’s progress on
19 the performance measures established under section 4406,
20 and the data supporting that progress.

21 **“SEC. 4408. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out
23 this part \$500,000,000 for fiscal year 2011 and such sums
24 as may be necessary for each of the 5 succeeding fiscal
25 years.”.

1 (b) TABLE OF CONTENTS.—The table of contents in
 2 section 2 of the Elementary and Secondary Education Act
 3 of 1965 is amended by inserting after the item relating
 4 to section 4304 the following:

“PART D—INVESTING IN INNOVATION

- “Sec. 4401. Purposes.
- “Sec. 4402. National activities.
- “Sec. 4403. Program authorized; length of grants; priorities.
- “Sec. 4404. Applications.
- “Sec. 4405. Uses of funds.
- “Sec. 4406. Performance measures.
- “Sec. 4407. Reporting; Annual report.
- “Sec. 4408. Authorization of appropriations.”.

