

111TH CONGRESS
1ST SESSION

S. _____

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

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on _____

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 2009”.

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. Findings.
 Sec. 102. Purposes.
 Sec. 103. Definitions.
 Sec. 104. Grants authorized.
 Sec. 105. Secretarial peer review and approval.
 Sec. 106. State plan to develop differentiated high school improvement system.
 Sec. 107. Use of grant funds.
 Sec. 108. Statewide differentiated high school improvement system.
 Sec. 109. Subgrants to local educational agencies.
 Sec. 110. Local educational agency implementation of school improvement system.
 Sec. 111. School improvement activities.
 Sec. 112. Evaluation and reporting.
 Sec. 113. 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”, “secondary
 6 school”, and “State educational agency” have the
 7 meanings given the terms in section 9101 of the Ele-
 8 mentary and Secondary Education Act of 1965 (20
 9 U.S.C. 7801).**

10 (2) GRADUATION RATE.—The term “graduation
11 rate” has the meaning given the term in section

1 1111(b)(2)(C)(vi) of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C.
3 6311(b)(2)(C)(vi)), as clarified in section
4 200.19(b)(1) of title 34, Code of Federal Regula-
5 tions.

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

8 (A) entering grade of the school is not
9 lower than grade 6; and

10 (B) highest grade of the school is—

11 (i) grade 12; or

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

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

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Education.

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

4 **TITLE I—HIGH SCHOOL IM-**
5 **PROVEMENT AND DROPOUT**
6 **REDUCTION FUND**

7 **SEC. 101. FINDINGS.**

8 The Senate finds the following:

9 (1) About a third of our Nation’s high school
10 students fail to graduate in 4 years, and another
11 third graduate without the skills and knowledge
12 needed to succeed in college or the workplace. The
13 outcomes for minority students are even worse: only
14 50 percent of American Indian, 51 percent of Black,
15 and about 55 percent of Hispanic students graduate
16 on time, compared to 76 percent of white students.

17 (2) Approximately half of the Nation’s dropouts
18 attend a school where 40 percent or more of the
19 freshman class has dropped out by the time the stu-
20 dents reach their senior year. These schools, which
21 are located in nearly every State, disproportionately
22 serve minority and poor students, and have fewer re-
23 sources and less qualified teachers than schools in
24 more affluent neighborhoods. Almost half of African
25 American students and nearly 40 percent of Latino

1 students—compared to only 11 percent of white stu-
2 dents—attend high schools in which graduation is
3 not the norm.

4 (3) A high school diploma is increasingly impor-
5 tant for success in the 21st century economy. In
6 fact, nearly 90 percent of the fastest-growing, high-
7 est-paying jobs require some sort of education be-
8 yond high school.

9 (4) For decades, Federal funding has largely
10 been spent on prekindergarten through grade 6 edu-
11 cation and higher education, with dramatically less
12 given the middle and high school grades. While chil-
13 dren in their early years must build a strong founda-
14 tion for learning, research also clearly demonstrates
15 the need to continue the investment at each stage of
16 the education process or risk losing much of the ben-
17 efit of the early effort.

18 (5) High schools receive only 10 percent of
19 funds under title I of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 6301 et seq.),
21 leaving millions of title I eligible, high school stu-
22 dents in low-performing schools without the focused
23 support, external assistance, and resources for im-
24 provement that title I was created to provide. Be-
25 cause title I funds serve as the trigger for school im-

1 provement requirements in the Elementary and Sec-
2 ondary Education Act of 1965, this also means that
3 most low-income, low-performing high schools are
4 not required to (or supported to) implement school
5 improvement activities.

6 (6) While the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6301 et seq.) includes
8 a strong focus on identifying low-performing schools,
9 America still needs a comprehensive strategy to sup-
10 port and improve chronically low-performing schools
11 and local educational agencies. School improvement
12 strategies should be tailored based on a variety of
13 indicators and data, so that educators can create
14 and implement successful school improvement strate-
15 gies to address the needs of the individual schools.

16 (7) Most local educational agencies and State
17 educational agencies do not necessarily have the ca-
18 pacity or infrastructure to guide, support, and fund
19 school improvement strategies where they are need-
20 ed, but good models for turning around low-per-
21 forming high schools do exist. Federal support
22 should be used to build this capacity based on evi-
23 dence from successful high schools.

24 (8) If the Nation is to maintain and increase its
25 competitiveness in the global economy, it must invest

1 in a systemic approach to improving its high schools
2 so that every child graduates from high school pre-
3 pared for success.

4 **SEC. 102. PURPOSES.**

5 The purposes of this title are to—

6 (1) improve high school student academic
7 achievement and graduation rates and prepare all
8 students for postsecondary education and the work-
9 force;

10 (2) help States and local educational agencies
11 develop high school improvement systems to deliver
12 support and technical assistance to high schools
13 identified for whole school reform or replacement, as
14 described in clause (ii) and (iii) of section
15 106(b)(2)(B);

16 (3) ensure students graduate from high school
17 with the education and skills necessary to compete
18 in a global economy; and

19 (4) help build the capacity to develop and im-
20 plement research-based, sustainable, and replicable
21 high school improvement models and interventions
22 that are for high schools in whole school reform and
23 replacement and that engage the whole community.

24 **SEC. 103. DEFINITIONS.**

25 In this title:

1 (1) ADEQUATE YEARLY PROGRESS.—The term
2 “adequate yearly progress” has the meaning given
3 the term in section 1111(b)(2)(C) of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 6311(b)(2)(C)).

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

8 (A) that is an organization such as a non-
9 profit organization, community-based organiza-
10 tion, local education fund, service organization,
11 educational service agency, or institution of
12 higher education; and

13 (B) that has demonstrated expertise and
14 effectiveness in providing targeted support such
15 as data analysis, professional development, or
16 provision of nonacademic support and inte-
17 grated student services to local educational
18 agencies, schools, or students that leads to im-
19 proved teaching, learning, and outcomes for
20 students, including for those students who are
21 failing to make sufficient progress to graduate
22 in the standard amount of years or who have
23 dropped out of high school.

24 (3) LOW-INCOME LOCAL EDUCATIONAL AGEN-
25 CY.—The term “low-income local educational agen-

1 cy” means a local educational agency in which not
2 less than 15 percent of the students served by such
3 agency are from families with incomes below the
4 poverty line.

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

7 (5) POVERTY LINE.—The term “poverty line”
8 means the poverty line described in section 673 of
9 the Community Services Block Grant Act (42 U.S.C.
10 9902), applicable to a family of the size involved.

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

20 **SEC. 104. GRANTS AUTHORIZED.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 make grants, through allotments under subsection (b), to
23 State educational agencies with approved State plans that
24 will—

1 dents attending high schools identified for
2 targeted intervention, whole school reform,
3 or replacement under section 106(b)(2);
4 and

5 (iii) disseminate the findings of such
6 evaluations;

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

22 (C) 2 percent to the Secretary of the Inte-
23 rior, to enable the Secretary to carry out the
24 purposes of this Act for schools operated or
25 funded by the Bureau of Indian Affairs.

1 (2) STATE ALLOTMENT.—From the total
2 amount appropriated under section 113 for a fiscal
3 year and not reserved under paragraph (1), the Sec-
4 retary shall make allotments as follows:

5 (A) LOW-INCOME LOCAL EDUCATIONAL
6 AGENCIES.—From such amount, the Secretary
7 shall allot to each State an amount that bears
8 the same ratio to 50 percent of the sums being
9 allotted as the percentage of students enrolled
10 in schools served by low-income local edu-
11 cational agencies in the State bears to the total
12 of such percentages for all the States.

13 (B) LOWEST GRADUATION RATE CALCULA-
14 TION.—From such amount, the Secretary shall
15 allot to each State for which the graduation
16 rate is within the lowest one-third of the grad-
17 uation rates for all States, an amount that
18 bears the same ratio to 25 percent of the sums
19 being allotted as the number of students en-
20 rolled in high schools in the State bears to the
21 total of such students in all of such States with
22 the lowest one-third graduation rates.

23 (C) MIDDLE GRADUATION RATE CALCULA-
24 TION.—From such amount, the Secretary shall
25 allot to each State for which the graduation

1 rate is within the middle one-third of the grad-
2 uation rates for all States, an amount that
3 bears the same ratio to 15 percent of the sums
4 being allotted as the number of students en-
5 rolled in high schools in the State bears to the
6 total of such students in all of such States with-
7 in the middle one-third graduation rates.

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

18 (3) REALLOTMENT.—If any State does not
19 apply for an allotment under this subsection for any
20 fiscal year, the Secretary shall reallocate the amount of
21 the allotment to the remaining States in accordance
22 with this subsection.

23 (4) USING FIRST-YEAR DATA.—In calculating
24 allotments under this subsection for the second and
25 each subsequent year of the grant period, the Sec-

1 retary shall use the data relating to low-income local
2 educational agencies and graduation rates used for
3 the first year of the grant period.

4 (5) HOLD HARMLESS.—Notwithstanding any
5 other provision of this subsection but subject to
6 paragraph (6), no State shall receive an allotment
7 under this section for a fiscal year in an amount
8 that is less than the amount the State received
9 under this section for the first fiscal year of the
10 grant period.

11 (6) RATABLE REDUCTION.—If the amount ap-
12 propriated in a fiscal year is not sufficient to pay
13 the minimum allotments to all eligible institutions
14 under paragraph (5), the amount of the minimum
15 allotment to each such eligible institution shall be
16 ratably reduced.

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

21 (d) MATCHING FUNDS.—A State educational agency
22 that receives a grant under this section shall provide
23 matching funds, from non-Federal sources, in an amount
24 equal to 25 percent of the amount of grant funds provided
25 to the State to carry out the activities supported by the

1 grant. Such matching funds may be provided in cash or
2 in-kind, except that—

3 (1) not more than 10 percent of the amount of
4 grant funds may be provided through in-kind con-
5 tributions; and

6 (2) any in-kind contributions shall be directed
7 toward supporting the State educational agency's
8 technical assistance efforts or the operation of the
9 State's differentiated high school improvement sys-
10 tem under section 106.

11 **SEC. 105. SECRETARIAL PEER REVIEW AND APPROVAL.**

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

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

15 (2) appoint individuals to the peer-review proc-
16 ess who are educators and experts in educational
17 standards, assessments, accountability, high school
18 improvement, dropout prevention, academic needs of
19 English language learners, and other educational
20 needs of high school students;

21 (3) approve a State plan submitted under this
22 title not later than 120 days after the date of the
23 submission of the plan unless the Secretary deter-
24 mines that the plan does not meet the requirements
25 of this title;

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

5 (5) if the Secretary determines that the State
6 does not have the capacity to carry out the school
7 improvement activities described in sections
8 106(b)(2) and 108, offer technical assistance to
9 carry out such activities for States directly or
10 through contracts with secondary school reform
11 partners;

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

13 (A) offering the State an opportunity to
14 revise the State's plan;

15 (B) providing the State with technical as-
16 sistance in order to submit a successful plan;
17 and

18 (C) providing the State an opportunity for
19 a hearing or accepting input from the State;
20 and

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

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

1 (1) the process the State educational agency
2 proposes for differentiating school improvement ac-
3 tions under sections 106(b)(2) and 108, which proc-
4 ess will assign high schools to each of the school im-
5 provement categories described in section 106(b)(2)
6 in such a way that accurately identifies the high
7 school and leads to the implementation of the inter-
8 ventions necessary to meet the needs of the students
9 attending the high school; and

10 (2) the annual growth targets proposed by the
11 State educational agency under section 106(b)(3)(D)
12 are meaningful and achievable, and demonstrate
13 continuous and substantial progress.

14 **SEC. 106. STATE PLAN TO DEVELOP DIFFERENTIATED**
15 **HIGH SCHOOL IMPROVEMENT SYSTEM.**

16 (a) IN GENERAL.—For a State to be eligible to re-
17 ceive a grant under this title, the State educational agency
18 shall submit a plan to the Secretary at such time, in such
19 manner, and containing such information as the Secretary
20 may reasonably require.

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

23 (1) SCHOOL IMPROVEMENT PROCESS.—The
24 State educational agency shall describe how the
25 State educational agency will use funds authorized

1 under this title to establish or expand a statewide
2 differentiated high school improvement system de-
3 scribed in section 108.

4 (2) STATEWIDE DIFFERENTIATED HIGH
5 SCHOOL IMPROVEMENT.—

6 (A) PROCESS OF DIFFERENTIATION.—The
7 State educational agency shall describe a data-
8 driven process for categorizing high schools into
9 the categories described in subparagraph (B)
10 using—

11 (i) the indicators used to determine
12 adequate yearly progress; and

13 (ii) data from the school performance
14 indicators described in paragraph (3).

15 (B) DIFFERENTIATED HIGH SCHOOL IM-
16 PROVEMENT CATEGORIES.—The State edu-
17 cational agency shall describe how local edu-
18 cational agencies will use the process estab-
19 lished under subparagraph (A) to categorize the
20 high schools in the State that do not make ade-
21 quate yearly progress for 2 consecutive years
22 into one of the following school improvement
23 categories:

24 (i) SCHOOLS NEEDING TARGETED
25 INTERVENTIONS.—High schools whose per-

1 performance on the school performance indi-
2 cators described in paragraph (3) dem-
3 onstrate a need for targeted interventions
4 described in section 111(b) to improve stu-
5 dent outcomes and make adequate yearly
6 progress.

7 (ii) SCHOOLS NEEDING WHOLE
8 SCHOOL REFORMS.—High schools whose
9 performance on the school performance in-
10 dicators demonstrate a need for com-
11 prehensive schoolwide reform described in
12 section 111(c) to improve student out-
13 comes and make adequate yearly progress.

14 (iii) SCHOOLS NEEDING REPLACE-
15 MENT.—High schools whose school per-
16 formance indicators demonstrate a need
17 for replacement, as described in section
18 111(d).

19 (C) SPECIAL RULE.—A State educational
20 agency may propose in the plan under this sec-
21 tion additional levels of differentiation within a
22 particular school improvement category de-
23 scribed in subparagraph (B) to further target
24 and prioritize school needs and to align dif-

1 ferentiation with the State's existing State ac-
2 countability systems.

3 (D) DEMONSTRATION OF DEVELOP-
4 MENT.—The State shall demonstrate how the
5 State plan was developed in consultation with a
6 representative group of local educational agen-
7 cies.

8 (E) CONTINUOUS IMPROVEMENT.—The
9 State educational agency shall describe how the
10 State educational agency will evaluate annually
11 the progress of high schools to ensure that each
12 high school is making continuous and substan-
13 tial improvement in accordance with the annual
14 growth targets described in paragraph (3)(D)
15 and consistent with the requirements described
16 in section 111.

17 (F) AUTOMATIC DESIGNATION.—The proc-
18 ess of categorization proposed by the State edu-
19 cational agency shall ensure that a high school
20 shall be automatically identified as a school in
21 need of whole school reform or as a school in
22 need of replacement, if the high school has a
23 graduation rate of 50 percent or less in the
24 most recent year for which data are available.

25 (3) SCHOOL PERFORMANCE INDICATORS.—

1 (A) IN GENERAL.—The State educational
2 agency shall define, in consultation with rep-
3 resentatives from urban and rural local edu-
4 cational agencies in the State, a comprehensive
5 set of school performance indicators that—

6 (i) shall be used, in addition to the in-
7 dicators used to determine adequate yearly
8 progress, to—

9 (I) analyze the performance of
10 high schools in the State;

11 (II) determine the amount, inten-
12 sity, and type of support each high
13 school needs; and

14 (III) guide the school improve-
15 ment process;

16 (ii) demonstrate whether a high school
17 is making substantial and continuous
18 progress toward the goal of graduating all
19 of the school’s students prepared for suc-
20 cess in higher education and careers; and

21 (iii)(I) directly measure student
22 achievement and advancement in high
23 school; or

24 (II) have been demonstrated by re-
25 search to have a direct impact on high

1 school student achievement and advance-
2 ment.

3 (B) CATEGORIES.—

4 (i) IN GENERAL.—The comprehensive
5 set of school performance indicators re-
6 quired by subparagraph (A) shall include
7 indicators of—

8 (I) high school student engage-
9 ment and effort;

10 (II) student advancement;

11 (III) educator quality; and

12 (IV) academic learning.

13 (ii) INDICATORS OF HIGH SCHOOL
14 STUDENT ENGAGEMENT AND EFFORT.—

15 With respect to high school student en-
16 gagement and effort, the indicators—

17 (I) shall include student attend-
18 ance rates; and

19 (II) may include—

20 (aa) the percentage of stu-
21 dent suspensions and expulsions;

22 (bb) surveys of high school
23 student engagement and effort;

24 or

1 (cc) other indicators of stu-
2 dent engagement proposed by the
3 State educational agency and ap-
4 proved by the Secretary as part
5 of the peer review process de-
6 scribed in section 105(a).

7 (iii) INDICATORS OF STUDENT AD-
8 VANCEMENT.—With respect to student
9 achievement, the indicators—

10 (I) shall include—

11 (aa)(AA) student-earned on-
12 time promotion rates from grade
13 to grade for all grades in the
14 high school; or

15 (BB) the percentage of
16 students who have on-time
17 credit accumulation at the
18 end of each grade; and

19 (bb) the percentage of stu-
20 dents—

21 (AA) failing a core,
22 credit-bearing, English lan-
23 guage arts, mathematics, or
24 science course; or

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

3 (II) may include—

4 (aa) measures of enrollment,
5 retention, persistence, and degree
6 attainment in two-year and four-
7 year institutions of higher edu-
8 cation;

9 (bb) measures of the em-
10 ployment success of students who
11 graduated from the high school;
12 or

13 (cc) other indicators of stu-
14 dent advancement proposed by
15 the State educational agency and
16 approved by the Secretary as
17 part of the peer review process
18 described in section 105(a).

19 (iv) INDICATORS OF EDUCATOR QUAL-
20 ITY.—With respect to educator quality, the
21 indicators—

22 (I) shall include—

23 (aa) measures of teacher at-
24 tendance, vacancies, and turn-
25 over; and

1 (bb) the percentage of highly
2 qualified teachers by grade level;
3 and

4 (II) may include other indicators
5 of educator quality proposed by the
6 State educational agency and ap-
7 proved by the Secretary as part of the
8 peer review process described in sec-
9 tion 105(a).

10 (v) INDICATORS OF ACADEMIC LEARN-
11 ING.—With respect to academic learning,
12 the indicators—

13 (I) shall include—

14 (aa) the percentage of stu-
15 dents taking a college-pre-
16 paratory curriculum, which may
17 include the percentage of stu-
18 dents taking Advanced Placement
19 courses, International Bacca-
20 laureate courses, or postsec-
21 ondary courses for dual credit;

22 (bb) the percentage of stu-
23 dents reaching proficiency on the
24 State academic assessments in
25 reading and mathematics re-

1 required under section 1111 of the
2 Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C.
4 6311), disaggregated by the cat-
5 egories of students identified in
6 section 1111(b)(2)(C)(v) of such
7 Act (20 U.S.C. 1111(b)(2)(C)(v);
8 and

9 (cc) student success on
10 State or local educational agency
11 end-of-course examinations or
12 performance-based assessments
13 with standardized scoring rubrics
14 aligned to State standards, where
15 such assessments are available;
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 ex-
22 aminations; or

23 (bb) other indicators of aca-
24 demic learning proposed by the
25 State educational agency and ap-

1 proved by the Secretary as part
2 of the peer-review process de-
3 scribed in section 105(a).

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

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

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

17 (ii) demonstrate continuous and sub-
18 stantial progress toward the State-defined
19 goal and making adequate yearly progress.

20 (4) DEMONSTRATION OF CAPACITY TO SUPPORT
21 SYSTEM.—The State educational agency shall dem-
22 onstrate capacity to support the statewide differen-
23 tiated high school improvement system, which shall
24 include, at a minimum, the following:

25 (A) SYSTEM ALIGNMENT.—

1 (i) ALIGNMENT WITH ACCOUNT-
2 ABILITY SYSTEM.—The State shall dem-
3 onstrate an alignment of the State ac-
4 countability system described in section
5 1111(b)(2) of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C.
7 6311(b)(2)) and the school improvement
8 system under section 1116(b) of such Act
9 (20 U.S.C. 6316(b)) with the statewide
10 differentiated high school system described
11 in section 108.

12 (ii) ADDITIONAL REQUIREMENTS.—
13 The State educational agency shall dem-
14 onstrate, if the State’s statewide differen-
15 tiated high school improvement system in-
16 cludes additional requirements not required
17 under section 108, how such additional re-
18 quirements will lead to improved student
19 achievement and graduation rates and sys-
20 tem alignment.

21 (iii) STRENGTHENING AND ALIGNING
22 POLICIES.—The State educational agency
23 shall demonstrate how the State edu-
24 cational agency will strengthen and align
25 policies affecting—

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

5 (II) new school development; and

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

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

16 (i) that such system exists, or is being
17 developed, and includes the elements de-
18 scribed in section 6401(e)(2)(D) of the
19 America COMPETES Act (20 U.S.C.
20 9871(e)(2)(D)) and any additional ele-
21 ments described in section 14005(d)(3) of
22 the American Recovery and Reinvestment
23 Act of 2009 (Public Law 111–5; 123 Stat.
24 283);

1 (ii) a commitment to the maintenance
2 and growth of such system;

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

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

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

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

24 (i) a description of the statewide sys-
25 tem of support, including regional support

1 services and how schools identified under
2 this Act can utilize such supports to im-
3 prove teaching, learning, and student out-
4 comes;

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

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

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

15 (II) assist local educational agen-
16 cy school improvement teams de-
17 scribed in section 110(b)(2), including
18 supporting local educational agencies
19 and school officials in developing and
20 implementing school improvement
21 plans, including though the provision
22 of resources, training and technical
23 assistance; and

24 (III) coordinate services across
25 other State agencies to streamline and

1 improve support provided to schools
2 identified as needing targeted inter-
3 vention, whole school reform, or re-
4 placement under paragraph (2)(B);

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

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

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

- 1 (i) target resources, including re-
2 sources from additional funding sources, to
3 improve teacher and principal effectiveness
4 in such schools including using data for de-
5 cision-making;
- 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 principals 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 access to substantially
4 equal educational funding (for each stu-
5 dent in the State), such as through ad-
6 dressing per pupil expenditures or inter-
7 district funding disparities;

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

13 (viii) assist local educational agencies
14 in developing early warning indicator sys-
15 tems described in section 110(b)(6)(A);
16 and

17 (ix) assist local educational agencies
18 in developing education options as de-
19 scribed in section 110(b)(6)(B).

20 (5) STATE REVIEW OF LOCAL EDUCATIONAL
21 AGENCY PLANS.—

22 (A) REVIEW LOCAL EDUCATIONAL AGENCY
23 PLANS.—The State educational agency shall de-
24 scribe how the State educational agency will
25 collect and review high school improvement

1 plans described in section 110(b)(4), including
2 a description of—

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

7 (ii) how a local educational agency
8 may propose additional levels of differen-
9 tiation within a particular school improve-
10 ment category described in paragraph
11 (2)(B) that are aligned with the State ac-
12 countability system under section
13 1111(b)(2) of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C.
15 6311(b)(2)) and the local educational
16 agency's school improvement system under
17 section 1116(b) of such Act (20 U.S.C.
18 6136(b)) existing as of the time of the
19 plan;

20 (iii) how the State educational agency
21 will allow consortia of local educational
22 agencies, particularly those in rural areas,
23 to collaborate to develop and implement
24 school improvement plans;

1 (iv) how the State educational agency
2 will review plans with the assistance and
3 advice of a peer review panel that includes
4 educators and individuals who are experts
5 in—

6 (I) educational standards, assess-
7 ments, and accountability;

8 (II) high school improvement;

9 (III) dropout prevention, inter-
10 vention, and recovery;

11 (IV) parental involvement; and

12 (V) other educational needs of
13 high school students;

14 (v) how the State, in consultation with
15 the peer review panel, shall ensure the
16 local educational agency has identified the
17 school improvement category described in
18 section 106(b)(2) for each high school
19 served by the local educational agency that
20 did not make adequate yearly progress for
21 2 consecutive years in such a way that ac-
22 curately identifies the high school and
23 leads to the implementation of the inter-
24 ventions necessary to meet student needs;

1 shall describe how the State educational agency
2 will review and monitor the implementation of
3 high school improvement plans, including how
4 the State will analyze the implementation of the
5 high school improvement plans of high schools
6 that do not meet the annual growth targets set
7 in accordance with paragraph (3)(D) and de-
8 fined in the school improvement plan described
9 in section 110(b)(4).

10 (D) PROVIDING TECHNICAL ASSIST-
11 ANCE.—The State educational agency shall de-
12 scribe how it will provide technical assistance to
13 local educational agencies and high schools that
14 need support to develop and to implement high
15 school improvement plans described in section
16 110(b)(4) and improve graduation rates and
17 student achievement, including through the use
18 of secondary school reform partners, where ap-
19 propriate.

20 (6) EVALUATION OF SUCCESS.—The State edu-
21 cational agency shall describe how, every 5 years,
22 the State educational agency will evaluate how the
23 activities assisted under this title have been success-
24 ful in improving student achievement and outcomes
25 of the cohort of students whose year of entry into

1 high school was 4 years before the evaluation, in-
2 cluding measurement of the State educational agen-
3 cy's effectiveness in carrying out the activities de-
4 scribed in the application under this subsection.

5 **SEC. 107. USE OF GRANT FUNDS.**

6 A State educational agency that receives a grant
7 under this title—

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

10 (A) to carry out the activities described in
11 the State plan under section 106; and

12 (B) to establish or expand a statewide dif-
13 ferentiated high school improvement system de-
14 scribed in section 108; and

15 (2) shall use not less than 90 percent of the
16 grant funds to make subgrants to local educational
17 agencies in accordance with section 109.

18 **SEC. 108. STATEWIDE DIFFERENTIATED HIGH SCHOOL IM-**
19 **PROVEMENT SYSTEM.**

20 A Statewide differentiated high school improvement
21 system shall be designed by the State educational agency
22 to—

23 (1) use data to identify high schools for whole
24 school reform or replacement, as described in clause
25 (ii) or (iii) of section 106(b)(2)(B), within the State;

1 (2) differentiate school improvement actions
2 under section 106(b)(2) based on the amount and
3 type of supports necessary to improve student
4 achievement and graduation rates in high schools
5 within the State;

6 (3) provide resources to support the evidence-
7 based activities that school improvement teams
8 choose, based on school performance data, to carry
9 out under section 111;

10 (4) target resources and support to those high
11 schools in the State that are identified for whole
12 school reform and replacement;

13 (5) ensure that each high school identified for
14 targeted intervention, whole school reform, or re-
15 placement that is making progress on the State's
16 school performance indicators described in section
17 106(b)(3)) continues to implement effective school
18 improvement strategies identified in the high
19 school's school improvement plan;

20 (6) ensure that high schools identified for whole
21 school reform or replacement making progress on
22 the State's school performance indicators have the
23 resources and supports necessary to improve high
24 school graduation rates and student achievement;

1 (7) build the capacity of the State educational
2 agency and local educational agencies to assist in
3 improving student achievement and graduation rates
4 in high schools identified for whole school reform
5 and replacement; and

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

12 **SEC. 109. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

13 (a) AWARD BASIS.—

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

17 (A) before awarding any subgrants to local
18 educational agencies serving high schools identi-
19 fied for targeted intervention under section
20 106(b)(2), award subgrants to, on a competitive
21 basis, local educational agencies serving high
22 schools identified as needing whole school re-
23 form and replacement; and

24 (B) ensure that each subgrant awarded to
25 a local educational agency provides funding ade-

1 quate to fulfill the school improvement needs
2 outlined in the local educational agency's school
3 plan, as approved by the State educational
4 agency.

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

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

15 (A) the quality of the school improvement
16 plan to improve student graduation rates and
17 student achievement in high schools that have
18 not made adequate yearly progress for 2 con-
19 secutive years;

20 (B) the capacity of the local educational
21 agency to implement the plan; and

22 (C) the need of the local educational agen-
23 cy, based on student high school graduation
24 rates and the percentage of students from fami-
25 lies with incomes below the poverty line.

1 (b) APPLICATION.—

2 (1) IN GENERAL.—To be eligible to receive a
3 subgrant under this title, a local educational agency
4 shall submit an application to the State educational
5 agency at such time, in such manner, and containing
6 such information as the State educational agency
7 may reasonably require.

8 (2) CONTENTS.—Each application submitted
9 under this subsection shall include—

10 (A) a description, for each high school
11 identified pursuant to section 110(b)(1), of how
12 the local educational agency will carry out ac-
13 tivities described in section 111 for the high
14 school;

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

17 (i) carry out the activities described in
18 section 110(a);

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

1 (iii) coordinate services across other
2 governmental agencies and nongovern-
3 mental organizations to streamline and im-
4 prove support provided to schools identified
5 for a school improvement category de-
6 scribed in section 106(b)(2);

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

14 (D) an assurance that the local educational
15 agency will use subgrant funds under this title
16 first to meet the needs of high schools served
17 by the local educational agency that are identi-
18 fied for whole school reform or replacement
19 under clause (ii) or (iii) of section 106(b)(2);

20 (E) an assurance that the local educational
21 agency shall provide ongoing support and re-
22 sources to high schools identified for whole
23 school reform or replacement, and are making
24 progress on the State's school performance indi-

1 cators described in section 106(b)(3), to ensure
2 continued improvement;

3 (F) a description of how the local edu-
4 cational agency will increase its capacity to im-
5 prove high schools with low student achieve-
6 ment and graduation rates; and

7 (G) an assurance that the local educational
8 agency will conduct the capacity and needs as-
9 sessment required under subsection (b)(9) and
10 provide the results of the assessment to the
11 State educational agency and the Secretary.

12 (3) USE OF DATA.—The local educational agen-
13 cy shall describe how data will be used, consistent
14 with the requirements of this section, to inform the
15 classification of high schools, and development and
16 implementation of school improvement plans, includ-
17 ing that data described in section 110(b)(1)(A).

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

23 (d) MATCHING FUNDS.—

24 (1) IN GENERAL.—A local educational agency
25 receiving a subgrant under this section shall provide

1 matching funds, from non-Federal sources, in an
2 amount equal to not less than 15 percent of the
3 total subgrant award for the local educational agen-
4 cy, which may be provided in cash or in-kind.

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

9 (A) developing the high schools' high
10 school improvement plans described in section
11 110(b)(4);

12 (B) conducting the capacity and needs as-
13 sessments described in section 110(b)(9); and

14 (C) implementing and monitoring the im-
15 plementation of the high school improvement
16 plans.

17 (3) WAIVER.—The Secretary may waive all or
18 part of the matching requirement described in para-
19 graph (1) for any fiscal year for a local educational
20 agency if the Secretary determines that applying the
21 matching requirement to such local educational
22 agency would result in serious hardship or an inabil-
23 ity to carry out the authorized activities described in
24 section 111.

1 **SEC. 110. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION**
2 **OF SCHOOL IMPROVEMENT SYSTEM.**

3 (a) **DISTRICT-WIDE HIGH SCHOOL IMPROVEMENT.**—

4 A local educational agency that receives a subgrant under
5 section 109 shall use subgrant funds to develop, lead, and
6 implement a district-wide approach to high school im-
7 provement that meets the requirements of subsection (b)
8 and carry out the activities described in section 111.

9 (b) **SYSTEM REQUIREMENTS.**—

10 (1) **DIFFERENTIATE HIGH SCHOOLS.**—The local
11 educational agency shall—

12 (A) identify the category of high school im-
13 provement, as described in section 106(b)(2),
14 using data from the school performance indica-
15 tors as prescribed by the State educational
16 agency in accordance with section 106(b), for
17 each high school served by such agency that
18 does not make adequate yearly progress for 2
19 consecutive years; and

20 (B) publicly identify such schools by school
21 improvement category.

22 (2) **SCHOOL IMPROVEMENT TEAMS.**—

23 (A) **IN GENERAL.**—The local educational
24 agency shall convene a school improvement
25 team for each high school served by such agen-

1 cy that is assigned to one of the school improve-
2 ment categories described in section 106(b)(2).

3 (B) MEMBERS.—

4 (i) MANDATORY MEMBERS.—The
5 school improvement team for a high school
6 shall include—

7 (I) the principal of the high
8 school;

9 (II) at least 2 teachers from the
10 high school representing different
11 grade levels or disciplines; and

12 (III) local educational agency
13 staff.

14 (ii) ADDITIONAL MEMBERS.—The
15 school improvement team for a high school
16 shall include at least one of the following:

17 (I) A parent of a student in the
18 high school.

19 (II) A community representative,
20 such as a representative of nonprofit
21 organizations serving young people
22 and the business community.

23 (III) A pupil service representa-
24 tive.

1 (IV) In the case of a school in
2 whole school reform or replacement,
3 secondary school reform partners.

4 (iii) OPTIONAL MEMBERS.—The
5 school improvement team for a high school
6 may include State educational agency staff,
7 if requested by the local educational agency
8 or assigned by the State educational agen-
9 cy.

10 (C) COLLABORATION.—The local edu-
11 cational agency shall ensure collaboration—

12 (i) of school improvement teams with
13 personnel of middle grades schools served
14 by the local educational agency whose stu-
15 dents will attend high schools that are
16 identified for one of the categories de-
17 scribed in section 106(b)(2), to the extent
18 appropriate; and

19 (ii) among or between school improve-
20 ment teams at schools assigned to one of
21 the school improvement categories and
22 school leadership and other personnel at
23 schools served by the local educational
24 agency that have made adequate yearly
25 progress.

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

5 (A) School performance indicators de-
6 scribed in section 106(b)(3).

7 (B) Indicators used to determine adequate
8 yearly progress.

9 (C) Information about incoming students
10 in the initial grade of the high school.

11 (D) Information about the student popu-
12 lation, including data provided through the
13 early warning indicator system described in
14 paragraph (6)(A).

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

17 (4) DEVELOP HIGH SCHOOL IMPROVEMENT
18 PLANS.—The school improvement team convened
19 under paragraph (2) for each school shall use the
20 data described in paragraph (3), and other relevant
21 data and knowledge regarding the school, to develop
22 a multiyear school improvement plan. Such plan
23 shall—

24 (A) identify the school annual growth tar-
25 gets for the State's school performance indica-

1 tors described in section 106(b)(3) that meet or
2 exceed the State’s annual growth targets de-
3 scribed in such section;

4 (B) define the evidence-based academic
5 and nonacademic interventions and resources
6 necessary to meet the school annual growth tar-
7 gets and make adequate yearly progress;

8 (C) identify the roles of the State edu-
9 cational agency, the local educational agency,
10 the school, and secondary school reform part-
11 ners and other external partners, as appro-
12 priate, in providing such interventions and the
13 resources necessary to meet the school annual
14 growth targets and make adequate yearly
15 progress;

16 (D) provide for the involvement of business
17 and community organizations and other enti-
18 ties, including parents and institutions of high-
19 er education, in the activities to be assisted
20 under the subgrant;

21 (E) describe and direct the use of—

22 (i) any additional funding to be pro-
23 vided by the State educational agency, the
24 local educational agency, or other sources

1 to support activities carried out under this
2 title; and

3 (ii) in the case of a high school identi-
4 fied for whole school reform or replace-
5 ment, secondary school reform partners
6 and external partners.

7 (5) IMPLEMENT HIGH SCHOOL IMPROVE-
8 MENT.—The local educational agency shall use funds
9 to—

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

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

19 (ii) working with secondary school re-
20 form partners to identify roles and respon-
21 sibilities to create a comprehensive ap-
22 proach and effort to implementing the
23 school improvement plan for each school
24 identified for targeted intervention, whole
25 school improvement, or replacement;

1 (iii) planning and providing profes-
2 sional development to high school teachers
3 in instruction, use of data, and working in
4 the identified schools;

5 (iv) appropriately identifying teachers
6 for each grade and course;

7 (v) establishing and implementing use
8 of the early warning indicator system de-
9 scribed in paragraph (6)(A); and

10 (vi) establishing a school schedule that
11 enables the implementation of the high
12 school improvement plan; and

13 (B) ensure the implementation of the high
14 school improvement plans for the high schools
15 identified for one of the categories described in
16 section 106(b)(2).

17 (6) IMPLEMENT DISTRICT-WIDE ACTIVITIES.—

18 The local educational agency shall support successful
19 implementation of high school improvement plans
20 and district-wide improvement through—

21 (A) establishing an early warning indicator
22 system to identify students who are at risk of
23 dropping out of high school and to guide pre-
24 ventive and recuperative school improvement
25 strategies, including—

1 (i) identifying and analyzing the aca-
2 demic risk factors that most reliably pre-
3 dict dropouts, such as by using longitu-
4 dinal data of past cohorts of students;

5 (ii) identifying specific indicators of
6 student progress and performance, such as
7 attendance, academic performance in core
8 courses, and credit accumulation, to guide
9 decisionmaking;

10 (iii) identifying or developing a mech-
11 anism for regularly collecting and ana-
12 lyzing data about the impact of interven-
13 tions on the indicators of student progress
14 and performance; and

15 (iv) analyzing academic indicators to
16 determine whether students are on track to
17 graduate secondary school in the standard
18 number of years;

19 (B) providing academically rigorous edu-
20 cation options that lead to a secondary school
21 diploma consistent with readiness for postsec-
22 ondary education and the workforce, based on
23 an analysis of data described in paragraph (3)
24 and other student-level data and designed to

1 meet the students' needs and interests, such
2 as—

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

10 (ii) providing students with post-sec-
11 ondary learning opportunities, such as
12 through access to a relevant curriculum or
13 course of study that enables a student to
14 earn a secondary school diploma and—

15 (I) an associate's degree; or

16 (II) not more than 2 years of
17 transferable credit toward a postsec-
18 ondary degree or credential;

19 (iii) combining rigorous academic edu-
20 cation with career training, including
21 training that leads to postsecondary cre-
22 dentials, for students;

23 (iv) increasing access to Advanced
24 Placement or International Baccalaureate
25 courses and examinations; or

1 (v) developing and utilizing innovative,
2 high quality distance learning strategies to
3 improve student academic achievement;

4 (C) providing targeted research-based
5 interventions for middle schools that feed into
6 the high schools identified by the local edu-
7 cational agency as needing whole school reform
8 or replacement;

9 (D) identifying and implement strategies
10 for pairing academic support with integrated
11 student services and case-managed interven-
12 tions for students requiring intensive supports,
13 which may include partnership with other exter-
14 nal partners;

15 (E) providing technical assistance to high
16 schools identified for 1 of the categories de-
17 scribed in section 106(b)(2) through—

18 (i) streamlining and prioritizing re-
19 sources to organize support for schools in
20 whole school reform or replacement, such
21 as through identifying and developing cat-
22 egories or clusters of schools with similar
23 school improvement needs; and

1 (ii) assisting schools in identifying
2 secondary school reform partners and
3 other external partners; and

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

6 (i) improving longitudinal student
7 data systems;

8 (ii) regularly analyzing and commu-
9 nicating data to educators, parents, and
10 students that they can use; and

11 (iii) building principals' and teachers'
12 data and assessment literacy.

13 (7) ENSURE CONTINUOUS HIGH SCHOOL IM-
14 PROVEMENT.—

15 (A) IN GENERAL.—The local educational
16 agency shall ensure the continuous improve-
17 ment of high schools by—

18 (i) evaluating the progress of each
19 high school in making continuous and sub-
20 stantial progress based on the high school's
21 annual growth targets identified under
22 paragraph (4) for the school; and

23 (ii) determining the high school's
24 progress and taking appropriate actions, as
25 provided in subparagraphs (B) and (C).

1 (B) ON TRACK.—Each high school that is
2 meeting the school’s annual growth targets
3 identified in the high school improvement plan
4 for the high school, shall continue to implement
5 school improvement activities in accordance
6 with the high school improvement plan.

7 (C) NOT ON TRACK.—

8 (i) ANNUAL REVIEW.—For each high
9 school that is not meeting the high school’s
10 annual growth targets, the local edu-
11 cational agency shall—

12 (I) after the first year that the
13 high school fails to meet the high
14 school’s annual growth targets, review
15 the high school improvement plan and
16 develop and implement a new plan;
17 and

18 (II) after the high school fails to
19 meet the high school’s annual growth
20 targets for 2 or more consecutive
21 years, reclassify the school as a school
22 in need of whole school reform or re-
23 placement, as appropriate based on
24 the State educational agency’s cat-

1 egorization system described in sec-
2 tion 106(b)(2).

3 (ii) RESUBMISSION OF SCHOOL
4 PLAN.—For each high school that fails to
5 meet the high school’s annual growth tar-
6 gets for 2 or more consecutive years, the
7 local educational agency may develop and
8 submit to the State educational agency for
9 review a new school improvement plan, as
10 the local educational agency determines ap-
11 propriate.

12 (8) ASSURANCES.—The local educational agen-
13 cy shall ensure that high schools receiving additional
14 students due to other high schools being replaced
15 under subsection (c) will have sufficient capacity, re-
16 sources, and funding to deliver a high quality edu-
17 cation to all students.

18 (9) CAPACITY AND NEEDS ASSESSMENT.—

19 (A) IN GENERAL.—Each school improve-
20 ment team described in subsection (b)(2) and
21 the local educational agency shall conduct a
22 high school capacity and needs assessment for
23 the high school served by the team that in-
24 cludes—

1 (i) a description and analysis of the
2 high school's capacity to implement the
3 school improvement activities identified in
4 the high school improvement plan, includ-
5 ing an analysis of—

6 (I) the number, experience, train-
7 ing level, responsibilities, and stability
8 of existing administrative, instruc-
9 tional, and noninstructional staff for
10 the high school; and

11 (II) a review of the budget, in-
12 cluding how Federal, State, and local
13 funds are being spent, as of the time
14 of the assessment, for instruction and
15 operations at the school level for staff
16 salaries, instructional materials, pro-
17 fessional development, and student
18 support services, in order to establish
19 the extent to which existing resources
20 need to and can be reallocated to sup-
21 port the needed school improvement
22 activities;

23 (ii) additional resources and staff nec-
24 essary to implement the school improve-

1 ment activities identified in the high school
2 improvement plan; and

3 (iii) an analysis of the local edu-
4 cational agency's capacity to provide tech-
5 nical assistance, additional staff, and re-
6 sources to implement the high school im-
7 provement plan and to improve the high
8 school's performance.

9 (B) ASSESSMENT REQUIREMENTS.—A
10 local educational agency shall use the informa-
11 tion provided in the capacity and needs assess-
12 ment for a high school, in coordination with the
13 high school's school improvement plan and the
14 understanding of the reform history of high
15 schools, to—

16 (i) determine the level and direct the
17 use of—

18 (I) the funds requested by the
19 local educational agency for the high
20 school under the subgrant under this
21 section; and

22 (II) any additional funding to be
23 provided by the State educational
24 agency, the local educational agency,
25 or other sources; and

1 (ii) to determine the number and di-
2 rect the use of secondary school reform
3 partners and external partners.

4 (C) TECHNICAL ASSISTANCE.—A local edu-
5 cational agency may request technical assist-
6 ance from the State educational agency in pre-
7 paring the plan and the capacity and needs as-
8 sessment required under this paragraph.

9 (c) AUTHORITY TO INTERVENE.—The State edu-
10 cational agency may intervene to develop or implement the
11 high school improvement plans, or enter into contracts
12 with secondary school reform partners to assist local edu-
13 cational agencies with the development and implementa-
14 tion of high school improvement plans, if the State edu-
15 cational agency determines that—

16 (1) a local educational agency serving a high
17 school in whole school reform or replacement has not
18 submitted an application described in section 109(b);
19 or

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

1 **SEC. 111. SCHOOL IMPROVEMENT ACTIVITIES.**

2 (a) IN GENERAL.—The school improvement team de-
3 scribed in section 110(b)(2) for each high school identified
4 for a school improvement category described in section
5 106(b)(2) shall ensure that the school improvement activi-
6 ties included in the school improvement plan are imple-
7 mented.

8 (b) TARGETED INTERVENTIONS.—A high school
9 identified for targeted interventions under section
10 110(b)(1) or the local educational agency serving such
11 high school, shall implement research-based targeted
12 interventions, using data from the school performance in-
13 dicators, the early warning indicator system, other student
14 indicators, and the capacity and needs assessment for the
15 high school. The targeted interventions shall be designed,
16 at a minimum, to address the specific problems identified
17 by the indicators, including the needs of students who are
18 not making sufficient progress to graduate in the standard
19 number of years.

20 (c) WHOLE SCHOOL REFORM.—The local educational
21 agency or State educational agency, with technical assist-
22 ance from secondary school reform partners, shall enable
23 and assist each school identified as needing whole school
24 reform pursuant to section 110(b)(1) to implement whole
25 school reform based on scientifically valid research using
26 the data described in section 110(b)(3). Such reform—

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

3 (A) schoolwide needs;

4 (B) students who need targeted assistance;

5 and

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

9 (2) shall address schoolwide factors to improve
10 student achievement, including—

11 (A) setting high expectations and infusing
12 relevance into learning for all students;

13 (B) personalizing the high school experi-
14 ence; and

15 (C) improving school climate, including
16 student attendance and behavior;

17 (3) shall include activities that—

18 (A) ensure continuous improvement by—

19 (i) ensuring the school improvement
20 plan is supported to the extent practicable
21 by all school staff;

22 (ii) establishing clear—

23 (I) goals and growth targets for
24 implementation outcomes; and

1 (II) school annual growth tar-
2 gets; and

3 (iii) regularly evaluating implementa-
4 tion of and fidelity to the high school im-
5 provement plan, such as dedicating a staff
6 member to support implementation of the
7 school improvement plan;

8 (B) organize the school to improve teach-
9 ing and learning, including through—

10 (i) strategic use of time, such as—

11 (I) establishing common planning
12 time for subject area teachers and
13 interdisciplinary teams who share
14 common groups of students;

15 (II) utilizing block scheduling or
16 redesigning the school calendar year
17 or day to create extended learning
18 time in core subjects; or

19 (III) creating a flexible school pe-
20 riod to address specific student aca-
21 demic needs and interests such as
22 credit recovery, electives, or service
23 learning;

24 (ii) alignment of resources to improve-
25 ment goals, such as through ensuring that

1 students in their initial year in the high
2 school are taught by teachers prepared to
3 meet their specific learning needs; and

4 (iii) development of effective leader-
5 ship structures, supports, and clear deci-
6 sion-making processes, such as through de-
7 veloping distributive leadership and leader-
8 ship teams;

9 (C) improve curriculum and instruction,
10 including through—

11 (i) increasing access to rigorous and
12 advanced coursework, including adoption
13 and implementation of a college- and work-
14 ready curriculum, and evidence-based, en-
15 gaging instructional materials aligned with
16 such a curriculum, for all students;

17 (ii) increasing access to contextualized
18 learning opportunities aligned with readi-
19 ness for postsecondary education and the
20 workforce, such as—

21 (I) providing work-based, project-
22 based, and service-learning opportuni-
23 ties; or

24 (II) providing a high quality, col-
25 lege preparatory curriculum in the

1 context of a rigorous career and tech-
2 nical education core;

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

5 (I) through use of formative as-
6 sessments;

7 (II) creating and using common
8 grading rubrics; or

9 (III) identifying effective instruc-
10 tional approaches to meet student
11 needs; and

12 (iv) emphasizing core skills instruc-
13 tion, such as literacy, across content areas;

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

17 (i) increasing personalization through
18 learning structures that facilitate the de-
19 velopment of student and staff relation-
20 ships such as—

21 (I) implementing grade 9 acad-
22 emies or thematic smaller learning
23 communities;

1 (II) establishing teams of teach-
2 ers who work exclusively with small
3 groups of students; or

4 (III) creating advisor positions to
5 provide students with study, organiza-
6 tional, and social skills;

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

10 (iii) providing evidence-based acceler-
11 ated learning for students with academic
12 skill levels below grade level;

13 (iv) coordinating and increasing ac-
14 cess to integrated services, such as pro-
15 viding additional counselors, social work-
16 ers, and behavior and mental health pro-
17 viders to deliver such services; and

18 (v) providing graduation and postsec-
19 ondary planning and transition supports,
20 including college awareness and planning;

21 (E) increase teacher and school leader ef-
22 fectiveness, including through—

23 (i) professional development activities
24 that respond to student and schoolwide

1 needs as identified through the data de-
2 scribed in section 110(b)(3), such as—

3 (I) training teachers, leaders, and
4 administrators together with staff
5 from high schools making adequate
6 yearly progress that serve similar pop-
7 ulations and in such schools; and

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

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

14 (F) engage families and community part-
15 ners, including community-based organizations,
16 organizations assisting parent involvement, in-
17 stitutions of higher education, and industry, in
18 school improvement activities through evidence-
19 based strategies; and

20 (4) may include—

21 (A) providing enabling policies, such as ad-
22 ditional flexibility regarding staffing and com-
23 pensation, budgeting, student credit attainment,
24 or use of school time, that support the imple-

1 mentation of effective school improvement ac-
2 tivities and educational options;

3 (B) implementing multiple school options
4 or effective school models that address the
5 needs of students who are not making sufficient
6 progress to graduate in the standard number of
7 years or have dropped out of high school, as in-
8 formed by analysis of school performance indi-
9 cator data described in section 106(b)(3) and
10 early warning indicator system data described
11 in section 110(b)(6)(A); and

12 (C) other activities designed to address
13 whole school needs, such as implementing a
14 comprehensive reform model for the high
15 school.

16 (d) REPLACEMENT.—The local educational agency,
17 in consultation with the State educational agency, sec-
18 ondary school reform partners, and external partners,
19 shall replace each high school that, using data under sec-
20 tion 110(b)(3), is identified for replacement pursuant to
21 section 110(b)(1). The local educational agency shall en-
22 sure successful implementation of the replacement strat-
23 egy through—

24 (1) closing and reopening the schools or imple-
25 menting multiple school options or effective school

1 models that address the needs of students in the re-
2 placed schools, including students who are not mak-
3 ing sufficient progress to graduate in the standard
4 number of years or have dropped out of high school;

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

8 (3) implementing activities described in sub-
9 section (c).

10 **SEC. 112. EVALUATION AND REPORTING.**

11 (a) LOCAL EDUCATIONAL AGENCY REPORTING.—On
12 an annual basis, each local educational agency receiving
13 a subgrant under section 109 shall report to the State
14 educational agency and to the public on—

15 (1) the identified category of school improve-
16 ment for each high school in the school that failed
17 to make adequate yearly progress for the most re-
18 cent 2 consecutive years;

19 (2) the school performance indicators (as de-
20 scribed in section 106(b)(3)) for each such high
21 school, in the aggregate and disaggregated by the
22 subgroups described in section 1111(b)(2)(C)(v)(II)
23 of the Elementary and Secondary Education Act of
24 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

1 (3) each such high school's progress in meeting
2 the high school's annual growth targets under sec-
3 tion 110(b)(4)(A); and

4 (4) the use of funds by the local educational
5 agency and each such school.

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

10 (1) the school performance indicators (as de-
11 scribed in section 106(b)(3)) for each high school
12 served by the State educational agency that receives
13 assistance under this title, in the aggregate and
14 disaggregated by the subgroups described in section
15 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C.
17 6311(b)(2)(C)(v)(II));

18 (2) progress in meeting the annual growth tar-
19 gets under section 110(b)(4)(A) for each such high
20 school;

21 (3) the high schools in the State that have
22 changed school improvement categories pursuant to
23 section 110(b)(7);

24 (4) the use of funds by each local educational
25 agency and each school served with such funds;

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

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

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

7 (8) the new schools in the State that have made
8 adequate yearly progress.

9 (c) REPORT TO CONGRESS.—Every 2 years, the Sec-
10 retary shall prepare and submit to Congress and make
11 available to the public—

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

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

16 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out
18 the activities authorized under this title, \$2,440,000,000
19 for fiscal year 2011 and each of the 4 succeeding fiscal
20 years.

21 **TITLE II—DEVELOPMENT OF**
22 **EFFECTIVE SCHOOL MODELS**

23 **SEC. 201. PURPOSES.**

24 The purposes of this title are—

1 (1) to facilitate the development and implemen-
2 tation of effective secondary school models for strug-
3 gling students and dropouts in order to raise sec-
4 ondary school graduation rates and more effectively
5 prepare students for postsecondary education and
6 the workforce; and

7 (2) to build the capacity of State educational
8 agencies, local educational agencies, nonprofit orga-
9 nizations, and institutions of higher education to im-
10 plement effective secondary school models for strug-
11 gling students and dropouts.

12 **SEC. 202. DEFINITIONS.**

13 In this title:

14 (1) DROPOUT.—The term “dropout” means an
15 individual who—

16 (A) is not older than 21;

17 (B) is not attending any school; and

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

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

22 (A) an existing secondary school model
23 with demonstrated effectiveness in improving
24 student academic achievement and outcomes for
25 off-track students or dropouts; or

1 (B) a proposed new secondary school
2 model design that is based on research-based
3 organizational and instructional practices for
4 improving student academic achievement and
5 outcomes for struggling students or dropouts.

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

8 (A) a local educational agency, nonprofit
9 organization, or institution of higher edu-
10 cation—

11 (i) that proposes to enhance or ex-
12 pand an existing effective school model for
13 off-track students or dropouts; or

14 (ii) that has a track record of serving
15 struggling students or dropouts and pro-
16 poses to develop a new effective school
17 model for off-track students or dropouts;
18 or

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

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

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

1 (B) is identified by the local educational
2 agency as being limited English proficient and
3 as having experienced interrupted formal edu-
4 cation.

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

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

11 (B) includes a student who—

12 (i) has been retained in grade level;

13 (ii) is an undercredited student; or

14 (iii) is a late entrant English language
15 learner.

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

23 **SEC. 203. GRANTS AUTHORIZED.**

24 (a) IN GENERAL.—The Secretary is authorized to
25 award grants, on a competitive basis, to eligible entities

1 to enable the eligible entities to develop and implement,
2 or replicate, effective school models for struggling students
3 and dropouts.

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

6 **SEC. 204. APPLICATION.**

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

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

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

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

18 (A) for an existing effective school model
19 described in section 202(2)(A), the evidence
20 that the model has improved academic out-
21 comes for struggling students or dropouts; or

22 (B) for a proposed effective school model
23 described in section 202(2)(B), the research
24 that supports the key organizational and in-

1 instructional practices of the proposed effective
2 school model;

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

6 (A) the academic program;

7 (B) the instructional practices;

8 (C) the methods of assessment; and

9 (D) student supports and services, such as
10 the supports and services provided by the school
11 or offered by other organizations and agencies
12 in the community, to support positive student
13 academic achievement and outcomes;

14 (4) how the eligible entity will use student data
15 from the local educational agency or State edu-
16 cational agency to evaluate and improve academic
17 outcomes for struggling students or dropouts;

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

24 (6) how the eligible entity will collect data and
25 information to assess the performance of the effec-

1 tive school model and will make necessary adjust-
2 ments to ensure continuous and substantial improve-
3 ment in student academic achievement and out-
4 comes; and

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

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

10 The Secretary shall—

11 (1) establish a peer-review process to assist in
12 the review and approval of applications submitted by
13 eligible entities under section 204; and

14 (2) appoint individuals to the peer-review proc-
15 ess who are experts in high school reform, dropout
16 prevention and recovery, new school development for
17 struggling students and dropouts, and adolescent
18 and academic development.

19 **SEC. 206. USE OF FUNDS.**

20 (a) **MANDATORY USE OF FUNDS.**—An eligible entity
21 receiving a grant under this title shall use grant funds
22 to—

23 (1) enhance and expand, or replicate an existing
24 effective school model described in section
25 202(2)(A), or develop a proposed effective school

1 model described in section 202(2)(B), for struggling
2 students and dropouts;

3 (2) assess the progress of the implementation
4 or replication of the effective school model and make
5 necessary adjustments to ensure continuous im-
6 provement;

7 (3) provide opportunities for professional devel-
8 opment associated with the continuous improvement
9 and implementation or replication of the effective
10 school model;

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

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

18 (A) sustain the implementation or replica-
19 tion of the effective school model assisted under
20 paragraph (1) after the grant period has ended;
21 and

22 (B) replicate the effective school model.

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

1 (1) to identify and create partnerships needed
2 to improve the academic achievement and outcomes
3 of the students attending a school assisted under
4 this title;

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

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

10 **SEC. 207. EVALUATION AND REPORTING.**

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

14 (1) the data and information being gathered to
15 assess the effective school model’s effectiveness in
16 improving student academic achievement and out-
17 comes for struggling students and dropouts;

18 (2) the implementation status of the models,
19 any barriers to implementation, and actions taken to
20 overcome the barriers;

21 (3) any professional development activities to
22 build the capacity of—

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

1 (B) the staff of a school assisted under
2 this title to implement or improve the effective
3 school model;

4 (4) the progress made in improving student
5 academic achievement and outcomes in the effective
6 school models for struggling students and dropouts;
7 and

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

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

14 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to carry out
16 this title \$60,000,000 for fiscal year 2011 and each of
17 the 4 succeeding fiscal years.