

112TH CONGRESS
1ST SESSION

S. 1158

To promote innovative practices for the education of English learners and to help States and local educational agencies with English learner populations build capacity to ensure that English learners receive high-quality instruction that enables English learners to become proficient in English and access the academic content knowledge that English learners need to meet State college and career ready academic content standards.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2011

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To promote innovative practices for the education of English learners and to help States and local educational agencies with English learner populations build capacity to ensure that English learners receive high-quality instruction that enables English learners to become proficient in English and access the academic content knowledge that English learners need to meet State college and career ready academic content standards.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “English Learning and
3 Innovation Act of 2011”.

4 **SEC. 2. ENGLISH LEARNER COMPETITIVE GRANTS.**

5 (a) IN GENERAL.—Title III of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 6801 et
7 seq.) is amended—

8 (1) in section 3001(a)—

9 (A) in paragraph (1), by inserting “and
10 part C” after “part B”; and

11 (B) by adding at the end of the following:

12 “(3) ENGLISH LEARNER COMPETITIVE
13 GRANTS.—There are authorized to be appropriated
14 to carry out part C, \$100,000,000 for fiscal year
15 2012 and each of the 5 succeeding fiscal years.”;

16 (2) by redesignating part C as part D;

17 (3) by redesignating sections 3301 through
18 3304 as sections 3401 through 3404, respectively;

19 (4) in section 3116(d)(1), by striking “3302”
20 and inserting “3402”;

21 (5) in section 3111(e)(1)(C), by striking
22 “3303” each place the term appears and inserting
23 “3403”; and

24 (6) by inserting after part B the following:

1 **“PART C—ENGLISH LEARNER COMPETITIVE**
2 **GRANTS.**

3 **“SEC. 3301. PURPOSE.**

4 “The purpose of this part is to support eligible enti-
5 ties and eligible agencies in developing and strengthening
6 innovative systems that support high-quality instruction
7 for a diverse group of English learners, including English
8 learners who have entered a school in the United States
9 after elementary school or English learners who have been
10 in schools in the United States for more than 5 years with-
11 out reaching sufficient English proficiency to be reclassi-
12 fied, or both.

13 **“SEC. 3302. INNOVATION GRANTS.**

14 “(a) PROGRAM AUTHORIZED.—From amounts ap-
15 propriated under section 3001(a)(3), the Secretary may
16 award grants, on a competitive basis, to eligible entities
17 that have demonstrated progress in establishing and com-
18 mitting to provide high-quality instruction that results in
19 the ability of English learners to achieve English language
20 proficiency and to demonstrate content mastery in core
21 or covered subjects to enable such eligible entities to carry
22 out the activities described in subsection (f).

23 “(b) DURATION.—

24 “(1) IN GENERAL.—Grants awarded under this
25 section shall be for a period of not more than 4
26 years.

1 “(2) RENEWAL.—The Secretary may renew a
2 grant under this section for an additional 2-year pe-
3 riod, if the eligible entity demonstrates success in—

4 “(A) improving the English language pro-
5 ficiency of students served by the grant pro-
6 gram, as measured by the assessment described
7 in section 1111(b)(7);

8 “(B) increasing the percentage of English
9 learners who achieve proficiency on the State
10 academic assessment in mathematics, reading
11 or language arts, and science, as described in
12 section 1111(b)(3);

13 “(C) increasing the percentage of sec-
14 ondary school students who achieve proficiency
15 in core academic subjects; and

16 “(D) increasing the percentage of English
17 learners who graduate from secondary school
18 on-time, as defined in section 200.19(b)(1) of
19 title 34, Code of Federal Regulations.

20 “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’
21 means—

22 “(1) a State educational agency;

23 “(2) a local educational agency; or

24 “(3) a public charter school, or a charter school
25 management organization.

1 “(d) APPLICATIONS.—

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

7 “(2) CONTENTS.—At a minimum, the applica-
8 tion described in paragraph (1) shall include the fol-
9 lowing:

10 “(A) A description of how the eligible enti-
11 ty will use grant funds to implement English
12 language proficiency standards and college and
13 career ready standards to assist English learn-
14 ers in—

15 “(i) improving English language pro-
16 ficiency, academic achievement, and
17 achievement in core content areas; and

18 “(ii) improving preparation for post-
19 secondary education and careers.

20 “(B) A description of the benchmarks, con-
21 sistent with section 3304(b)(1), that the eligible
22 entity will establish to demonstrate improve-
23 ments in outcomes for students who are
24 English learners.

1 “(C) A description of how the eligible enti-
2 ty has used the metrics described in subsection
3 (b)(2) and the benchmarks described in sub-
4 paragraph (B) to create a data-driven needs as-
5 sessment that the eligible entity will use to de-
6 termine how grant funds will be used.

7 “(D) A description of how the eligible enti-
8 ty will use Federal funds received under this
9 section only to supplement the funds that
10 would, in the absence of such Federal funds, be
11 made available from non-Federal sources for
12 the education of students participating in pro-
13 grams assisted under this section, and not to
14 supplant such funds.

15 “(e) PRIORITY.—In awarding grants under this sec-
16 tion, the Secretary shall give priority to eligible entities
17 that—

18 “(1) use funds to implement evidence-based
19 strategies, as determined by the Secretary;

20 “(2) use funds to provide educational opportu-
21 nities for English learners who have entered a school
22 in the United States after elementary school or
23 English learners who have been in schools in the
24 United States for more than 5 years without reach-

1 ing sufficient English proficiency to be reclassified,
2 or both;

3 “(3) serve populations of rural students and
4 students who are migratory children, as defined in
5 section 1309(2);

6 “(4) form partnerships with entities that have
7 the capacity to take efforts under the grant to scale;
8 or

9 “(5) work with an educational research entity
10 that is, at the time of the application, implementing
11 research-based programs or interventions in schools
12 that serve a significant percentage of English learn-
13 ers.

14 “(f) USE OF FUNDS.—Each eligible entity that re-
15 ceives a grant under this section shall use the grant funds
16 to carry out activities that lead to English learners becom-
17 ing proficient in English in order to access the academic
18 content knowledge that English learners need to meet
19 State college and career ready academic content stand-
20 ards, which may include—

21 “(1) improving instructional programs by—

22 “(A) implementing evidence-based lan-
23 guage instruction programs, including—

24 “(i) technology-based programs; and

1 “(ii) early childhood education pro-
2 grams, if applicable;

3 “(B) consistent with State law, imple-
4 menting a program that uses instruction in the
5 native language as a basis for English language
6 acquisition, such as—

7 “(i) a dual-language program; or

8 “(ii) a bilingual education program; or

9 “(C) obtaining technical assistance from
10 an expert to develop or implement materials for
11 English learner instruction;

12 “(2) ensuring that English learners are taught
13 by effective teachers and attend schools that are ad-
14 ministered by effective principals, by—

15 “(A) developing or implementing a strat-
16 egy to recruit effective teachers and principals;

17 “(B) developing or implementing a strat-
18 egy to retain effective teachers and principals;

19 or

20 “(C) developing or implementing a strategy
21 to improve the effectiveness of teachers and
22 principals;

23 “(3) increasing the ability of families of English
24 learners to be engaged in their child’s education and
25 development;

1 “(4) expanding best practices to other schools
2 or local educational agencies that are served by the
3 eligible entity; or

4 “(5) carrying out other activities consistent
5 with the purpose of this part.

6 **“SEC. 3303. CAPACITY BUILDING GRANTS.**

7 “(a) CAPACITY BUILDING GRANTS.—

8 “(1) IN GENERAL.—From amounts appro-
9 priated under section 3001(a)(3), the Secretary may
10 award capacity-building grants, on a competitive
11 basis, to eligible agencies that demonstrate a com-
12 mitment to establishing and maintaining a system of
13 high-quality instruction for English learners to en-
14 able such eligible agencies to carry out the activities
15 described in subsection (g).

16 “(2) LIMITATIONS.—The Secretary shall not
17 award a grant under this section to an eligible agen-
18 cy that has received a grant under section 3302.

19 “(b) DURATION.—

20 “(1) IN GENERAL.—Grants awarded under this
21 section shall be for a period of not more than 4
22 years.

23 “(2) RENEWAL.—The Secretary shall not renew
24 a grant under this section.

1 “(c) ELIGIBLE AGENCY.—The term ‘eligible agency’
2 means a State educational agency or local educational
3 agency that has experienced a significant increase, as de-
4 termined by the Secretary, in the number of English learn-
5 ers that the State educational agency or local educational
6 agency, respectively, serves.

7 “(d) FUNDING REQUIREMENT.—Continued funding
8 after the second year of the grant period shall be contin-
9 gent on the eligible agency’s progress in—

10 “(1) meeting the benchmarks described in sub-
11 section (e)(2)(B);

12 “(2) improving the English language proficiency
13 of students served by the grant program, as meas-
14 ured by the assessment described in section
15 1111(b)(7);

16 “(3) increasing the percentage of English learn-
17 ers who achieve proficiency on State academic as-
18 sessments in mathematics, reading or language arts,
19 and science, as described in section 1111(b)(3);

20 “(4) increasing the percentage of secondary
21 school students who achieve proficiency in core aca-
22 demic subjects; and

23 “(5) increasing the percentage of English learn-
24 ers who graduate from secondary school on-time, as

1 defined in section 200.19(b)(1) of title 34, Code of
2 Federal Regulations.

3 “(e) APPLICATIONS.—

4 “(1) IN GENERAL.—An eligible agency desiring
5 a grant under this section shall submit an applica-
6 tion to the Secretary at such time, in such manner,
7 and containing such information as the Secretary
8 may require.

9 “(2) CONTENTS.—At a minimum, the applica-
10 tion described in paragraph (1) shall include the fol-
11 lowing:

12 “(A) A description of how the eligible enti-
13 ty will use grant funds to implement English
14 language proficiency standards and college and
15 career ready standards to assist English learn-
16 ers in—

17 “(i) improving English language pro-
18 ficiency; and

19 “(ii) improving preparation for post-
20 secondary education and careers.

21 “(B) A description of the benchmarks, con-
22 sistent with section 3304(b), that the eligible
23 agency will establish to demonstrate improve-
24 ments in outcomes for students who are
25 English learners.

1 “(C) A description of how the eligible
2 agency will efficiently use funds to build upon
3 previous efforts to educate English learners.

4 “(D) A description of how the eligible enti-
5 ty will use Federal funds received under this
6 section only to supplement the funds that
7 would, in the absence of such Federal funds, be
8 made available from non-Federal sources for
9 the education of students participating in pro-
10 grams assisted under this section, and not to
11 supplant such funds.

12 “(f) PRIORITY.—In awarding grants under this sec-
13 tion, the Secretary shall give priority to eligible agencies
14 that propose to use grant funds to implement evidence-
15 based strategies, as determined by the Secretary, in order
16 to become competitive in the application process for a
17 grant described in section 3302.

18 “(g) USE OF FUNDS.—

19 “(1) REQUIRED USE OF FUNDS.—An eligible
20 agency that receives a grant under this section shall
21 use the grant funds to carry out activities that—

22 “(A) build the eligible agency’s capacity to
23 provide quality instruction to English learners;
24 and

1 “(B) will allow the eligible agency to be-
2 come competitive in the application process for
3 a grant described in section 3302.

4 “(2) PERMISSIBLE USE OF FUNDS.—An eligible
5 agency that receives a grant under this section may
6 use the grant funds to ensure that English learners
7 are taught by effective teachers and attend schools
8 that are administered by effective principals, by—

9 “(A) developing or implementing a strat-
10 egy to recruit effective teachers and principals;

11 “(B) developing or implementing a strat-
12 egy to retain effective teachers and principals;

13 or

14 “(C) developing or implementing a strategy
15 to improve the effectiveness of teachers and
16 principals.

17 **“SEC. 3304. INDICATORS, EVALUATION, TECHNICAL ASSIST-**
18 **ANCE, AND RESEARCH.**

19 “(a) INDICATORS.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Director of the Institute for Education
22 Sciences, shall establish indicators to measure the
23 success of grant programs under this part.

1 “(2) PRIMARY INDICATOR.—The primary indi-
2 cator described in paragraph (1) shall be the per-
3 centage of students who—

4 “(A) are English learners;

5 “(B) become English language proficient;

6 and

7 “(C) are on track for postsecondary edu-
8 cation and a career.

9 “(b) EVALUATION AND REPORTS BY THE ELIGIBLE
10 ENTITY.—Each eligible entity and eligible agency receiv-
11 ing a grant under this part shall—

12 “(1) develop quantifiable benchmarks to evalu-
13 ate the activities that the eligible entity or eligible
14 agency carries out under this part, based on the ap-
15 plicable indicators described in subsection (a), which
16 may include—

17 “(A) the percentage of students who are
18 English learners who obtain English pro-
19 ficiency;

20 “(B) the rate of participation of students
21 who are English learners in State assessments;

22 “(C) reduction in the percentage of stu-
23 dents who are English learners who are in the
24 bottom level of achievement on State assess-

1 ments in reading, English, or language arts,
2 and mathematics; or

3 “(D) the percentage of students who are
4 English learners and who are taking advanced
5 coursework;

6 “(2) submit the benchmarks described in para-
7 graph (1) to the Secretary for approval; and

8 “(3) prepare and submit an annual report to
9 the Secretary on the progress that the eligible entity
10 or eligible agency is making toward meeting such
11 benchmarks.

12 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
13 reserve not more than 1 percent from amounts appro-
14 priated in section 3001(a)(3) to directly, or through grant
15 or contract, provide technical assistance to eligible entities
16 and eligible agencies to prepare the entities and agencies
17 to qualify, apply for, and maintain grants under this part.

18 “(d) RESEARCH AND EVALUATION.—The Secretary
19 shall reserve not more than 0.5 percent from amounts ap-
20 propriated in section 3001(a)(3) to evaluate grants or pro-
21 vide technical assistance for activities funded under this
22 part.

23 **“SEC. 3305. DEFINITIONS.**

24 “In this part:

1 “(1) DUAL LANGUAGE PROGRAM.—The term
2 ‘dual language program’ means an instructional
3 strategy for English learners—

4 “(A) in which students are taught literacy
5 and content in English and another language
6 and use the other language for at least half of
7 the instructional day; and

8 “(B) that fosters bilingualism, biliteracy,
9 enhanced awareness of linguistic and cultural
10 diversity, and high levels of academic achieve-
11 ment through instruction in 2 languages.

12 “(2) ENGLISH LEARNER.—The term ‘English
13 learner’ has the meaning given the term ‘limited
14 English proficient’ in section 9101.”.

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