

112TH CONGRESS
1ST SESSION

H. R. 3535

To improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2011

Mr. POLIS (for himself and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, 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 “Achieving Change in
5 Education Act” or the “ACE Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

1 (1) significantly improve outcomes for students
2 in persistently low-performing schools by—

3 (A) building the capacity of State edu-
4 cational agencies and local educational agencies
5 to improve student academic achievement in
6 low-performing and persistently low-performing
7 schools;

8 (B) supporting States and local edu-
9 cational agencies in implementing school inter-
10 vention models; and

11 (C) targeting State and local supports and
12 strategies on the persistently lowest-performing
13 schools in each State; and

14 (2) create a culture of recognizing, rewarding,
15 and replicating educational excellence in every State
16 by—

17 (A) providing financial and other incen-
18 tives and rewards to schools that are identified
19 as reward schools; and

20 (B) supporting State educational agency
21 efforts to identify, collect, and disseminate ef-
22 fective practices for increasing student aca-
23 demic achievement used by reward schools.

1 **TITLE I—ADDITIONAL**
2 **ACCOUNTABILITY PROVISIONS**

3 **SEC. 101. ADDITIONAL ACCOUNTABILITY PROVISIONS.**

4 (a) IN GENERAL.—The Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6301 et seq.) is amend-
6 ed by inserting after section 1116 the following:

7 **“SEC. 1116A. REWARD SCHOOLS AND PERSISTENTLY LOW-**
8 **PERFORMING SCHOOLS.**

9 “(a) IN GENERAL.—Notwithstanding section 1116 or
10 any other provision of this part, each State educational
11 agency that receives funds under this part shall identify
12 reward schools and persistently low-performing schools in
13 the State and take the actions described with respect to
14 those schools, in accordance with this section.

15 “(b) IDENTIFICATION OF REWARD SCHOOLS.—

16 “(1) IN GENERAL.—Each State educational
17 agency that receives funds under this part shall an-
18 nually identify as reward schools public elementary
19 schools or secondary schools served by the State that
20 are making significant progress, as determined by
21 the State educational agency, in closing the achieve-
22 ment gap and increasing student academic achieve-
23 ment, student growth, and, at the high school level,
24 graduation rates, for students in the aggregate and

1 for all subgroups of students identified under section
2 1111(b)(2)(C)(v)(II).

3 “(2) REWARD SCHOOLS.—Each school that is
4 identified as a reward school under paragraph (1)—

5 “(A) is eligible for recognition and rewards
6 under subsection (e); and

7 “(B) may use funds provided under this
8 part, except for those funds related to serving
9 special populations under parts C and D of this
10 title, title III, and title VII, in a comprehensive
11 and coordinated manner, to design innovative
12 programs consistent with the requirements of
13 title IX.

14 “(c) IDENTIFICATION OF PERSISTENTLY LOW-PER-
15 FORMING SCHOOLS.—

16 “(1) IN GENERAL.—Each State educational
17 agency that receives funds under this part shall
18 identify as a persistently low-performing school, a
19 public elementary school or secondary school that,
20 based on the percentage of students scoring at or
21 above the proficient level of academic achievement in
22 each of the subjects included in a State’s account-
23 ability system under section 1111(b)(2) is not mak-
24 ing progress and—

1 “(A) in the case of a school that is an ele-
2 mentary school, is in the bottom 5 percent of
3 the State’s public elementary schools, as ranked
4 in accordance with paragraph (2);

5 “(B) in the case of a school that is a sec-
6 ondary school and does not award high school
7 diplomas, is in the bottom 5 percent of the
8 State’s public secondary schools that do not
9 award a high school diploma, as ranked in ac-
10 cordance with paragraph (2); or

11 “(C) in the case of a secondary school that
12 does award high school diplomas, is in the bot-
13 tom 5 percent of the State’s public secondary
14 schools that award high school diplomas, as
15 ranked in accordance with paragraph (3), or
16 has a graduation rate below 60 percent, or
17 both.

18 “(2) SCHOOLS THAT DO NOT AWARD HIGH
19 SCHOOL DIPLOMAS.—To determine if a school that
20 does not award a high school diploma is a persist-
21 ently low-performing school, the State educational
22 agency shall, not less frequently than once every 3
23 years, rank all such public elementary schools and
24 secondary schools served by the State on the basis
25 of the combined or averaged percentages across sub-

1 jects of students who score at least at the proficient
2 level of academic achievement on the assessments
3 that were most recently administered and included
4 in the State accountability system required under
5 section 1111(b)(2).

6 “(3) SCHOOLS THAT AWARD HIGH SCHOOL DI-
7 PLOMAS.—To determine if a school that awards a
8 high school diploma is a persistently low-performing
9 school, the State educational agency shall, not less
10 frequently than once every 3 years, rank all such
11 schools on the basis of—

12 “(A) the combined or averaged percentages
13 across subjects of students who score at least at
14 the proficient level of achievement on the read-
15 ing or language arts and mathematics assess-
16 ments required by section 1111(b)(3) that were
17 most recently administered; and

18 “(B) a graduation rate approved by the
19 Secretary, with such rate given weight equal in
20 determining the ranking to the weight of the
21 factor described in subparagraph (A).

22 “(4) SCHOOLS MAKING PROGRESS.—The State
23 educational agency shall not identify as a persist-
24 ently low-performing school a school that is making
25 significant progress as defined by the State, subject

1 to any limitations specified by the Secretary in regu-
2 lations.

3 “(5) NO IDENTIFICATION OF CERTAIN
4 SCHOOLS.—The State may choose not to identify
5 those schools in which the total number of students
6 assessed is below the minimum group size used by
7 the State to ensure the validity and reliability of
8 State academic assessments described in section
9 1111(b)(3) or to protect the privacy of individual
10 students.

11 “(6) SCHOOL INTERVENTION MODELS.—Each
12 local educational agency that serves a school identi-
13 fied as a persistently low-performing school under
14 this subsection shall select and implement 1 of the
15 6 school intervention models described in section 205
16 of the Achieving Change in Education Act in such
17 school, and provide for family and community en-
18 gagement in the choice and implementation of the
19 model selected in each case.

20 “(d) NOTIFICATION.—Each State educational agency
21 that receives funds under this part shall ensure that each
22 local educational agency annually notifies the staff, par-
23 ents and students of each persistently low-performing
24 school served by the local educational agency of this des-
25 ignation.

1 “(e) FUNDS FOR REWARD SCHOOLS.—

2 “(1) ALLOTMENTS; ALLOCATION TO STATES.—

3 “(A) IN GENERAL.—

4 “(i) ALLOTMENT.—In accordance
5 with clause (ii), the Secretary shall allot
6 among each of the 50 States, the District
7 of Columbia, the Commonwealth of Puerto
8 Rico, and the Secretary of the Interior for
9 programs under this subsection in schools
10 operated or funded by the Bureau of In-
11 dian Affairs, the total amount made avail-
12 able to carry out this subsection under
13 paragraph (5) for any fiscal year, to carry
14 out activities under this subsection.

15 “(ii) DETERMINATION OF ALLOT-
16 MENTS.—The Secretary shall use the
17 amount made available under clause (i) for
18 a fiscal year to award a grant to each enti-
19 ty described in clause (i) in an amount
20 that bears the same relation to such
21 amount made available under clause (i) as
22 the amount the entity received under this
23 part for the preceding fiscal year bears to
24 the amount received by all the entities de-

1 scribed in clause (i) under this part for the
2 preceding fiscal year.

3 “(B) REALLOTMENT.—If an entity de-
4 scribed in subparagraph (A)(i) does not receive
5 funds under this subsection, the Secretary shall
6 reallot those funds to other entities described in
7 subparagraph (A)(i) in the same proportion in
8 which funds are allotted under subparagraph
9 (A).

10 “(2) STATE APPLICATION.—Each State edu-
11 cational agency desiring to receive a grant under
12 this subsection shall submit an application to the
13 Secretary at such time, in such manner, and con-
14 taining such information as the Secretary may re-
15 quire. At a minimum, each application shall in-
16 clude—

17 “(A) a description of how the State edu-
18 cational agency will distribute funds under this
19 program, by formula or through a competitive
20 process, to local educational agencies serving re-
21 ward schools identified under subsection (b);

22 “(B) a description of how the State edu-
23 cational agency will take into account poverty
24 rates within local educational agencies and

1 schools proposed to be served when distributing
2 funds under this program;

3 “(C) an assurance that the State edu-
4 cational agency will provide significant rewards
5 and incentives under this subsection that are
6 large enough to motivate changes in behavior by
7 schools throughout the State;

8 “(D) a description of how the State edu-
9 cational agency will identify, collect, and dis-
10 seminate information on effective practices for
11 increasing student achievement that are used by
12 the reward schools and how the State will cre-
13 ate communities of practice among reward
14 schools, in order to share best practices and
15 replicate successful strategies to assist lower-
16 performing schools and local educational agen-
17 cies; and

18 “(E) a description of how the State will
19 create mentoring partnerships between reward
20 schools and other schools, including persistently
21 low-performing schools, and local educational
22 agencies in the State.

23 “(3) STATE USE OF FUNDS.—

24 “(A) STATE RESERVATION.—A State edu-
25 cational agency that receives a grant under

1 paragraph (1) shall use not less than 90 per-
2 cent of the grant funds to make subgrants in
3 accordance to paragraph (4) to local edu-
4 cational agencies serving reward schools to
5 carry out the activities described in paragraph
6 (4).

7 “(B) STATE ACTIVITIES.—A State edu-
8 cational agency that receives a grant under
9 paragraph (1) shall use any portion of its grant
10 funds that it does not use under subparagraph
11 (A) to carry out the following activities:

12 “(i) Identifying, collecting, and dis-
13 seminating information on effective prac-
14 tices that are used by reward schools to in-
15 crease student achievement.

16 “(ii) Supporting mentoring partner-
17 ships between reward schools and other
18 schools, and local educational agencies,
19 which may include persistently low-per-
20 forming schools.

21 “(iii) Creating communities of prac-
22 tice among reward schools.

23 “(iv) Administration of this sub-
24 section.

1 “(4) SUBGRANTS TO LOCAL EDUCATIONAL
2 AGENCIES.—

3 “(A) IN GENERAL.—A State educational
4 agency shall make 1-year subgrants to local
5 educational agencies serving reward schools.

6 “(B) ACTIVITIES.—A local educational
7 agency that receives a subgrant under this sub-
8 section shall use the funds—

9 “(i) to provide tangible rewards for
10 principals, teachers, and other staff in re-
11 ward schools;

12 “(ii) to provide financial rewards to
13 reward schools, which may be used at the
14 school’s discretion, including for financial
15 rewards or to improve or enrich the
16 school’s or local educational agency’s pro-
17 gram; and

18 “(iii) to provide reward schools with
19 increased flexibility in making budgeting
20 and staffing decisions, by—

21 “(I) providing reward schools
22 with priority in receiving Federal or
23 State funds;

24 “(II) reducing reporting require-
25 ments of reward schools; or

1 “(III) taking other actions to
2 provide reward schools with greater
3 autonomy.

4 “(5) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to carry out
6 this subsection \$300,000,000 for fiscal year 2013
7 and such sums as may be necessary for each of the
8 5 succeeding fiscal years.”.

9 (b) TABLE OF CONTENTS.—The table of contents in
10 section 2 of the Elementary and Secondary Education Act
11 of 1965 is amended by inserting after the item relating
12 to section 1116 the following:

 “Sec. 1116A. Reward schools and persistently low-performing schools.”.

13 **TITLE II—SCHOOL**
14 **TURNAROUND GRANTS**

15 **SEC. 201. RESERVATION AND ALLOTMENTS.**

16 (a) RESERVATION FOR ACTIVITIES OF NATIONAL
17 SIGNIFICANCE.—From the amount appropriated under
18 section 207 for a fiscal year, the Secretary may reserve
19 not more than 10 percent to carry out activities of national
20 significance, such as—

21 (1) building State and local educational agency
22 turnaround capacity, including—

23 (A) through technical assistance and sup-
24 port;

1 (B) identification and dissemination of
2 best practices; and

3 (C) facilitating the creation and operation
4 of communities of practice;

5 (2) supporting the use of school quality review
6 teams by making grants to State educational agen-
7 cies, consortia of such agencies, or partnerships of
8 State educational agencies or State consortia and
9 public or private nonprofit organizations to develop
10 and implement school quality review teams that re-
11 view and provide support and technical assistance to
12 local educational agencies and schools;

13 (3) identifying and disseminating practices that
14 are effective in rural areas such as rural turnaround
15 practices, making available targeted technical assist-
16 ance in rural areas, and expanding the availability
17 and capacity of turnaround partners that operate in
18 rural areas;

19 (4) identifying schools that are effectively im-
20 plementing school intervention models and other ef-
21 fective strategies to improve schools, and making in-
22 formation on those schools available to State edu-
23 cational agencies, local educational agencies, and
24 schools in a manner that facilitates replication of ef-
25 fective practices; and

1 (5) other activities designed to support State
2 and local efforts to turn around persistently low-per-
3 forming schools.

4 (b) ALLOTMENT TO STATES.—

5 (1) IN GENERAL.—

6 (A) ALLOTMENT.—In accordance with sub-
7 paragraph (B), the Secretary shall allot among
8 each of the 50 States, the District of Columbia,
9 the Commonwealth of Puerto Rico, the outlying
10 areas, and the Secretary of the Interior for pro-
11 grams under this title in schools operated or
12 funded by the Bureau of Indian Affairs, the
13 amount made available to carry out this title
14 under section 207 for a fiscal year and not re-
15 served under subsection (a), to carry out activi-
16 ties under this title.

17 (B) DETERMINATION OF ALLOTMENTS.—

18 The Secretary shall use the amount made avail-
19 able under subparagraph (A) for a fiscal year
20 to award a grant to each entity described in
21 subparagraph (A) in an amount that bears the
22 same relation to such amount made available
23 under subparagraph (A) as the amount the en-
24 tity received under part A of title I of the Ele-
25 mentary and Secondary Education Act of 1965

1 (20 U.S.C. 6311 et seq.) for the preceding fis-
2 cal year bears to the amount received by all the
3 entities described in subparagraph (A) under
4 such part for the preceding fiscal year.

5 (2) REALLOTMENT.—If an entity described in
6 paragraph (1)(A) does not receive funds under this
7 title, the Secretary shall reallocate those funds to other
8 entities described in paragraph (1)(A) in the same
9 proportion in which funds are allotted under para-
10 graph (1).

11 **SEC. 202. APPLICATION.**

12 For a State to be eligible to receive a grant under
13 section 201(b), the State educational agency shall submit
14 an application to the Secretary at such time, in such man-
15 ner, and containing such information as the Secretary may
16 reasonably require. At a minimum, each application shall
17 include—

18 (1) a copy of the application form and instruc-
19 tions that the State will use in making competitive
20 subgrants under this title;

21 (2) the criteria the State educational agency
22 will use to determine whether each eligible applicant
23 applying for a subgrant under section 204—

1 (A) has analyzed the needs of each school
2 the eligible applicant seeks to serve and has se-
3 lected an appropriate intervention model;

4 (B) has the capacity to implement fully
5 and effectively the selected school intervention
6 model; and

7 (C) has submitted a budget that includes
8 sufficient funds to implement fully and effec-
9 tively the selected school intervention model;

10 (3) a description of how the State educational
11 agency will set priorities for subgrants if the State
12 educational agency does not have sufficient funds to
13 support all persistently low-performing schools that
14 eligible applicants have applied to serve;

15 (4) the criteria the State educational agency
16 will use to determine the quality of applications the
17 State educational agency receives;

18 (5) a description of how the State educational
19 agency will—

20 (A) monitor each subgrantee to ensure
21 that the subgrantee is fully and effectively im-
22 plementing the selected school intervention
23 model and is improving student achievement
24 and making progress on leading indicators; and

1 (B) communicate, in a timely fashion, to
2 each subgrantee about the—

3 (i) State’s expectations for the sub-
4 grantee to make progress on leading indi-
5 cators; and

6 (ii) consequences the State may im-
7 pose if the subgrantee fails to make such
8 progress;

9 (6) a description of how the State educational
10 agency, in accordance with section 203(b)(1), will
11 use the funds it reserves at the State level to provide
12 technical assistance and other support to sub-
13 grantees; and

14 (7) a description of how the State will—

15 (A) help develop pipelines of teachers and
16 leaders trained for turnaround schools;

17 (B) collect and report data that informs
18 the work of subgrantees;

19 (C) encourage the clustering of turnaround
20 schools; and

21 (D) build capacity in the State educational
22 agency for assisting turnaround schools.

23 **SEC. 203. STATE USE OF FUNDS.**

24 (a) STATE RESERVATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a State that receives a grant under sec-
3 tion 201(b) shall use not less than 90 percent of the
4 grant funds to make competitive subgrants to eligi-
5 ble applicants under section 204 to carry out the
6 purposes of this title.

7 (2) EXCEPTION FOR SCHOOL TAKEN OVER BY
8 THE STATE.—Notwithstanding paragraph (1), a
9 State may, subject to regulations of the Secretary,
10 reserve from the amount to be used to make sub-
11 grants under paragraph (1) such funds as are nec-
12 essary to implement a school intervention model, ei-
13 ther directly or through a turnaround partner des-
14 ignated by the State, in a school that has been taken
15 over by the State.

16 (b) STATE ACTIVITIES.—A State that receives a
17 grant under section 201(b) shall use any portion of the
18 grant funds that the State educational agency does not
19 use to make subgrants under subsection (a) to carry out
20 activities designed to build State capacity to support
21 school improvement. These activities may include—

22 (1) providing technical assistance and other
23 support, either directly, or through the creation of a
24 school turnaround office, or through turnaround
25 partners, to eligible applicants, which may include

1 the use of school quality review teams or regular site
2 visits to monitor the implementation of selected
3 models;

4 (2) evaluating State and local implementation
5 of school intervention models and other improvement
6 activities, and using the results to improve State
7 strategies for supporting and providing flexibility for
8 targeted schools;

9 (3) providing subgrants to turnaround partners
10 to enable the turnaround partners to increase their
11 capacity to help turn around schools;

12 (4) developing pipelines of teachers and leaders
13 trained for turnaround schools;

14 (5) collecting and reporting data that informs
15 the work of subgrantees;

16 (6) supporting collaborations or coalitions of
17 turnaround schools; and

18 (7) building capacity in the State educational
19 agency for assisting turnaround schools.

20 **SEC. 204. SUBGRANTS TO ELIGIBLE APPLICANTS.**

21 (a) DURATION.—A State educational agency—

22 (1) shall award subgrants under this section for
23 a period of not more than 3 years; and

24 (2) may extend a subgrant awarded under this
25 section for an additional 2-year period if the State

1 educational agency determines that schools served by
2 the eligible applicant are making sufficient progress,
3 as described in subsection (f).

4 (b) APPLICATION.—In order to receive a subgrant
5 under this section, an eligible applicant shall submit an
6 application to the State educational agency at such time,
7 in such form, and including such information as the State
8 educational agency may reasonably require. Each applica-
9 tion shall include, at a minimum—

10 (1) a description of the process the applicant
11 has used for selecting an appropriate school inter-
12 vention model for each school to be served (which
13 process shall include family and community input as
14 to which of the school intervention models is most
15 likely to improve student achievement), including in-
16 formation on the magnitude and intensity of the
17 challenges facing the school and its students and the
18 capacity of the school to improve student perform-
19 ance, and has considered such information in select-
20 ing the model;

21 (2) the school intervention model to be used in
22 each school to be served and the timeline for imple-
23 menting the selected school intervention model in
24 each school to be served;

1 (3) a detailed budget covering the grant period,
2 including planned expenditures at the school level
3 and by the eligible applicant for activities supporting
4 full and effective implementation of the selected
5 intervention model;

6 (4) a description of how the eligible applicant
7 will—

8 (A) design and implement interventions
9 consistent with the requirements of the selected
10 school intervention model, including how the ap-
11 plicant will use appropriate leading indicators
12 and student achievement measures to monitor
13 the effectiveness of implementation;

14 (B) use a rigorous review process to re-
15 cruit, screen, and select turnaround partners
16 with which the local educational agency will
17 partner;

18 (C) align other Federal, State, and local
19 resources with the interventions;

20 (D) modify practices and policies, if nec-
21 essary, to provide site-based operational flexi-
22 bility that enables full and effective implemen-
23 tation of the selected school intervention model;

24 (E) collect and use data on an ongoing
25 basis to adjust implementation of the school

1 intervention model during implementation
2 (while maintaining consistency with the require-
3 ments of section 205) in order to achieve the
4 desired outcomes;

5 (F) ensure that the implementation of the
6 school intervention model addresses the needs
7 of all subgroups described in section
8 1111(b)(2)(C)(v)(II) of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C.
10 6311(b)(2)(C)(v)(II)) in each school to be
11 served; and

12 (G) sustain successful reforms and prac-
13 tices after the funding period ends;

14 (5) a description of the technical assistance and
15 other support that the eligible applicant will provide
16 to ensure effective implementation of intervention
17 models in eligible schools, which may include—

18 (A) assistance in data analysis;

19 (B) recruiting staff;

20 (C) teacher evaluation;

21 (D) professional development;

22 (E) coordination of services to address stu-
23 dents' social, emotional, and health needs;

1 (F) facilitating the creation and operation
2 of professional learning communities and com-
3 munities of practice; and

4 (G) progress monitoring; and

5 (6) an assurance that each school the applicant
6 proposes to serve will receive all of the State and
7 local funds it would have received in the absence of
8 these funds.

9 (c) AUTHORITY.—A State educational agency shall
10 use not less than 90 percent of a grant received under
11 section 201(b) to make subgrants, on a competitive basis,
12 to eligible applicants.

13 (d) CRITERIA.—Subgrants awarded under this sec-
14 tion shall be of sufficient size to enable subgrantees to im-
15 plement the selected intervention model fully and effec-
16 tively.

17 (e) PRIORITY.—In making subgrants under this sec-
18 tion, a State educational agency shall give priority to an
19 eligible applicant if the applicant—

20 (1) demonstrates that it has a sufficient pool of
21 effective educators within or outside the local edu-
22 cational agency to staff low-performing schools and
23 a comprehensive plan to recruit retain, reward, and
24 improve staff using comprehensive evaluation sys-
25 tems;

1 (2) demonstrates the support of school manage-
2 ment, teachers, community partners, and public
3 stakeholders to implement strategies described in
4 section 205;

5 (3) demonstrates school leaders have sufficient
6 flexibility in making budgeting, staffing, and pro-
7 gram decisions; and

8 (4) demonstrates the ability to collect, report,
9 and use data to inform decisionmaking and to target
10 resources at the school level.

11 (f) ACCOUNTABILITY.—

12 (1) IN GENERAL.—Each eligible applicant that
13 receives a subgrant under this section shall dem-
14 onstrate sufficient progress annually, as defined by
15 the State, on the core academic indicators and lead-
16 ing indicators described in subsection (g).

17 (2) ADDITIONAL TWO-YEAR GRANT PERIOD FOR
18 SUFFICIENT PROGRESS.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), an eligible applicant that makes suf-
21 ficient progress on core indicators described in
22 subsection (g) and leading indicators described
23 in subsection (g) shall be eligible for an exten-
24 sion of the applicant's subgrant for an addi-
25 tional 2-year period.

1 (B) DETERMINATION OF ELIGIBILITY.—In
2 determining whether an eligible applicant is eli-
3 gible for an extension under subparagraph (A),
4 the Secretary shall give less weight to the
5 progress made by the applicant on leading indi-
6 cators described in subsection (g) than on the
7 progress made by the applicant on core indica-
8 tors described in subsection (g).

9 (3) INSUFFICIENT PROGRESS.—An eligible ap-
10 plicant that does not make sufficient progress, as
11 described under paragraph (1) and determined by
12 the State educational agency, shall be required to—

13 (A) modify their existing school interven-
14 tion model;

15 (B) restart the school using the restart
16 model described in section 205(a)(2); or

17 (C) close the school using the school clo-
18 sure model described in section 205(a)(3).

19 (g) REPORTING.—Each eligible applicant that re-
20 ceives a subgrant under this section shall—

21 (1) comply with the reporting and account-
22 ability requirements of part A of title I of the Ele-
23 mentary and Secondary Education Act of 1965 (20
24 U.S.C. 6311 et seq.) for each of the schools the eli-
25 gible applicant serves with subgrant funds; and

1 (2) monitor and report data, on an annual
2 basis, to the State educational agency involved, that
3 includes, with respect to students served by the ap-
4 plicant with grant funds received under this sec-
5 tion—

6 (A) core academic indicators, such as—

7 (i) percentage of students at or above
8 each proficiency level on State assessments
9 in reading or language arts and mathe-
10 matics;

11 (ii) student progress toward core aca-
12 demic benchmarks, including academic lon-
13 gitudinal growth, as determined under the
14 State’s accountability system;

15 (iii) average scale scores on State as-
16 sessments in reading or language arts and
17 in mathematics;

18 (iv) percentage of English language
19 learner students who attain English lan-
20 guage proficiency on the State’s summative
21 language assessments;

22 (v) graduation rates;

23 (vi) college enrollment rates, including
24 data for all students and for all subgroups
25 of students identified under section

1 1111(b)(2)(C)(v)(II) of the Elementary
2 and Secondary Education Act of 1965 (20
3 U.S.C. 6311(b)(2)(C)(v)(II));
4 (vii) dropout rates; and
5 (viii) reduction in the percentage of
6 students in the bottom level of achievement
7 on State assessments in reading or lan-
8 guage arts and mathematics, including
9 data for all students and all subgroups of
10 students identified under such section
11 1111(b)(2)(C)(v)(II); and
12 (B) leading indicators such as—
13 (i) student attendance rates;
14 (ii) number and percentage of stu-
15 dents completing advanced coursework;
16 (iii) student participation rates on
17 State assessments in reading or language
18 arts and mathematics;
19 (iv) discipline incident rates;
20 (v) teacher attendance rates; and
21 (vi) distribution of teachers by per-
22 formance level on the applicant’s teacher
23 evaluation system; and
24 (h) LOCAL ACTIVITIES.—An eligible applicant that
25 receives a subgrant under this section—

1 (1) shall use the subgrant funds to—

2 (A) implement 1 or more of the school
3 intervention models described in section 205 in
4 persistently low-performing schools; and

5 (B) identify and address issues that may
6 contribute to low academic achievement in such
7 schools; and

8 (2) may use such funds to—

9 (A) provide comprehensive services to ad-
10 dress the issues identified pursuant to para-
11 graph (1)(B) and meet the full range of student
12 needs; and

13 (B) carry out local educational agency-level
14 activities that directly support the implementa-
15 tion of the school intervention model selected
16 for implementation, such as—

17 (i) carrying out pre-implementation
18 activities at the school or local educational
19 agency level during the school year prior to
20 the school year in which the local edu-
21 cational agency will fully implement the
22 school intervention model;

23 (ii) recruiting effective teachers and
24 principals for the schools at which the local

1 educational agency will fully implement the
2 school intervention model;

3 (iii) implementing a rigorous process
4 to evaluate the quality of charter manage-
5 ment organizations or education manage-
6 ment organizations applying to operate re-
7 start schools as described in section 205;
8 or

9 (iv) developing rigorous, transparent,
10 and equitable teacher and principal evalua-
11 tion systems.

12 **SEC. 205. SCHOOL INTERVENTION MODELS.**

13 (a) IN GENERAL.—Each eligible applicant that re-
14 ceives a subgrant under section 204 shall select and imple-
15 ment any 1 of the following 6 school intervention models:

16 (1) TRANSFORMATION MODEL.—A trans-
17 formation model is 1 in which the local educational
18 agency—

19 (A) if the principal has led the school for
20 2 or more years, replaces the principal with a
21 new principal who has demonstrated effective-
22 ness as an educator and leader;

23 (B) uses rigorous, transparent, and equi-
24 table evaluation systems to—

1 (i) identify and reward school leaders,
2 teachers, and other staff who, in imple-
3 menting the model, increase student
4 achievement and, if applicable, high school
5 graduation rates; and

6 (ii) identify and remove school lead-
7 ers, teachers, and other staff who, after
8 ample opportunities have been provided for
9 such individuals to improve their profes-
10 sional practice—

11 (I) do not increase student
12 achievement;

13 (II) if applicable, do not increase
14 high school graduation rates; and

15 (III) have not demonstrated ef-
16 fectiveness according to the local edu-
17 cational agency’s evaluation system;

18 (C) provides staff with ongoing, high-qual-
19 ity, job-embedded professional development that
20 is aligned with the school’s instructional pro-
21 gram and evaluation system and facilitates ef-
22 fective teaching and learning, and supports the
23 implementation of school-reform strategies;

24 (D) implements strategies, such as finan-
25 cial incentives, increased opportunities for pro-

1 motion and career growth, and more flexible
2 work conditions that are designed to recruit,
3 place, and retain staff with the skills necessary
4 to meet the needs of the students in the school;

5 (E) uses data to identify and implement a
6 research-based instructional program that is
7 aligned with State challenging academic content
8 standards and challenging student academic
9 achievement standards;

10 (F) in the case of a secondary school, pro-
11 vides graduation and postsecondary planning
12 and transition supports;

13 (G) promotes the continuous use of stu-
14 dent data to provide instruction that meets the
15 academic needs of individual students, which
16 may include, in elementary school, individual
17 students' levels of school readiness;

18 (H) establishes schedules and strategies
19 that provide significantly increased learning
20 time, which may include expanding the day or
21 year for all students in the school or expanding
22 the school program to offer full-day kinder-
23 garten or a high-quality preschool program;

24 (I) provides ongoing mechanisms for family
25 and community engagement;

1 (J) gives the school sufficient operational
2 flexibility in programming, staffing, budgeting,
3 and scheduling to fully implement a comprehen-
4 sive strategy designed to substantially improve
5 student achievement and, if applicable, increase
6 the graduation rate;

7 (K) ensures that the school receives ongo-
8 ing, intensive technical assistance and related
9 support from the local educational agency, the
10 State educational agency, or a designated exter-
11 nal lead partner organization; and

12 (L) provides appropriate social-emotional
13 and community-oriented services and supports
14 for students and, at the discretion of the local
15 educational agency, uses not more than 10 per-
16 cent of the funds available for such school
17 under this part to provide services to meet
18 those needs.

19 (2) RESTART MODEL.—A restart model is 1 in
20 which the local educational agency—

21 (A) converts a school or closes and reopens
22 the school—

23 (i) under a charter school operator, a
24 charter management organization, or an
25 education management organization; or

1 (ii) as an autonomous or redesigned
2 school;

3 (B) implements a rigorous review process
4 to select such a charter management organiza-
5 tion or education management organization, as
6 applicable, which includes an assurance from
7 such organization that it will make significant
8 changes in the leadership and staffing of the
9 school; and

10 (C) enrolls in the school, within the grades
11 it serves, any former student who wishes to at-
12 tend the school.

13 (3) SCHOOL CLOSURE.—A school closure model
14 is 1 in which the local educational agency—

15 (A) closes a school and enrolls the students
16 who attended such school in other schools
17 served by the local educational agency that are
18 higher performing, provided the other schools
19 are within reasonable proximity to the closed
20 school; and

21 (B) provides information, in a timely fash-
22 ion, in the appropriate language, and prior to
23 closing the school, to children who attended
24 such closed school and their parents, about

1 high-quality educational options and transition
2 and support services.

3 (4) TURNAROUND MODEL.—A turnaround
4 model is 1 in which the local educational agency—

5 (A) if the principal has led the school for
6 2 or more years, replaces the principal with a
7 new principal who has demonstrated effective-
8 ness as an educator and leader;

9 (B) gives the new principal sufficient oper-
10 ational flexibility (including over staffing, the
11 school day and school calendar, and budgeting)
12 to fully implement a comprehensive approach to
13 improve student outcomes;

14 (C) using comprehensive evaluation sys-
15 tems, including the use of student achievement
16 data to measure the effectiveness of staff who
17 can work within the turnaround environment to
18 meet the needs of students—

19 (i) screens all existing staff and re-
20 tains not more than 50 percent of such
21 staff; and

22 (ii) requires the principal to justify
23 personnel decisions, such as hiring, dis-
24 missal, and providing rewards, based on
25 results of such evaluations;

1 (D) provides staff with ongoing, high-quality,
2 job-embedded professional development that
3 is aligned with the school's instructional program,
4 facilitates effective teaching and learning,
5 and supports the implementation of school-reform
6 strategies;

7 (E) adopts a new governance structure for
8 the school, which may include requiring the
9 school to report to a new turnaround office in
10 the local educational agency or State educational
11 agency, hire a turnaround leader who
12 reports directly to the superintendent or chief
13 academic officer, or enter into a multi-year
14 agreement with the local educational agency or
15 State educational agency to obtain added flexibility
16 in exchange for greater accountability;

17 (F) uses data to identify and implement a
18 research-based instructional program and promotes
19 the continuous use of data to evaluate school
20 improvement strategies and to inform the
21 differentiated instruction in order to meet
22 the academic needs of individual students;

23 (G) establishes schedules and strategies
24 that provide increased learning time, which may
25 include offering full-day kindergarten or a high-

1 quality preschool program, using a longer
2 school day, week, or year schedule to signifi-
3 cantly increase the total number of school hours
4 to include additional time for—

5 (i) instruction in core academic sub-
6 jects, including English, reading or lan-
7 guage arts, mathematics, science, foreign
8 languages, civics and government, econom-
9 ics, arts, history, and geography;

10 (ii) instruction in other subjects and
11 enrichment activities that contribute to a
12 well-rounded education, including physical
13 education, service learning, and experien-
14 tial and work-based learning opportunities
15 that are provided by partnering, as appro-
16 priate, with other organizations; and

17 (iii) teachers to collaborate, plan, and
18 engage in professional development within
19 and across grades and subjects;

20 (H) provides ongoing mechanisms for fam-
21 ily and community engagement;

22 (I) provides appropriate social-emotional
23 and community-oriented services and supports
24 for students; and

1 (J) may include any of the strategies de-
2 scribed in paragraph (1).

3 (5) SCHOOL ENGAGEMENT MODEL.—A school
4 engagement model is 1 in which the local edu-
5 cational agency—

6 (A) if the principal has led the school for
7 2 or more years, replaces the principal with a
8 new principal who has demonstrated effective-
9 ness as an educator and leader;

10 (B) establishes a year-round academic cal-
11 endar or increases the number of school days
12 per year by at least 10 percent and increases
13 learning time by at least 10 percent;

14 (C) establishes an evidence-based student
15 engagement system, to be approved by the
16 State educational agency, that includes—

17 (i) attendance and truancy improve-
18 ment and tracking approaches for all stu-
19 dents;

20 (ii) evidence-based behavior identifica-
21 tion needs for all students, and evidence-
22 based behavior intervention and improve-
23 ment approaches for students as needed,
24 which may include a multi-tier system of
25 supports; and

1 (iii) grade-level literacy improvement
2 interventions for all non-proficient students
3 provided after-school by a supplemental
4 education services provider;

5 (D) if the school is a high school, the
6 school must establish—

7 (i) course credit recovery or mainte-
8 nance and tracking strategies for all stu-
9 dents;

10 (ii) dropout recovery activities for all
11 students who have dropped out; and

12 (iii) concurrent enrollment opportuni-
13 ties for all students;

14 (E) uses rigorous, transparent, and equi-
15 table evaluation systems to—

16 (i) identify and reward school leaders,
17 teachers, and other staff who, in imple-
18 menting the model, increase student
19 achievement and high school graduation
20 rates; and

21 (ii) identify and remove those school
22 leaders, teachers, and other staff who,
23 after ample opportunities have been pro-
24 vided for them to improve their profes-

1 sional practice, do not improve student
2 achievement;

3 (F) provides ongoing, high-quality profes-
4 sional development to staff that is aligned with
5 the school's instructional program, facilitates
6 effective teaching and learning, and supports
7 the implementation of school-reform strategies;

8 (G) implements strategies, such as finan-
9 cial incentives, increased opportunities for pro-
10 motion and career growth, and more flexible
11 work conditions, that are designed to recruit,
12 place, and retain staff with the skills that are
13 necessary to meet the needs of the students in
14 the school;

15 (H) gives the school sufficient operational
16 flexibility in programming, staffing, budgeting,
17 and scheduling to fully implement a comprehen-
18 sive strategy that is designed to substantially
19 improve student achievement and, if applicable,
20 increase the graduation rate;

21 (I) uses data to identify and implement a
22 research-based instructional program that is
23 aligned with State academic standards; and

24 (J) promotes the continuous use of student
25 data to provide instruction that meets the aca-

1 demic needs of individual students, which may
2 include, in elementary schools, individual stu-
3 dents' levels of school readiness.

4 (6) EXPANDED SCHOOL CHOICE OPTION.—An
5 expanded school choice model is one in which the
6 local educational agency—

7 (A) closes the school;

8 (B) transfers students from the persist-
9 ently low-performing school that has been
10 closed to 1 or more existing high-performing
11 charter schools or high-performing traditional
12 schools in the same or another local educational
13 agency, upon an agreement or memorandum of
14 understanding between the agency that served
15 the closed school and the agency to which the
16 students are transferred; and

17 (C) expands the capacity of the high-per-
18 forming school or schools selected under sub-
19 paragraph (B) by transferring to such schools
20 its allotment awarded under section 204 to be
21 used for staffing and other student support, in-
22 cluding transportation to the high-performing
23 school.

24 (b) FLEXIBILITY.—Notwithstanding any other provi-
25 sion of this section, in carrying out a school intervention

1 model under this section, a local educational agency may
2 continue to build on or complete actions it took in the 3
3 years before the school year in which it begins to fully
4 implement that model, including retaining a school prin-
5 cipal hired within that period to implement a turnaround
6 plan in that school.

7 **SEC. 206. DEFINITIONS.**

8 In this title—

9 (1) **ELIGIBLE APPLICANT.**—The term “eligible
10 applicant” means—

11 (A) a local educational agency that receives
12 funds under part A of title I of the Elementary
13 and Secondary Education Act of 1965 (20
14 U.S.C. 6311 et seq.) and serves at least 1 per-
15 sistent low-performing school; or

16 (B) a local educational agency described in
17 subparagraph (A) in partnership with a turn-
18 around partner.

19 (2) **ESEA TERMS.**—Except as otherwise pro-
20 vided, any term used that is defined in section 9101
21 of the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7801) shall have the meaning given
23 the term in such section.

1 (3) HIGH-PERFORMING.—The term “high-per-
2 forming” when used in relation to school means a
3 school ranking—

4 (A) in the top 25 percent in the State at
5 student academic longitudinal growth; or

6 (B) in the absence of such a State meas-
7 urement, in the top 25 percent in progress to-
8 ward core academic benchmarks, as determined
9 under the State’s accountability system.

10 (4) MULTI-TIER SYSTEM OF SUPPORTS.—The
11 term “multi-tier system of supports” means a com-
12 prehensive system of differentiated supports that in-
13 cludes evidence-based instruction, universal screen-
14 ing, progress monitoring, formative assessment, and
15 research-based interventions matched to student
16 needs, and educational decisionmaking using student
17 outcome data.

18 (5) TURNAROUND PARTNER.—The term “turn-
19 around partner” means a public or private nonprofit
20 organization that has a successful record of imple-
21 menting or supporting school intervention models.

22 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this title \$600,000,000 for fiscal year 2013 and such sums

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

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