

111TH CONGRESS
1ST SESSION

S. 413

To establish a grant program to improve high school graduation rates and prepare students for college and work.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2009

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

A BILL

To establish a grant program to improve high school graduation rates and prepare students for college and work.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Graduate for a Better Future Act”.

6 (b) TABLE OF CONTENTS.—The table of contents to
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Program authorized.
- Sec. 6. Reporting and accountability.

Sec. 7. Evaluation and report.

Sec. 8. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The high school graduation rate for the
4 class of 2005 was only 71 percent nationwide. Thus,
5 almost $\frac{1}{3}$ of American students who enter high
6 school in 9th grade drop out of school and never re-
7 ceive a high school diploma.

8 (2) Large disparities exist in the high school
9 graduation rates among various subgroups of stu-
10 dents. Although the high school graduation rate for
11 white students was 78 percent in 2005, the rate for
12 African-American students was only 55 percent, and
13 the rate for Hispanic students was only 58 percent.

14 (3) For students in approximately 2,000 high
15 schools across the United States, the chance of grad-
16 uating from high school is less than 60 percent.

17 (4) In 2003, 3,500,000 Americans ages 16 to
18 25 did not have a high school diploma and were not
19 enrolled in school.

20 (5) To retain its competitive edge in the world
21 economy, it is essential that America's youth be pre-
22 pared for the jobs of today and for the jobs of the
23 future. Such jobs increasingly require a postsec-
24 ondary education.

1 (6) Individuals without a high school diploma
 2 experience higher rates of unemployment, incarceration,
 3 ation, living in poverty, and receiving public assist-
 4 ance than individuals with at least a high school di-
 5 ploma.

6 (7) Over his or her lifetime, an individual with-
 7 out a high school diploma will earn approximately
 8 \$1,100,000 less than an individual with a bachelor's
 9 degree, \$1,500,000 less than an individual with a
 10 master's degree, and \$2,400,000 less than an indi-
 11 vidual with a doctoral degree.

12 **SEC. 3. PURPOSES.**

13 The purposes of this Act are—

14 (1) to create models of excellence for academi-
 15 cally rigorous high schools, including early college
 16 high schools, in order to prepare all students for col-
 17 lege and work;

18 (2) to raise high school graduation rates and
 19 college-going rates;

20 (3) to reduce college remediation rates;

21 (4) to create a seamless curriculum between
 22 high school and college;

23 (5) to improve teaching and curricula to make
 24 high school more rigorous and relevant;

1 (6) to improve instruction and access to sup-
2 ports for struggling high school students;

3 (7) to improve communication between parents,
4 students, and schools; and

5 (8) to create, implement, and utilize early warn-
6 ing systems to help identify students at risk of drop-
7 ping out of high school, especially systems that mon-
8 itor student absenteeism.

9 **SEC. 4. DEFINITIONS.**

10 (1) **ADVANCED PLACEMENT OR INTERNATIONAL**
11 **BACCALAUREATE COURSE.**—The term “Advanced
12 Placement or International Baccalaureate course”
13 means a course of college-level instruction provided
14 to middle school or secondary school students, termi-
15 nating in an examination administered by the Col-
16 lege Board or the International Baccalaureate Orga-
17 nization.

18 (2) **COLLEGE-GOING RATE.**—The term “college-
19 going rate” means the percentage of high school
20 graduates who enroll at an institution of higher edu-
21 cation in the school year immediately following grad-
22 uation from high school.

23 (3) **DUAL CREDIT COURSES.**—The term “dual
24 credit course” means a college course that—

1 (A) may be taken at a high school or at an
2 institution of higher education;

3 (B) is taught by—

4 (i) college faculty; or

5 (ii) high school faculty with creden-
6 tials that the eligible entity determines are
7 appropriate; and

8 (C) the successful completion of which can
9 earn high school academic credit as well as col-
10 lege academic credit.

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

13 (A) a State educational agency;

14 (B) a national, regional, or statewide non-
15 profit organization with expertise and experi-
16 ence in working with local educational agencies
17 and high schools to raise high school academic
18 achievement, high school graduation rates, and
19 college-going rates; or

20 (C) a partnership consisting of a State
21 educational agency and an entity described in
22 subparagraph (B).

23 (5) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
24 The term “eligible local educational agency” means

1 a local educational agency with a high school grad-
 2 uation rate of 60 percent or less—

3 (A) in the aggregate; or

4 (B) applicable to 2 or more of the fol-
 5 lowing subgroups of high school students served
 6 by the local educational agency:

7 (i) Economically disadvantaged stu-
 8 dents.

9 (ii) Students from major racial or eth-
 10 nic groups.

11 (6) HIGH SCHOOL.—The term “high school”
 12 means a nonprofit institutional day or residential
 13 school, including a public charter high school, that
 14 provides high school education, as determined under
 15 State law.

16 (7) HIGH SCHOOL GRADUATION RATE.—The
 17 term “high school graduation rate” means the per-
 18 centage of students who graduate from high school
 19 with a regular diploma in the standard number of
 20 years as measured by a valid and reliable measure
 21 of high school graduation rates, such as the aver-
 22 aged freshman graduation rate.

23 (8) INSTITUTION OF HIGHER EDUCATION.—The
 24 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (9) LOCAL EDUCATIONAL AGENCY.—The term
4 “local educational agency” has the meaning given
5 the term in section 9101 of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 7801).

7 (10) PARENT.—The term “parent” has the
8 meaning given the term in section 9101 of the Ele-
9 mentary and Secondary Education Act of 1965 (20
10 U.S.C. 7801).

11 (11) RIGOROUS SECONDARY SCHOOL PROGRAM
12 OF STUDY.—The term “rigorous secondary school
13 program of study” means a rigorous secondary
14 school program of study recognized as such by the
15 Secretary for purposes of subparagraph (A)(i) or
16 (B)(i) of section 401A(c)(3) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1070a–1(c)(3)).

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

20 (13) STATE EDUCATIONAL AGENCY.—The term
21 “State educational agency” has the meaning given
22 the term in section 9101 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 7801).

24 (14) STUDENT WITH A DISABILITY.—The term
25 “student with a disability” means a child with a dis-

1 ability, as defined in section 602 of the Individuals
 2 with Disabilities Education Act (20 U.S.C. 1401).

3 **SEC. 5. PROGRAM AUTHORIZED.**

4 (a) IN GENERAL.—From amounts appropriated
 5 under section 8 for a fiscal year, the Secretary is author-
 6 ized to award grants, on a competitive basis, to eligible
 7 entities to enable eligible entities to award subgrants to
 8 eligible local educational agencies for the authorized activi-
 9 ties described in subsection (d).

10 (b) DURATION.—

11 (1) GRANTS.—The Secretary may award grants
 12 under this Act (other than a planning grant under
 13 subsection (c)(3)) for a period of not more than 6
 14 years.

15 (2) SUBGRANTS.—An eligible entity may award
 16 subgrants under this Act for a period of not more
 17 than 5 years.

18 (c) ELIGIBLE ENTITY AUTHORIZED ACTIVITIES.—

19 (1) DISTRIBUTION.—An eligible entity that re-
 20 ceives a grant under this Act—

21 (A) shall reserve not more than 15 percent
 22 of the grant funds to carry out the activities de-
 23 scribed in paragraphs (2) through (5); and

24 (B) shall use not less than 85 percent of
 25 the grant funds to award subgrants, on a com-

petitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the authorized activities described in subsection (d).

(2) STATE LEVEL PLANNING AND ADMINISTRATION.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for planning and administration, including—

(A) evaluating applications from eligible local educational agencies;

(B) administering the distribution of subgrants to eligible local educational agencies; and

(C) assessing and evaluating, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(3) LOCAL EDUCATIONAL AGENCY PLANNING GRANTS.—

(A) IN GENERAL.—From amounts reserved under paragraph (1)(A), an eligible entity may award a planning grant to an eligible local educational agency.

1 (B) AMOUNT.—An eligible entity shall
 2 award each planning grant under this para-
 3 graph in the amount of \$10,000.

4 (C) DURATION AND USE OF PLANNING
 5 GRANT FUNDS.—Each planning grant shall
 6 be—

7 (i) awarded for a period of 1 year;

8 (ii) nonrenewable; and

9 (iii) used to plan and apply for a
 10 subgrant awarded under paragraph (1)(B).

11 (4) TECHNICAL ASSISTANCE FOR LOCAL EDU-
 12 CATIONAL AGENCIES.—An eligible entity that re-
 13 ceives a grant under this Act may use the grant
 14 funds reserved under paragraph (1)(A) for technical
 15 assistance, including—

16 (A) assisting eligible local educational
 17 agencies in accomplishing the tasks required to
 18 implement a program under this Act;

19 (B) implementing a program of profes-
 20 sional development for teachers and administra-
 21 tors, in high schools that receive funding under
 22 this Act, that prepares teachers and administra-
 23 tors to implement the authorized activities de-
 24 scribed in subsection (d); and

1 (C) assisting eligible local educational
2 agencies in designing a program to be assisted
3 under this Act.

4 (5) REPORTING.—An eligible entity that re-
5 ceives a grant under this Act may use the grant
6 funds reserved under paragraph (1)(A) for annually
7 providing the Secretary with a report on the imple-
8 mentation of this section as required under section
9 6.

10 (d) ELIGIBLE LOCAL EDUCATIONAL AGENCY AU-
11 THORIZED ACTIVITIES.—Each eligible local educational
12 agency receiving a subgrant under this Act, shall use the
13 subgrant funds to carry out each of the following activi-
14 ties:

15 (1) To implement a college-preparatory cur-
16 riculum for all students in a high school served by
17 the eligible local educational agency under this Act
18 (and for students with disabilities in accordance with
19 the individualized education program of the student)
20 that is, at a minimum, aligned with a rigorous sec-
21 ondary school program of study.

22 (2) To implement accelerated academic catch-
23 up programs, for students who enter high school not
24 meeting proficient levels of academic achievement in
25 mathematics, reading or language arts, or science,

1 that enable such students to meet the proficient lev-
2 els of achievement and remain on track to graduate
3 from high school on time with a regular high school
4 diploma.

5 (3) To implement an early warning system to
6 quickly identify students at risk of dropping out of
7 high school, including systems that track student ab-
8 senteeism.

9 (4) To implement a system of student and
10 classroom progress monitoring, which may include
11 the adoption and use of diagnostic or formative as-
12 sessments that—

13 (A) measure student academic progress in
14 the core academic areas; and

15 (B) may identify areas in which students
16 need additional academic assistance and sup-
17 port.

18 (5) To implement a comprehensive college guid-
19 ance program that—

20 (A) will ensure that all students in a high
21 school served by the eligible local educational
22 agency under this Act, and their parents, are
23 regularly notified throughout the students' time
24 in high school, of high school graduation re-

1 quirements and college entrance requirements;
2 and

3 (B) provides guidance and assistance to
4 students in applying to an institution of higher
5 education and in applying for Federal financial
6 aid assistance and other State, local, and pri-
7 vate financial aid assistance and scholarships.

8 (6) To implement a program that offers, all
9 students in a high school served by the eligible local
10 educational agency under this Act, opportunities for
11 work-based and experiential learning experiences,
12 such as job-shadowing, internships, and community
13 service.

14 (7) To implement a program that ensures that
15 all students in a high school served by the eligible
16 local educational agency under this Act, have access
17 to and enroll in courses in which the students may
18 earn college credit for courses taken while in high
19 school, such as a dual credit course, or an Advanced
20 Placement or International Baccalaureate course.

21 (8) To implement a program of student advise-
22 ment in which all students in a high school served
23 by the eligible local educational agency under this
24 Act are assigned and have regular meetings with an
25 academic teacher advisor.

1 (9) To implement a program of teacher profes-
 2 sional development and institutional leadership that
 3 includes use of diagnostic and formative assessments
 4 to identify student and teacher needs, to assess
 5 classroom practice, and to improve classroom in-
 6 struction.

7 (e) APPLICATIONS.—

8 (1) ELIGIBLE ENTITY.—Each eligible entity de-
 9 siring a grant under this Act shall submit an appli-
 10 cation to the Secretary at such time and in such
 11 manner as the Secretary may require. Each applica-
 12 tion shall—

13 (A) include a description of how subgrants
 14 made by the eligible entity under this Act will
 15 meet the requirements described in subsection
 16 (d);

17 (B) include a description of the peer review
 18 process the eligible entity shall use to evaluate
 19 applications from eligible local educational
 20 agencies;

21 (C) contain an assurance that the eligible
 22 entity, and any eligible local educational agen-
 23 cies receiving a subgrant from that eligible enti-
 24 ty, will, if requested, participate in the inde-
 25 pendent evaluation under section 7(1);

1 (D) describe how the eligible entity will use
 2 grant funds received under this section;

3 (E) describe how the eligible entity will as-
 4 sist eligible local educational agencies that re-
 5 ceive planning grant funds or subgrant funds
 6 under this Act in securing any necessary waiv-
 7 ers from the State educational agency that may
 8 be required to carry out the requirements of
 9 this Act, such as waivers with respect to budg-
 10 eting, school structure, staffing, and flexible use
 11 of resources and time; and

12 (F) describe how the eligible entity will as-
 13 sess and evaluate, on a regular basis, eligible
 14 local educational agency activities carried out
 15 under this Act, including regularly evaluating
 16 the academic rigor of courses at high schools in
 17 the State that receive funding under this Act.

18 (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
 19 Each eligible local educational agency desiring a
 20 subgrant under this section shall submit an applica-
 21 tion to the eligible entity at such time and in such
 22 manner as the eligible entity may require. Each ap-
 23 plication shall—

24 (A) include a description of each high
 25 school that will receive funding from the eligible

1 local educational agency under this Act, includ-
2 ing such high school graduation rate, academic
3 achievement, demographic, and socioeconomic
4 data as the eligible entity may request;

5 (B) contain an assurance that academic
6 merit tests will not be used to determine stu-
7 dent enrollment in each such high school;

8 (C) contain a description of specific out-
9 reach and recruitment efforts at each such high
10 school that will be undertaken for student popu-
11 lations historically underrepresented at institu-
12 tions of higher education;

13 (D) contain an assurance that a college-
14 preparatory curriculum will be offered to all
15 students at each such high school (and to stu-
16 dents with disabilities in accordance with the
17 individualized education program of the stu-
18 dent), that is, at a minimum, aligned with a
19 rigorous secondary school program of study;

20 (E) include a comprehensive description of
21 how curriculum at each such high school will be
22 developed, structured, and delivered;

23 (F) include clearly delineated benchmarks
24 for improved student academic achievement,

1 high school graduation rates, and college-going
2 rates at each such high school;

3 (G) include a description of assessments
4 that will be used at each such high school, in-
5 cluding assessments for school accountability
6 purposes and student progress monitoring pur-
7 poses;

8 (H) contain a comprehensive plan for pro-
9 fessional development at each such high school
10 that includes intended changes in teaching
11 practices that will result in improved student
12 academic achievement, high school graduation
13 rates, and college-going rates;

14 (I) include a detailed description of work-
15 based and experiential learning experiences that
16 will be offered for all students at each such
17 high school, such as job shadowing, internships,
18 and community service;

19 (J) contain an assurance that all students
20 at each such high school will be assigned and
21 have regular access to an academic teacher ad-
22 visor;

23 (K) contain an assurance that the eligible
24 local educational agency will grant each such
25 high school any necessary waivers from local

1 educational agency policies and rules that may
2 be required to carry out the requirements of
3 this Act, such as waivers with respect to budg-
4 eting, school structure, staffing, and flexible use
5 of resources and time;

6 (L) include a plan that details how pro-
7 grams assisted under this Act will be sustained
8 after the end of subgrant funding under this
9 Act;

10 (M) in the case of dual credit courses and
11 early college high schools, contain formal agree-
12 ments between the eligible local educational
13 agency and institutions of higher education that
14 detail shared responsibility for each such high
15 school and students at the high school;

16 (N) include a description of school staffing
17 considerations and how teachers will be selected
18 for each such high school;

19 (O) include a detailed plan of the college
20 awareness program at each such high school
21 that addresses applying for admission to an in-
22 stitution of higher education and applying for
23 financial aid; and

24 (P) contain an assurance that the eligible
25 local educational agency will report to the eligi-

1 ble entity all data necessary for the eligible en-
2 tity's report under section 6.

3 (f) MATCHING REQUIREMENT.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 each eligible entity that receives a grant under this
6 section shall provide, toward the cost of the activities
7 assisted under the grant, from non-Federal sources,
8 an amount equal to 100 percent of the amount of
9 the grant.

10 (2) WAIVER.—The Secretary may waive all or
11 part of the matching requirement described in para-
12 graph (1) for any fiscal year for an eligible entity if
13 the Secretary determines that applying the matching
14 requirement to such eligible entity would result in
15 serious hardship or an inability to carry out the au-
16 thorized activities described in subsection (c).

17 (3) SUPPLEMENT NOT SUPPLANT.—Grant
18 funds provided under this Act shall be used to sup-
19 plement, not supplant, other Federal and State
20 funds available to carry out the activities described
21 in subsection (d).

22 **SEC. 6. REPORTING AND ACCOUNTABILITY.**

23 (a) COLLECTION OF DATA.—Each eligible entity re-
24 ceiving a grant under this Act shall collect and report an-
25 nually to the Secretary such information on the results

1 of the activities assisted under the grant as the Secretary
2 may reasonably require, including information on—

3 (1) the number and percentage of students in
4 the State who are assisted under this Act and grad-
5 uate from high school on time with a regular high
6 school diploma;

7 (2) the number and percentage of students, at
8 each grade level, in the State who are assisted under
9 this Act and meet or exceed State reading or lan-
10 guage arts, mathematics, or science standards, as
11 measured by State academic assessments required
12 under section 1111(b)(3) of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C.
14 6311(b)(3));

15 (3) the number and percentage of students, at
16 each grade level, in the State who are assisted under
17 this Act and are on track to graduate from high
18 school on time and with a regular high school di-
19 ploma;

20 (4) the number and percentage of students in
21 the State who are assisted under this Act and par-
22 ticipate in work-based and experiential learning ex-
23 periences, such as job shadowing, internships, com-
24 munity service, and descriptive information on the

1 types of experiences in which such students partici-
2 pated;

3 (5) the number and percentage of students, in
4 grades 11 and 12, in the State who are assisted
5 under this Act and enrolled in not less than 2 of the
6 following:

7 (A) a dual credit course; or

8 (B) an Advanced Placement or Inter-
9 national Baccalaureate course;

10 (6) the number and percentage of students in
11 the State who are assisted under this Act and re-
12 ceive a passing grade or higher for a dual credit
13 course, or an Advanced Placement or International
14 Baccalaureate course;

15 (7) the number and percentage of students in
16 the State who are assisted under this Act and apply
17 to an institution of higher education while still in
18 high school;

19 (8) the number and percentage of students in
20 the State who are assisted under this Act and are
21 accepted to an institution of higher education while
22 still in high school;

23 (9) the number and percentage of students in
24 the State who are assisted under this Act and enroll
25 in an institution of higher education in the school

1 year immediately following the students' high school
2 graduation;

3 (10) the number and percentage of students in
4 the State who are assisted under this Act and en-
5 rolled in remedial mathematics or English courses
6 during their freshman year at an institution of high-
7 er education;

8 (11) the number and percentage of students, in
9 grade 10, in the State who are assisted under this
10 Act and take the PSAT; and

11 (12) the number and percentage of students, in
12 grades 11 and 12, in the State who are assisted
13 under this Act and take the SAT or ACT, and the
14 students' mean scores on such assessments.

15 (b) REPORTING OF DATA.—Each eligible entity re-
16 ceiving a grant under this Act shall report the information
17 required under subsection (a) disaggregated in the same
18 manner as information is disaggregated under section
19 1111(h)(1)(C)(i) of the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 1111(b)(1)(C)(i)).

21 **SEC. 7. EVALUATION AND REPORT.**

22 From the amount appropriated for any fiscal year
23 under section 8, the Secretary shall reserve such sums as
24 may be necessary—

1 (1) to conduct an independent evaluation, by
2 grant or by contract, of the program carried out
3 under this Act, which shall include an assessment of
4 the impact of the program on high school graduation
5 rates, college-going rates, and student academic
6 achievement; and

7 (2) to prepare and submit a report on the re-
8 sults of the evaluation described in paragraph (1) to
9 the Committee on Health, Education, Labor, and
10 Pensions of the Senate and the Committee on Edu-
11 cation and Labor of the House of Representatives.

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out
14 this Act \$500,000,000 for fiscal year 2010 and such sums
15 as may be necessary for each of the 5 succeeding fiscal
16 years.

○