

111TH CONGRESS  
2D SESSION

# H. R. 5586

To support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2010

Mr. PAYNE (for himself, Mr. GUTHRIE, and Mr. POLIS of Colorado) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equity in Excellence  
5 Act of 2010”.

6 **SEC. 2. EQUITY IN EXCELLENCE GRANTS.**

7 (a) IN GENERAL.—Title I of the Elementary and  
8 Secondary Education Act of 1965 (20 U.S.C. 6301 et  
9 seq.) is amended—

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

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

4 **“PART I—EQUITY IN EXCELLENCE GRANTS**

5 **“SEC. 1841. PURPOSE.**

6 “The purpose of this part is to support high-need  
7 local educational agencies to develop programs that ensure  
8 that the rate of growth in academic achievement of high-  
9 achieving, educationally disadvantaged students in grades  
10 1 through 4 who are served by the high-need local edu-  
11 cational agencies is comparable to that of such students’  
12 more advantaged, high-achieving peers.

13 **“SEC. 1842. DEFINITIONS.**

14 “In this part:

15 “(1) COHORT.—The term ‘cohort’ means a  
16 group of high-achieving students in any of grades 1  
17 through 4 who attend schools served by the same  
18 local educational agency.

19 “(2) EDUCATIONALLY DISADVANTAGED STU-  
20 DENT.—The term ‘educationally disadvantaged stu-  
21 dent’ means a student who is from a low-income  
22 family, as determined by the measure of poverty  
23 used for the purposes of section 1113(a)(5) by the  
24 local educational agency serving the student.

1           “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
2           tity’ means—

3                   “(A) a high-need local educational agency;

4                   “(B) a consortium of local educational  
5           agencies that includes a high-need local edu-  
6           cational agency; or

7                   “(C) an eligible partnership.

8           “(4) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
9           ble partnership’ means a partnership consisting of—

10                   “(A) not less than 1 eligible high-need  
11           local educational agency; and

12                   “(B) not less than 1 institution of higher  
13           education, or nonprofit organization, with sig-  
14           nificant expertise in educating students with  
15           gifts and talents.

16           “(5) HIGH-ACHIEVING.—The term ‘high-achiev-  
17           ing’, when used with respect to a student, means a  
18           student who—

19                   “(A) based on a valid and reliable assess-  
20           ment administered upon the student’s entry  
21           into grade 1, is performing academically in the  
22           top 10 percent of the students entering grade  
23           1 at the school, for any subgroup described in  
24           section 1111(b)(2)(C)(v)(II) that includes the  
25           student; or

1           “(B) is identified by the local educational  
2           agency or elementary school for gifted edu-  
3           cation services through teacher or family refer-  
4           rals.

5           “(6) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
6           CY.—The term ‘high-need local educational agency’  
7           means a local educational agency that meets the re-  
8           quirements of section 2102(3)(A).

9   **“SEC. 1843. EQUITY IN EXCELLENCE GRANTS.**

10          “(a) PROGRAM AUTHORIZED.—

11           “(1) IN GENERAL.—From amounts appro-  
12           priated to carry out this part and not reserved under  
13           section 1845(b)(2), the Secretary is authorized to  
14           award demonstration grants, on a competitive basis,  
15           to eligible entities to enable the eligible entities to  
16           develop targeted interventions and academic services  
17           to ensure that, among the students served by high-  
18           need local educational agencies, the rate of growth  
19           in academic achievement of the cohort of high-  
20           achieving, educationally disadvantaged students is  
21           comparable to the cohort of such students’ more ad-  
22           vantaged, high-achieving peers.

23           “(2) DURATION.—A grant awarded under this  
24           part shall be for a period of not more than 3 years  
25           and may be extended by the Secretary for an addi-

1 tional 2 years, in accordance with section  
2 1845(a)(2).

3 “(b) APPLICATION.—An eligible entity desiring a  
4 grant under this part shall submit an application to the  
5 Secretary at such time, in such manner, and containing  
6 such information as the Secretary may require.

7 **“SEC. 1844. AUTHORIZED USE OF FUNDS.**

8 “An eligible entity receiving a grant under this part  
9 shall use grant funds to carry out, for the cohorts of high-  
10 achieving students served by the high-need local edu-  
11 cational agency participating in the eligible entity, all of  
12 the following activities:

13 “(1) Ensuring that assessments provide diag-  
14 nostic information that informs instruction for high-  
15 achieving students.

16 “(2) Implementing evidence-based, innovative  
17 educational strategies, such as enrichment programs  
18 and academic acceleration strategies, designed to  
19 maximize the learning of high-potential and high-  
20 achieving students.

21 “(3) Procuring or utilizing high-quality instruc-  
22 tional materials.

23 “(4) Carrying out training and professional de-  
24 velopment for school personnel involved in the teach-  
25 ing of high-achieving, educationally disadvantaged

1 students, such as instructional staff, principals,  
2 counselors, and psychologists.

3 “(5) Conducting education and training for par-  
4 ents of high-achieving, educationally disadvantaged  
5 students to support educational excellence for such  
6 students.

7 **“SEC. 1845. REPORTS AND DATA COLLECTION.**

8 “(a) **THIRD-YEAR REPORT.—**

9 “(1) **IN GENERAL.—**At the end of the third  
10 year of a grant under this part, the eligible entity  
11 receiving such grant shall prepare, and submit to the  
12 Secretary, a report regarding—

13 “(A) how grant funds were expended; and

14 “(B) the outcomes produced by the grant.

15 “(2) **REVIEW.—**Upon review of a third-year re-  
16 port submitted by an eligible entity under paragraph  
17 (1), the Secretary may extend a grant awarded  
18 under this part for not more than 2 more years  
19 based on the eligible entity’s performance.

20 “(b) **DATA COLLECTION.—**

21 “(1) **IN GENERAL.—**The Secretary, acting  
22 through the Director of the Institute of Education  
23 Sciences, shall—

24 “(A) collect data annually comparing longi-  
25 tudinal achievement levels of the cohorts of

1 high-achieving, educationally disadvantaged stu-  
2 dents served by a grant under this part with  
3 such students' more advantaged peers; and

4 “(B) release such data for analysis by  
5 independent research institutions.

6 “(2) RESERVATION.—The Secretary may re-  
7 serve not more than 1 percent of the total amount  
8 appropriated for this part to carry out subsection  
9 (a).

10 **“SEC. 1846. RULE OF CONSTRUCTION.**

11 “Nothing in this part shall be construed to prohibit  
12 a recipient of a grant under this part from serving high-  
13 achieving, educationally disadvantaged students simulta-  
14 neously with students with similar educational needs in  
15 the same educational settings, where appropriate.”.

16 (b) CONFORMING AMENDMENTS.—The Elementary  
17 and Secondary Education Act of 1965 (20 U.S.C. 6301  
18 et seq.) is further amended—

19 (1) in the table of contents in section 2—

20 (A) by striking the item relating to part I  
21 and inserting the following:

“PART J—GENERAL PROVISIONS”;

22 and

23 (B) by inserting after the item relating to  
24 section 1830 the following:

“PART I—EQUITY IN EXCELLENCE GRANTS

“Sec. 1841. Purpose.  
 “Sec. 1842. Definitions.  
 “Sec. 1843. Equity in excellence grants.  
 “Sec. 1844. Authorized use of funds.  
 “Sec. 1845. Reports and data collection.  
 “Sec. 1846. Rule of construction.”;

1           (2) in section 1304(e)(2) (20 U.S.C.  
 2           6394(e)(2)), by striking “part I” and inserting “part  
 3           J”; and

4           (3) in section 1415(a)(2)(C) (20 U.S.C.  
 5           6435(a)(2)(C)), by striking “part I” and inserting  
 6           “part J”.

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

8           Section 1002 of the Elementary and Secondary Edu-  
 9           cation Act of 1965 (20 U.S.C. 6302) is amended by add-  
 10          ing at the end the following:

11          “(j) EQUITY IN EXCELLENCE GRANTS.—For the  
 12          purpose of carrying out part I, there is authorized to be  
 13          appropriated \$50,000,000 for fiscal year 2011 and each  
 14          of the 5 succeeding fiscal years.”.

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