

111TH CONGRESS  
1ST SESSION

# S. 968

To award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

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## IN THE SENATE OF THE UNITED STATES

MAY 4, 2009

Mr. REID (for himself, Mr. PRYOR, Mrs. MURRAY, Mr. MENENDEZ, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

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 “Secondary School In-  
5       novation Fund Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Since almost 90 percent of the fastest grow-  
2           ing and best paying jobs now require some postsec-  
3           ondary education, a secondary school diploma and  
4           the skills to succeed in postsecondary education and  
5           the modern workplace are essential.

6           (2) Only  $\frac{1}{3}$  of all high school students in the  
7           United States graduate in 4 years prepared for a 4-  
8           year institution of higher education. Another  $\frac{1}{3}$   
9           graduate, but without the skills and qualifications  
10          necessary for success in postsecondary education or  
11          the workplace, and the rest will not graduate from  
12          high school in 4 years, if at all.

13          (3) Dropouts from the class of 2008 will cost  
14          the United States more than \$319,000,000,000 in  
15          reduced earnings.

16          (4) The Nation's failure to meet the increasing  
17          demand for skilled workers means that American  
18          companies cannot fill a large number of jobs. 81 per-  
19          cent of American manufacturing companies report  
20          experiencing a moderate to severe shortage of quali-  
21          fied workers.

22          (5) The education system of the United States  
23          should support critical thinking, creativity, and inno-  
24          vative approaches to problem-solving—all skills that  
25          cannot easily be outsourced. The Program for Inter-

1        national Student Assessment is an international as-  
2        sessment that measures these high-demand skills.  
3        Unfortunately, when the results on this assessment  
4        of students from the United States are compared to  
5        those of students from 27 other countries, many of  
6        which are economic competitors of the United  
7        States, the United States students rank 24th in  
8        problem-solving, 21st in scientific literacy, and 25th  
9        in mathematical literacy.

10            (6) As the bar for success continues to be  
11        raised, the responsibility to engender these attributes  
12        with progressive programs and original models lies  
13        squarely with the education system. It is imperative  
14        that the United States develop and implement new,  
15        innovative approaches to fully prepare every student  
16        for the 21st century.

17            (7) Realigning the education system to meet  
18        new, demanding requirements and face intensifying  
19        competition requires effective, systemic reform. Iden-  
20        tifying effective, replicable models that achieve this  
21        goal is a critical step towards enhancing the pros-  
22        pects of all students entering the modern workforce.

1 **SEC. 3. SECONDARY SCHOOL INNOVATION FUND.**

2 (a) SECONDARY SCHOOL INNOVATION FUND.—Title  
 3 I of the Elementary and Secondary Education Act of 1965  
 4 (20 U.S.C. 6301 et seq.) is amended—

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

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

8 **“PART I—SECONDARY SCHOOL INNOVATION**  
 9 **FUND**

10 **“SEC. 1851. PURPOSES.**

11 “The purposes of this part are—

12 “(1) to improve the achievement of at-risk sec-  
 13 ondary school students and prepare such students  
 14 for postsecondary education and the workforce;

15 “(2) to create evidence-based, replicable models  
 16 of innovation in secondary schools at the State and  
 17 local level; and

18 “(3) to support partnerships to create and in-  
 19 form innovation at the State and local level to im-  
 20 prove learning outcomes and transitions for sec-  
 21 ondary school students.

22 **“SEC. 1852. DEFINITIONS.**

23 “In this part:

24 “(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
 25 ble partnership’ means a partnership that includes—

26 “(A) not less than 1—

- 1 “(i) State educational agency; or  
 2 “(ii) local educational agency that is  
 3 eligible for assistance under part A; and  
 4 “(B) not less than 1—  
 5 “(i) institution of higher education;  
 6 “(ii) nonprofit organization;  
 7 “(iii) community-based organization;  
 8 “(iv) business; or  
 9 “(v) school development organization  
 10 or intermediary.

11 “(2) ELIGIBLE SCHOOL.—The term ‘eligible  
 12 school’ means a public secondary school served by a  
 13 local educational agency that is eligible for assist-  
 14 ance under part A.

15 “(3) HIGH SCHOOL.—The term ‘high school’  
 16 means a public school, including a public charter  
 17 high school, that provides secondary education, as  
 18 determined under State law, in 1 or more of grades  
 19 9 through 12.

20 “(4) MIDDLE SCHOOL.—The term ‘middle  
 21 school’ means a public school, including a public  
 22 charter middle school, that provides middle or sec-  
 23 ondary education, as determined under State law, in  
 24 1 or more of grades 5 through 8.

1 **“SEC. 1853. SECONDARY SCHOOL INNOVATION FUND.**

2 “(a) PROGRAM AUTHORIZED.—

3 “(1) GRANTS TO ELIGIBLE PARTNERSHIPS.—

4 The Secretary is authorized to award grants, on a  
5 competitive basis, to eligible partnerships to enable  
6 the eligible partnerships to pay the Federal share of  
7 the costs of implementing innovative strategies de-  
8 scribed in subsection (f) to improve the achievement  
9 of at-risk students in secondary schools.

10 “(2) SUBGRANTS TO ELIGIBLE SCHOOLS.—An  
11 eligible partnership that receives a grant under this  
12 part may use the grant funds to award a subgrant  
13 to an eligible school to enable the eligible school to  
14 implement innovative strategies described in sub-  
15 section (f) to improve the achievement of at-risk stu-  
16 dents at the eligible school.

17 “(3) DURATION OF GRANT PERIOD.—A grant  
18 awarded under paragraph (1) shall be for not longer  
19 than a 5-year period.

20 “(b) RESERVATION OF FUNDS.—The Secretary shall  
21 reserve 5 percent of the amounts appropriated under this  
22 part for a fiscal year for the evaluation described in sub-  
23 section (h).

24 “(c) APPLICATION.—

25 “(1) IN GENERAL.—An eligible partnership de-  
26 siring a grant under this part shall submit an appli-

1 cation to the Secretary at such time, in such man-  
2 ner, and containing such information as the Sec-  
3 retary may require.

4 “(2) CONTENTS.—The application described in  
5 paragraph (1) shall include—

6 “(A) a description of the eligible partner-  
7 ship, the partners forming the eligible partner-  
8 ship, and the roles and responsibilities of each  
9 partner, and a demonstration of each partner’s  
10 capacity to support the outlined roles and re-  
11 sponsibilities;

12 “(B) a description of how funds will be  
13 used to improve the achievement of at-risk stu-  
14 dents in secondary schools;

15 “(C) a description of how the activities  
16 funded by the grant will be innovative, sys-  
17 temic, evidence-based, and replicable;

18 “(D) a description of each subgrant the el-  
19 igible partnership will award to an eligible  
20 school, including a description of the eligible  
21 school;

22 “(E) a description of how the eligible part-  
23 nership will measure and report improvement  
24 using the data collected under subsection (g)

and additional indicators of improvement proposed by the partnership, such as—

“(i) student attendance or participation;

“(ii) credit accumulation rates;

“(iii) core course completion rates;

“(iv) college enrollment and persistence rates; or

“(v) number or percentage of students taking—

“(I) Advanced Placement (AP), International Baccalaureate (IB), or other postsecondary education courses;

“(II) rigorous postsecondary education preparatory courses; or

“(III) registered apprenticeship and workforce training programs; and

“(F) a description of the planning phase of not more than 90 days that the eligible partnership will undertake for the grant, including—

“(i) the activities and goals of the planning phase; and



1 “(ii) how each partner in the eligible  
 2 partnership will participate in the planning  
 3 phase.

4 “(d) APPLICATION REVIEW AND AWARD BASIS.—

5 “(1) GRANT REVIEW AND APPROVAL.—The  
 6 Secretary shall—

7 “(A) establish a peer review process to as-  
 8 sist in the review of the grant applications and  
 9 approval of the grants under this section; and

10 “(B) appoint to the peer review process—

11 “(i) individuals who are educators and  
 12 experts in—

13 “(I) secondary school reform;

14 “(II) accountability;

15 “(III) secondary school improve-  
 16 ment;

17 “(IV) innovative education mod-  
 18 els;

19 “(V) postsecondary education  
 20 preparation and access; and

21 “(VI) workforce preparation; and

22 “(ii) not less than 1 parent or com-  
 23 munity representative; and

24 “(C) ensure that each grant award is of  
 25 sufficient size and scope to carry out the activi-

1           ties proposed in the grant application, including  
2           the evaluation required under subsection (g)(3).

3           “(2) AWARD BASIS.—In awarding grants under  
4           this part, the Secretary shall ensure, to the extent  
5           practicable—

6                   “(A) diversity in the type of activities  
7                   funded under the grants, including statewide  
8                   and local initiatives;

9                   “(B) an equitable geographic distribution  
10                  of the grants, including urban and rural areas  
11                  and small and large school districts; and

12                  “(C) that the grants support activities—

13                          “(i) that target different grade levels  
14                          of students at the secondary school level;

15                          “(ii) in a variety of types of secondary  
16                          schools, including middle schools and high  
17                          schools; and

18                          “(iii) in secondary schools of varying  
19                          sizes, including small and large schools.

20           “(e) FEDERAL SHARE, NON-FEDERAL SHARE.—

21                   “(1) FEDERAL SHARE.—The Federal share of a  
22                   grant under this part shall be not more than 75 per-  
23                   cent of the costs of the activities assisted under the  
24                   grant.

1           “(2) NON-FEDERAL SHARE.—The non-Federal  
 2           share shall be not less than 25 percent of the costs  
 3           of the activities assisted under the grant, of which  
 4           not more than 10 percent of the costs of the activi-  
 5           ties assisted under the grant may be provided in-  
 6           kind, fairly evaluated.

7           “(f) USE OF FUNDS.—An eligible partnership receiv-  
 8           ing a grant under this part, or an eligible school receiving  
 9           a subgrant under this part, shall use grant or subgrant  
 10          funds, respectively, to carry out 1 or more of the following  
 11          effective models or innovative programs:

12           “(1) EFFECTIVE SCHOOL MODELS.—

13           “(A) MULTIPLE EDUCATION PATHWAYS.—

14           A model creating a range of academically rig-  
 15           orous multiple education pathways, based on  
 16           the analysis of student data, that lead to a sec-  
 17           ondary school diploma, that are consistent with  
 18           readiness for postsecondary education and the  
 19           workforce, and that offer students a range of  
 20           educational options designed to meet the stu-  
 21           dents’ needs and interests, including through  
 22           the creation of new schools. Such pathways may  
 23           include—

24                   “(i) an effective dropout prevention  
 25                   and recovery model that—

1 “(I) prepares students for post-  
2 secondary education and career readi-  
3 ness;

4 “(II) uses re-engagement and re-  
5 cuperative strategies based in youth  
6 development;

7 “(III) uses innovative strategies  
8 for credit recovery and acceleration,  
9 such as flexible hours or online access  
10 to curricula, courses, assessments, re-  
11 sources, and supports;

12 “(IV) provides competency-based  
13 instruction and performance-based as-  
14 sessment to improve educational out-  
15 comes for various populations of  
16 overaged or undercredited students or  
17 students who have previously dropped  
18 out of secondary school, such as—

19 “(aa) students not making  
20 sufficient progress to graduate  
21 with a regular secondary school  
22 diploma in the standard number  
23 of years;

1 “(bb) students who need to  
2 work to support themselves or  
3 their families;

4 “(cc) pregnant and par-  
5 enting teens; and

6 “(dd) students returning  
7 from the juvenile justice system;  
8 and

9 “(V) combines rigorous academic  
10 education with career training for stu-  
11 dents that are not making sufficient  
12 progress to graduate from secondary  
13 school in the standard number of  
14 years;

15 “(ii) a career and technical education  
16 program;

17 “(iii) a career academy or other model  
18 that delivers high quality, college pre-  
19 paratory curriculum in the context of a  
20 rigorous technical core; and

21 “(iv) creating a more personalized and  
22 engaging learning environment for sec-  
23 ondary school students, such as—

24 “(I) establishing smaller learning  
25 communities;

1 “(II) creating student advisories  
 2 and developing peer engagement strat-  
 3 egies;

4 “(III) creating mechanisms for  
 5 increased educator collaboration  
 6 around individual student needs;

7 “(IV) involving students and par-  
 8 ents in the development of individual-  
 9 ized student plans for secondary  
 10 school success and graduation and  
 11 transition to postsecondary education;  
 12 and

13 “(V) creating mechanisms for in-  
 14 creased student participation in school  
 15 improvement efforts and in decisions  
 16 affecting the students’ own learning,  
 17 including students leading guidance  
 18 activities, mentoring, or tutoring ef-  
 19 forts.

20 “(B) EARLY COLLEGE AND DUAL ENROLL-  
 21 MENT SCHOOLS.—An early college high school  
 22 or other dual enrollment learning opportunity  
 23 that provides a course of study that enables a  
 24 student to earn a secondary school diploma and  
 25 either an associate degree or not more than 2

1 years of transferable postsecondary education  
 2 credit toward a postsecondary degree or creden-  
 3 tial.

4 “(C) SECONDARY SCHOOLS USING EARLY  
 5 WARNING SYSTEMS.—A secondary school that  
 6 enables at-risk students to graduate from sec-  
 7 ondary school ready to succeed in postsecondary  
 8 education and the workforce, through use of an  
 9 early warning indicator and intervention system  
 10 that combines—

11 “(i) research-based whole school re-  
 12 form focused on improving attendance, be-  
 13 havior, and course performance;

14 “(ii) targeted interventions provided  
 15 by trained teams of adults working full-  
 16 time in the school, which may include—

17 “(I) participants or volunteers  
 18 under the National and Community  
 19 Service Act of 1990 (42 U.S.C. 12501  
 20 et seq.) or the Domestic Volunteer  
 21 Service Act of 1973 (42 U.S.C. 4950  
 22 et seq.);

23 “(II) student and family advo-  
 24 cates; and

1 “(III) college and career access  
2 and success counselors;

3 “(iii) integrated student services and  
4 case-managed interventions for students  
5 requiring intensive supports; and

6 “(iv) an on-track indicator system to  
7 identify students in need of additional sup-  
8 port and to monitor the effectiveness of the  
9 interventions described in clause (ii).

10 “(2) INNOVATIVE PROGRAMS.—

11 “(A) EXPANDED LEARNING-TIME OPPOR-  
12 TUNITIES.—The creation of an expanded learn-  
13 ing-time opportunity, which may include—

14 “(i) establishing a mandatory ex-  
15 panded day, for all students transitioning  
16 into the first year of high school, for aca-  
17 demic catch-up and enrichment;

18 “(ii) providing arts, service-learning  
19 (as defined in section 101 of the National  
20 and Community Service Act of 1990 (42  
21 U.S.C. 12511)), or youth development op-  
22 portunities with community-based cultural  
23 and civic organizations;

24 “(iii) providing higher education and  
25 work-based exposure, experience, and cred-



1 it-bearing learning opportunities in part-  
 2 nership with postsecondary education insti-  
 3 tutions and the workforce;

4 “(iv) providing technology-enabled col-  
 5 laboration and access for students to re-  
 6 ceive assistance from content experts, in-  
 7 structors, and peers and to utilize re-  
 8 sources for remediation and enrichment; or

9 “(v) providing quality summer experi-  
 10 ences, which may include youth develop-  
 11 ment.

12 “(B) SUCCESSFUL TRANSITIONS TO HIGH  
 13 SCHOOL.—A program improving student transi-  
 14 tions from middle school to high school and en-  
 15 suring successful entry into high school, which  
 16 may include—

17 “(i) establishing summer transition  
 18 programs for students transitioning from  
 19 middle school to high school to ensure the  
 20 students’ connection to the students’ new  
 21 high school and to orient the students to  
 22 the study skills and social skills necessary  
 23 for success in the high school;

1 “(ii) providing for the sharing of data  
 2 between high schools and feeder middle  
 3 schools;

4 “(iii) establishing early warning indi-  
 5 cator and intervention programs in high  
 6 school for students transitioning into the  
 7 students’ first year of high school so that  
 8 such students do not become truant or fall  
 9 too far behind in academics;

10 “(iv) increasing the level of student  
 11 supports, including academic and nonaca-  
 12 demic supports that meet the comprehen-  
 13 sive needs of struggling students;

14 “(v) aligning academic standards, cur-  
 15 ricula, and assessments between middle  
 16 and high schools; and

17 “(vi) providing electronic access to de-  
 18 tailed information on student performance  
 19 and all content and skill areas to students  
 20 transitioning into high school and their  
 21 parents.

22 “(C) SUCCESSFUL TRANSITIONS TO POST-  
 23 SECONDARY EDUCATION AND THE WORK-  
 24 FORCE.—Improvements to assist student transi-  
 25 tion from secondary school to postsecondary

1 education and the workforce, which may in-  
2 clude—

3 “(i) providing for the sharing of data  
4 between secondary schools and institutions  
5 of higher education, including data on re-  
6 mediation and completion rates;

7 “(ii) enabling dual enrollment and  
8 post-secondary credit-bearing learning op-  
9 portunities;

10 “(iii) creating new opportunities to  
11 better utilize grades 11 and 12 and cre-  
12 ating better connections to postsecondary  
13 education, which may include internships,  
14 externships, job shadowing, and tech-  
15 nology-enabled collaboration;

16 “(iv) providing enhanced planning and  
17 counseling for postsecondary education, in-  
18 cluding financial aid counseling; and

19 “(v) aligning the academic standards  
20 of secondary school with the academic  
21 standards of postsecondary education and  
22 the requirements and expectations of the  
23 workforce, including partnering with local  
24 industry to align technical curricula to  
25 workforce needs.

1                   “(D) INCREASED SCHOOL AUTONOMY AND  
 2 FLEXIBILITY.—A program of providing sec-  
 3 ondary schools with increased autonomy and  
 4 flexibility, which may include—

5                   “(i) establishing a process whereby ex-  
 6 isting schools can apply for flexibility in  
 7 such areas as scheduling, curricula, budg-  
 8 eting, and governance; and

9                   “(ii) starting new small public sec-  
 10 ondary schools that are guaranteed such  
 11 autonomy.

12                  “(E) RURAL OPPORTUNITIES.—A program  
 13 to improve learning opportunities for secondary  
 14 school students in rural schools, including  
 15 through the use of distance-learning opportuni-  
 16 ties and other technology-based tools.

17                  “(F) MIDDLE GRADE IMPROVEMENTS.—A  
 18 program to improve learning opportunities for  
 19 students in the middle grades—

20                  “(i) to prevent student disengagement  
 21 and improve achievement; and

22                  “(ii) to better respond to early warn-  
 23 ing signs that students are at risk of drop-  
 24 ping out of school, such as poor attend-  
 25 ance, poor behavior, or course failure,

1 through the use of an early warning indi-  
 2 cator system and interventions.

3 “(G) IMPROVING TEACHING AND ACA-  
 4 DEMICS.—A program of improving teaching and  
 5 increasing academic rigor at the secondary  
 6 school level, which may include—

7 “(i) improving the alignment of aca-  
 8 demic standards with the requirements and  
 9 expectations of postsecondary education  
 10 and the workforce;

11 “(ii) improving the teaching and as-  
 12 sessment of 21st century skills, including  
 13 through the development of formative as-  
 14 sessment models;

15 “(iii) providing high-quality profes-  
 16 sional development on data literacy, includ-  
 17 ing on use of data to inform classroom in-  
 18 struction;

19 “(iv) addressing the learning needs of  
 20 various student populations, including stu-  
 21 dents who are limited English proficient,  
 22 late entrant English language learners,  
 23 and students with disabilities; and

24 “(v) developing value-added measures  
 25 for use in determining teacher ability and

1 effectiveness, including for use in recruit-  
 2 ment and hiring decisions.

3 “(H) IMPROVED COMMUNITY AND PAREN-  
 4 TAL INVOLVEMENT.—A program improving  
 5 community and parental involvement, which  
 6 may include—

7 “(i) increasing community involve-  
 8 ment, including leveraging community-  
 9 based services and opportunities to provide  
 10 every student with the academic and com-  
 11 prehensive nonacademic supports necessary  
 12 for academic success; and

13 “(ii) increasing parental involvement,  
 14 including providing parents with the tools  
 15 to navigate, support, and influence their  
 16 child’s academic career and choices  
 17 through secondary school graduation and  
 18 into postsecondary education and the  
 19 workforce, including through electronic ac-  
 20 cess to student data.

21 “(g) DATA COLLECTION AND EVALUATION.—

22 “(1) COLLECTION OF DATA.—Each eligible  
 23 partnership receiving a grant under this part shall  
 24 collect and report annually to the Secretary such in-  
 25 formation on the results of the activities assisted

1 under the grant as the Secretary may reasonably re-  
 2 quire, including information on—

3 “(A) the number and percentage of stu-  
 4 dents who—

5 “(i) are served by the eligible partner-  
 6 ship;

7 “(ii) are assisted under this part; and

8 “(iii) graduate from secondary school  
 9 with a regular secondary school diploma in  
 10 the standard number of years;

11 “(B) the number and percentage of stu-  
 12 dents, at each grade level, who are—

13 “(i) served by the eligible partnership;

14 “(ii) assisted under this part; and

15 “(iii) on track to graduate from sec-  
 16 ondary school with a regular secondary  
 17 school diploma in the standard number of  
 18 years;

19 “(C) the number and percentage of stu-  
 20 dents, at each grade level, who—

21 “(i) are served by the eligible partner-  
 22 ship;

23 “(ii) are assisted under this part; and

24 “(iii) meet or exceed State challenging  
 25 student academic achievement standards in

1 mathematics, reading or language arts, or  
2 science, as measured by the State aca-  
3 demic assessments under section  
4 1111(b)(3);

5 “(D) information consistent with the addi-  
6 tional indicators of improvement proposed by  
7 the eligible partnership in the grant application;  
8 and

9 “(E) other information the Secretary may  
10 require as necessary for the evaluation de-  
11 scribed in subsection (h).

12 “(2) REPORTING OF DATA.—Each eligible part-  
13 nership receiving a grant under this part shall  
14 disaggregate the information required under para-  
15 graph (1) in the same manner as information is  
16 disaggregated under section 1111(h)(1)(C)(i).

17 “(3) EVALUATION.—

18 “(A) IN GENERAL.—Each eligible partner-  
19 ship receiving a grant under this part shall, im-  
20 mediately after the receipt of grant funds, enter  
21 into a contract with an outside evaluator to en-  
22 able the evaluator to conduct—

23 “(i) an evaluation of the effects of the  
24 grant after the third year of implementa-  
25 tion of the grant; and



1                   “(ii) an evaluation of the effects of  
2                   the grant after the final year of the grant  
3                   period.

4                   “(B) DISTRIBUTION.—Upon completion of  
5                   an evaluation described in subparagraph (A),  
6                   the eligible partnership shall submit a copy of  
7                   the evaluation to the Secretary in a timely man-  
8                   ner.

9                   “(h) EVALUATION; BEST PRACTICES.—

10                  “(1) IN GENERAL.—From amounts reserved  
11                  under subsection (b), the Secretary shall—

12                   “(A) enter into a contract with an outside  
13                   evaluator to enable the evaluator to conduct—

14                   “(i) a comprehensive evaluation after  
15                   the third year of implementation on the ef-  
16                   fectiveness of all grants awarded under  
17                   this part; and

18                   “(ii) a final evaluation following the  
19                   final year of the grant period—

20                   “(I) with a focus on the improve-  
21                   ment in student achievement and the  
22                   indicators described in subsection  
23                   (g)(1) as a result of innovative strate-  
24                   gies; and

1 “(II) to the extent practicable,  
 2 that compares the relative effective-  
 3 ness of different types of programs  
 4 and compares the relative effective-  
 5 ness of variations in implementation  
 6 within types of programs; and

7 “(B) disseminate, and provide technical as-  
 8 sistance regarding, best practices in improving  
 9 the achievement of secondary school students.

10 “(2) PEER REVIEW.—

11 “(A) IN GENERAL.—An evaluator receiving  
 12 a contract under this subsection shall—

13 “(i) establish a peer-review process to  
 14 assist in the review and approval of the  
 15 evaluations conducted under this sub-  
 16 section; and

17 “(ii) appoint individuals to the peer-  
 18 review process who are educators and ex-  
 19 perts in—

20 “(I) research and evaluation; and

21 “(II) the areas of expertise de-  
 22 scribed in subclauses (I) through (VI)  
 23 of subsection (d)(1)(B)(i).

24 “(B) RESTRICTIONS ON USE.—The Sec-  
 25 retary shall not distribute or use the results of

1           any evaluation described in paragraph (1)(A)  
 2           until the results are peer-reviewed in accord-  
 3           ance with subparagraph (A).

4           “(i) CONTINUATION OF FUNDING.—An eligible part-  
 5           nership that receives a grant under this part shall only  
 6           be eligible to receive a grant payment for a fourth or fifth  
 7           year of the grant if the Secretary determines, on the basis  
 8           of the evaluation of the grant under subsection  
 9           (h)(1)(A)(i), that the performance of the eligible partner-  
 10          ship under the grant has been satisfactory.

11          “(j) RULE OF CONSTRUCTION REGARDING DISCRIMI-  
 12          NATION.—Nothing in this section shall be construed to  
 13          permit discrimination on the basis of race, color, religion,  
 14          sex, national origin, or disability in any program or activ-  
 15          ity funded under this part.

16       **“SEC. 1854. AUTHORIZATION OF APPROPRIATIONS.**

17          “‘There is authorized to be appropriated to carry out  
 18          this part \$500,000,000 for fiscal year 2010 and for each  
 19          of the succeeding 5 years.’”.

20          (b) CONFORMING AMENDMENTS.—The table of con-  
 21          tents in section 2 of the Elementary and Secondary Edu-  
 22          cation Act of 1965 (20 U.S.C. 6301 note) is amended—

23               (1) by striking the item relating to Part I and  
 24          inserting the following:

“PART J—GENERAL PROVISIONS”;

25          and

- 1                   (2) by inserting after the item relating to sec-  
2           tion 1830 the following:

“PART I—SECONDARY SCHOOL INNOVATION FUND

“Sec. 1851. Purposes.

“Sec. 1852. Definitions.

“Sec. 1853. Secondary school innovation fund.

“Sec. 1854. Authorization of appropriations.”.

