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111TH CONGRESS
1ST SESSION

# S. 413

To establish a grant program to improve high school graduation rates and prepare students for college and work.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2009

Mr. BURR (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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# A BILL

To establish a grant program to improve high school graduation rates and prepare students for college and work.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Graduate for a Better Future Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Program authorized.
Sec. 6. Reporting and accountability.

Sec. 7. Evaluation and report.
Sec. 8. Authorization of appropriations.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The high school graduation rate for the class of 2005 was only 71 percent nationwide. Thus, almost ⅓ of American students who enter high school in 9th grade drop out of school and never receive a high school diploma.

(2) Large disparities exist in the high school graduation rates among various subgroups of students. Although the high school graduation rate for white students was 78 percent in 2005, the rate for African-American students was only 55 percent, and the rate for Hispanic students was only 58 percent.

(3) For students in approximately 2,000 high schools across the United States, the chance of graduating from high school is less than 60 percent.

(4) In 2003, 3,500,000 Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

(5) To retain its competitive edge in the world economy, it is essential that America's youth be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require a postsecondary education.

(6) Individuals without a high school diploma experience higher rates of unemployment, incarceration, living in poverty, and receiving public assistance than individuals with at least a high school diploma.

(7) Over his or her lifetime, an individual without a high school diploma will earn approximately $1,100,000 less than an individual with a bachelor's degree, $1,500,000 less than an individual with a master's degree, and $2,400,000 less than an individual with a doctoral degree.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to create models of excellence for academically rigorous high schools, including early college high schools, in order to prepare all students for college and work;

(2) to raise high school graduation rates and college-going rates;

(3) to reduce college remediation rates;

(4) to create a seamless curriculum between high school and college;

(5) to improve teaching and curricula to make high school more rigorous and relevant;

(6) to improve instruction and access to supports for struggling high school students;

(7) to improve communication between parents, students, and schools; and

(8) to create, implement, and utilize early warning systems to help identify students at risk of dropping out of high school, especially systems that monitor student absenteeism.

**SEC. 4. DEFINITIONS.**

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term ''Advanced Placement or International Baccalaureate course'' means a course of college-level instruction provided to middle school or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization.

(2) COLLEGE-GOING RATE.—The term ''college-going rate'' means the percentage of high school graduates who enroll at an institution of higher education in the school year immediately following graduation from high school.

(3) DUAL CREDIT COURSES.—The term ''dual credit course'' means a college course that—

(A) may be taken at a high school or at an institution of higher education;

(B) is taught by—

(i) college faculty; or

(ii) high school faculty with credentials that the eligible entity determines are appropriate; and

(C) the successful completion of which can earn high school academic credit as well as college academic credit.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a national, regional, or statewide nonprofit organization with expertise and experience in working with local educational agencies and high schools to raise high school academic achievement, high school graduation rates, and college-going rates; or

(C) a partnership consisting of a State educational agency and an entity described in subparagraph (B).

(5) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means

a local educational agency with a high school graduation rate of 60 percent or less—

(A) in the aggregate; or

(B) applicable to 2 or more of the following subgroups of high school students served by the local educational agency:

(i) Economically disadvantaged students.

(ii) Students from major racial or ethnic groups.

(6) HIGH SCHOOL.—The term ''high school'' means a nonprofit institutional day or residential school, including a public charter high school, that provides high school education, as determined under State law.

(7) HIGH SCHOOL GRADUATION RATE.—The term ''high school graduation rate'' means the percentage of students who graduate from high school with a regular diploma in the standard number of years as measured by a valid and reliable measure of high school graduation rates, such as the averaged freshman graduation rate.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the

meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) PARENT.—The term ''parent'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) RIGOROUS SECONDARY SCHOOL PROGRAM OF STUDY.—The term ''rigorous secondary school program of study'' means a rigorous secondary school program of study recognized as such by the Secretary for purposes of subparagraph (A)(i) or (B)(i) of section 401A(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–1(c)(3)).

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(13) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(14) STUDENT WITH A DISABILITY.—The term ''student with a disability'' means a child with a dis-

ability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

**SEC. 5. PROGRAM AUTHORIZED.**

(a) IN GENERAL.—From amounts appropriated under section 8 for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable eligible entities to award subgrants to eligible local educational agencies for the authorized activities described in subsection (d).

(b) DURATION.—

(1) GRANTS.—The Secretary may award grants under this Act (other than a planning grant under subsection (c)(3)) for a period of not more than 6 years.

(2) SUBGRANTS.—An eligible entity may award subgrants under this Act for a period of not more than 5 years.

(c) ELIGIBLE ENTITY AUTHORIZED ACTIVITIES.—

(1) DISTRIBUTION.—An eligible entity that receives a grant under this Act—

(A) shall reserve not more than 15 percent of the grant funds to carry out the activities described in paragraphs (2) through (5); and

(B) shall use not less than 85 percent of the grant funds to award subgrants, on a com-

petitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the authorized activities described in subsection (d).

(2) STATE LEVEL PLANNING AND ADMINISTRATION.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for planning and administration, including—

(A) evaluating applications from eligible local educational agencies;

(B) administering the distribution of subgrants to eligible local educational agencies; and

(C) assessing and evaluating, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(3) LOCAL EDUCATIONAL AGENCY PLANNING GRANTS.—

(A) IN GENERAL.—From amounts reserved under paragraph (1)(A), an eligible entity may award a planning grant to an eligible local educational agency.

(B) AMOUNT.—An eligible entity shall award each planning grant under this paragraph in the amount of $10,000.

(C) DURATION AND USE OF PLANNING GRANT FUNDS.—Each planning grant shall be—

(i) awarded for a period of 1 year;

(ii) nonrenewable; and

(iii) used to plan and apply for a subgrant awarded under paragraph (1)(B).

(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for technical assistance, including—

(A) assisting eligible local educational agencies in accomplishing the tasks required to implement a program under this Act;

(B) implementing a program of professional development for teachers and administrators, in high schools that receive funding under this Act, that prepares teachers and administrators to implement the authorized activities described in subsection (d); and

(C) assisting eligible local educational agencies in designing a program to be assisted under this Act.

(5) REPORTING.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for annually providing the Secretary with a report on the implementation of this section as required under section 6.

(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.—Each eligible local educational agency receiving a subgrant under this Act, shall use the subgrant funds to carry out each of the following activities:

(1) To implement a college-preparatory curriculum for all students in a high school served by the eligible local educational agency under this Act (and for students with disabilities in accordance with the individualized education program of the student) that is, at a minimum, aligned with a rigorous secondary school program of study.

(2) To implement accelerated academic catch-up programs, for students who enter high school not meeting proficient levels of academic achievement in mathematics, reading or language arts, or science,

that enable such students to meet the proficient levels of achievement and remain on track to graduate from high school on time with a regular high school diploma.

(3) To implement an early warning system to quickly identify students at risk of dropping out of high school, including systems that track student absenteeism.

(4) To implement a system of student and classroom progress monitoring, which may include the adoption and use of diagnostic or formative assessments that—

(A) measure student academic progress in the core academic areas; and

(B) may identify areas in which students need additional academic assistance and support.

(5) To implement a comprehensive college guidance program that—

(A) will ensure that all students in a high school served by the eligible local educational agency under this Act, and their parents, are regularly notified throughout the students' time in high school, of high school graduation re-

quirements and college entrance requirements; and

(B) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial aid assistance and other State, local, and private financial aid assistance and scholarships.

(6) To implement a program that offers, all students in a high school served by the eligible local educational agency under this Act, opportunities for work-based and experiential learning experiences, such as job-shadowing, internships, and community service.

(7) To implement a program that ensures that all students in a high school served by the eligible local educational agency under this Act, have access to and enroll in courses in which the students may earn college credit for courses taken while in high school, such as a dual credit course, or an Advanced Placement or International Baccalaureate course.

(8) To implement a program of student advisement in which all students in a high school served by the eligible local educational agency under this Act are assigned and have regular meetings with an academic teacher advisor.

(9) To implement a program of teacher professional development and institutional leadership that includes use of diagnostic and formative assessments to identify student and teacher needs, to assess classroom practice, and to improve classroom instruction.

(e) APPLICATIONS.—

(1) ELIGIBLE ENTITY.—Each eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(A) include a description of how subgrants made by the eligible entity under this Act will meet the requirements described in subsection (d);

(B) include a description of the peer review process the eligible entity shall use to evaluate applications from eligible local educational agencies;

(C) contain an assurance that the eligible entity, and any eligible local educational agencies receiving a subgrant from that eligible entity, will, if requested, participate in the independent evaluation under section 7(1);

(D) describe how the eligible entity will use grant funds received under this section;

(E) describe how the eligible entity will assist eligible local educational agencies that receive planning grant funds or subgrant funds under this Act in securing any necessary waivers from the State educational agency that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time; and

(F) describe how the eligible entity will assess and evaluate, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a subgrant under this section shall submit an application to the eligible entity at such time and in such manner as the eligible entity may require. Each application shall—

(A) include a description of each high school that will receive funding from the eligible

local educational agency under this Act, including such high school graduation rate, academic achievement, demographic, and socioeconomic data as the eligible entity may request;

(B) contain an assurance that academic merit tests will not be used to determine student enrollment in each such high school;

(C) contain a description of specific outreach and recruitment efforts at each such high school that will be undertaken for student populations historically underrepresented at institutions of higher education;

(D) contain an assurance that a college-preparatory curriculum will be offered to all students at each such high school (and to students with disabilities in accordance with the individualized education program of the student), that is, at a minimum, aligned with a rigorous secondary school program of study;

(E) include a comprehensive description of how curriculum at each such high school will be developed, structured, and delivered;

(F) include clearly delineated benchmarks for improved student academic achievement,

high school graduation rates, and college-going rates at each such high school;

(G) include a description of assessments that will be used at each such high school, including assessments for school accountability purposes and student progress monitoring purposes;

(H) contain a comprehensive plan for professional development at each such high school that includes intended changes in teaching practices that will result in improved student academic achievement, high school graduation rates, and college-going rates;

(I) include a detailed description of work-based and experiential learning experiences that will be offered for all students at each such high school, such as job shadowing, internships, and community service;

(J) contain an assurance that all students at each such high school will be assigned and have regular access to an academic teacher advisor;

(K) contain an assurance that the eligible local educational agency will grant each such high school any necessary waivers from local

educational agency policies and rules that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time;

(L) include a plan that details how programs assisted under this Act will be sustained after the end of subgrant funding under this Act;

(M) in the case of dual credit courses and early college high schools, contain formal agreements between the eligible local educational agency and institutions of higher education that detail shared responsibility for each such high school and students at the high school;

(N) include a description of school staffing considerations and how teachers will be selected for each such high school;

(O) include a detailed plan of the college awareness program at each such high school that addresses applying for admission to an institution of higher education and applying for financial aid; and

(P) contain an assurance that the eligible local educational agency will report to the eligi-

ble entity all data necessary for the eligible entity's report under section 6.

(f) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (c).

(3) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this Act shall be used to supplement, not supplant, other Federal and State funds available to carry out the activities described in subsection (d).

**SEC. 6. REPORTING AND ACCOUNTABILITY.**

(a) COLLECTION OF DATA.—Each eligible entity receiving a grant under this Act shall collect and report annually to the Secretary such information on the results

of the activities assisted under the grant as the Secretary may reasonably require, including information on—

(1) the number and percentage of students in the State who are assisted under this Act and graduate from high school on time with a regular high school diploma;

(2) the number and percentage of students, at each grade level, in the State who are assisted under this Act and meet or exceed State reading or language arts, mathematics, or science standards, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3));

(3) the number and percentage of students, at each grade level, in the State who are assisted under this Act and are on track to graduate from high school on time and with a regular high school diploma;

(4) the number and percentage of students in the State who are assisted under this Act and participate in work-based and experiential learning experiences, such as job shadowing, internships, community service, and descriptive information on the

types of experiences in which such students participated;

(5) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and enrolled in not less than 2 of the following:

(A) a dual credit course; or

(B) an Advanced Placement or International Baccalaureate course;

(6) the number and percentage of students in the State who are assisted under this Act and receive a passing grade or higher for a dual credit course, or an Advanced Placement or International Baccalaureate course;

(7) the number and percentage of students in the State who are assisted under this Act and apply to an institution of higher education while still in high school;

(8) the number and percentage of students in the State who are assisted under this Act and are accepted to an institution of higher education while still in high school;

(9) the number and percentage of students in the State who are assisted under this Act and enroll in an institution of higher education in the school

year immediately following the students' high school graduation;

(10) the number and percentage of students in the State who are assisted under this Act and enrolled in remedial mathematics or English courses during their freshman year at an institution of higher education;

(11) the number and percentage of students, in grade 10, in the State who are assisted under this Act and take the PSAT; and

(12) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and take the SAT or ACT, and the students' mean scores on such assessments.

(b) REPORTING OF DATA.—Each eligible entity receiving a grant under this Act shall report the information required under subsection (a) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1111(b)(1)(C)(i)).

**SEC. 7. EVALUATION AND REPORT.**

From the amount appropriated for any fiscal year under section 8, the Secretary shall reserve such sums as may be necessary—

(1) to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on high school graduation rates, college-going rates, and student academic achievement; and

(2) to prepare and submit a report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $500,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

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