

113TH CONGRESS
1ST SESSION

S. 326

To reauthorize 21st century community learning centers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mrs. BOXER (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BEGICH, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reauthorize 21st century community learning centers, 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 “After School for Amer-
5 ica’s Children Act”.

6 **SEC. 2. PURPOSE; DEFINITIONS.**

7 Section 4201 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7171) is amended—

9 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “, such
2 as reading and mathematics”;

3 (B) in paragraph (2)—

4 (i) by inserting “service learning, nu-
5 trition and health education,” before “drug
6 and”; and

7 (ii) by striking “and recreation pro-
8 grams” and all that follows through “char-
9 acter education programs” and inserting
10 “physical fitness and wellness programs,
11 and technology education programs”; and

12 (C) by striking paragraph (3) and insert-
13 ing the following:

14 “(3) offer families of students served by com-
15 munity learning centers opportunities for active and
16 meaningful engagement in their children’s education,
17 including opportunities for literacy and related edu-
18 cational development.”; and

19 (2) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) by striking subparagraph (A) and
22 inserting the following:

23 “(A) assists students in meeting State and
24 local academic achievement standards in core
25 academic subjects by providing the students

with academic and enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before or after school or during summer recess) that—

“(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

“(ii) are targeted to the students’ academic needs and aligned with the instruction students receive during the school day; and”;

(ii) in subparagraph (B), by inserting “and opportunities for active and meaningful engagement in their children’s education” before the period at the end;

(B) in paragraph (3), by inserting “Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)),” after “community-based organization,”;

(C) by redesignating paragraph (4) as paragraph (6); and

1 (D) by inserting after paragraph (3) the
2 following:

3 “(4) EXTERNAL ORGANIZATION.—The term ‘ex-
4 ternal organization’ means—

5 “(A) a nonprofit organization with a
6 record of success in running or working with
7 after school programs; or

8 “(B) in the case of a community where
9 there is no such organization, a nonprofit orga-
10 nization in the community that enters into a
11 formal agreement or partnership with an orga-
12 nization described in subparagraph (A) to re-
13 ceive mentoring and guidance.

14 “(5) RIGOROUS PEER REVIEW PROCESS.—The
15 term ‘rigorous peer review process’ means a process
16 by which—

17 “(A) employees of a State educational
18 agency who are familiar with the 21st century
19 community learning center program under this
20 part review all applications that the State re-
21 ceives for awards under this part for complete-
22 ness and applicant eligibility;

23 “(B) the State educational agency selects
24 peer reviewers for such applications, who
25 shall—

1 “(i) be selected for their expertise in
 2 providing effective academic, enrichment,
 3 youth development, and related services to
 4 children; and

5 “(ii) not include any applicant, or rep-
 6 resentative of an applicant, that has sub-
 7 mitted an application under such section
 8 for the current application period; and

9 “(C) the peer reviewers described in sub-
 10 paragraph (B) review and rate the applications
 11 to determine the extent to which the applica-
 12 tions meet the requirements under sections
 13 4204(b) and 4205.”.

14 **SEC. 3. ALLOTMENTS TO STATES.**

15 Section 4202(c) of such Act (20 U.S.C. 7172(c)) is
 16 amended—

17 (1) in paragraph (1), by striking “95 percent”
 18 and inserting “93 percent”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (B), by inserting “rig-
 21 orous” before “peer review”; and

22 (B) by striking “supervising the” and in-
 23 serting the following:

24 “(C) supervising the”; and

25 (3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “3 percent” and inserting “5 percent”; and

(B) by adding at the end the following:

“(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the after school program with State academic standards.

“(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

“(G) Working with teachers, principals, parents, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs.

“(H) Coordinating funds received under this program with other Federal and State funds to implement high-quality programs.

“(I) Providing a list of prescreened external organizations, as described in section 4203(a)(11).”.

SEC. 4. STATE APPLICATION.

Section 4203 of such Act (20 U.S.C. 7173) is amended—

(1) in subsection (a)—

1 (A) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) contains an assurance that the State edu-
4 cational agency—

5 “(A) will make awards under this part to
6 eligible entities that serve students who pri-
7 marily attend schools that are eligible for
8 schoolwide programs under section 1114 and
9 the families of such students; and

10 “(B) will further give priority to eligible
11 entities that propose in the application to serve
12 students who are not proficient, as described in
13 section 4204(i)(1);”;

14 (B) in paragraph (4), by inserting “State
15 and” after “students meet”;

16 (C) in paragraph (6), by striking “and dis-
17 semination of promising practices” and insert-
18 ing “, dissemination of promising practices, and
19 coordination of professional development for
20 staff in specific content areas as well as youth
21 development”;

22 (D) by redesignating paragraphs (11)
23 through (14) as paragraphs (12) through (15),
24 respectively;

1 (E) by inserting after paragraph (10) the
 2 following:

3 “(11) describes how the State will prescreen ex-
 4 ternal organizations that could provide assistance in
 5 carrying out the activities under this part, and de-
 6 velop and make available to eligible entities a list of
 7 external organizations that successfully completed
 8 the prescreening process;”;

9 (F) in paragraph (12) (as redesignated by
 10 subparagraph (D))—

11 (i) by striking “provides an assur-
 12 ance” and inserting “provides—
 13 “(A) an assurance”;

14 (ii) by inserting “statewide after
 15 school networks (where applicable),” after
 16 “or their designees,”; and

17 (iii) by striking “and representatives
 18 of teachers” and all that follows through
 19 “organizations;” and inserting the fol-
 20 lowing: “representatives of teachers, local
 21 educational agencies, and community-based
 22 organizations; and

23 “(B) a description of any other representa-
 24 tives of teachers, parents, students, or the busi-
 25 ness community that the State has selected to

1 assist in the development of the application, if
 2 applicable;” and

3 (G) in paragraph (14) (as redesignated by
 4 subparagraph (D))—

5 (i) by redesignating subparagraph (B)
 6 as subparagraph (C); and

7 (ii) in subparagraph (A), by striking
 8 “; and” and inserting the following: “with
 9 emphasis on alignment with the regular
 10 academic program of the school and the
 11 academic needs of participating students,
 12 including performance indicators and
 13 measures that—

14 “(i) are able to track student success
 15 and improvement over time, and

16 “(ii) include State assessment results
 17 and other indicators of student success and
 18 improvement, such as improved attendance
 19 during the school day, better classroom
 20 grades, regular (or consistent) program at-
 21 tendance, and on-time advancement to the
 22 next grade level;

23 “(B) a description of how data collected
 24 for the purposes of subparagraph (A) will be
 25 collected; and” and

1 (2) by adding at the end the following:

2 “(g) LIMITATION.—The Secretary may not impose a
3 priority or preference for eligibility for, or applications by,
4 States or eligible entities that seek to use funds made
5 available under this part to extend the regular school
6 day.”.

7 **SEC. 5. LOCAL COMPETITIVE GRANT PROGRAM.**

8 Section 4204 of such Act (20 U.S.C. 7174) is amend-
9 ed—

10 (1) in subsections (b), (c), (d), (g), (h), and (i),
11 by striking “under this part” each place the term
12 appears and inserting “under this section”; and

13 (2) in subsection (b)(2)—

14 (A) in subparagraph (A)(ii), by inserting “,
15 if applicable” after “home”;

16 (B) in subparagraph (B), by inserting “,
17 as well as overall student success” before the
18 semicolon;

19 (C) by striking subparagraph (C) and in-
20 serting the following:

21 “(C) a demonstration of how the proposed
22 program will coordinate Federal, State, and
23 local programs and make the most effective use
24 of public resources;”;

(D) by striking subparagraph (D) and inserting the following:

“(D) an assurance that the proposed program was developed, and will be carried out, in—

“(i) active collaboration with the schools the students attend, including the sharing of relevant student data among the schools, all participants in the eligible entity, and any partnering entities described in subparagraph (H) while complying with applicable laws relating to privacy and confidentiality; and

“(ii) in alignment with State and local content and student academic achievement standards;”;

(E) in subparagraph (F), by striking “primarily target students who” and inserting “target students who primarily”;

(F) by striking subparagraph (J) and inserting the following:

“(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and

1 enhance the academic performance, achieve-
 2 ment, and positive youth development of the
 3 students;” and

4 (G) in subparagraph (M)—

5 (i) by striking “senior volunteers” and
 6 inserting “volunteers”; and

7 (ii) by striking “qualified seniors” and
 8 inserting “qualified persons”;

9 (3) in subsection (e), by inserting “rigorous”
 10 before “peer review”;

11 (4) in subsection (i)—

12 (A) in paragraph (1)—

13 (i) by striking subparagraph (A) and
 14 inserting the following:

15 “(A) proposing to target services to—

16 “(i) students who primarily attend
 17 schools that—

18 “(I) have been identified as in
 19 need of improvement under section
 20 1116;

21 “(II) have been identified as in
 22 need of improvement or corrective ac-
 23 tion under paragraph (1) or (7) of
 24 section 1116(b); or

1 “(III) enroll students who scored
 2 below the proficient level on the State
 3 academic assessments under section
 4 1111(b)(3) in reading, language arts,
 5 or mathematics, on the most recent
 6 such assessments for which data are
 7 available; and

8 “(ii) the families of students described
 9 in clause (i);”;

10 (ii) by striking clause (ii) of subpara-
 11 graph (B) and inserting the following:

12 “(ii) other eligible entity; and”; and

13 (iii) by adding at the end the fol-
 14 lowing:

15 “(C) demonstrating that the activities pro-
 16 posed in the application—

17 “(i) are, as of the date of the submis-
 18 sion of the application, not accessible to
 19 students who would be served; or

20 “(ii) would expand accessibility to
 21 high-quality services that may be available
 22 in the community.”; and

23 (B) by adding at the end the following:

24 “(3) LIMITATION.—A State educational agency
 25 may not impose a priority or preference for eligi-

1 bility for, or applications by, eligible entities that
 2 seek to use funds made available under this part to
 3 extend the regular school day.”; and

4 (5) by adding at the end the following:

5 “(j) RENEWABILITY OF AWARDS.—A State edu-
 6 cational agency may renew a grant provided under this
 7 section to an eligible entity, based on the eligible entity’s
 8 performance during the original grant period.”.

9 **SEC. 6. LOCAL ACTIVITIES.**

10 Section 4205 of such Act (20 U.S.C. 7175) is amend-
 11 ed—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph

14 (1)—

15 (i) by striking “under this part” and
 16 inserting “under section 4204”; and

17 (ii) by inserting “and support student
 18 success” after “academic achievement”;

19 (B) by redesignating paragraphs (6)
 20 through (12) as paragraphs (7) through (13),
 21 respectively;

22 (C) by striking paragraphs (1) through (5)
 23 and inserting the following:

1 “(1) academic enrichment learning programs,
 2 mentoring programs, remedial education activities,
 3 and tutoring services, that are aligned with—

4 “(A) State and local content and student
 5 academic achievement standards; and

6 “(B) local curricula that are designed to
 7 improve student academic achievement;

8 “(2) core academic subject education activities,
 9 including such activities that enable students to be
 10 eligible for credit recovery or attainment;

11 “(3) literacy education programs;

12 “(4) programs that support a healthy, active
 13 lifestyle, including nutritional education and regular,
 14 structured physical activity programs;

15 “(5) art and music education activities;

16 “(6) services for individuals with disabilities;”;

17 (D) by striking paragraph (8) (as redesign-
 18 nated by subparagraph (B)) and inserting the
 19 following:

20 “(8) cultural programs;”;

21 (E) in paragraph (11) (as redesignated by
 22 subparagraph (B)), by inserting “parenting
 23 skills” before “programs”;

1 (F) in paragraph (12) (as redesignated by
 2 subparagraph (B)), by striking “and” after the
 3 semicolon;

4 (G) in paragraph (13) (as redesignated by
 5 subparagraph (B)), by striking “, counseling
 6 programs, and character education programs.”
 7 and inserting “and counseling programs; and”;
 8 and

9 (H) by adding at the end the following:

10 “(14) programs that build skills in science,
 11 technology, engineering, and mathematics (referred
 12 to in this paragraph as ‘STEM’) and that foster in-
 13 novation in learning by supporting non-traditional
 14 STEM education teaching methods.”; and

15 (2) in subsection (b)—

16 (A) in the subsection heading, by striking
 17 “PRINCIPLES OF” and inserting “MEASURES
 18 OF”;

19 (B) in paragraph (1)—

20 (i) in subparagraph (B), by striking
 21 “and” after the semicolon;

22 (ii) in subparagraph (C), by striking
 23 the period and inserting a semicolon; and

24 (iii) by adding at the end the fol-
 25 lowing:

1 “(D) ensure that measures of student suc-
 2 cess align with the regular academic program of
 3 the school and the academic needs of partici-
 4 pating students and include performance indica-
 5 tors and measures described in section
 6 4203(a)(14)(A); and

7 “(E) collect the data necessary for the
 8 measures of student success described in sub-
 9 paragraph (D).”; and

10 (C) in paragraph (2)—

11 (i) in subparagraph (A), by inserting
 12 “and overall student success” before the
 13 period at the end; and

14 (ii) in subparagraph (B)—

15 (I) in clause (i), by striking
 16 “and” after the semicolon;

17 (II) in clause (ii), by striking the
 18 period at the end and inserting “;
 19 and”; and

20 (III) by adding at the end the
 21 following:

22 “(iii) used by the State to determine
 23 whether a grant is eligible to be renewed
 24 under section 4204(j).”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 4206 of such Act (20 U.S.C. 7176) is amend-
3 ed to read as follows:

4 **“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out
6 this part such sums as may be necessary for fiscal year
7 2014 and each of the 5 succeeding fiscal years.”.

8 **SEC. 8. TRANSITION.**

9 The recipient of a multiyear grant award under part
10 B of title IV of the Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 7171 et seq.), as such Act was
12 in effect on the day before the date of enactment of this
13 Act, shall continue to receive funds in accordance with the
14 terms and conditions of such award.

○