

114TH CONGRESS  
1ST SESSION

# S. 605

To amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mr. BENNET (for himself and Mr. SCHATZ) 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 amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

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 “Investing in Innovation  
5 for Education Act of 2015”.

6 **SEC. 2. INVESTING IN INNOVATION.**

7 (a) IN GENERAL.—Title IV of the Elementary and  
8 Secondary Education Act of 1965 (20 U.S.C. 7101 et  
9 seq.) is amended by adding at the end the following:

1           **“PART D—INVESTING IN INNOVATION**

2   **“SEC. 4401. PURPOSES.**

3           “The purposes of this part are to—

4                   “(1) fund the identification, development, eval-  
5           uation, and expansion of innovative, evidence-based  
6           practices, programs, and strategies in order to sig-  
7           nificantly—

8                   “(A) increase student academic achieve-  
9           ment and decrease achievement gaps;

10                   “(B) increase secondary school graduation  
11           rates;

12                   “(C) increase postsecondary education en-  
13           rollment rates and persistence rates;

14                   “(D) improve teacher and school leader ef-  
15           fectiveness; and

16                   “(E) increase the identification of innova-  
17           tive educational strategies in rural areas; and

18                   “(2) support the rapid development, expansion,  
19           and adoption of tools and resources that improve the  
20           efficiency, effectiveness, or pace of adoption of such  
21           educational practices, programs, and strategies.

22   **“SEC. 4402. NATIONAL ACTIVITIES.**

23           “The Secretary may reserve not more than 10 per-  
24   cent of the funds appropriated under section 4408 for  
25   each fiscal year to carry out activities of national signifi-  
26   cance, which may include—

1           “(1) capacity building;

2           “(2) technical assistance, including assistance  
3 to applicants from rural areas;

4           “(3) pre-application workshops and web-based  
5 seminars for potential applicants, including appli-  
6 cants from rural areas;

7           “(4) dissemination of best practices, in con-  
8 sultation with the regional educational laboratories  
9 established under part D of the Education Sciences  
10 Reform Act of 2002 (20 U.S.C. 9561 et seq.) and  
11 comprehensive centers established under section 203  
12 of the Educational Technical Assistance Act of 2002  
13 (20 U.S.C. 9602), and developed with grant funds  
14 provided under this part, including best practices de-  
15 veloped with grant funds in rural areas;

16           “(5) carrying out prize awards consistent with  
17 section 24 of the Stevenson-Wydler Technology In-  
18 novation Act of 1980 (15 U.S.C. 3719); and

19           “(6) entering into partnerships with other agen-  
20 cies, nonprofit and for-profit organizations, and in-  
21 stitutions of higher education to carry out advanced  
22 research and development activities, including re-  
23 search and activities in rural areas.

1 **“SEC. 4403. PROGRAM AUTHORIZED; LENGTH OF GRANTS;**  
2 **PRIORITIES.**

3 “(a) PROGRAM AUTHORIZATION.—The Secretary  
4 shall use funds made available to carry out this part to  
5 award grants, on a competitive basis, to local educational  
6 agencies (including educational service agencies) and non-  
7 profit organizations that propose to provide support to one  
8 or more public schools or local educational agencies, con-  
9 sistent with section 4405.

10 “(b) DURATION OF GRANTS.—

11 “(1) IN GENERAL.—A grant under this part  
12 shall be for a period of not more than 3 years.

13 “(2) EXTENSION.—The Secretary may extend a  
14 grant awarded under this part for an additional 2-  
15 year period if the grantee demonstrates to the Sec-  
16 retary that the grantee is making significant  
17 progress on the program performance measures  
18 identified in section 4406.

19 “(c) RURAL AREAS.—The Secretary shall ensure that  
20 not less than 25 percent of the funds awarded under sub-  
21 section (a) for any fiscal year are for projects that meet  
22 both of the following requirements:

23 “(1) The grantee is—

24 “(A) a local educational agency with an  
25 urban-centric district locale code of 32, 33, 41,  
26 42, or 43, as determined by the Secretary;

1           “(B) a consortium of such local edu-  
2           cational agencies; or

3           “(C) an educational service agency or a  
4           nonprofit organization with demonstrated ex-  
5           pertise in serving students from rural areas.

6           “(2) A majority of the schools to be served by  
7           the project are designated with a school locale code  
8           of 32, 33, 41, 42, or 43, or a combination of such  
9           codes, as determined by the Secretary.

10          “(d) PRIORITIES.—In awarding grants under this  
11          part, the Secretary may give priority to an eligible entity  
12          that includes, in its application under section 4404, a plan  
13          to—

14                 “(1) improve early learning outcomes;

15                 “(2) support postsecondary education access  
16                 and success;

17                 “(3) support family and community engage-  
18                 ment;

19                 “(4) address the unique learning needs of stu-  
20                 dents with disabilities or English language learners;

21                 “(5) support the effective use of education tech-  
22                 nology to improve teaching and learning;

23                 “(6) improve the teaching and learning of  
24                 science, technology, engineering, or mathematics;

25                 “(7) serve rural schools;

1           “(8) develop alternative career pathways or dif-  
2           ferentiated school staffing models for effective teach-  
3           ers or principals to expand their impact on student  
4           learning; or

5           “(9) train or support principals or teacher lead-  
6           ers, including teacher leaders preparing for principal  
7           roles.

8           “(e) STANDARDS OF EVIDENCE.—The Secretary,  
9           with advice from the Director of the Institute of Education  
10          Sciences, shall set standards for the quality of evidence  
11          that an applicant shall provide in order to demonstrate  
12          that the activities the applicant proposes to carry out with  
13          funds under this part are likely to succeed in improving  
14          student outcomes or outcomes on other performance meas-  
15          ures. These standards may include any of the following:

16               “(1) Strong evidence, based on at least one ef-  
17               fectiveness study using a randomized design and an  
18               overlapping population, that the activities proposed  
19               by the applicant will improve student academic  
20               achievement, student academic growth, or outcomes  
21               on other performance measures.

22               “(2) Moderate evidence, based on at least one  
23               effectiveness study using a randomized or non-ran-  
24               domized design with an overlapping population, that  
25               the activities proposed by the applicant will improve

1 student academic achievement, student academic  
2 growth, or outcomes on other performance measures.

3 “(3) Promising evidence, based on a correla-  
4 tional study, that the activities proposed by the ap-  
5 plicant will improve student academic achievement,  
6 student academic growth, or outcomes on other per-  
7 formance measures.

8 “(4) A rationale based on research findings or  
9 a reasonable hypothesis that the activities proposed  
10 by the applicant will improve student academic  
11 achievement, student academic growth, or outcomes  
12 on other performance measures.

13 **“SEC. 4404. APPLICATIONS.**

14 “(a) APPLICATIONS.—

15 “(1) IN GENERAL.—Each local educational  
16 agency (including an educational service agency) or  
17 nonprofit organization that desires to receive a grant  
18 under this part shall submit an application to the  
19 Secretary at such time, in such manner, and con-  
20 taining such information as the Secretary may rea-  
21 sonably require.

22 “(2) REASONABLE PERIOD OF TIME.—The Sec-  
23 retary shall ensure that prospective applicants are  
24 provided a reasonable period of time in which to pre-  
25 pare and submit their applications.

1       “(b) CONTENTS.—At a minimum, each application  
2 shall—

3           “(1) describe the project for which the appli-  
4 cant is seeking a grant and how the evidence sup-  
5 porting that project meets the standards of evidence  
6 established by the Secretary under section 4403(e);

7           “(2) describe how the applicant will address at  
8 least one of the areas described in section  
9 4405(a)(1);

10          “(3) provide an estimate of the number of stu-  
11 dents that the applicant plans to serve under the  
12 proposed project, including the percentage of those  
13 students who are from low-income families, and the  
14 number of students to be served through additional  
15 expansion after the grant ends;

16          “(4) demonstrate that—

17           “(A) the applicant has established one or  
18 more partnerships with nonprofit or for-profit  
19 organizations, community-based organizations,  
20 Federal, State, or local agencies, or regional  
21 service units; and

22           “(B) the partner or partners will provide  
23 matching funds, except that the Secretary may  
24 waive the matching funds requirement, on a  
25 case-by-case basis, upon a showing of excep-



1           tional circumstances, such as the difficulty of  
2           raising matching funds for a project to serve a  
3           rural area;

4           “(5) describe the applicant’s plan for continuing  
5           the proposed project after funding under this part  
6           ends;

7           “(6) demonstrate that the proposed project has  
8           incorporated input and feedback from educators  
9           working in the area to be served;

10           “(7) if the applicant is a local educational agen-  
11           cy (not including an educational service agency)—

12                   “(A) document the local educational agen-  
13                   cy’s record during the previous 3 years in—

14                           “(i) increasing student academic  
15                           achievement, including achievement for  
16                           each group described in section  
17                           1111(b)(2)(C)(v); and

18                           “(ii) decreasing achievement gaps;  
19                           and

20                   “(B) demonstrate how the local edu-  
21                   cational agency has made significant improve-  
22                   ments in other outcomes, as applicable, on the  
23                   performance measures described in section  
24                   4406;

1           “(8) if the applicant is a nonprofit organiza-  
2           tion—

3                   “(A) provide evidence that the nonprofit  
4                   organization has helped at least 1 school or  
5                   local educational agency, during the previous 3  
6                   years, significantly—

7                           “(i) increase student academic  
8                           achievement, including achievement for  
9                           each group described in section  
10                           1111(b)(2)(C)(v); and

11                           “(ii) reduce achievement gaps; and

12                   “(B) describe how the nonprofit organiza-  
13                   tion has helped at least 1 school or local edu-  
14                   cational agency make a significant improve-  
15                   ment, as applicable, in other outcomes on the  
16                   performance measures described in section  
17                   4406;

18           “(9) if the applicant is an educational service  
19           agency—

20                   “(A) provide evidence that the agency has  
21                   helped at least 1 school or local educational  
22                   agency, during the previous 3 years, signifi-  
23                   cantly—

24                           “(i) increase student academic  
25                           achievement, including achievement for

1           each subgroup described in section  
2           1111(b)(2)(C)(v); and

3           “(ii) reduce achievement gaps; and

4           “(B) describe how the agency has helped  
5           at least 1 school or local educational agency  
6           make a significant improvement, as applicable,  
7           in other outcomes on the performance measures  
8           described in section 4406;

9           “(10) provide a description of the applicant’s  
10          plan for independently evaluating the effectiveness of  
11          activities carried out with funds under this part;

12          “(11) provide an assurance that the applicant  
13          will—

14                 “(A) cooperate with cross-cutting evalua-  
15                 tions;

16                 “(B) make evaluation data available to  
17                 third parties for validation and further study,  
18                 consistent with protections established by appli-  
19                 cable privacy requirements and provisions on  
20                 the protection of personally identifiable infor-  
21                 mation; and

22                 “(C) participate in communities of prac-  
23                 tice; and

24                 “(12) if the applicant is a nonprofit organiza-  
25                 tion that intends to make subgrants, consistent with

1 section 4405(b), provide an assurance that the appli-  
 2 cant will apply paragraphs (1) through (10), as ap-  
 3 propriate, in the applicant’s selection of subgrantees  
 4 and in its oversight of those subgrants.

5 “(c) CRITERIA FOR EVALUATING APPLICATIONS.—

6 The Secretary shall award grants under this part in ac-  
 7 cordance with subsections (c) and (d) of section 4403 and  
 8 on a competitive basis, based on—

9 “(1) the quality of the applications submitted;  
 10 and

11 “(2) consistent with the standards established  
 12 under section 4403(e), each applicant’s likelihood of  
 13 achieving success in improving student outcomes for  
 14 high-needs students or outcomes for high-needs stu-  
 15 dents on other performance measures.

16 **“SEC. 4405. USES OF FUNDS.**

17 “(a) USES OF FUNDS.—Each local educational agen-  
 18 cy (including an educational service agency) or nonprofit  
 19 organization that receives a grant under this part—

20 “(1) shall use the grant funds to address, at a  
 21 minimum, 1 of the areas of school innovation, which  
 22 are—

23 “(A) improving the effectiveness of teach-  
 24 ers and school leaders and promoting equity in

1 the distribution of effective teachers and school  
2 leaders;

3 “(B) strengthening the use of data to im-  
4 prove teaching and learning;

5 “(C) providing high-quality instruction  
6 based on rigorous academic content standards  
7 that build toward college and career readiness  
8 and measuring students’ mastery using high-  
9 quality assessments aligned to those standards;

10 “(D) turning around the lowest-performing  
11 schools; and

12 “(E) any other area of school innovation,  
13 as determined by the Secretary;

14 “(2) shall use the grant funds to develop or ex-  
15 pand strategies to improve the performance of high-  
16 need students on the performance measures de-  
17 scribed in section 4406; and

18 “(3) may use the grant funds for an inde-  
19 pendent evaluation, as required by section  
20 4404(b)(9), of the innovative practices carried out  
21 with the grant.

22 “(b) AUTHORITY TO SUBGRANT.—A nonprofit orga-  
23 nization that receives a grant under this part may use the  
24 grant funds to make subgrants to other entities to provide  
25 support to one or more schools or local educational agen-

1 cies. Any such entity shall comply with the requirements  
2 of this part relating to grantees, as appropriate.

3 **“SEC. 4406. PERFORMANCE MEASURES.**

4 “(a) IN GENERAL.—The Secretary shall establish  
5 performance measures for the programs and activities car-  
6 ried out through a grant under this part. These measures,  
7 at a minimum, shall track the grantee’s progress in—

8 “(1) improving outcomes for each group de-  
9 scribed in section 1111(b)(2)(C)(v) that is served by  
10 the grantee on measures, including, as applicable,  
11 by—

12 “(A) increasing student academic achieve-  
13 ment and decreasing achievement gaps;

14 “(B) increasing secondary school gradua-  
15 tion rates;

16 “(C) increasing postsecondary education  
17 enrollment rates and persistence rates;

18 “(D) improving teacher and school leader  
19 effectiveness;

20 “(E) improving school readiness; and

21 “(F) any other indicator as the Secretary  
22 or grantee may determine; and

23 “(2) implementing its project in rural schools,  
24 as applicable.

1       “(b) DATA COLLECTION PERIOD.—From the  
2 amounts appropriated under section 4408 for a fiscal year,  
3 the Secretary may—

4           “(1) approve, for an entity receiving a grant  
5 under section 4403, a data collection period of not  
6 more than 72 months beginning after the end of the  
7 entity’s grant period; and

8           “(2) provide the entity with funding during  
9 such period for the sole purpose of collecting, ana-  
10 lyzing, and reporting performance information under  
11 this subsection on the project carried out during the  
12 grant period.

13 **“SEC. 4407. REPORTING; ANNUAL REPORT.**

14       “A local educational agency (including an educational  
15 service agency) or nonprofit organization that receives a  
16 grant under this part shall submit to the Secretary, at  
17 such time and in such manner as the Secretary may re-  
18 quire, an annual report that includes, information on the  
19 applicant’s progress on the performance measures estab-  
20 lished under section 4406, and the data supporting that  
21 progress, and other information.

22 **“SEC. 4408. AUTHORIZATION OF APPROPRIATIONS.**

23       “There are authorized to be appropriated to carry out  
24 this part \$300,000,000 for fiscal year 2016 and such sums

1 as may be necessary for each of the 5 succeeding fiscal  
2 years.”.

3 (b) TABLE OF CONTENTS.—The table of contents in  
4 section 2 of the Elementary and Secondary Education Act  
5 of 1965 is amended by inserting after the item relating  
6 to section 4304 the following:

“PART D—INVESTING IN INNOVATION

- “Sec. 4401. Purposes.
- “Sec. 4402. National activities.
- “Sec. 4403. Program authorized; length of grants; priorities.
- “Sec. 4404. Applications.
- “Sec. 4405. Uses of funds.
- “Sec. 4406. Performance measures.
- “Sec. 4407. Reporting; annual report.
- “Sec. 4408. Authorization of appropriations.”.

