

113TH CONGRESS
1ST SESSION

S. 1043

To promote innovative practices for the education of English learners and to help States and local educational agencies with English learner populations build capacity to ensure that English learners receive high-quality instruction that enables them to become proficient in English, access the academic content knowledge needed to meet State challenging academic content standards, and be prepared for postsecondary education and careers.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

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

A BILL

To promote innovative practices for the education of English learners and to help States and local educational agencies with English learner populations build capacity to ensure that English learners receive high-quality instruction that enables them to become proficient in English, access the academic content knowledge needed to meet State challenging academic content standards, and be prepared for postsecondary education and careers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “English Learning and
3 Innovation Act”.

4 **SEC. 2. ENGLISH LEARNER COMPETITIVE GRANTS.**

5 (a) IN GENERAL.—Title III of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 6801 et
7 seq.) is amended—

8 (1) in section 3001(a)—

9 (A) in paragraph (1), by inserting “and
10 part C” after “part B”; and

11 (B) by adding at the end of the following:

12 “(3) ENGLISH LEARNER COMPETITIVE
13 GRANTS.—There are authorized to be appropriated
14 to carry out part C, \$100,000,000 for fiscal year
15 2014 and each of the 5 succeeding fiscal years.”;

16 (2) by redesignating part C as part D;

17 (3) by redesignating sections 3301 through
18 3304 as sections 3401 through 3404, respectively;

19 (4) in section 3111(c)(1)(C), by striking
20 “3303” each place the term appears and inserting
21 “3403”; and

22 (5) in section 3116(d)(1), by striking “3302”
23 and inserting “3402”;

24 (6) by inserting after part B the following:

4 “The purposes of this part are—

19 **“SEC. 3302. INNOVATION GRANTS.**

•S 1043 IS

1 academic subjects to enable such eligible entities to carry
2 out the activities described in subsection (f).

3 “(b) DURATION.—

4 “(1) IN GENERAL.—Grants awarded under this
5 section shall be for a period of not more than 4
6 years.

7 “(2) RENEWAL.—The Secretary may renew a
8 grant under this section for an additional 2-year pe-
9 riod, if the eligible entity demonstrates success in—

10 “(A) improving the English language pro-
11 ficiency of students served by the grant pro-
12 gram, as measured by the assessment described
13 in section 1111(b)(7);

14 “(B) increasing the percentage of English
15 learners who achieve proficiency on the State
16 academic assessment in mathematics, reading
17 or language arts, and science, as described in
18 section 1111(b)(3);

19 “(C) increasing the percentage of sec-
20 ondary school students who achieve proficiency
21 in core academic subjects;

22 “(D) increasing the awareness and knowl-
23 edge of the education system for parents of
24 English learners;

1 “(E) improving the English language pro-
 2 ficiency and literacy skills of parents served by
 3 the grant program; and

4 “(F) increasing the graduation rate, as de-
 5 fined in section 1111(b)(2)(C)(vi) and clarified
 6 in section 200.19(b)(1) of title 34, Code of Fed-
 7 eral Regulations, for English learners.

8 “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’
 9 means—

10 “(1) a State educational agency;

11 “(2) a local educational agency; or

12 “(3) a public charter school or a charter school
 13 management organization.

14 “(d) APPLICATIONS.—

15 “(1) IN GENERAL.—An eligible entity desiring a
 16 grant under this section shall submit an application
 17 to the Secretary at such time, in such manner, and
 18 containing such information as the Secretary may
 19 require.

20 “(2) CONTENTS.—At a minimum, the applica-
 21 tion described in paragraph (1) shall include the fol-
 22 lowing:

23 “(A) A description of how the eligible enti-
 24 ty will use grant funds to implement English
 25 language proficiency standards, and the aca-

1 demic content standards and student academic
2 achievement standards required under section
3 1111(b)(1), to assist English learners in—

4 “(i) improving English language pro-
5 ficiency, academic achievement, and
6 achievement in core academic subject
7 areas; and

8 “(ii) improving preparation for post-
9 secondary education and careers.

10 “(B) A description of the benchmarks, con-
11 sistent with section 3304(b)(1), that the eligible
12 entity will establish to demonstrate improve-
13 ments in outcomes for students who are
14 English learners.

15 “(C) A description of how the eligible enti-
16 ty has used the metrics described in subpara-
17 graphs (A) through (D) of subsection (b)(2)
18 and the benchmarks described in subparagraph
19 (B) to create a data-driven needs assessment
20 that the eligible entity will use to determine
21 how grant funds will be used.

22 “(D) A description of how the eligible enti-
23 ty will use Federal funds received under this
24 section only to supplement the funds that
25 would, in the absence of such Federal funds, be

1 made available from non-Federal sources for
2 the education of students participating in pro-
3 grams assisted under this section, and not to
4 supplant such funds.

5 “(e) PRIORITY.—In awarding grants under this sec-
6 tion, the Secretary shall give priority to eligible entities
7 that—

8 “(1) use funds, or propose to use grant funds
9 under this section, to—

10 “(A) implement evidence-based strategies,
11 as determined by the Secretary, for activities
12 described in subsection (f);

13 “(B) provide educational opportunities for
14 English learners who have entered a school in
15 the United States after elementary school or
16 English learners who have been in schools in
17 the United States for more than 5 years with-
18 out achieving English language proficiency (as
19 determined through the assessment described in
20 section 1111(b)(7)), or both;

21 “(C) provide a continuum of literacy, par-
22 enting, and parent engagement services for low-
23 literate limited English proficient parents of
24 young English learners; or

1 “(D) serve populations of rural students
 2 and students who are migratory children, as de-
 3 fined in section 1309(2);

4 “(2) form partnerships with entities to carry
 5 out activities under the grant; or

6 “(3) work with an educational research entity
 7 that is, at the time of the application, implementing
 8 research-based programs or interventions in schools
 9 that serve a significant percentage of English learn-
 10 ers.

11 “(f) USE OF FUNDS.—Each eligible entity that re-
 12 ceives a grant under this section shall use the grant funds
 13 to carry out activities that lead to English learners becom-
 14 ing proficient in English in order to access the academic
 15 content knowledge that English learners need to meet the
 16 State challenging academic content standards under sec-
 17 tion 1111(b)(1) and to be ready for postsecondary edu-
 18 cation and careers, which may include—

19 “(1) improving instructional programs by—

20 “(A) implementing evidence-based lan-
 21 guage instruction programs, including—

22 “(i) technology-based programs; and

23 “(ii) early childhood education pro-
 24 grams, if applicable;

1 “(B) consistent with State law, imple-
 2 menting a program that uses instruction in the
 3 native language as a basis for English language
 4 acquisition, such as—

5 “(i) a dual-language program; or

6 “(ii) a bilingual education program; or

7 “(C) obtaining technical assistance from
 8 an expert to develop or implement materials for
 9 English learner instruction;

10 “(2) ensuring that English learners are taught
 11 by effective teachers and attend schools that are ad-
 12 ministered by effective principals, by—

13 “(A) developing or implementing a strat-
 14 egy to recruit effective teachers and principals;

15 “(B) developing or implementing a strat-
 16 egy to retain effective teachers and principals;
 17 or

18 “(C) developing or implementing a strategy
 19 to improve the effectiveness of teachers and
 20 principals;

21 “(3) increasing the ability of families of English
 22 learners to be engaged in their child’s education and
 23 development;

1 “(4) expanding best practices to other schools
2 or local educational agencies that are served by the
3 eligible entity; or

4 “(5) carrying out other activities consistent
5 with the purpose of this part.

6 **“SEC. 3303. CAPACITY BUILDING GRANTS.**

7 “(a) CAPACITY BUILDING GRANTS.—

8 “(1) IN GENERAL.—From amounts appro-
9 priated under section 3001(a)(3), the Secretary may
10 award capacity-building grants, on a competitive
11 basis, to eligible agencies that demonstrate a com-
12 mitment to establishing and maintaining a system of
13 high-quality instruction for English learners to en-
14 able such eligible agencies to carry out the activities
15 described in subsection (g).

16 “(2) LIMITATIONS.—The Secretary shall not
17 award a grant under this section to an eligible agen-
18 cy that has received a grant under section 3302.

19 “(b) DURATION.—

20 “(1) IN GENERAL.—Grants awarded under this
21 section shall be for a period of not more than 4
22 years.

23 “(2) RENEWAL.—The Secretary shall not renew
24 a grant under this section.

1 “(c) ELIGIBLE AGENCY.—The term ‘eligible agency’
2 means a State educational agency or local educational
3 agency that has experienced a significant increase, as de-
4 termined by the Secretary, in the number of English learn-
5 ers that the State educational agency or local educational
6 agency, respectively, serves.

7 “(d) FUNDING REQUIREMENT.—Continued funding
8 after the second year of the grant period for a grant
9 awarded under this section shall be contingent on the eligi-
10 ble agency’s progress in—

11 “(1) meeting the benchmarks described in sub-
12 section (e)(2)(B);

13 “(2) improving the English language proficiency
14 of students served by the grant program, as meas-
15 ured by the assessment described in section
16 1111(b)(7);

17 “(3) increasing the percentage of English learn-
18 ers who achieve proficiency on State academic as-
19 sessments in mathematics, reading or language arts,
20 and science, as described in section 1111(b)(3);

21 “(4) increasing the percentage of secondary
22 school students who achieve proficiency in core aca-
23 demic subjects;

24 “(5) increasing the graduation rate, as defined
25 in section 1111(b)(2)(C)(vi) and clarified in section

1 200.19(b)(1) of title 34, Code of Federal Regula-
2 tions, for English learners;

3 “(6) increasing the awareness and knowledge of
4 the education system for parents of English learners;
5 and

6 “(7) improving the English language proficiency
7 and literacy skills of parents of English learners.

8 “(e) APPLICATIONS.—

9 “(1) IN GENERAL.—An eligible agency desiring
10 a grant under this section shall submit an applica-
11 tion to the Secretary at such time, in such manner,
12 and containing such information as the Secretary
13 may require.

14 “(2) CONTENTS.—At a minimum, the applica-
15 tion described in paragraph (1) shall include the fol-
16 lowing:

17 “(A) A description of how the eligible enti-
18 ty will use grant funds to implement English
19 language proficiency standards and challenging
20 student academic achievement standards and
21 academic content standards under section
22 1111(b)(1) to assist English learners in—

23 “(i) improving English language pro-
24 ficiency;

1 “(ii) improving preparation for post-
2 secondary education and careers;

3 “(iii) improving the English language
4 proficiency and literacy skills of their par-
5 ents; and

6 “(iv) improving the knowledge and
7 ability of their parents to navigate the edu-
8 cation system.

9 “(B) A description of the benchmarks, con-
10 sistent with section 3304(b), that the eligible
11 agency will establish to demonstrate improve-
12 ments in outcomes for students who are
13 English learners.

14 “(C) A description of how the eligible
15 agency will efficiently use funds to build upon
16 previous efforts to educate English learners and
17 their parents.

18 “(D) A description of how the eligible enti-
19 ty will use Federal funds received under this
20 section only to supplement the funds that
21 would, in the absence of such Federal funds, be
22 made available from non-Federal sources for
23 the education of students participating in pro-
24 grams assisted under this section, and not to
25 supplant such funds.

1 “(f) PRIORITY.—In awarding grants under this sec-
 2 tion, the Secretary shall give priority to eligible agencies
 3 that propose to use grant funds to implement evidence-
 4 based strategies, as determined by the Secretary, in order
 5 to become competitive in the application process for a
 6 grant described in section 3302.

7 “(g) USE OF FUNDS.—

8 “(1) REQUIRED USE OF FUNDS.—An eligible
 9 agency that receives a grant under this section shall
 10 use the grant funds to carry out activities that—

11 “(A) build the eligible agency’s capacity to
 12 provide quality instruction to English learners
 13 and their parents; and

14 “(B) will allow the eligible agency to be-
 15 come competitive in the application process for
 16 a grant described in section 3302.

17 “(2) PERMISSIBLE USE OF FUNDS.—An eligible
 18 agency that receives a grant under this section may
 19 use the grant funds to ensure that English learners
 20 are taught by effective teachers and attend schools
 21 that are administered by effective principals, by—

22 “(A) developing or implementing a strat-
 23 egy to recruit effective teachers and principals;

1 “(B) developing or implementing a strat-
 2 egy to retain effective teachers and principals;
 3 or

4 “(C) developing or implementing a strategy
 5 to improve the effectiveness of teachers and
 6 principals.

7 **“SEC. 3304. INDICATORS, EVALUATION, TECHNICAL ASSIST-**
 8 **ANCE, AND RESEARCH.**

9 “(a) INDICATORS.—

10 “(1) IN GENERAL.—The Secretary, in consulta-
 11 tion with the Director of the Institute of Education
 12 Sciences, shall establish indicators to measure the
 13 success of grant programs under this part.

14 “(2) PRIMARY INDICATOR.—The primary indi-
 15 cator described in paragraph (1) shall be the per-
 16 centage of students who—

17 “(A) are English learners;

18 “(B) become English language proficient;

19 “(C) are on track for postsecondary edu-
 20 cation and a career;

21 “(D) have parents who demonstrate im-
 22 proved English language or basic literacy skills;

23 “(E) have parents who increase their
 24 knowledge of the education system; and

1 “(F) have parents who increase their par-
2 ticipation in their children’s education.

3 “(b) EVALUATION AND REPORTS BY THE ELIGIBLE
4 ENTITY.—Each eligible entity and eligible agency receiv-
5 ing a grant under this part shall—

6 “(1) develop quantifiable benchmarks to evalu-
7 ate the activities that the eligible entity or eligible
8 agency carries out under this part, based on the ap-
9 plicable indicators described in subsection (a), which
10 may include—

11 “(A) the percentage of students who are
12 English learners who obtain English pro-
13 ficiency;

14 “(B) the rate of participation of students
15 who are English learners in the State academic
16 assessments under section 1111(b);

17 “(C) the reduction in the percentage of
18 students who are English learners and who are
19 in the lowest level of achievement on such State
20 assessments in English, reading or language
21 arts, and mathematics;

22 “(D) the percentage of students who are
23 English learners and who are taking advanced
24 coursework;

1 “(E) the percentage of parents of English
2 learners who advance at least one educational
3 functioning level in English language pro-
4 ficiency, based on the Department’s National
5 Reporting System of Adult Education, after a
6 year of participating in a program supported
7 under this part;

8 “(F) the percentage of parents of English
9 learners who enter postsecondary education or
10 job training after a year of participating in
11 such program;

12 “(G) improvement, based on pre- and post-
13 surveys, of the knowledge of the parents of
14 English learners regarding the education sys-
15 tem; or

16 “(H) improvement, based on instructor ob-
17 servation, of child and parent interactions and
18 reports of parent engagement;

19 “(2) submit the benchmarks described in para-
20 graph (1) to the Secretary for approval; and

21 “(3) prepare and submit an annual report to
22 the Secretary on the progress that the eligible entity
23 or eligible agency is making toward meeting such
24 benchmarks.

1 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
 2 reserve not more than 1 percent from amounts appro-
 3 priated in section 3001(a)(3) to directly, or through grant
 4 or contract, provide technical assistance to eligible entities
 5 and eligible agencies to prepare the entities and agencies
 6 to qualify, apply for, and maintain grants under this part.

7 “(d) RESEARCH AND EVALUATION.—The Secretary
 8 shall reserve not more than 0.5 percent from amounts ap-
 9 propriated in section 3001(a)(3) to evaluate grants or pro-
 10 vide technical assistance for activities funded under this
 11 part.

12 **“SEC. 3305. DEFINITIONS.**

13 “In this part:

14 “(1) DUAL LANGUAGE PROGRAM.—The term
 15 ‘dual language program’ means an instructional
 16 strategy for English learners—

17 “(A) in which students are taught literacy
 18 and content in English and another language
 19 and use the other language for at least half of
 20 the instructional day; and

21 “(B) that fosters bilingualism, biliteracy,
 22 enhanced awareness of linguistic and cultural
 23 diversity, and high levels of academic achieve-
 24 ment through instruction in 2 languages.

1 “(2) ENGLISH LEARNER.—The term ‘English
2 learner’ means an individual who is limited English
3 proficient, as defined in section 9101.”.

