

111TH CONGRESS
2D SESSION

S. 3885

To provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, 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 “Race to the Top Act
5 of 2010”.

1 **SEC. 2. RACE TO THE TOP.**

2 (a) IN GENERAL.—Title VI of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 7301 et
4 seq.) is amended—

5 (1) by redesignating part C as part D;

6 (2) by redesignating sections 6301 and 6302 as
7 sections 6401 and 6402, respectively; and

8 (3) by inserting after part B the following:

9 **“PART C—RACE TO THE TOP**

10 **“SEC. 6301. PURPOSES.**

11 “The purposes of this part are to—

12 “(1) provide incentives for States and local edu-
13 cational agencies to implement comprehensive re-
14 forms and innovative strategies that are designed to
15 lead to—

16 “(A) significant improvements in outcomes
17 for all students, including improvements in stu-
18 dent achievement, secondary school graduation
19 rates, postsecondary education enrollment rates,
20 and rates of postsecondary education persist-
21 ence; and

22 “(B) significant reductions in achievement
23 gaps among subgroups of students; and

24 “(2) encourage the broad identification, adop-
25 tion, use, dissemination, replication, and expansion
26 of effective State and local policies and practices

1 that lead to significant improvement in outcomes for
 2 all students, and the elimination of those policies
 3 and practices that are not effective in improving stu-
 4 dent outcomes.

5 **“SEC. 6302. RESERVATION OF FUNDS.**

6 “From the amounts made available under section
 7 6308 for a fiscal year, the Secretary may reserve not more
 8 than 10 percent to carry out activities related to technical
 9 assistance, monitoring, outreach, dissemination, and prize
 10 awards that support the purposes of this part.

11 **“SEC. 6303. PROGRAM AUTHORIZED.**

12 “(a) IN GENERAL.—From the amounts made avail-
 13 able under section 6308 for a fiscal year and not reserved
 14 under section 6302, the Secretary shall award grants, on
 15 a competitive basis, to States or local educational agencies,
 16 or both, in accordance with section 6304(b), to enable the
 17 States or local educational agencies to carry out the pur-
 18 poses of this part.

19 “(b) GRANT AND SUBGRANT ELIGIBILITY LIMITA-
 20 TIONS.—

21 “(1) ARRA STATE INCENTIVE GRANTS.—A
 22 State that has received a grant under section 14006
 23 of division A of the American Recovery and Rein-
 24 vestment Act of 2009 (Public Law 111–5; 123 Stat.

1 283) may not receive a grant under this part during
2 the period of its grant under such section.

3 “(2) NUMBER OF GRANTS.—A State or local
4 educational agency may not receive more than 1
5 grant under this part per grant period.

6 “(3) NUMBER OF SUBGRANTS.—A local edu-
7 cational agency may receive 1 grant and 1 subgrant
8 under this part for the same fiscal year.

9 “(c) DURATION OF GRANTS.—

10 “(1) IN GENERAL.—A grant under this part
11 shall be awarded for a period of not more than 4
12 years.

13 “(2) CONTINUATION OF GRANTS.—A State or
14 local educational agency that is awarded a grant
15 under this part shall not receive grant funds under
16 this part for the second or any subsequent year of
17 the grant unless the State or local educational agen-
18 cy demonstrates to the Secretary, at such time and
19 in such manner as determined by the Secretary, that
20 the State or local educational agency, respectively,
21 is—

22 “(A) making progress in implementing the
23 plan under section 6304(a)(3) at a rate that the
24 Secretary determines will result in the State or

1 agency fully implementing such plan during the
2 remainder of the grant period; or

3 “(B) making progress against the perform-
4 ance measures set forth in section 6305 at a
5 rate that the Secretary determines will result in
6 the State or agency reaching its targets and
7 achieving the objectives of the grant during the
8 remainder of the grant period.

9 **“SEC. 6304. APPLICATIONS.**

10 “(a) APPLICATIONS.—Each State or local educational
11 agency that desires to receive a grant under this part shall
12 submit an application to the Secretary at such time, in
13 such manner, and containing such information as the Sec-
14 retary may reasonably require. At a minimum, each such
15 application shall include—

16 “(1) documentation of the applicant’s record, as
17 applicable—

18 “(A) in increasing student achievement, in-
19 cluding for all subgroups described in section
20 1111(b)(2)(C)(v)(II);

21 “(B) in decreasing achievement gaps, in-
22 cluding for all subgroups described in section
23 1111(b)(2)(C)(v)(II);

1 “(C) in increasing secondary school grad-
 2 uation rates, including for all subgroups de-
 3 scribed in section 1111(b)(2)(C)(v)(II);

4 “(D) in increasing postsecondary education
 5 enrollment and persistence rates, including for
 6 all subgroups described in section
 7 1111(b)(2)(C)(v)(II); and

8 “(E) with respect to any other perform-
 9 ance measure described in section 6305 that is
 10 not included in subparagraphs (A) through (D);

11 “(2) evidence of conditions of innovation and
 12 reform that the applicant has established and the
 13 applicant’s proposed plan for implementing addi-
 14 tional conditions for innovation and reform, includ-
 15 ing—

16 “(A) a description of how the applicant has
 17 identified and eliminated ineffective practices in
 18 the past and the applicant’s plan for doing so
 19 in the future;

20 “(B) a description of how the applicant
 21 has identified and promoted effective practices
 22 in the past and the applicant’s plan for doing
 23 so in the future; and

24 “(C) steps the applicant has taken and will
 25 take to eliminate statutory, regulatory, proce-

1 dural, or other barriers and to facilitate the full
2 implementation of the proposed plan under this
3 paragraph;

4 “(3) a comprehensive and coherent plan for
5 using funds under this part, and other Federal,
6 State, and local funds, to improve the applicant’s
7 performance on the measures described in section
8 6305, consistent with criteria set forth by the Sec-
9 retary, including how the applicant will, if applica-
10 ble—

11 “(A) improve the effectiveness of teachers
12 and school leaders, and promote equity in the
13 distribution of effective teachers and school
14 leaders, in order to ensure that low-income and
15 minority children are not taught by ineffective
16 teachers, and are not in schools led by ineffec-
17 tive leaders, at higher rates than other children;

18 “(B) strengthen the use of high-quality
19 and timely data to improve instructional prac-
20 tices, policies, and student outcomes, including
21 teacher evaluations;

22 “(C) implement internationally bench-
23 marked, college- and career-ready elementary
24 and secondary academic standards, including in
25 the areas of assessment, instructional materials,

1 professional development, and strategies that
2 translate the standards into classroom practice;

3 “(D) turn around the persistently lowest-
4 achieving elementary schools and secondary
5 schools served by the applicant;

6 “(E) support or coordinate with early
7 learning programs for high-need children from
8 birth through grade 3 to improve school readi-
9 ness and ensure that students complete grade 3
10 on track for school success; and

11 “(F) create or maintain successful condi-
12 tions for high-performing charter schools and
13 other innovative, autonomous public schools;

14 “(4)(A) in the case of an applicant that is a
15 State—

16 “(i) evidence of collaboration between the
17 State, its local educational agencies, schools (as
18 appropriate), parents, teachers, and other
19 stakeholders, in developing the plan described
20 in paragraph (3), including evidence of the com-
21 mitment and capacity to implement the plan;
22 and

23 “(ii)(I) the names of the local educational
24 agencies the State has selected to participate in
25 carrying out the plan; or

1 “(II) a description of how the State will se-
 2 lect local educational agencies to participate in
 3 carrying out the plan; or

4 “(B) in the case of an applicant that is a local
 5 educational agency, evidence of collaboration be-
 6 tween the local educational agency, schools, parents,
 7 teachers, and other stakeholders, in developing the
 8 plan described in paragraph (3), including evidence
 9 of the commitment and capacity to implement the
 10 plan;

11 “(5) the applicant’s annual performance meas-
 12 ures and targets, consistent with the requirements of
 13 section 6305; and

14 “(6) a description of the applicant’s plan to
 15 conduct a rigorous evaluation of the effectiveness of
 16 activities carried out with funds under this part.

17 “(b) CRITERIA FOR EVALUATING APPLICATIONS.—

18 “(1) AWARD BASIS.—The Secretary shall award
 19 grants under this part on a competitive basis, based
 20 on the quality of the applications submitted under
 21 subsection (a), including—

22 “(A) each applicant’s record in the areas
 23 described in subsection (a)(1);

24 “(B) each applicant’s record of, and com-
 25 mitment to, establishing conditions for innova-

1 tion and reform, as described in subsection
2 (a)(2);

3 “(C) the quality and likelihood of success
4 of each applicant’s plan described in subsection
5 (a)(3) in showing improvement in the areas de-
6 scribed in subsection (a)(1), including each ap-
7 plicant’s capacity to implement the plan and
8 evidence of collaboration as described in sub-
9 section (a)(4); and

10 “(D) each applicant’s evaluation plan as
11 described in subsection (a)(6).

12 “(2) EXPLANATION.—The Secretary shall pub-
13 lish an explanation of how the application review
14 process under this section will ensure an equitable
15 and objective evaluation based on the criteria de-
16 scribed in paragraph (1).

17 “(c) PRIORITY.—In awarding grants to local edu-
18 cational agencies under this part, the Secretary shall give
19 priority to—

20 “(1) local educational agencies with the highest
21 numbers or percentages of children from families
22 with incomes below the poverty line; and

23 “(2) local educational agencies that serve
24 schools designated with a school locale code of 41,
25 42, or 43.

1 **“SEC. 6305. PERFORMANCE MEASURES.**

2 “Each State and each local educational agency receiv-
 3 ing a grant under this part shall establish performance
 4 measures and targets, approved by the Secretary, for the
 5 programs and activities carried out under this part. These
 6 measures shall, at a minimum, track the State’s or local
 7 educational agency’s progress in—

8 “(1) implementing its plan described in section
 9 6304(a)(3); and

10 “(2) improving outcomes for all subgroups de-
 11 scribed in section 1111(b)(2)(C)(v)(II) including, as
 12 applicable, by—

13 “(A) increasing student achievement;

14 “(B) decreasing achievement gaps;

15 “(C) increasing secondary school gradua-
 16 tion rates;

17 “(D) increasing postsecondary education
 18 enrollment and persistence rates;

19 “(E)(i) improving the effectiveness of
 20 teachers and school leaders, increasing the re-
 21 tention of effective teachers and school leaders;
 22 and

23 “(ii) promoting equity in the distribution
 24 of effective teachers and school leaders in order
 25 to ensure that low-income and minority children
 26 are not taught by ineffective teachers, and are

1 not in schools led by ineffective leaders, at high-
 2 er rates than other children; and

3 “(F) making progress on any other meas-
 4 ures identified by the Secretary.

5 **“SEC. 6306. USES OF FUNDS.**

6 “(a) GRANTS TO STATES.—Each State that receives
 7 a grant under this part shall use—

8 “(1) not less than 50 percent of the grant
 9 funds to make subgrants to the local educational
 10 agencies in the State that participate in the State’s
 11 plan under section 6304(a)(3), based on such local
 12 educational agencies’ relative shares of funds under
 13 part A of title I for the most recent year for which
 14 those data are available; and

15 “(2) not more than 50 percent of the grant
 16 funds for any purpose included in the State’s plan
 17 under section 6304(a)(3).

18 “(b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—
 19 Each local educational agency that receives a grant under
 20 this part shall use the grant funds for any purpose in-
 21 cluded in the local educational agency’s plan under section
 22 6304(a)(3).

23 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
 24 CIES.—Each local educational agency that receives a
 25 subgrant under this part from a State shall use the

1 subgrant funds for any purpose included in the State's
2 plan under section 6304(a)(3).

3 **“SEC. 6307. REPORTING.**

4 “(a) ANNUAL REPORTS.—A State or local edu-
5 cational agency that receives a grant under this part shall
6 submit to the Secretary, at such time and in such manner
7 as the Secretary may require, an annual report includ-
8 ing—

9 “(1) data on the State's or local educational
10 agency's progress in achieving the targets for the
11 performance measures established under section
12 6305;

13 “(2) a description of the challenges the State or
14 agency has faced in implementing its program and
15 how it has addressed or plans to address those chal-
16 lenges; and

17 “(3) findings from the evaluation plan as de-
18 scribed in section 6304(a)(6).

19 “(b) LOCAL REPORTS.—Each local educational agen-
20 cy that receives a subgrant from a State under this part
21 shall submit to the State such information as the State
22 may require to complete the annual report required under
23 subsection (a).

1 **“SEC. 6308. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$1,350,000,000 for fiscal year 2011 and such
4 sums as may be necessary for each of the 5 succeeding
5 fiscal years.”.

6 (b) CONFORMING AMENDMENTS.—The table of con-
7 tents for the Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 7301 et seq.) is amended—

9 (1) by striking the items relating to part C of
10 title VI; and

11 (2) by inserting after the item relating to sec-
12 tion 6234 the following:

“PART C—RACE TO THE TOP

- “Sec. 6301. Purposes.
- “Sec. 6302. Reservation of funds.
- “Sec. 6303. Program authorized.
- “Sec. 6304. Applications.
- “Sec. 6305. Performance measures.
- “Sec. 6306. Uses of funds.
- “Sec. 6307. Reporting.
- “Sec. 6308. Authorization of appropriations.

“PART D—GENERAL PROVISIONS

- “Sec. 6401. Prohibition against Federal mandates, direction, or control.
- “Sec. 6402. Rule of construction on equalized spending.”.

