

118TH CONGRESS
1ST SESSION

S. 3279

To promote equity in advanced coursework and programs at elementary
and secondary schools.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2023

Mr. BOOKER (for himself, Mr. DURBIN, Ms. SMITH, Mr. VAN HOLLEN, and
Mr. BROWN) introduced the following bill; which was read twice and re-
ferred to the Committee on Health, Education, Labor, and Pensions

A BILL

To promote equity in advanced coursework and programs
at elementary and secondary schools.

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 “Advanced Coursework
5 Equity Act”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are—

8 (1) to expand access to advanced courses and
9 programs at under-resourced elementary and sec-
10 ondary schools;

1 (2) to advance equitable enrollment practices,
2 so that all students who are ready to engage in more
3 rigorous coursework can benefit from advanced
4 courses and programs; and

5 (3) to equip dramatically more students, espe-
6 cially students from historically underrepresented
7 groups, with twenty-first century skills in the fields
8 of science, technology, engineering, and mathematics
9 (referred to in this Act as “STEM”) needed to suc-
10 ceed in college and a competitive global workforce.

11 **SEC. 3. FINDINGS.**

12 Congress finds the following:

13 (1) Black, Latino, and Native American stu-
14 dents, students with disabilities, English learners,
15 and students from low-income families are underrep-
16 resented in advanced programs and courses.

17 (2) While 1 in 10 students in schools in the
18 United States participate in the Advanced Place-
19 ment (AP) program, just over 1 in 20 low-income,
20 Black, and Native American students participate in
21 Advanced Placement, 1 in 50 English learners par-
22 ticipate, and fewer than 1 in 50 students with dis-
23 abilities participate. One in 10 White students, 1 in
24 15 Latino students, and 1 in 20 Black students par-
25 ticipate in dual enrollment programs.

1 (3) Taking the mathematics course Algebra 1
2 in grade 8 is necessary for most students to be on
3 track for enrolling in advanced math courses in high
4 school. If Black and Latino students had a fair op-
5 portunity to participate in eighth grade Algebra I
6 across the country, schools would enroll an addi-
7 tional 43,019 Black students and 59,452 Latino stu-
8 dents in eighth grade Algebra I courses. The De-
9 partment of Education reported that in the 2015–
10 2016 school year, only 48 percent of schools with
11 high concentrations of English learners offered Alge-
12 bra I compared with 70 percent of schools with low
13 concentrations of English learner students. In the
14 same year, just 2 percent of English learner stu-
15 dents nationwide were enrolled in Algebra I in grade
16 8.

17 (4) A low-income student with reading and
18 math achievement levels equal to those of a high-in-
19 come student is half as likely to receive gifted serv-
20 ices as the high-income student. Black students are
21 approximately half as likely as White peers with the
22 same mathematics and reading achievement levels to
23 be referred to gifted services.

24 (5) A major barrier for Black and Latino stu-
25 dents and students with disabilities to access ad-

1 vanced courses and programs is the over-reliance on
2 subjective criteria, such as the recommendation of
3 teachers and counselors, in the advanced course ad-
4 mittance process. When Denver Public Schools im-
5 plemented universal screening for gifted and talented
6 programs, Latino students were identified for the
7 program at twice the rate as the year before.

8 (6) Just 1 in 12 students in the United States
9 scored in the top 2 proficiency levels on the 2018
10 PISA math assessment. This is below the
11 Organisation for Economic Co-operation and Devel-
12 opment (OECD) average and less than half the rate
13 of South Korea, Japan, and Switzerland.

14 (7) Public elementary schools and secondary
15 schools face a \$305,000,000,000 budget shortfall
16 due to COVID–19 related tax revenue decreases and
17 new COVID–19 related expenses. As school districts
18 prepare to make drastic cuts to educational pro-
19 gramming, access to advanced coursework and pro-
20 grams is in jeopardy for millions of students, espe-
21 cially students from underrepresented groups and
22 students attending under-resourced schools. Addi-
23 tional funding and reforms are needed to maintain
24 and expand access to advanced coursework and pro-

1 grams, especially for marginalized students in com-
2 munities hit hardest by the COVID–19 pandemic.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) **TERMS FROM THE ELEMENTARY AND SEC-**
6 **ONDARY EDUCATION ACT OF 1965.**—The terms
7 “early college high school”, “elementary school”,
8 “English learner”, “gifted and talented”, “institu-
9 tion of higher education”, “parent”, “school leader”,
10 “secondary school”, and “State educational agency”
11 have the meaning given those terms in section 8101
12 of the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 7801).

14 (2) **LOCAL EDUCATIONAL AGENCY.**—The term
15 “local educational agency” has the meaning given
16 the term in section 8101 of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C. 7801),
18 and includes a public charter school that is a local
19 educational agency.

20 (3) **OPEN ENROLLMENT.**—The term “open en-
21 rollment” means an enrollment mechanism through
22 which any student that chooses to enroll in an ad-
23 vanced course or program is allowed to do so, with-
24 out regard to previous academic performance or test
25 scores.

1 (4) SUBGROUP OF STUDENTS.—The term “sub-
 2 group of students” has the meaning given that term
 3 in section 1111(c)(2) of the Elementary and Sec-
 4 ondary Education Act of 1965 (20 U.S.C.
 5 6311(c)(2)).

6 (5) UNIVERSAL SCREENING.—The term “uni-
 7 versal screening” means an enrollment mechanism
 8 through which all students in a grade are screened
 9 for enrollment in advanced courses and programs.
 10 Students that are determined to be qualified for ad-
 11 vanced courses or programs are automatically en-
 12 rolled in those courses or programs, unless a parent
 13 chooses to opt out a student. The determination of
 14 which students are qualified for advanced courses or
 15 programs—

16 (A) shall be made after consideration of
 17 not less than 2 objective assessments (except
 18 that a student may qualify based on only 1
 19 such assessment)—

20 (i) that are combined in a reasoned
 21 way that is not biased against any par-
 22 ticular subgroup of students;

23 (ii) that provide appropriate accom-
 24 modations for students with disabilities;

1 (iii) that may be administered not ex-
2 plicitly for the primary purpose of deter-
3 mining enrollment in an advanced course
4 or program (such as through a statewide
5 exam that all students in a grade will
6 take), so long as students with disabilities
7 have equal access to the assessment and
8 are provided appropriate accommodations
9 in accordance with the Individuals with
10 Disabilities Education Act (20 U.S.C.
11 1400 et seq.) and section 504 of the Reha-
12 bilitation Act of 1973 (29 U.S.C. 794);
13 and

14 (iv) that may include—

15 (I) a standardized assessment
16 that provides appropriate accommoda-
17 tions for students with disabilities in
18 accordance with the Individuals with
19 Disabilities Education Act (20 U.S.C.
20 1400 et seq.) and section 504 of the
21 Rehabilitation Act of 1973 (29 U.S.C.
22 794);

23 (II) a statewide, districtwide, or
24 schoolwide assessment; or

1 (III) grades from relevant
2 courses, a portfolio of relevant work,
3 or class ranking; and

4 (B) may be partially based upon a subjective
5 measure (such as a teacher's recommendation)
6 in addition to the required 2 objective
7 measures.

8 **SEC. 5. GRANT PROGRAM AUTHORIZED.**

9 (a) IN GENERAL.—The Secretary shall—

10 (1) conduct 3 separate grant programs, by—

11 (A) awarding not less than 80 percent of
12 the amounts authorized to be appropriated
13 under section 9 to State educational agencies to
14 allow those State educational agencies to award
15 subgrants to participating local educational
16 agencies, including public charter schools, to enable
17 those local educational agencies to carry
18 out the activities described in section 7;

19 (B) awarding not less than 15 percent of
20 the amounts authorized to be appropriated
21 under section 9 to participating local educational
22 agencies to allow those local educational
23 agencies to carry out the activities described
24 in section 7; and

1 (C) awarding not more than 4 percent of
2 the amounts authorized to be appropriated
3 under section 9 to an institution of higher edu-
4 cation or other nonprofit entity that has a dem-
5 onstrated record of effectiveness in delivering or
6 designing advanced coursework or programs
7 (such as by previously executing a successful
8 project that was part of the Jacob K. Javits
9 Gifted and Talented Students Education Pro-
10 gram under section 4644 of the Elementary
11 and Secondary Education Act of 1965 (20
12 U.S.C. 7294)), to enable that institution or en-
13 tity to provide services to students in rural
14 areas and students who otherwise lack access to
15 advanced courses or programs; and

16 (2) reserve not more than 1 percent of the
17 amounts authorized to be appropriated under section
18 9 for the Department of Education to administer the
19 program under this Act, provide technical assistance
20 to grantees, evaluate grantees' performance (as re-
21 quired by this Act), and disseminate information
22 about findings and best practices related to the ac-
23 tivities authorized under this Act.

24 (b) APPLICATION.—

1 (1) STATE EDUCATIONAL AGENCY.—A State
2 educational agency desiring to receive a grant under
3 subsection (a)(1)(A) shall submit an application to
4 the Secretary during the first year of the 3-year
5 grant cycle, and at such time and in such manner
6 as the Secretary may require. The application shall
7 include the following:

8 (A) An assurance that memoranda of un-
9 derstanding, as described in section 6(c), have
10 been executed between the State educational
11 agency and not less than 50 percent of the local
12 educational agencies in the State, representing
13 not less than 50 percent of all students in the
14 State, to participate in the grant program and
15 fulfill the program obligations.

16 (B) A list of the participating local edu-
17 cational agencies that have executed such
18 memoranda, and the percentage of the State's
19 public school students who are served by those
20 local educational agencies.

21 (C) A plan for supporting participating
22 local educational agencies with implementing
23 programs and activities to improve enrollment
24 in all advanced courses or programs offered by
25 the local educational agency and improving stu-

1 dent preparation for and participation in path-
2 ways to postsecondary education in STEM
3 fields, which may include—

4 (i) using data from evidence-based
5 early warning indicator systems; and

6 (ii) other evidence-based activities, in-
7 cluding open enrollment or universal
8 screening.

9 (D) A plan to assemble a statewide advi-
10 sory council of students from underrepresented
11 subgroups of students, and parents or guard-
12 ians of students from those subgroups, with at
13 least 2 members of each subgroup of students.
14 The plan shall explain how the council will be
15 involved in the State educational agency's im-
16 plementation of the grant, as well as oversight
17 and evaluation of the grant.

18 (E) A plan for supporting participating
19 local educational agencies in collecting and re-
20 porting data about advanced coursework enroll-
21 ment and student performance data, including
22 data disaggregated and cross-tabulated by race
23 and ethnicity, sex, disability status, socio-
24 economic status, and status as an English
25 learner.

(F) A description of ambitious 3-year enrollment and performance goals for each subgroup of students, and intermediate annual targets for each subgroup of students, to bridge statewide inequities (according to race and ethnicity, sex, disability status, socioeconomic status, and status as an English learner) in advanced coursework or program participation and performance.

(G) A proposed budget for how the State educational agency will spend funding awarded through the grant.

(2) LOCAL EDUCATIONAL AGENCY.—A local educational agency desiring to receive a grant under subsection (a)(1)(B) shall be eligible to apply for a grant if the local educational agency is not also seeking a subgrant from a State educational agency that receives a grant under this Act. A local educational agency shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(A) An assurance that—

(i) the local educational agency is not also seeking a subgrant from a State edu-

1 cational agency that receives a grant under
2 this Act during the applicable grant cycle;
3 and

4 (ii) the local educational agency has a
5 high student poverty ratio (as measured by
6 comparing the number of students meeting
7 at least one measure of poverty described
8 in section 1113(a)(5) of the Elementary
9 and Secondary Education Act of 1965 (20
10 U.S.C. 6313(a)(5)) to the total number of
11 students in the school).

12 (B) A description of the enrollment mecha-
13 nism that the participating local educational
14 agency will use for its various advanced courses
15 or programs, which shall include open enroll-
16 ment or universal screening, including in the
17 case of universal screening, a description of
18 what assessments will be used to determine en-
19 rollment as described in section 4(5), and a jus-
20 tification for why each assessment was selected.

21 (C) A plan to assemble a local advisory
22 council of students from underrepresented sub-
23 groups of students, and parents or guardians of
24 students from those subgroups, with at least 2
25 members of each subgroup of students. The

1 plan shall explain how the council will be in-
2 volved in the local educational agency's imple-
3 mentation of the grant, as well as oversight and
4 evaluation of the grant.

5 (D) A plan to train school leaders, aca-
6 demic advisors or counselors, and teachers on
7 strategies for bridging inequities (according to
8 race and ethnicity, sex, socioeconomic status,
9 disability status, and status as an English
10 learner) in advanced coursework or STEM pro-
11 gram participation and performance.

12 (E) A plan to communicate to students
13 and families, in multiple languages and through
14 multiple formats, the process and requirements
15 to enroll in advanced courses.

16 (F) An agreement to carry out the activi-
17 ties described in section 7.

18 (G) A plan for collecting and reporting
19 data about advanced coursework enrollment and
20 student performance data, including data
21 disaggregated and cross-tabulated by race and
22 ethnicity, sex, disability status, socioeconomic
23 status, and status as an English learner.

24 (H) A description of ambitious 3-year en-
25 rollment and performance goals for each sub-

1 group of students, and intermediate annual tar-
2 gets for each subgroup of students, to bridge
3 districtwide inequities (according to race and
4 ethnicity, sex, socioeconomic status, disability
5 status, and status as an English learner) in ad-
6 vanced coursework or STEM program partici-
7 pation and performance.

8 (I) A proposed budget for how the partici-
9 pating local educational agency will spend fund-
10 ing awarded through the grant.

11 (3) OTHER NONPROFIT ENTITY.—An institu-
12 tion of higher education or other nonprofit entity de-
13 siring to receive a grant under subsection (a)(1)(C)
14 shall submit an application to the Secretary at such
15 time, in such manner, and containing such informa-
16 tion as the Secretary may require, including, at a
17 minimum—

18 (A) at least one memorandum of under-
19 standing that the applicant has already estab-
20 lished with a school, local educational agency,
21 or State educational agency that the applicant
22 intends to work with, and a description of the
23 services the applicant would provide to that
24 school, local educational agency, or State edu-
25 cational agency;

1 (B) materials that demonstrate the appli-
2 cant's record of effectiveness in designing or de-
3 livering advanced coursework or programs and
4 providing academic supports for students that
5 belong to underrepresented subgroups;

6 (C) a description of ambitious 3-year en-
7 rollment and performance goals for each sub-
8 group of students that the applicant intends to
9 serve, and intermediate annual targets for each
10 such subgroup of students, to bridge statewide
11 inequities (according to race and ethnicity, sex,
12 socioeconomic status, disability status, and sta-
13 tus as an English learner) in advanced
14 coursework or program participation and per-
15 formance;

16 (D) a plan for collecting and reporting
17 data about advanced coursework enrollment and
18 student performance data, including data
19 disaggregated and cross-tabulated by race and
20 ethnicity, sex, disability status, socioeconomic
21 status, and status as an English learner; and

22 (E) a proposed budget for how the appli-
23 cant will spend funding awarded through the
24 grant.

25 (c) CRITERIA FOR AWARDING GRANTS.—

1 (1) IN GENERAL.—In evaluating applications
2 for a grant under subparagraphs (A), (B), and (C),
3 of subsection (a)(1), respectively, the Secretary shall
4 consider—

5 (A) the 3-year goals, and intermediate an-
6 nual targets, for bridging statewide inequities
7 (according to race and ethnicity, sex, socio-
8 economic status, disability status, and status as
9 an English learner) in advanced coursework or
10 program participation and performance;

11 (B) the level of detail and feasibility of the
12 plan for implementing (or supporting a partici-
13 pating State educational agency, local edu-
14 cational agency, or school in implementing, as
15 applicable) open enrollment or universal screen-
16 ing for all advanced courses or programs of-
17 fered by the local educational agency;

18 (C) the level of detail and feasibility of the
19 plan for assembling an advisory council of stu-
20 dents from underrepresented subgroups of stu-
21 dents, and parents or guardians of students
22 from those subgroups, and involving that advi-
23 sory council in the implementation of the grant,
24 as well as oversight and evaluation of the grant;
25 and

1 (D) the level of detail and feasibility of the
2 plan for collecting and reporting (or supporting
3 a participating State educational agency, local
4 educational agency, or school in collecting or re-
5 porting, as applicable) data by subgroup of stu-
6 dents about advanced coursework enrollment
7 and performance.

8 (2) PRIORITIES.—

9 (A) STATE EDUCATIONAL AGENCY.—In
10 awarding a grant under subsection (a)(1)(A),
11 the Secretary shall give priority to—

12 (i) States that established memoranda
13 of understanding, as described in section
14 6(c), with a high percentage of the local
15 educational agencies in the State and cov-
16 ering a high percentage of total students in
17 the State;

18 (ii) States with large gaps in equitable
19 access, enrollment, and performance in ad-
20 vanced coursework across subgroups of
21 students, as described in the grant applica-
22 tions of the State educational agencies;

23 (iii) States that prioritize evidence-
24 based strategies to ensure subgroups of
25 students have equitable access to pathways

1 to postsecondary education in STEM
2 fields; and

3 (iv) States that made recent improve-
4 ments to equitable participation and per-
5 formance in advanced coursework among
6 historically underrepresented subgroups of
7 students based on data collection from the
8 Office of Civil Rights of the Department of
9 Education, and demonstrate a need for ad-
10 ditional funds to expand improvements.

11 (B) LOCAL EDUCATIONAL AGENCY.—In
12 awarding a grant under subsection (a)(1)(B),
13 the Secretary shall give priority to—

14 (i) local educational agencies that
15 have made recent improvements to equi-
16 table participation and performance in ad-
17 vanced coursework among historically
18 underrepresented subgroups of students
19 based on data collection from the Office of
20 Civil Rights of the Department of Edu-
21 cation;

22 (ii) local educational agencies that
23 provide pathways to postsecondary edu-
24 cation in STEM fields to a high proportion
25 of students who are enrolled in high

1 schools served by the local educational
2 agency; and

3 (iii) local educational agencies that
4 prioritize evidence-based strategies to en-
5 sure subgroups of students have equitable
6 access to pathways to postsecondary edu-
7 cation in STEM fields.

8 (d) AMOUNT; DURATION.—

9 (1) STATE EDUCATIONAL AGENCY.—

10 (A) AMOUNT.—A grant awarded under
11 subsection (a)(1)(A) shall be in an amount that
12 is not less than \$15,000,000 and not more than
13 \$60,000,000.

14 (B) DURATION.—A grant awarded under
15 subsection (a)(1)(A) shall be for a 3-year pe-
16 riod.

17 (2) LOCAL EDUCATIONAL AGENCY.—

18 (A) AMOUNT.—A grant awarded under
19 subsection (a)(1)(B) shall be in an amount that
20 is not less than \$1,000,000 and not more than
21 \$20,000,000.

22 (B) DURATION.—A grant awarded under
23 subsection (a)(1)(B) shall be for a 3-year pe-
24 riod.

25 (3) OTHER NONPROFIT ENTITY.—

1 (A) AMOUNT.—A grant awarded under
 2 subsection (a)(1)(C) shall be in an amount that
 3 is not more than \$3,000,000.

4 (B) DURATION.—A grant awarded under
 5 subsection (a)(1)(C) shall be for a 3-year pe-
 6 riod.

7 (e) NUMBER OF GRANTS AWARDED.—

8 (1) STATE EDUCATIONAL AGENCY.—

9 (A) IN GENERAL.—Subject to subpara-
 10 graph (B), the Secretary shall award not less
 11 than 6 and not more than 10 grants under sub-
 12 section (a)(1)(A) per 3-year grant cycle period.

13 (B) EXCEPTIONS.—Notwithstanding sub-
 14 paragraph (A), if the amount appropriated to
 15 carry out this Act is—

16 (i) less than \$233,000,000 in any
 17 year, the Secretary may award fewer than
 18 6 awards under subsection (a)(1)(A) per
 19 cycle; and

20 (ii) more than \$300,000,000 in any
 21 year, the Secretary may award more than
 22 10 awards under subsection (a)(1)(A) per
 23 cycle.

24 (2) LOCAL EDUCATIONAL AGENCY.—

1 (A) IN GENERAL.—Subject to subpara-
 2 graph (B), the Secretary shall award not less
 3 than 8 and not more than 16 grants under sub-
 4 section (a)(1)(B) per 3-year grant cycle period.

5 (B) EXCEPTIONS.—Notwithstanding sub-
 6 paragraph (A), if the amount appropriated to
 7 carry out this Act is—

8 (i) less than \$233,000,000 in any
 9 year, the Secretary may award fewer than
 10 8 awards under subsection (a)(1)(B) per
 11 cycle; and

12 (ii) more than \$300,000,000 in any
 13 year, the Secretary may award more than
 14 16 awards under subsection (a)(1)(B) per
 15 cycle.

16 (f) SPECIAL RULE.—In the event a local educational
 17 agency that is receiving a subgrant cannot carry out one
 18 or more of the activities described in section 7, a State
 19 educational agency receiving a grant under subsection
 20 (a)(1)(A) may use not more than 4 percent of the grant
 21 funds to carry out high-quality technical assistance for
 22 local educational agencies in the State.

23 **SEC. 6. SUBGRANTS.**

24 (a) IN GENERAL.—A State educational agency re-
 25 ceiving a grant under this Act shall use the grant funds

1 to award subgrants to local educational agencies in the
2 State.

3 (b) REQUIREMENT.—A State educational agency
4 shall award not less than 65 percent of grant funds to—

5 (1) local educational agencies that have a high
6 student poverty ratio (as measured by comparing the
7 number of students meeting at least one measure of
8 poverty described in section 1113(a)(5) of the Ele-
9 mentary and Secondary Education Act of 1965 (20
10 U.S.C. 6313(a)(5)) to the total number of children
11 in the school); and

12 (2) local educational agencies that will support
13 elementary schools and secondary schools that offer
14 fewer advanced course or program offerings (or
15 fewer available slots in those courses or programs)
16 than the average for the State.

17 (c) SUBGRANT AGREEMENT.—As part of a memo-
18 randum of understanding described in section 5(b)(1)(A),
19 and as a requirement for receiving a subgrant under this
20 Act, a participating local educational agency shall—

21 (1) establish ambitious 3-year enrollment and
22 performance goals for each subgroup of students,
23 and intermediate annual targets for each subgroup
24 of students to bridge districtwide inequities (accord-

1 ing to race, sex, socioeconomic status, disability sta-
 2 tus, and status as an English learner) in—

3 (A) advanced coursework;

4 (B) STEM program participation and per-
 5 formance; or

6 (C) both advanced coursework and STEM
 7 program participation and performance;

8 (2) specify the enrollment mechanism that the
 9 local educational agency will use for its various ad-
 10 vanced courses or programs, which shall include
 11 open enrollment or universal screening, including in
 12 the case of universal screening, a description of what
 13 assessments will be used to determine enrollment as
 14 described in section 4(5), and a justification for why
 15 each assessment was selected;

16 (3) submit a plan to train school leaders, aca-
 17 demic counselors or advisors, and teachers on strate-
 18 gies for bridging inequities (according to race and
 19 ethnicity, sex, socioeconomic status, disability status,
 20 and status as an English learner) in advanced
 21 coursework or program participation and perform-
 22 ance;

23 (4) submit a plan to assemble a local advisory
 24 council of students from underrepresented subgroups
 25 of students, and parents or guardians of students

1 from those subgroups, with at least 2 members of
 2 each subgroup of students, including an explanation
 3 of how the council will be involved in the local edu-
 4 cational agency's implementation of the grant, as
 5 well as oversight and evaluation of the grant;

6 (5) submit a plan to communicate to students
 7 and families, in multiple languages and through
 8 multiple formats, the process and requirements to
 9 enroll in advanced courses; and

10 (6) an agreement to carry out the activities de-
 11 scribed in section 7.

12 **SEC. 7. USES OF FUNDS.**

13 (a) **REQUIRED USES OF FUNDS.**—A local educational
 14 agency receiving a grant or subgrant under this Act shall
 15 use the grant or subgrant funds to carry out 2 or more
 16 of the following activities:

17 (1) Conducting community engagement (includ-
 18 ing by assembling a local advisory council) with re-
 19 gard to changes to advanced courses or programs.

20 (2) Not later than 1 year after funding is re-
 21 ceived, training school leaders, academic counselors
 22 or advisors, and teachers on strategies for bridging
 23 inequities (according to race and ethnicity, sex, so-
 24 cioeconomic status, disability status, and status as

1 an English learner) in advanced coursework or pro-
 2 gram participation and performance.

3 (3) Expanding enrollment in advanced courses
 4 or programs for underrepresented students.

5 (4) Not later than 1 year after funding is re-
 6 ceived, implementing open enrollment or universal
 7 screening for all advanced courses and programs, in-
 8 cluding—

9 (A) gifted and talented programs, 8th
 10 grade Algebra I, Advanced Placement, Inter-
 11 national Baccalaureate, dual enrollment, early
 12 college high school, and any similarly advanced
 13 courses or programs; and

14 (B) training individuals involved in the as-
 15 sessment process in the administration of the
 16 assessments and the interpretation of the re-
 17 sults.

18 (5) Launching advanced courses or programs,
 19 or expand enrollment capacity in advanced courses
 20 or programs, which may include gifted and talented
 21 programs, 8th grade Algebra I, Advanced Place-
 22 ment, International Baccalaureate, dual enrollment,
 23 early college high school, or any similarly advanced
 24 courses or programs.

1 (6) Providing direct services, such as tutoring,
2 to students from underrepresented groups to enable
3 those students to thrive academically in advanced
4 courses and programs, and if applicable, prioritize
5 services to be delivered by paraprofessionals or other
6 qualified school personnel.

7 (b) PERMITTED USES OF FUNDS.—A local edu-
8 cational agency receiving a grant or subgrant under this
9 Act may (in addition to the required uses described in sub-
10 section (a)) use the grant or subgrant funds to carry out
11 one or more of the following activities:

12 (1) Launching innovative advanced coursework
13 models that allow all students to benefit from ad-
14 vanced coursework, such as embedded enrichment
15 (for elementary and middle school students), and
16 open honors (for high school students).

17 (2) Purchasing curricula and materials for ad-
18 vanced courses and programs, such as calculators,
19 books, and laboratory materials.

20 (3) Covering the cost of advanced coursework
21 fees for low-income students.

22 (4) Using funds to train or hire teachers to
23 teach advanced coursework.

24 (5) Strengthening or developing a positive
25 school climate through teacher training and profes-

1 sional development, including implicit bias training,
 2 identity-affirming curricula, peer mentoring, pro-
 3 grams to recruit and retain diverse educators, en-
 4 gaging and supporting families, and expanding alter-
 5 natives to punitive and exclusionary discipline prac-
 6 tices.

7 (c) NONPROFIT ENTITY.—An institution of higher
 8 education or other nonprofit entity receiving a grant under
 9 section 5(a)(1)(C) may use the grant to carry out one or
 10 more of the following activities for students in rural areas
 11 and students who otherwise lack access to advanced
 12 courses or programs:

13 (1) Providing direct services, such as tutoring,
 14 to students from underrepresented groups to enable
 15 those students to thrive academically in advanced
 16 courses and programs, which may include gifted and
 17 talented programs, 8th grade Algebra I, Advanced
 18 Placement, International Baccalaureate, dual enroll-
 19 ment, early college high school, embedded enrich-
 20 ment (for elementary and middle school students),
 21 open honors (for high school students), or any simi-
 22 larly advanced courses or programs.

23 (2) Purchasing curricula and materials for ad-
 24 vanced courses and programs, such as calculators,
 25 books, and laboratory materials.

- 1 (3) Covering the cost of advanced coursework
2 exams for low-income students.

3 **SEC. 8. REPORTING; BONUS GRANT.**

4 (a) REPORT TO SECRETARY.—

- 5 (1) STATES AND LEAS.—Not later than 60 days
6 after the end of each year of the grant, each State
7 educational agency or local educational agency re-
8 ceiving a grant shall prepare and submit to the Sec-
9 retary a report containing the following:

- 10 (A) A description of the training that the
11 local educational agency receiving a grant, or
12 local educational agencies receiving a subgrant
13 in the State, as applicable, conducted to train
14 school leaders, academic counselors or advisors,
15 and teachers on strategies for bridging inequi-
16 ties (according to race and ethnicity, sex, socio-
17 economic status, disability status, and status as
18 an English learner) in advanced coursework or
19 program participation and performance, includ-
20 ing the number of people trained and what
21 schools those trained individuals are affiliated
22 with.

- 23 (B) A listing of the advanced courses or
24 programs available at the local educational
25 agency receiving a grant, or at each local edu-

1 educational agency that received a subgrant, as ap-
2 plicable, and the student enrollment mechanism
3 for each of those courses or programs. If a local
4 educational agency uses universal screening in-
5 stead of open enrollment, then the list shall in-
6 clude a description of what assessments will be
7 used to determine enrollment as described in
8 section 4(5).

9 (C) The number and percentages of stu-
10 dents in the State (or in the local educational
11 agency, in the case of a local educational agen-
12 cy receiving a grant) that are enrolled in ad-
13 vanced courses or programs, disaggregated and
14 cross-tabulated by race and ethnicity, sex, dis-
15 ability status, socioeconomic status, and status
16 as an English learner.

17 (D) The academic outcomes (such as
18 grades or exam scores) of students enrolled in
19 advanced courses or programs in the State (or
20 in the local educational agency, in the case of
21 a local educational agency receiving a grant),
22 disaggregated and cross-tabulated by race and
23 ethnicity, sex, disability status, socioeconomic
24 status, and status as an English learner.

1 (E) A final budget for how the State or
2 local educational agency spent funding awarded
3 through the grant.

4 (F) A narrative articulating whether the
5 State or local educational agency receiving a
6 grant met its annual intermediate targets for
7 equitable enrollment and performance among
8 underrepresented subgroups of students in ad-
9 vanced coursework or programs, including anal-
10 ysis for why the State did or did not meet these
11 targets across underrepresented subgroups of
12 students, and a plan to remediate any gaps for
13 the coming grant year. This narrative shall also
14 include the analysis from the local advisory
15 council (in the case of a grantee that is a local
16 educational agency) or the State advisory coun-
17 cil (in the case of a grantee that is a State edu-
18 cational agency).

19 (G) A description of communication with
20 families, including how parents were notified
21 of—

- 22 (i) advanced coursework opportunities;
23 (ii) the value of the programs; and
24 (iii) the ability to opt out.

1 (2) OTHER NONPROFIT ENTITIES.—Not later
2 than 60 days after the end of each year of the grant,
3 each nonprofit entity receiving a grant under section
4 5(a)(1)(C) shall prepare and submit to the Secretary
5 a report containing the information described in sub-
6 paragraph (C) through (F) of paragraph (1) with re-
7 spect to students that are enrolled in advanced
8 courses or programs provided by the nonprofit entity
9 and the nonprofit entity’s targets.

10 (b) BONUS.—

11 (1) STATE EDUCATIONAL AGENCY.—The State
12 educational agency receiving a grant under section
13 5(a)(1)(A) that achieves the greatest growth toward
14 that State’s advanced coursework enrollment and
15 performance equity goals described in section
16 5(b)(1)(F) at the end of the first or second grant
17 year shall receive a bonus payment of 5 percent of
18 the original grant amount (to be used during the
19 subsequent grant year). A State educational agency
20 shall direct not less than 50 percent of the bonus
21 funds to local educational agency subgrantees that
22 achieved the greatest growth toward the local edu-
23 cational agency’s advanced coursework equity goals
24 described in section 6(c)(1).

1 (2) LOCAL EDUCATIONAL AGENCY.—The local
2 educational agency receiving a grant under section
3 5(a)(1)(B) that achieves the greatest growth toward
4 that local educational agency’s advanced coursework
5 enrollment and performance equity goals described
6 in section 5(b)(2)(H) at the end of the first grant
7 year shall receive a bonus payment of 5 percent of
8 the original grant amount (to be used during the
9 subsequent grant year). A local educational agency
10 shall direct not less than 50 percent of the bonus
11 funds to the schools that achieved the greatest
12 growth toward the local educational agency’s ad-
13 vanced coursework equity goals described in section
14 5(b)(2)(H).

15 (c) EVALUATION.—At the end of the 3-year grant pe-
16 riod, the Secretary shall prepare and submit to Congress
17 a report containing an evaluation of the grant program
18 under this Act and a summary of the reports submitted
19 under subsection (a). The evaluation shall contain an anal-
20 ysis of the effectiveness of the program, including the im-
21 pact of the grants on equitable enrollment and perform-
22 ance in advanced courses and programs. This evaluation
23 shall provide recommendations based on the Secretary’s
24 findings from the grant program.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this Act \$266,000,000 for fiscal year 2023, \$266,000,000
4 for fiscal year 2024, and \$266,000,000 for fiscal year
5 2025.

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