

113TH CONGRESS
1ST SESSION

S. 940

To provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2013

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

A BILL

To provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Graduation Promise Act of 2013”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

- Sec. 101. Purposes.
 Sec. 102. Definitions.
 Sec. 103. Grants authorized.
 Sec. 104. Secretarial peer review and approval.
 Sec. 105. State plan to develop differentiated high school improvement system.
 Sec. 106. Use of grant funds.
 Sec. 107. Statewide differentiated high school improvement system.
 Sec. 108. Subgrants to local educational agencies.
 Sec. 109. Local educational agency implementation of school improvement system.
 Sec. 110. School improvement activities.
 Sec. 111. Evaluation and reporting.
 Sec. 112. Authorization of appropriations.

TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS

- Sec. 201. Purposes.
 Sec. 202. Definitions.
 Sec. 203. Grants authorized.
 Sec. 204. Application.
 Sec. 205. Secretarial peer review and approval.
 Sec. 206. Use of funds.
 Sec. 207. Evaluation and reporting.
 Sec. 208. Authorization of appropriations.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) IN GENERAL.—The terms “distance learn-
 4 ing”, “educational service agency”, “highly quali-
 5 fied”, “local educational agency”, “outlying area”,
 6 “secondary school”, and “State educational agency”
 7 have the meanings given the terms in section 9101
 8 of the Elementary and Secondary Education Act of
 9 1965 (20 U.S.C. 7801).

10 (2) GRADUATION RATE.—The term “graduation
 11 rate” has the meaning given the term in section
 12 1111(b)(2)(C)(vi) of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C.
2 6311(b)(2)(C)(vi)), as clarified in section
3 200.19(b)(1) of title 34, Code of Federal Regula-
4 tions.

5 (3) HIGH SCHOOL.—The term “high school”
6 means a secondary school in which the—

7 (A) entering grade of the school is not
8 lower than grade 7; and

9 (B) highest grade of the school is—

10 (i) grade 12; or

11 (ii) in the case of a secondary school
12 approved by a State to issue a regular di-
13 ploma concurrently with a postsecondary
14 degree or with not more than 2 years’
15 worth of postsecondary academic credit,
16 grade 13.

17 (4) INDUSTRY-RECOGNIZED CREDENTIAL.—The
18 term “industry-recognized credential” means a cre-
19 dential—

20 (A) that is sought or accepted by employ-
21 ers within the industry or sector involved as a
22 recognized, preferred, or required credential for
23 recruitment, screening, hiring, retention, or ad-
24 vancement purposes;

(B) that, where appropriate, is endorsed by a nationally recognized trade association or organization representing a significant part of the industry or sector; and

(C) earned from a program determined by the State grantee to be a program of high quality.

(5) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Education.

(7) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

SEC. 101. PURPOSES.

The purposes of this title are to—

(1) improve high school student academic achievement and graduation rates and prepare all students for postsecondary education and the workforce;

1 (2) help States and local educational agencies
 2 develop high school improvement systems to deliver
 3 support and technical assistance to high schools
 4 identified for whole school reform or replacement, as
 5 described in clause (ii) and (iii) of section
 6 105(b)(2)(B);

7 (3) ensure students graduate from high school
 8 with the education and skills necessary to compete
 9 in a global economy; and

10 (4) help build the capacity to develop and im-
 11 plement research-based, sustainable, and replicable
 12 high school improvement models and interventions
 13 that are for high schools in whole school reform and
 14 replacement and that engage the whole community.

15 **SEC. 102. DEFINITIONS.**

16 In this title:

17 (1) ANNUAL MEASURABLE GROWTH.—The term
 18 “annual measurable growth” means a rate of annual
 19 growth determined by a State educational agency
 20 that is approved by the Secretary.

21 (2) EXTERNAL PARTNER.—The term “external
 22 partner” means an entity—

23 (A) that is an organization such as a non-
 24 profit organization, community-based organiza-
 25 tion, local education fund, service organization,

educational service agency, or institution of higher education; and

(B) that has demonstrated expertise and effectiveness in providing targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students, including for those students who are failing to make sufficient progress to graduate in the standard amount of years or who have dropped out of high school.

(3) LOW-INCOME LOCAL EDUCATIONAL AGENCY.—The term “low-income local educational agency” means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line.

(4) MIDDLE GRADES.—The term “middle grades” means any of grades 5 through 8.

1 (5) POVERTY LINE.—The term “poverty line”
 2 means the poverty line described in section 673 of
 3 the Community Services Block Grant Act (42 U.S.C.
 4 9902), applicable to a family of the size involved.

5 (6) SECONDARY SCHOOL REFORM PARTNER.—
 6 The term “secondary school reform partner” means
 7 an organization, such as a school reform organiza-
 8 tion, community-based organization, local education
 9 fund, educational service agency, or institution of
 10 higher education, with expertise in analyzing school
 11 performance data and a track record of success in
 12 improving student achievement and graduation rates
 13 in low-performing high schools.

14 **SEC. 103. GRANTS AUTHORIZED.**

15 (a) IN GENERAL.—The Secretary is authorized to
 16 make grants, through allotments under subsection (b), to
 17 State educational agencies with approved State plans that
 18 will—

19 (1) improve student achievement and gradua-
 20 tion rates;

21 (2) effectively target resources and technical as-
 22 sistance to high schools in whole school reform or re-
 23 placement, as described in clause (ii) or (iii) of sec-
 24 tion 105(b)(2)(B); and

(3) ensure coordination with other Federal programs, where applicable, including programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(b) DETERMINATION OF ALLOTMENTS.—

(1) RESERVATION OF FUNDS.—From the total amount appropriated under section 112, the Secretary shall reserve not more than—

(A) the lesser of 3 percent or \$50,000,000,

to—

(i) provide technical assistance and ongoing regional training programs that are equitably distributed—

(I) among the different geographic regions of the United States; and

(II) among State and local educational agencies serving urban and rural areas;

(ii) evaluate activities authorized under this title in order to determine the

1 most effective strategies for improving stu-
2 dent achievement and outcomes for stu-
3 dents attending high schools identified for
4 targeted intervention, whole school reform,
5 or replacement under section 105(b)(2);
6 and

7 (iii) disseminate the findings of such
8 evaluations;

9 (B) the lesser of 4 percent or \$75,000,000,
10 to build the capacity of secondary school reform
11 partners and external partners to provide serv-
12 ices under this Act that benefit high schools
13 and support the development or enhancement of
14 research-based whole secondary school reform
15 or new secondary school models, of which not
16 less than 35 percent of such reserved funds
17 shall be awarded, on a competitive basis, to sec-
18 ondary school reform partners or external part-
19 ners that will provide services under this Act
20 that benefit high schools designated with a
21 school locale code of Fringe Rural (41), Distant
22 Rural (42), or Remote Rural (43), as deter-
23 mined by the Secretary;

24 (C) 2 percent to the Secretary of the Inte-
25 rior, to enable the Secretary to carry out the

1 purposes of this Act for schools operated or
2 funded by the Bureau of Indian Education of
3 the Department of the Interior; and

4 (D) one-half of 1 percent to award assist-
5 ance under this title to the outlying areas ac-
6 cording to their respective needs for assistance
7 under this title.

8 (2) STATE ALLOTMENT.—From the total
9 amount appropriated under section 112 for a fiscal
10 year and not reserved under paragraph (1), the Sec-
11 retary shall make allotments as follows:

12 (A) LOW-INCOME LOCAL EDUCATIONAL
13 AGENCIES.—From such amount, the Secretary
14 shall allot to each State an amount that bears
15 the same ratio to 50 percent of the sums being
16 allotted as the percentage of students enrolled
17 in schools served by low-income local edu-
18 cational agencies in the State bears to the total
19 of such percentages for all the States.

20 (B) LOWEST GRADUATION RATE CALCULA-
21 TION.—From such amount, the Secretary shall
22 allot to each State for which the graduation
23 rate is within the lowest one-third of the grad-
24 uation rates for all States, an amount that
25 bears the same ratio to 25 percent of the sums

1 being allotted as the number of students en-
2 rolled in high schools in the State bears to the
3 total of such students in all of such States with
4 the lowest one-third graduation rates.

5 (C) MIDDLE GRADUATION RATE CALCULA-
6 TION.—From such amount, the Secretary shall
7 allot to each State for which the graduation
8 rate is within the middle one-third of the grad-
9 uation rates for all States, an amount that
10 bears the same ratio to 15 percent of the sums
11 being allotted as the number of students en-
12 rolled in high schools in the State bears to the
13 total of such students in all of such States with-
14 in the middle one-third graduation rates.

15 (D) HIGHEST GRADUATION RATE CAL-
16 CULATION.—From such amount, the Secretary
17 shall allot to each State for which the gradua-
18 tion rate is within the highest one-third of the
19 graduation rates for all States, an amount that
20 bears the same ratio to 10 percent of the sums
21 being allotted as the number of students en-
22 rolled in high schools in the State bears to the
23 total of such students in all of such States with-
24 in the highest one-third graduation rates.

1 (3) REALLOTMENT.—If any State does not
2 apply for an allotment under this subsection for any
3 fiscal year, the Secretary shall reallocate the amount of
4 the allotment to the remaining States in accordance
5 with this subsection.

6 (4) USING FIRST-YEAR DATA.—In calculating
7 allotments under this subsection for the second and
8 each subsequent year of the grant period, the Sec-
9 retary shall use the data relating to low-income local
10 educational agencies and graduation rates used for
11 the first year of the grant period.

12 (5) HOLD HARMLESS.—Notwithstanding any
13 other provision of this subsection but subject to
14 paragraph (6), no State shall receive an allotment
15 under this section for a fiscal year in an amount
16 that is less than the amount the State received
17 under this section for the first fiscal year of the
18 grant period.

19 (6) RATABLY REDUCTION.—If the amount ap-
20 propriated in a fiscal year is not sufficient to pay
21 the minimum allotments to all eligible institutions
22 under paragraph (5), the amount of the minimum
23 allotment to each such eligible institution shall be
24 ratably reduced.

1 (c) SUPPLEMENT, NOT SUPPLANT.—A State edu-
 2 cational agency that receives a grant under this title shall
 3 use the grant funds to supplement, and not supplant, Fed-
 4 eral and non-Federal funds available to high schools.

5 (d) MATCHING FUNDS.—

6 (1) IN GENERAL.—A State educational agency
 7 that receives a grant under this section shall provide
 8 matching funds, from non-Federal sources, in an
 9 amount equal to 25 percent of the amount of grant
 10 funds provided to the State to carry out the activi-
 11 ties supported by the grant. Such matching funds
 12 may be provided in cash or in-kind, except that—

13 (A) not more than 10 percent of the
 14 amount of grant funds may be provided
 15 through in-kind contributions; and

16 (B) any in-kind contributions shall be di-
 17 rected toward supporting the State educational
 18 agency's technical assistance efforts or the op-
 19 eration of the State's differentiated high school
 20 improvement system under section 105.

21 (2) WAIVER.—The Secretary may waive the re-
 22 quirements under paragraph (1).

23 **SEC. 104. SECRETARIAL PEER REVIEW AND APPROVAL.**

24 (a) IN GENERAL.—The Secretary shall—

1 (1) establish a peer-review process to assist in
2 the review and approval of State plans;

3 (2) appoint individuals to the peer-review proc-
4 ess who are educators and experts in educational
5 standards, assessments, accountability, high school
6 improvement, dropout prevention, academic needs of
7 English language learners, and other educational
8 needs of high school students;

9 (3) approve a State plan submitted under this
10 title not later than 120 days after the date of the
11 submission of the plan unless the Secretary deter-
12 mines that the plan does not meet the requirements
13 of this title;

14 (4) if the Secretary determines that the State
15 plan does not meet the requirements of this title, im-
16 mediately notify the State of such determination and
17 the reasons for such determination;

18 (5) if the Secretary determines that the State
19 does not have the capacity to carry out the school
20 improvement activities described in sections
21 105(b)(2) and 107, offer technical assistance to
22 carry out such activities for States directly or
23 through contracts with secondary school reform
24 partners;

25 (6) not deny a State's plan before—

1 (A) offering the State an opportunity to
2 revise the State's plan;

3 (B) providing the State with technical as-
4 sistance in order to submit a successful plan;
5 and

6 (C) providing the State an opportunity for
7 a hearing or accepting input from the State;
8 and

9 (7) have the authority to deny a State plan for
10 not meeting the requirements of this title.

11 (b) ACCURACY.—In approving a State plan, the Sec-
12 retary shall ensure that—

13 (1) the process the State educational agency
14 proposes for differentiating school improvement ac-
15 tions under sections 105(b)(2) and 107, which proc-
16 ess will assign high schools to each of the school im-
17 provement categories described in section 105(b)(2)
18 in such a way that accurately identifies the high
19 school and leads to the implementation of the inter-
20 ventions necessary to meet the needs of the students
21 attending the high school; and

22 (2) the annual growth targets proposed by the
23 State educational agency under section 105(b)(3)(D)
24 are meaningful and achievable, and demonstrate
25 continuous and substantial progress.

1 **SEC. 105. STATE PLAN TO DEVELOP DIFFERENTIATED**
2 **HIGH SCHOOL IMPROVEMENT SYSTEM.**

3 (a) IN GENERAL.—For a State to be eligible to re-
4 ceive a grant under this title, the State educational agency
5 shall submit a plan to the Secretary at such time, in such
6 manner, and containing such information as the Secretary
7 may reasonably require.

8 (b) CONTENTS.—Each plan submitted under this sec-
9 tion shall include the following:

10 (1) SCHOOL IMPROVEMENT PROCESS.—The
11 State educational agency shall describe how the
12 State educational agency will use funds authorized
13 under this title to establish or expand a statewide
14 differentiated high school improvement system de-
15 scribed in section 107.

16 (2) STATEWIDE DIFFERENTIATED HIGH
17 SCHOOL IMPROVEMENT.—

18 (A) PROCESS OF DIFFERENTIATION.—The
19 State educational agency shall describe a data-
20 driven process for categorizing high schools into
21 the categories described in subparagraph (B)
22 using—

23 (i) the indicators used to determine
24 annual measurable growth; and

25 (ii) data from the school performance
26 indicators described in paragraph (3).

1 (B) DIFFERENTIATED HIGH SCHOOL IM-
2 PROVEMENT CATEGORIES.—The State edu-
3 cational agency shall describe how local edu-
4 cational agencies will use the process estab-
5 lished under subparagraph (A) to categorize the
6 high schools in the State that do not make an-
7 nual measurable growth for 2 consecutive years
8 into one of the following school improvement
9 categories:

10 (i) SCHOOLS NEEDING TARGETED
11 INTERVENTIONS.—High schools whose per-
12 formance on the school performance indi-
13 cators described in paragraph (3) dem-
14 onstrate a need for targeted interventions
15 described in section 110(b) to improve stu-
16 dent outcomes and make annual measur-
17 able growth.

18 (ii) SCHOOLS NEEDING WHOLE
19 SCHOOL REFORMS.—High schools whose
20 performance on the school performance in-
21 dicators demonstrate a need for com-
22 prehensive schoolwide reform described in
23 section 110(c) to improve student out-
24 comes and make annual measurable
25 growth.

1 (iii) SCHOOLS NEEDING REPLACE-
2 MENT.—High schools whose school per-
3 formance indicators demonstrate a need
4 for replacement, as described in section
5 110(d).

6 (C) SPECIAL RULE.—A State educational
7 agency may propose in the plan under this sec-
8 tion additional levels of differentiation within a
9 particular school improvement category de-
10 scribed in subparagraph (B) to further target
11 and prioritize school needs and to align dif-
12 ferentiation with the State’s existing State ac-
13 countability systems.

14 (D) DEMONSTRATION OF DEVELOP-
15 MENT.—The State shall demonstrate how the
16 State plan was developed in consultation with a
17 representative group of local educational agen-
18 cies.

19 (E) CONTINUOUS IMPROVEMENT.—The
20 State educational agency shall describe how the
21 State educational agency will evaluate annually
22 the progress of high schools to ensure that each
23 high school is making continuous and substan-
24 tial improvement in accordance with the annual
25 growth targets described in paragraph (3)(D)

1 and consistent with the requirements described
 2 in section 110.

3 (F) AUTOMATIC DESIGNATION.—The proc-
 4 ess of categorization proposed by the State edu-
 5 cational agency shall ensure that a high school
 6 shall be automatically identified as a school in
 7 need of whole school reform or as a school in
 8 need of replacement, if the high school has a
 9 graduation rate of 50 percent or less in the
 10 most recent year for which data are available.

11 (3) SCHOOL PERFORMANCE INDICATORS.—

12 (A) IN GENERAL.—The State educational
 13 agency shall define, in consultation with rep-
 14 resentatives from urban and rural local edu-
 15 cational agencies in the State, a comprehensive
 16 set of school performance indicators that—

17 (i) shall be used, in addition to the in-
 18 dicators used to determine annual measur-
 19 able growth, to—

20 (I) analyze the performance of
 21 high schools in the State;

22 (II) determine the amount, inten-
 23 sity, and type of support each high
 24 school needs; and

1 (III) guide the school improve-
2 ment process;

3 (ii) demonstrate whether a high school
4 is making substantial and continuous
5 progress toward the goal of graduating all
6 of the school's students prepared for suc-
7 cess in higher education and careers; and

8 (iii)(I) directly measure student
9 achievement and advancement in high
10 school; or

11 (II) have been demonstrated by re-
12 search to have a direct impact on high
13 school student achievement and advance-
14 ment.

15 (B) CATEGORIES.—

16 (i) IN GENERAL.—The comprehensive
17 set of school performance indicators re-
18 quired by subparagraph (A) shall include
19 indicators of—

20 (I) high school student engage-
21 ment and effort;

22 (II) student advancement;

23 (III) educator effectiveness; and

24 (IV) academic learning.

1 (ii) INDICATORS OF HIGH SCHOOL
2 STUDENT ENGAGEMENT AND EFFORT.—

3 With respect to high school student en-
4 gagement and effort, the indicators—

5 (I) shall include student attend-
6 ance rates; and

7 (II) may include—

8 (aa) the percentage of stu-
9 dent suspensions and expulsions;

10 (bb) surveys of high school
11 student engagement and effort;
12 or

13 (cc) other indicators of stu-
14 dent engagement proposed by the
15 State educational agency and ap-
16 proved by the Secretary as part
17 of the peer review process de-
18 scribed in section 104(a).

19 (iii) INDICATORS OF STUDENT AD-
20 VANCEMENT.—With respect to student
21 achievement, the indicators—

22 (I) shall include—

23 (aa)(AA) student-earned on-
24 time promotion rates from grade

1 to grade for all grades in the
2 high school; or

3 (BB) the percentage of stu-
4 dents who have on-time credit ac-
5 cumulation at the end of each
6 grade; and

7 (bb) the percentage of stu-
8 dents—

9 (AA) failing a core,
10 credit-bearing, English lan-
11 guage arts, mathematics, or
12 science course; or

13 (BB) failing 2 or more
14 courses of any type; and

15 (II) may include—

16 (aa) measures of enrollment,
17 retention, persistence, and degree
18 attainment in two-year and four-
19 year institutions of higher edu-
20 cation;

21 (bb) measures of the em-
22 ployment success of students who
23 graduated from the high school;
24 or

1 (cc) other indicators of stu-
2 dent advancement proposed by
3 the State educational agency and
4 approved by the Secretary as
5 part of the peer review process
6 described in section 104(a).

7 (iv) INDICATORS OF EDUCATOR EF-
8 FECTIVENESS.—With respect to educator
9 effectiveness, the indicators—

10 (I) shall include—

11 (aa) measures of teacher at-
12 tendance, vacancies, and turn-
13 over; and

14 (bb) the percentage of highly
15 qualified teachers by grade level;
16 and

17 (II) may include—

18 (aa) student performance
19 and growth, observations, and
20 portfolio review; and

21 (bb) other indicators of edu-
22 cator effectiveness proposed by
23 the State educational agency and
24 approved by the Secretary as

part of the peer review process
described in section 104(a).

(v) INDICATORS OF ACADEMIC LEARNING.—With respect to academic learning,
the indicators—

(I) shall include—

(aa) the percentage of students taking a college-preparatory curriculum, which may include the percentage of students taking Advanced Placement courses, International Baccalaureate courses, or postsecondary courses for dual credit;

(bb) the percentage of students reaching proficiency on the State academic assessments in reading and mathematics required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), disaggregated by the categories of students identified in section 1111(b)(2)(C)(v) of such

1 Act (20 U.S.C.
2 1111(b)(2)(C)(v));

3 (cc) student success on
4 State or local educational agency
5 end-of-course examinations or
6 performance-based assessments
7 with standardized scoring rubrics
8 aligned to State standards, where
9 such assessments are available;
10 and

11 (dd) the percentage of stu-
12 dents who earn a postsecondary
13 credential while enrolled in sec-
14 ondary school (including an in-
15 dustry-recognized credential);
16 and

17 (II) may also include—

18 (aa) student achievement on
19 college entrance and placement
20 examinations such as the ACT or
21 SAT, or Advanced Placement or
22 International Baccalaureate ex-
23 aminations; or

24 (bb) other indicators of aca-
25 demic learning proposed by the

1 State educational agency and ap-
2 proved by the Secretary as part
3 of the peer-review process de-
4 scribed in section 104(a).

5 (C) DEMONSTRATION OF CAPACITY TO
6 COLLECT AND REPORT INDICATORS.—The State
7 educational agency shall demonstrate its capac-
8 ity to collect, report, and use the indicators de-
9 fined and used to meet the requirements of sub-
10 paragraph (A), including through the use of a
11 statewide longitudinal data system.

12 (D) ANNUAL GROWTH TARGETS.—The
13 State educational agency shall set State annual
14 growth targets that—

15 (i) include a goal and a minimum per-
16 centage of expected annual growth for each
17 school performance indicator; and

18 (ii) demonstrate continuous and sub-
19 stantial progress toward the State-defined
20 goal and making annual measurable
21 growth.

22 (4) DEMONSTRATION OF CAPACITY TO SUPPORT
23 SYSTEM.—The State educational agency shall dem-
24 onstrate capacity to support the statewide differen-

1 tiated high school improvement system, which shall
2 include, at a minimum, the following:

3 (A) SYSTEM ALIGNMENT.—

4 (i) ALIGNMENT WITH ACCOUNT-
5 ABILITY SYSTEM.—The State shall dem-
6 onstrate an alignment of the State ac-
7 countability system described in section
8 1111(b)(2) of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 6311(b)(2)) with other accountability sys-
11 tems approved by the Secretary under such
12 section 1111.

13 (ii) ADDITIONAL REQUIREMENTS.—

14 The State educational agency shall dem-
15 onstrate, if the State’s statewide differen-
16 tiated high school improvement system in-
17 cludes additional requirements not required
18 under section 107, how such additional re-
19 quirements will lead to improved student
20 achievement and graduation rates and sys-
21 tem alignment.

22 (iii) STRENGTHENING AND ALIGNING

23 POLICIES.—The State educational agency
24 shall demonstrate how the State edu-

1 cational agency will strengthen and align
2 policies affecting—

3 (I) interventions in schools in
4 whole school reform or replacement
5 under clause (ii) or (iii) of paragraph
6 (2)(B);

7 (II) new school development; and

8 (III) implementation of effective
9 school improvement activities that ad-
10 dress the education needs of high
11 school students who are off-track or
12 who have dropped out.

13 (B) DATA SYSTEMS.—The State edu-
14 cational agency shall demonstrate the State
15 educational agency’s use and support of a state-
16 wide longitudinal data system, including dem-
17 onstrating—

18 (i) that such system exists, or is being
19 developed, and includes the elements de-
20 scribed in section 6401(e)(2)(D) of the
21 America COMPETES Act (20 U.S.C.
22 9871(e)(2)(D));

23 (ii) a commitment to the maintenance
24 and growth of such system;

1 (iii) State policies that ensure the pro-
2 tection of personally identifiable informa-
3 tion in such system and authorize such
4 system to collect, share, and link data from
5 multiple systems for the purposes of eval-
6 uations and continuous improvement;

7 (iv) governance structures to guide
8 the collection, sharing and use of the data
9 in such system; and

10 (v) that such system includes linkages
11 between kindergarten through grade 12
12 data systems with early learning, postsec-
13 ondary education, workforce, social services
14 and other critical State agency data sys-
15 tems in order to achieve interoperability
16 with systems in other States.

17 (C) CAPACITY AND TECHNICAL ASSIST-
18 ANCE.—The State educational agency shall
19 demonstrate how it will support the statewide
20 differentiated high school improvement system,
21 including—

22 (i) a description of the statewide sys-
23 tem of support, including regional support
24 services and how schools identified under
25 this Act and the local educational agencies

1 that serve such schools can utilize such
2 supports to improve teaching, learning,
3 and student outcomes;

4 (ii) a description of how the State
5 educational agency will review, support,
6 monitor, and provide technical support for
7 local educational agency plans in accord-
8 ance with paragraph (5);

9 (iii) a description of the State edu-
10 cational agency staffing structure that is
11 designed to—

12 (I) carry out the activities de-
13 scribed in clause (ii);

14 (II) assist local educational agen-
15 cy school improvement teams de-
16 scribed in section 109(b)(2), including
17 supporting local educational agencies
18 and school officials in developing and
19 implementing school improvement
20 plans, including through the provision
21 of resources, training and technical
22 assistance; and

23 (III) coordinate services across
24 other State agencies to streamline and
25 improve support provided to schools

1 identified as needing targeted inter-
2 vention, whole school reform, or re-
3 placement under paragraph (2)(B);

4 (iv) a description of how the State
5 educational agency will develop and iden-
6 tify school improvement planning tools for
7 use by the local educational agencies and
8 schools, such as needs assessments; and

9 (v) a description of how the State
10 educational agency will ensure local edu-
11 cational agencies with high numbers of
12 schools in whole school reform and replace-
13 ment and such schools will be prioritized
14 and targeted with support.

15 (D) INCREASING LOCAL CAPACITY FOR IM-
16 PROVEMENT.—The State educational agency
17 shall demonstrate how the State educational
18 agency will align its resources and policies to
19 increase State and local capacity to ensure com-
20 prehensive support for schools identified as
21 needing targeted intervention, whole school re-
22 form, or replacement under paragraph (2)(B),
23 including how the State educational agency
24 will—

- 1 (i) target resources, including re-
2 sources from additional funding sources, to
3 improve teacher and school leader quality
4 or effectiveness in such schools including
5 using data for decisionmaking;
- 6 (ii) leverage resources from other
7 funding sources, such as school improve-
8 ment funds, technology and data funds,
9 and professional development funds;
- 10 (iii) provide local educational agencies
11 with support in finding and utilizing sec-
12 ondary school reform partners and other
13 external partners;
- 14 (iv) increase access to State and re-
15 gional technical assistance services;
- 16 (v) ensure an equitable distribution of
17 teachers and school leaders with a dem-
18 onstrated record of improving student
19 achievement and graduation rates among
20 the schools in the State that are identified
21 for targeted intervention, whole school re-
22 form, or replacement under paragraph
23 (2)(B), particularly those schools in whole
24 school reform or replacement, as compared

1 to schools not identified under paragraph
2 (2)(B);

3 (vi) ensure that local educational
4 agencies in the State have adequate re-
5 sources to serve schools;

6 (vii) support the development of effec-
7 tive school leaders for high schools identi-
8 fied for targeted intervention, whole school
9 reform, or replacement under paragraph
10 (2)(B);

11 (viii) assist local educational agencies
12 in developing early warning indicator sys-
13 tems described in section 109(b)(6)(A);
14 and

15 (ix) assist local educational agencies
16 in developing education options as de-
17 scribed in section 109(b)(6)(B).

18 (5) STATE REVIEW OF LOCAL EDUCATIONAL
19 AGENCY PLANS.—

20 (A) REVIEW LOCAL EDUCATIONAL AGENCY
21 PLANS.—The State educational agency shall de-
22 scribe how the State educational agency will
23 collect and review high school improvement
24 plans described in section 109(b)(4), including
25 a description of—

1 (i) how the State educational agency
2 will measure and ensure local educational
3 agencies have the capacity to carry out
4 such high school improvement plans;

5 (ii) how a local educational agency
6 may propose additional levels of differen-
7 tiation within a particular school improve-
8 ment category described in paragraph
9 (2)(B) that are aligned with the State ac-
10 countability system under section
11 1111(b)(2) of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C.
13 6311(b)(2));

14 (iii) how the State educational agency
15 will allow consortia of local educational
16 agencies, particularly those in rural areas,
17 to collaborate to develop and implement
18 school improvement plans;

19 (iv) how the State educational agency
20 will review plans with the assistance and
21 advice of a peer review panel that includes
22 educators and individuals who are experts
23 in—

24 (I) educational standards, assess-
25 ments, and accountability;

1 (II) high school improvement;

2 (III) dropout prevention, inter-
3 vention, and recovery;

4 (IV) parental involvement; and

5 (V) other educational needs of
6 high school students;

7 (v) how the State, in consultation with
8 the peer review panel, shall ensure the
9 local educational agency has identified the
10 school improvement category described in
11 section 105(b)(2) for each high school
12 served by the local educational agency that
13 did not make annual measurable growth
14 for 2 consecutive years in such a way that
15 accurately identifies the high school and
16 leads to the implementation of the inter-
17 ventions necessary to meet student needs;

18 (vi) how the State will provide local
19 educational agencies the opportunity to re-
20 vise high school improvement plans, includ-
21 ing, if the State educational agency, in
22 consultation with the peer review panel de-
23 scribed in clause (iv), determines that the
24 local educational agency's plan does not
25 meet the requirements of this title—

1 (I) immediately notifying the
2 local educational agency of such deter-
3 mination and the reasons for such de-
4 termination; and

5 (II) offering the local educational
6 agency an opportunity to revise the
7 plan, and technical assistance for re-
8 vising the plan; and

9 (vii) how the State will make the
10 school improvement plans available to the
11 public.

12 (B) ALLOCATION OF SUBGRANTS.—The
13 State educational agency shall describe how it
14 will award subgrants to local educational agen-
15 cies consistent with section 108.

16 (C) MONITORING OF SCHOOL IMPROVE-
17 MENT PLANS.—The State educational agency
18 shall describe how the State educational agency
19 will review and monitor the implementation of
20 high school improvement plans, including how
21 the State will analyze the implementation of the
22 high school improvement plans of high schools
23 that do not meet the annual growth targets set
24 in accordance with paragraph (3)(D) and de-

1 fined in the school improvement plan described
2 in section 109(b)(4).

3 (D) PROVIDING TECHNICAL ASSIST-
4 ANCE.—The State educational agency shall de-
5 scribe how it will provide technical assistance to
6 local educational agencies and high schools that
7 need support to develop and to implement high
8 school improvement plans described in section
9 109(b)(4) and improve graduation rates and
10 student achievement, including through the use
11 of secondary school reform partners, where ap-
12 propriate.

13 (6) EVALUATION OF SUCCESS.—The State edu-
14 cational agency shall describe how, every 5 years,
15 the State educational agency will evaluate how the
16 activities assisted under this title have been success-
17 ful in improving student achievement and outcomes
18 of the cohort of students whose year of entry into
19 high school was 4 years before the evaluation, in-
20 cluding measurement of the State educational agen-
21 cy's effectiveness in carrying out the activities de-
22 scribed in the application under this subsection.

23 **SEC. 106. USE OF GRANT FUNDS.**

24 A State educational agency that receives a grant
25 under this title—

1 (1) shall reserve not more than 10 percent of
2 the grant funds—

3 (A) to carry out the activities described in
4 the State plan under section 105; and

5 (B) to establish or expand a statewide dif-
6 ferentiated high school improvement system de-
7 scribed in section 107; and

8 (2) shall use not less than 90 percent of the
9 grant funds to make subgrants to local educational
10 agencies in accordance with section 108.

11 **SEC. 107. STATEWIDE DIFFERENTIATED HIGH SCHOOL IM-**
12 **PROVEMENT SYSTEM.**

13 A statewide differentiated high school improvement
14 system shall be designed by the State educational agency
15 to—

16 (1) use data to identify high schools for tar-
17 geted intervention, whole school reform, or replace-
18 ment, as described in section 105(b)(2)(B), within
19 the State;

20 (2) differentiate school improvement actions
21 under section 105(b)(2) based on the amount and
22 type of supports necessary to improve student
23 achievement and graduation rates in high schools
24 within the State;

1 (3) provide resources to support the evidence-
2 based activities that school improvement teams
3 choose, based on school performance data, to carry
4 out under section 110;

5 (4) target resources and support to those high
6 schools in the State that are identified for whole
7 school reform or replacement;

8 (5) ensure that each high school identified for
9 targeted intervention, whole school reform, or re-
10 placement that is making progress on the State's
11 school performance indicators described in section
12 105(b)(3) continues to implement effective school
13 improvement strategies identified in the high
14 school's school improvement plan;

15 (6) ensure that high schools identified for whole
16 school reform or replacement making progress on
17 the State's school performance indicators have the
18 resources and supports necessary to improve high
19 school graduation rates and student achievement;

20 (7) build the capacity of the State educational
21 agency and local educational agencies to assist in
22 improving student achievement and graduation rates
23 in high schools identified for whole school reform
24 and replacement; and

1 (8) ensure that high schools identified for whole
2 school reform and replacement making progress on
3 school performance indicators continue to have the
4 resources and support necessary to further improve
5 high school graduation rates and student achieve-
6 ment.

7 **SEC. 108. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

8 (a) AWARD BASIS.—

9 (1) PRIORITY OF WHOLE SCHOOL REFORM AND
10 REPLACEMENT.—In awarding subgrants under this
11 section, a State educational agency shall—

12 (A) before awarding any subgrants to local
13 educational agencies serving high schools identi-
14 fied for targeted intervention under section
15 105(b)(2), award subgrants to, on a competitive
16 basis, local educational agencies serving high
17 schools identified as needing whole school re-
18 form and replacement; and

19 (B) ensure that each subgrant awarded to
20 a local educational agency provides funding ade-
21 quate to fulfill the school improvement needs
22 outlined in the local educational agency's school
23 plan, as approved by the State educational
24 agency.

1 (2) TARGETED INTERVENTIONS.—If subgrant
2 funds remain after the application of subsection (a),
3 then the State educational agency shall award re-
4 maining subgrant funds to local educational agencies
5 serving high schools needing targeted interventions.

6 (3) COMPETITIVE BASIS.—A State educational
7 agency that receives a grant under this title shall
8 award subgrants, in accordance with subsections (a)
9 and (b), to local educational agencies on the basis
10 of—

11 (A) the quality of the school improvement
12 plan to improve student graduation rates and
13 student achievement in high schools that have
14 not made annual measurable growth for 2 con-
15 secutive years;

16 (B) the capacity of the local educational
17 agency to implement the plan; and

18 (C) the need of the local educational agen-
19 cy, based on student high school graduation
20 rates and the percentage of students from fami-
21 lies with incomes below the poverty line.

22 (b) APPLICATION.—

23 (1) IN GENERAL.—To be eligible to receive a
24 subgrant under this title, a local educational agency
25 shall submit an application to the State educational

1 agency at such time, in such manner, and containing
2 such information as the State educational agency
3 may reasonably require.

4 (2) CONTENTS.—Each application submitted
5 under this subsection shall include—

6 (A) a description, for each high school
7 identified pursuant to section 109(b)(1), of how
8 the local educational agency will carry out ac-
9 tivities described in section 110 for the high
10 school;

11 (B) a description of the local educational
12 agency staffing structure that is designed to—

13 (i) carry out the activities described in
14 section 109(a);

15 (ii) assist school improvement teams,
16 including supporting local educational
17 agency and school officials in developing
18 and implementing high school improvement
19 plans, by providing resources, training, and
20 technical assistance, and through other
21 means; and

22 (iii) coordinate services across other
23 governmental agencies and nongovern-
24 mental organizations to streamline and im-
25 prove support provided to schools identified

1 for a school improvement category de-
2 scribed in section 105(b)(2);

3 (C) a description of the policies and proce-
4 dures the local educational agency shall imple-
5 ment to ensure the distribution and assignment
6 of high-quality teachers and leaders in a man-
7 ner that first fulfills the needs of the schools
8 identified as needing targeted intervention,
9 whole school reform, or replacement;

10 (D) an assurance that the local educational
11 agency will use subgrant funds under this title
12 first to meet the needs of high schools served
13 by the local educational agency that are identi-
14 fied for whole school reform or replacement
15 under clause (ii) or (iii) of section 105(b)(2);

16 (E) an assurance that the local educational
17 agency shall provide ongoing support and re-
18 sources to high schools identified for whole
19 school reform or replacement, and are making
20 progress on the State's school performance indi-
21 cators described in section 105(b)(3), to ensure
22 continued improvement;

23 (F) a description of how the local edu-
24 cational agency will increase its capacity to im-

1 prove high schools with low student achieve-
2 ment and graduation rates; and

3 (G) an assurance that the local educational
4 agency will conduct the capacity and needs as-
5 sessment required under subsection (b)(9) and
6 provide the results of the assessment to the
7 State educational agency.

8 (3) USE OF DATA.—The local educational agen-
9 cy shall describe how data will be used, consistent
10 with the requirements of this section, to inform the
11 classification of high schools, and development and
12 implementation of school improvement plans, includ-
13 ing that data described in section 109(b)(1)(A).

14 (c) SUPPLEMENT, NOT SUPPLANT.—A local edu-
15 cational agency that receives a subgrant under this section
16 shall use the subgrant funds to supplement, and not sup-
17 plant, other Federal and non-Federal funds available for
18 high schools served by the local educational agency.

19 (d) MATCHING FUNDS.—

20 (1) IN GENERAL.—A local educational agency
21 receiving a subgrant under this section shall provide
22 matching funds, from non-Federal sources, in an
23 amount equal to not less than 15 percent of the
24 total subgrant award for the local educational agen-
25 cy, which may be provided in cash or in-kind.

1 (2) USE OF MATCHING FUNDS.—The matching
 2 funds shall be used to provide technical assistance to
 3 high schools served by the local educational agency
 4 in—

5 (A) developing the high schools' high
 6 school improvement plans described in section
 7 109(b)(4);

8 (B) conducting the capacity and needs as-
 9 sessments described in section 109(b)(9); and

10 (C) implementing and monitoring the im-
 11 plementation of the high school improvement
 12 plans.

13 (3) WAIVER.—The Secretary may waive all or
 14 part of the matching requirement described in para-
 15 graph (1) for any fiscal year for a local educational
 16 agency if the Secretary determines that applying the
 17 matching requirement to such local educational
 18 agency would result in serious hardship or an inabil-
 19 ity to carry out the authorized activities described in
 20 section 110.

21 **SEC. 109. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION**
 22 **OF SCHOOL IMPROVEMENT SYSTEM.**

23 (a) DISTRICT-WIDE HIGH SCHOOL IMPROVEMENT.—
 24 A local educational agency that receives a subgrant under
 25 section 108 shall use subgrant funds to develop, lead, and

1 implement a district-wide approach to high school im-
2 provement that meets the requirements of subsection (b)
3 and carry out the activities described in section 110.

4 (b) SYSTEM REQUIREMENTS.—

5 (1) DIFFERENTIATE HIGH SCHOOLS.—The local
6 educational agency shall—

7 (A) identify the category of high school im-
8 provement, as described in section 105(b)(2),
9 using data from the school performance indica-
10 tors as prescribed by the State educational
11 agency in accordance with section 105(b), for
12 each high school served by such agency that
13 does not make annual measurable growth for 2
14 consecutive years; and

15 (B) publicly identify such schools by school
16 improvement category.

17 (2) SCHOOL IMPROVEMENT TEAMS.—

18 (A) IN GENERAL.—The local educational
19 agency shall convene a school improvement
20 team for each high school served by such agen-
21 cy that is assigned to one of the school improve-
22 ment categories described in section 105(b)(2).

23 (B) MEMBERS.—

1 (i) MANDATORY MEMBERS.—The
2 school improvement team for a high school
3 shall include—

4 (I) the school leader of the high
5 school;

6 (II) if applicable, at least 1
7 teacher from the high school rep-
8 resenting career and technical edu-
9 cation;

10 (III) at least 2 teachers from the
11 high school representing different
12 grade levels or disciplines;

13 (IV) local educational agency
14 staff;

15 (V) a school counselor from the
16 high school; and

17 (VI) a local representative of the
18 business community, with preference
19 given to a member of a school's busi-
20 ness advisory council, if applicable.

21 (ii) ADDITIONAL MEMBERS.—The
22 school improvement team for a high school
23 shall include at least one of the following:

24 (I) A parent of a student in the
25 high school.

1 (II) A community representative,
 2 such as a representative of nonprofit
 3 organizations serving young people
 4 and the business community.

5 (III) A pupil service representa-
 6 tive.

7 (IV) In the case of a school in
 8 whole school reform or replacement,
 9 secondary school reform partners.

10 (iii) OPTIONAL MEMBERS.—The
 11 school improvement team for a high school
 12 may include State educational agency staff,
 13 if requested by the local educational agency
 14 or assigned by the State educational agen-
 15 cy.

16 (C) COLLABORATION.—The local edu-
 17 cational agency shall ensure collaboration—

18 (i) of school improvement teams with
 19 personnel of middle grades schools served
 20 by the local educational agency whose stu-
 21 dents will attend high schools that are
 22 identified for one of the categories de-
 23 scribed in section 105(b)(2), to the extent
 24 appropriate; and

1 (ii) among or between school improve-
 2 ment teams at schools assigned to one of
 3 the school improvement categories and
 4 school leadership and other personnel at
 5 schools served by the local educational
 6 agency that have made annual measurable
 7 growth.

8 (3) USE OF DATA.—Consistent with the re-
 9 quirements of this section, the local educational
 10 agency shall use, at minimum, data on the following
 11 to inform the classification of high schools:

12 (A) School performance indicators de-
 13 scribed in section 105(b)(3).

14 (B) Indicators used to determine annual
 15 measurable growth.

16 (C) Information about incoming students
 17 in the initial grade of the high school.

18 (D) Information about the student popu-
 19 lation, including data provided through the
 20 early warning indicator system described in
 21 paragraph (6)(A).

22 (E) The schools' capacity and needs, as de-
 23 scribed in paragraph (9).

24 (4) DEVELOP HIGH SCHOOL IMPROVEMENT
 25 PLANS.—The school improvement team convened

1 under paragraph (2) for each school shall use the
2 data described in paragraph (3), and other relevant
3 data and knowledge regarding the school, to develop
4 a multiyear school improvement plan. Such plan
5 shall—

6 (A) identify the school annual growth tar-
7 gets for the State’s school performance indica-
8 tors described in section 105(b)(3) that meet or
9 exceed the State’s annual growth targets de-
10 scribed in such section;

11 (B) define the evidence-based academic
12 and nonacademic interventions and resources
13 necessary to meet the school annual growth tar-
14 gets and make annual measurable growth;

15 (C) identify the roles of the State edu-
16 cational agency, the local educational agency,
17 the school, and secondary school reform part-
18 ners and other external partners, as appro-
19 priate, in providing such interventions and the
20 resources necessary to meet the school annual
21 growth targets and make annual measurable
22 growth;

23 (D) provide for the involvement of business
24 and community organizations and other enti-
25 ties, including parents and institutions of high-

er education, in the activities to be assisted
under the subgrant; and

(E) describe and direct the use of—

(i) any additional funding to be provided by the State educational agency, the local educational agency, or other sources to support activities carried out under this title; and

(ii) in the case of a high school identified for whole school reform or replacement, secondary school reform partners and external partners.

(5) IMPLEMENT HIGH SCHOOL IMPROVEMENT.—The local educational agency shall use funds to—

(A) engage in a planning period of not longer than 180 days to prepare to implement the school improvement plan for each high school, including preparation activities such as—

(i) creating a skilled leadership team and providing professional development in best practice and successful school models that educate similar student populations;

1 (ii) working with secondary school re-
 2 form partners to identify roles and respon-
 3 sibilities to create a comprehensive ap-
 4 proach and effort to implementing the
 5 school improvement plan for each school
 6 identified for targeted intervention, whole
 7 school improvement, or replacement;

8 (iii) planning and providing profes-
 9 sional development to high school teachers
 10 in instruction, use of data, and working in
 11 the identified schools;

12 (iv) appropriately identifying teachers
 13 for each grade and course;

14 (v) establishing and implementing use
 15 of the early warning indicator system de-
 16 scribed in paragraph (6)(A); and

17 (vi) establishing a school schedule that
 18 enables the implementation of the high
 19 school improvement plan; and

20 (B) ensure the implementation of the high
 21 school improvement plans for the high schools
 22 identified for one of the categories described in
 23 section 105(b)(2).

24 (6) IMPLEMENT DISTRICT-WIDE ACTIVITIES.—

25 The local educational agency shall support successful

1 implementation of high school improvement plans
 2 and district-wide improvement through—

3 (A) establishing an early warning indicator
 4 system to identify students who are at risk of
 5 dropping out of high school and to guide pre-
 6 ventive and recuperative school improvement
 7 strategies, including—

8 (i) identifying and analyzing the aca-
 9 demic risk factors that most reliably pre-
 10 dict dropouts, such as by using longitu-
 11 dinal data of past cohorts of students;

12 (ii) identifying specific indicators of
 13 student progress and performance, such as
 14 attendance, academic performance in core
 15 courses, and credit accumulation, to guide
 16 decisionmaking;

17 (iii) identifying or developing a mech-
 18 anism for regularly collecting and ana-
 19 lyzing data about the impact of interven-
 20 tions on the indicators of student progress
 21 and performance; and

22 (iv) analyzing academic indicators to
 23 determine whether students are on track to
 24 graduate secondary school in the standard
 25 number of years;

(B) providing academically rigorous education options that lead to a secondary school diploma consistent with readiness for postsecondary education and the workforce, based on an analysis of data described in paragraph (3) and other student-level data and designed to meet the students' needs and interests, such as—

(i) effective research-based dropout prevention, credit and dropout recovery, and recuperative education programs for students who are not making sufficient progress to graduate high school in the standard number of years or have dropped out of high school;

(ii) providing students with postsecondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

(I) an associate's degree;

(II) an industry-recognized credential; or

(III) transferable credit toward a postsecondary degree or credential;

- 1 (iii) combining rigorous academic edu-
- 2 cation with career training, including
- 3 training that leads to postsecondary or in-
- 4 dustry-recognized credentials, for students;
- 5 (iv) increasing access to Advanced
- 6 Placement or International Baccalaureate
- 7 courses and examinations;
- 8 (v) developing and utilizing innovative,
- 9 high quality distance learning strategies to
- 10 improve student academic achievement; or
- 11 (vi) increasing access to work-based
- 12 learning opportunities;
- 13 (C) providing targeted research-based
- 14 interventions for middle schools that feed into
- 15 the high schools identified by the local edu-
- 16 cational agency as needing whole school reform
- 17 or replacement;
- 18 (D) identifying and implement strategies
- 19 for pairing academic support with integrated
- 20 student services and case-managed interven-
- 21 tions for students requiring intensive supports,
- 22 which may include partnership with other exter-
- 23 nal partners;

1 (E) providing technical assistance to high
 2 schools identified for 1 of the categories de-
 3 scribed in section 105(b)(2) through—

4 (i) streamlining and prioritizing re-
 5 sources to organize support for schools in
 6 whole school reform or replacement, such
 7 as through identifying and developing cat-
 8 egories or clusters of schools with similar
 9 school improvement needs; and

10 (ii) assisting schools in identifying
 11 secondary school reform partners and
 12 other external partners; and

13 (F) supporting the use of data to improve
 14 teaching and learning, including—

15 (i) improving longitudinal student
 16 data systems;

17 (ii) regularly analyzing and commu-
 18 nicating data to educators, parents, and
 19 students that they can use; and

20 (iii) building school leaders' and
 21 teachers' data and assessment literacy.

22 (7) ENSURE CONTINUOUS HIGH SCHOOL IM-
 23 PROVEMENT.—

1 (A) IN GENERAL.—The local educational
2 agency shall ensure the continuous improve-
3 ment of high schools by—

4 (i) evaluating the progress of each
5 high school in making continuous and sub-
6 stantial progress based on the high school's
7 annual growth targets identified under
8 paragraph (4) for the school; and

9 (ii) determining the high school's
10 progress and taking appropriate actions, as
11 provided in subparagraphs (B) and (C).

12 (B) ON TRACK.—Each high school that is
13 meeting the school's annual growth targets
14 identified in the high school improvement plan
15 for the high school, shall continue to implement
16 school improvement activities in accordance
17 with the high school improvement plan.

18 (C) NOT ON TRACK.—

19 (i) ANNUAL REVIEW.—For each high
20 school that is not meeting the high school's
21 annual growth targets, the local edu-
22 cational agency shall—

23 (I) after the first year that the
24 high school fails to meet the high
25 school's annual growth targets, review

1 the high school improvement plan and
 2 develop and implement a new plan;
 3 and

4 (II) after the high school fails to
 5 meet the high school's annual growth
 6 targets for 2 or more consecutive
 7 years, reclassify the school as a school
 8 in need of whole school reform or re-
 9 placement, as appropriate based on
 10 the State educational agency's cat-
 11 egorization system described in sec-
 12 tion 105(b)(2).

13 (ii) RESUBMISSION OF SCHOOL
 14 PLAN.—For each high school that fails to
 15 meet the high school's annual growth tar-
 16 gets for 2 or more consecutive years, the
 17 local educational agency may develop and
 18 submit to the State educational agency for
 19 review a new school improvement plan, as
 20 the local educational agency determines ap-
 21 propriate.

22 (8) ASSURANCES.—The local educational agen-
 23 cy shall ensure that high schools receiving additional
 24 students due to other high schools being replaced
 25 under subsection (c) will have sufficient capacity, re-

1 sources, and funding to deliver a high quality edu-
2 cation to all students.

3 (9) CAPACITY AND NEEDS ASSESSMENT.—

4 (A) IN GENERAL.—Each school improve-
5 ment team described in subsection (b)(2) and
6 the local educational agency shall conduct a
7 high school capacity and needs assessment for
8 the high school served by the team that in-
9 cludes—

10 (i) a description and analysis of the
11 high school's capacity to implement the
12 school improvement activities identified in
13 the high school improvement plan, includ-
14 ing an analysis of—

15 (I) the number, experience, train-
16 ing level, responsibilities, and stability
17 of existing administrative, instruc-
18 tional, and noninstructional staff for
19 the high school; and

20 (II) a review of the budget, in-
21 cluding how Federal, State, and local
22 funds are being spent, as of the time
23 of the assessment, for instruction and
24 operations at the school level for staff
25 salaries, instructional materials, pro-

1 fessional development, and student
 2 support services, in order to establish
 3 the extent to which existing resources
 4 need to and can be reallocated to sup-
 5 port the needed school improvement
 6 activities;

7 (ii) additional resources and staff nec-
 8 essary to implement the school improve-
 9 ment activities identified in the high school
 10 improvement plan; and

11 (iii) an analysis of the local edu-
 12 cational agency's capacity to provide tech-
 13 nical assistance, additional staff, and re-
 14 sources to implement the high school im-
 15 provement plan and to improve the high
 16 school's performance.

17 (B) ASSESSMENT REQUIREMENTS.—A
 18 local educational agency shall use the informa-
 19 tion provided in the capacity and needs assess-
 20 ment for a high school, in coordination with the
 21 high school's school improvement plan and the
 22 understanding of the reform history of high
 23 schools, to—

24 (i) determine the level and direct the
 25 use of—

1 (I) the funds requested by the
2 local educational agency for the high
3 school under the subgrant under this
4 section; and

5 (II) any additional funding to be
6 provided by the State educational
7 agency, the local educational agency,
8 or other sources; and

9 (ii) to determine the number and di-
10 rect the use of secondary school reform
11 partners and external partners.

12 (C) TECHNICAL ASSISTANCE.—A local edu-
13 cational agency may request technical assist-
14 ance from the State educational agency in pre-
15 paring the plan and the capacity and needs as-
16 sessment required under this paragraph.

17 (c) AUTHORITY TO INTERVENE.—The State edu-
18 cational agency may intervene to develop or implement the
19 high school improvement plans, or enter into contracts
20 with secondary school reform partners to assist local edu-
21 cational agencies with the development and implementa-
22 tion of high school improvement plans, if the State edu-
23 cational agency determines that—

24 (1) a local educational agency serving a high
25 school in whole school reform or replacement has not

1 submitted an application described in section 108(b);
2 or

3 (2) a local educational agency does not have the
4 capacity to implement the school improvement activi-
5 ties described in the school improvement plan sub-
6 mitted under subsection (b)(4).

7 **SEC. 110. SCHOOL IMPROVEMENT ACTIVITIES.**

8 (a) IN GENERAL.—The school improvement team de-
9 scribed in section 109(b)(2) for each high school identified
10 for a school improvement category described in section
11 105(b)(2) shall ensure that the school improvement activi-
12 ties included in the school improvement plan are imple-
13 mented.

14 (b) TARGETED INTERVENTIONS.—A high school
15 identified for targeted interventions under section
16 109(b)(1) or the local educational agency serving such
17 high school, shall implement research-based targeted
18 interventions, using data from the school performance in-
19 dicators, the early warning indicator system, other student
20 indicators, and the capacity and needs assessment for the
21 high school. The targeted interventions shall be designed,
22 at a minimum, to address the specific problems identified
23 by the indicators, including the needs of students who are
24 not making sufficient progress to graduate in the standard
25 number of years.

1 (c) WHOLE SCHOOL REFORM.—The local educational
2 agency or State educational agency, with technical assist-
3 ance from secondary school reform partners, shall enable
4 and assist each school identified as needing whole school
5 reform pursuant to section 109(b)(1) to implement whole
6 school reform based on scientifically valid research using
7 the data described in section 109(b)(3). Such reform—

8 (1) shall address the comprehensive aspects of
9 high school reform, including—

10 (A) schoolwide needs;

11 (B) students who need targeted assistance;

12 and

13 (C) students who need intensive interven-
14 tions, including those who are not making suffi-
15 cient progress to graduate on time;

16 (2) shall address schoolwide factors to improve
17 student achievement, including—

18 (A) setting high expectations and infusing
19 relevance into learning for all students;

20 (B) personalizing the high school experi-
21 ence; and

22 (C) improving school climate, including
23 student attendance and behavior;

24 (3) shall include activities that—

25 (A) ensure continuous improvement by—

- 1 (i) ensuring the school improvement
- 2 plan is supported to the extent practicable
- 3 by all school staff;
- 4 (ii) establishing clear—
- 5 (I) goals and growth targets for
- 6 implementation outcomes; and
- 7 (II) school annual growth tar-
- 8 gets; and
- 9 (iii) regularly evaluating implementa-
- 10 tion of and fidelity to the high school im-
- 11 provement plan, such as dedicating a staff
- 12 member to support implementation of the
- 13 school improvement plan;
- 14 (B) organize the school to improve teach-
- 15 ing and learning, including through—
- 16 (i) strategic use of time, such as—
- 17 (I) establishing common planning
- 18 time for subject area teachers and
- 19 interdisciplinary teams who share
- 20 common groups of students;
- 21 (II) utilizing block scheduling or
- 22 redesigning the school calendar year
- 23 or day to create extended learning
- 24 time in core subjects; or

1 (III) creating a flexible school pe-
2 riod to address specific student aca-
3 demic needs and interests such as
4 credit recovery, electives, or service
5 learning;

6 (ii) alignment of resources to improve-
7 ment goals, such as through ensuring that
8 students in their initial year in the high
9 school are taught by teachers prepared to
10 meet their specific learning needs; and

11 (iii) development of effective leader-
12 ship structures, supports, and clear deci-
13 sionmaking processes, such as through de-
14 veloping distributive leadership and leader-
15 ship teams;

16 (C) improve curriculum and instruction,
17 including through—

18 (i) increasing access to rigorous and
19 advanced coursework, including adoption
20 and implementation of a college- and work-
21 ready curriculum, and evidence-based, en-
22 gaging instructional materials aligned with
23 such a curriculum, for all students;

24 (ii) increasing access to contextualized
25 learning opportunities aligned with readi-

ness for postsecondary education and the workforce, such as—

(I) providing work-based, project-based, and service-learning opportunities;

(II) providing a high quality, college preparatory curriculum in the context of a rigorous career and technical education core; or

(III) implementing career academies or programs of study in high-demand fields leading to industry-recognized credentials or postsecondary credit;

(iii) regularly collecting and using data to inform instruction, such as—

(I) through use of formative assessments;

(II) creating and using common grading rubrics; or

(III) identifying effective instructional approaches to meet student needs; and

(iv) emphasizing core skills instruction, such as literacy, across content areas;

(D) provide students with academic and social support to address individual student learning needs, including through—

(i) increasing personalization through learning structures that facilitate the development of student and staff relationships such as—

(I) implementing grade 9 academies, career academies, or programs of study;

(II) establishing teams of teachers who work exclusively with small groups of students; or

(III) creating advisor positions to provide students with study, organizational, and social skills;

(ii) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

(iii) providing evidence-based accelerated learning for students with academic skill levels below grade level;

(iv) coordinating and increasing access to integrated services, such as providing additional counselors, social work-

ers, and behavior and mental health providers to deliver such services;

(v) providing graduation and postsecondary planning and transition supports, including college awareness and planning; and

(vi) providing up-to-date, regionally relevant workforce information;

(E) increase teacher and school leader effectiveness, including through—

(i) professional development activities that respond to student and schoolwide needs as identified through the data described in section 109(b)(3), such as—

(I) training teachers, leaders, and administrators together with staff from high schools making annual measurable growth that serve similar populations and in such schools; and

(II) establishing peer learning and coaching among teachers; and

(ii) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar high schools; and

(F) engage families and community partners, including community-based organizations, organizations assisting parent involvement, institutions of higher education, and industry, in school improvement activities through evidence-based strategies; and

(4) may include—

(A) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options, including flexibility provided under section 1114(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(a)(3));

(B) implementing multiple school options or effective school models that address the needs of students who are not making sufficient progress to graduate in the standard number of years or have dropped out of high school, as informed by analysis of school performance indicator data described in section 105(b)(3) and early warning indicator system data described in section 109(b)(6)(A); and

1 (C) other activities designed to address
2 whole school needs, such as implementing a
3 comprehensive reform model for the high
4 school.

5 (d) REPLACEMENT.—The local educational agency,
6 in consultation with the State educational agency, sec-
7 ondary school reform partners, and external partners,
8 shall replace each high school that, using data under sec-
9 tion 109(b)(3), is identified for replacement pursuant to
10 section 109(b)(1). The local educational agency shall en-
11 sure successful implementation of the replacement strat-
12 egy through—

13 (1) closing and reopening the schools or imple-
14 menting multiple school options or effective school
15 models that address the needs of students in the re-
16 placed schools, including students who are not mak-
17 ing sufficient progress to graduate in the standard
18 number of years or have dropped out of high school;

19 (2) providing enabling policies, such as addi-
20 tional flexibility regarding staffing and compensa-
21 tion, budgeting, or use of school time; and

22 (3) implementing activities described in sub-
23 section (c).

1 **SEC. 111. EVALUATION AND REPORTING.**

2 (a) LOCAL EDUCATIONAL AGENCY REPORTING.—On
3 an annual basis, each local educational agency receiving
4 a subgrant under section 108 shall report to the State
5 educational agency and to the public on—

6 (1) the identified category of school improve-
7 ment for each high school in the school that failed
8 to make annual measurable growth for the most re-
9 cent 2 consecutive years;

10 (2) the school performance indicators (as de-
11 scribed in section 105(b)(3)) for each such high
12 school, in the aggregate and disaggregated by the
13 subgroups described in section 1111(b)(2)(C)(v)(II)
14 of the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

16 (3) each such high school's progress in meeting
17 the high school's annual growth targets under sec-
18 tion 109(b)(4)(A); and

19 (4) the use of subgrant funds in carrying out
20 the purposes of this title by the local educational
21 agency and each such school.

22 (b) STATE EDUCATIONAL AGENCY REPORTING.—On
23 an annual basis, each State educational agency receiving
24 a grant under this title shall prepare and submit to the
25 Secretary, and make available to the public, a report on—

1 (1) the school performance indicators (as de-
2 scribed in section 105(b)(3)) for each high school
3 served by the State educational agency that receives
4 assistance under this title, in the aggregate and
5 disaggregated by the subgroups described in section
6 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C.
8 6311(b)(2)(C)(v)(II));

9 (2) progress in meeting the annual growth tar-
10 gets under section 109(b)(4)(A) for each such high
11 school;

12 (3) the high schools in the State that have
13 changed school improvement categories pursuant to
14 section 109(b)(7);

15 (4) the use of funds in carrying out the pur-
16 poses of this title by each local educational agency
17 and each school served with such funds;

18 (5) the State definition of a new school, for
19 purposes of whole school reform or replacement;

20 (6) the number of schools closed for each local
21 educational agency in the State;

22 (7) the number of new schools for each local
23 educational agency in the State; and

24 (8) the new schools in the State that have made
25 annual measurable growth.

1 (c) REPORT TO CONGRESS.—Not later than 2 years
2 after the date of enactment of this Act, and annually
3 thereafter, the Secretary shall prepare and submit to Con-
4 gress and make available to the public—

5 (1) a summary of the State reports under sub-
6 section (b); and

7 (2) a report on the use of funds by each State
8 under this title.

9 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to carry out
11 the activities authorized under this title, \$2,440,000,000
12 for fiscal year 2014 and each of the 4 succeeding fiscal
13 years.

14 **TITLE II—DEVELOPMENT OF**
15 **EFFECTIVE SCHOOL MODELS**

16 **SEC. 201. PURPOSES.**

17 The purposes of this title are—

18 (1) to facilitate the development and implemen-
19 tation of effective secondary school models for strug-
20 gling students and dropouts in order to raise sec-
21 ondary school graduation rates and more effectively
22 prepare students for postsecondary education and
23 the workforce; and

24 (2) to build the capacity of State educational
25 agencies, local educational agencies, nonprofit orga-

1 nizations, and institutions of higher education to im-
 2 plement effective secondary school models for strug-
 3 gling students and dropouts.

4 **SEC. 202. DEFINITIONS.**

5 In this title:

6 (1) DROPOUT.—The term “dropout” means an
 7 individual who—

8 (A) is not older than 21;

9 (B) is not attending any school; and

10 (C) has not received a secondary school di-
 11 ploma or its recognized equivalent.

12 (2) EFFECTIVE SCHOOL MODEL.—The term
 13 “effective school model” means—

14 (A) an existing secondary school model
 15 with demonstrated effectiveness in improving
 16 student academic achievement and outcomes for
 17 off-track students or dropouts; or

18 (B) a proposed new secondary school
 19 model design that is based on research-based
 20 organizational and instructional practices for
 21 improving student academic achievement and
 22 outcomes for struggling students or dropouts.

23 (3) ELIGIBLE ENTITY.—The term “eligible enti-
 24 ty” means—

1 (A) a local educational agency, nonprofit
 2 organization, or institution of higher edu-
 3 cation—

4 (i) that proposes to enhance or ex-
 5 pand an existing effective school model for
 6 off-track students or dropouts; or

7 (ii) that has a track record of serving
 8 struggling students or dropouts and pro-
 9 poses to develop a new effective school
 10 model for off-track students or dropouts;
 11 or

12 (B) a partnership involving 2 or more enti-
 13 ties described in subparagraph (A).

14 (4) LATE ENTRANT ENGLISH LANGUAGE
 15 LEARNER.—The term “late entrant English lan-
 16 guage learner” means a high school student who—

17 (A) enters a school served by a local edu-
 18 cational agency at grade 9 or higher; and

19 (B) is identified by the local educational
 20 agency as being limited English proficient and
 21 as having experienced interrupted formal edu-
 22 cation.

23 (5) STRUGGLING STUDENT.—The term “strug-
 24 gling student”—

1 (A) means a high-school-aged student who
 2 is not making sufficient progress toward grad-
 3 uating from secondary school with a regular di-
 4 ploma in the standard number of years; and

5 (B) includes a student who—

6 (i) has been retained in grade level;

7 (ii) is an undercredited student; or

8 (iii) is a late entrant English language
 9 learner.

10 (6) UNDERCREDITED STUDENT.—The term
 11 “undercredited student” means a high school stu-
 12 dent who lacks either the necessary credits or
 13 courses, as determined by the relevant local edu-
 14 cational agency and State educational agency, to
 15 graduate from secondary school with a regular di-
 16 ploma in the standard number of years.

17 **SEC. 203. GRANTS AUTHORIZED.**

18 (a) IN GENERAL.—The Secretary is authorized to
 19 award grants, on a competitive basis, to eligible entities
 20 to enable the eligible entities to develop and implement,
 21 or replicate, effective school models for struggling students
 22 and dropouts.

23 (b) PERIOD OF GRANT.—A grant awarded under this
 24 section shall be for a period of 5 years.

1 **SEC. 204. APPLICATION.**

2 (a) IN GENERAL.—Each eligible entity desiring a
3 grant under this title shall submit an application to the
4 Secretary at such time, in such manner, and containing
5 such information as the Secretary may require.

6 (b) CONTENTS.—Each application submitted under
7 this section shall include a description of—

8 (1) how the eligible entity will carry out the
9 mandatory activities under section 206(a);

10 (2) the research or evidence concerning the ef-
11 fective school model that the eligible entity proposes
12 to develop and implement or replicate, including—

13 (A) for an existing effective school model
14 described in section 202(2)(A), the evidence
15 that the model has improved academic out-
16 comes for struggling students or dropouts; or

17 (B) for a proposed effective school model
18 described in section 202(2)(B), the research
19 that supports the key organizational and in-
20 structional practices of the proposed effective
21 school model;

22 (3) the eligible entity's school design elements
23 and principles that will be used in the effective
24 school model, including—

25 (A) the academic program;

1 (B) the career and technical education pro-
2 gram, if applicable;

3 (C) the instructional practices;

4 (D) the methods of assessment; and

5 (E) student supports and services, such as
6 the supports and services provided by the school
7 or offered by other organizations and agencies
8 in the community, to support positive student
9 academic achievement and outcomes;

10 (4) how the eligible entity will use student data
11 from the local educational agency or State edu-
12 cational agency to evaluate and improve academic
13 outcomes for struggling students or dropouts;

14 (5) for each school in which the eligible entity
15 implements or replicates an effective school model
16 under this title, how the eligibility entity will sustain
17 the implementation or replication of the effective
18 school model, including the financing mechanism to
19 be used;

20 (6) how the eligible entity will collect data and
21 information to assess the performance of the effec-
22 tive school model and will make necessary adjust-
23 ments to ensure continuous and substantial improve-
24 ment in student academic achievement and out-
25 comes; and

1 (7) how the eligible entity will make the per-
2 formance data available to State educational agen-
3 cies, local educational agencies, and schools serving
4 struggling students or dropouts.

5 **SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.**

6 The Secretary shall—

- 7 (1) establish a peer-review process to assist in
8 the review and approval of applications submitted by
9 eligible entities under section 204; and
10 (2) appoint individuals to the peer-review proc-
11 ess who are experts in high school reform, dropout
12 prevention and recovery, new school development for
13 struggling students and dropouts, and adolescent
14 and academic development.

15 **SEC. 206. USE OF FUNDS.**

16 (a) MANDATORY USE OF FUNDS.—An eligible entity
17 receiving a grant under this title shall use grant funds
18 to—

- 19 (1) enhance and expand, or replicate an existing
20 effective school model described in section
21 202(2)(A), or develop a proposed effective school
22 model described in section 202(2)(B), for struggling
23 students and dropouts;
24 (2) assess the progress of the implementation
25 or replication of the effective school model and make

1 necessary adjustments to ensure continuous im-
 2 provement;

3 (3) provide opportunities for professional devel-
 4 opment associated with the continuous improvement
 5 and implementation or replication of the effective
 6 school model;

7 (4) collect data and information on the school
 8 model's effectiveness in improving student academic
 9 achievement and outcomes for struggling students
 10 and dropouts and disseminate such data and infor-
 11 mation to State educational agencies, local edu-
 12 cational agencies, and schools; and

13 (5) build the capacity of the eligible entity to—

14 (A) sustain the implementation or replica-
 15 tion of the effective school model assisted under
 16 paragraph (1) after the grant period has ended;
 17 and

18 (B) replicate the effective school model.

19 (b) OPTIONAL USE OF FUNDS.—An eligible entity re-
 20 ceiving a grant under this title may use grant funds—

21 (1) to identify and create partnerships needed
 22 to improve the academic achievement and outcomes
 23 of the students attending a school assisted under
 24 this title;

1 (2) to support family and community engage-
2 ment in the effective school model; and

3 (3) to carry out any additional activities that
4 the Secretary determines are within the purposes de-
5 scribed in section 201.

6 **SEC. 207. EVALUATION AND REPORTING.**

7 (a) CONTENTS OF REPORT.—Each eligible entity re-
8 ceiving a grant under this title shall annually report to
9 the Secretary on—

10 (1) the data and information being gathered to
11 assess the effective school model’s effectiveness in
12 improving student academic achievement and out-
13 comes for struggling students and dropouts;

14 (2) the implementation status of the models,
15 any barriers to implementation, and actions taken to
16 overcome the barriers;

17 (3) any professional development activities to
18 build the capacity of—

19 (A) the eligible entity to sustain or rep-
20 licate the effective school model; or

21 (B) the staff of a school assisted under
22 this title to implement or improve the effective
23 school model;

24 (4) the progress made in improving student
25 academic achievement and outcomes in the effective

1 school models for struggling students and dropouts;
2 and

3 (5) the use of grant funds by the eligible entity.

4 (b) INDEPENDENT EVALUATIONS.—The Secretary
5 shall reserve not more than \$5,000,000 to carry out an
6 independent evaluation of the grant program under this
7 title and the progress of the eligible entities receiving
8 grants under this title.

9 (c) REPORT TO CONGRESS.—The Secretary shall
10 submit a report to Congress—

11 (1) on the activities carried out with grant
12 funds under this title; and

13 (2) that includes, for the purpose of making
14 publicly available, effective secondary school models
15 for struggling students and dropouts developed with
16 grant funds under this title.

17 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
19 this title \$60,000,000 for fiscal year 2014 and each of
20 the 4 succeeding fiscal years.

○