

113TH CONGRESS
1ST SESSION

H. R. 3433

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mr. POLIS (for himself, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CICILLINE, Mr. DELANEY, Ms. DELBENE, Mr. HIMES, Mr. HOLT, Mr. HUFFMAN, Mr. LOEBSACK, and Mr. KIND) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investing in Innovation
5 for Education Act of 2013”.

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

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

1 **“PART D—INVESTING IN INNOVATION**

2 **“SEC. 4401. PURPOSES.**

3 “The purposes of this part are to—

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

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

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

12 “(C) increase college enrollment rates,
13 rates of college persistence, and rates of attain-
14 ment of other post-secondary credentials;

15 “(D) improve teacher and principal effec-
16 tiveness or retention of highly effective teachers
17 or principals; and

18 “(E) increase the identification and dis-
19 semination of innovative educational strategies
20 in rural areas; and

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

1 **“SEC. 4402. NATIONAL ACTIVITIES.**

2 “(a) IN GENERAL.—Subject to subsection (b), from
3 the amounts appropriated under section 4408, the Sec-
4 retary shall reserve not more than 10 percent for each fis-
5 cal year to carry out activities of national significance,
6 which may include—

7 “(1) technical assistance, including to appli-
8 cants from rural areas;

9 “(2) pre-application workshops or web-based
10 seminars for potential applicants, including appli-
11 cants from rural areas;

12 “(3) the recruitment of peer reviewers, includ-
13 ing individuals with a background in rural education
14 and individuals with expertise in education tech-
15 nology, to participate in the review of applications
16 submitted under section 4404;

17 “(4) dissemination of best practices, in con-
18 sultation with the regional educational laboratories
19 established under part D of the Education Sciences
20 Reform Act of 2002 (20 U.S.C. 9561 et seq.) and
21 comprehensive centers established under section 203
22 of the Educational Technical Assistance Act of 2002
23 (20 U.S.C. 9602), developed with grant funds pro-
24 vided under this part, including best practices devel-
25 oped with grant funds in rural areas;

1 “(5) entering into partnerships with other agen-
2 cies, nonprofits, and the private sector to carry out
3 advanced research and development activities, in-
4 cluding research and activities in rural areas; and

5 “(6) carrying out prize awards, in a manner
6 consistent with section 24 of the Stevenson-Wydler
7 Technology Innovation Act of 1980 (15 U.S.C.
8 3719).

9 “(b) RESERVATION OF FUNDS FOR DISSEMINA-
10 TION.—The Secretary shall reserve not less than 50 per-
11 cent of the funds reserved under this section to carry out
12 the dissemination activities described in subsection (a)(4).

13 “**SEC. 4403. PROGRAM AUTHORIZED; LENGTH OF GRANTS;
14 PRIORITIES.**

15 “(a) PROGRAM AUTHORIZATION.—From the
16 amounts appropriated under section 4408 and not re-
17 served under section 4402, the Secretary shall award
18 grants, on a competitive basis, to eligible entities to carry
19 out the activities described in section 4405.

20 “(b) DURATION OF GRANTS.—The Secretary shall
21 award grants to eligible entities under this section for a
22 period of not more than 3 years, and may extend such
23 grants for an additional 2-year period if the eligible entity
24 demonstrates to the Secretary that it is making significant

1 progress on the program performance measures identified
2 in section 4406.

3 “(c) RURAL AREAS.—The Secretary shall ensure that
4 not less than 25 percent of the funds awarded under this
5 section for any fiscal year are for projects that meet both
6 of the following requirements:

7 “(1) The eligible entity is—

8 “(A) a local educational agency with an
9 urban-centric district locale code of 32, 33, 41,
10 42, or 43, as determined by the Secretary;

11 “(B) a consortium of such local edu-
12 cational agencies; or

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

16 “(2) A majority of the schools to be served by
17 the project are designated with a school locale code
18 of 41, 42, or 43, or a combination of such codes, as
19 determined by the Secretary.

20 “(d) SUPPORT FOR NEW PRACTICES, STRATEGIES,
21 OR PROGRAMS.—The Secretary shall ensure that not less
22 than one-half of the funds awarded under this section for
23 any fiscal year are for projects that—

24 “(1) meet an evidence standard described in
25 paragraph (2) or (3) of subsection (f); and

1 “(2) do not meet the evidence standard de-
2 scribed in paragraph (1) of subsection (f).

3 “(e) PRIORITIES.—In awarding grants under this
4 section, the Secretary may give priority to an eligible enti-
5 ty that includes, in its application under section 4404, a
6 plan to—

7 “(1) improve early learning outcomes and aca-
8 demic connections between early learning and ele-
9 mentary school;

10 “(2) support college access, persistence, and
11 success;

12 “(3) support family and community engage-
13 ment;

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

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

18 “(6) improve the teaching and learning of
19 science, technology, engineering, computing, or
20 mathematics;

21 “(7) serve schools in rural local educational
22 agencies;

23 “(8) train teachers or principals to adopt and
24 implement college and career ready standards;

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

5 “(10) train or support principals or teacher
6 leaders, including teacher leaders preparing for prin-
7 cipal roles;

8 “(11) support, improve, or develop any other
9 area of school innovation, as determined by the Sec-
10 retary; and

11 “(12) address the learning needs of Indian, Na-
12 tive American, Alaska Native, or migrant children in
13 school.

14 “(f) STANDARDS OF EVIDENCE.—The Secretary shall
15 set standards for the quality of evidence that an eligible
16 entity shall provide to demonstrate that the activities the
17 eligible entity proposes to carry out with grant funds
18 under this section are likely to succeed in improving stu-
19 dent outcomes or outcomes on other performance meas-
20 ures. These standards may include any of the following:

21 “(1) Strong evidence that the activities pro-
22 posed by the eligible entity will have a statistically
23 significant effect on student academic achievement,
24 student growth, graduation rates, or outcomes on
25 other performance measures.

1 “(2) Moderate evidence that the activities pro-
2 posed by the eligible entity will improve student aca-
3 demic achievement, student growth, graduation
4 rates, or outcomes on other performance measures.

5 “(3) Evidence of promise or a strong theory
6 that the activities proposed by the eligible entity will
7 improve student academic achievement, student
8 growth, graduation rates, or outcomes on other per-
9 formance measures.

10 **“SEC. 4404. APPLICATIONS.**

11 “(a) APPLICATIONS.—An eligible entity that desires
12 to receive a grant under section 4403 shall submit an ap-
13 plication to the Secretary at such time, in such manner,
14 and containing such information as the Secretary may rea-
15 sonably require.

16 “(b) CONTENTS.—Each application submitted by an
17 eligible entity under subsection (a) shall—

18 “(1) describe the project for which the eligible
19 entity is seeking a grant and how the evidence sup-
20 porting that project meets the standards of evidence
21 established by the Secretary under section 4403(f);

22 “(2) describe how the eligible entity will address
23 at least one of the areas described in section
24 4405(a)(1);

1 “(3) provide an estimate of the number of stu-
2 dents that the eligible entity plans to serve under
3 the proposed project, including the percentage of
4 those students who are from low-income families,
5 and the number of students to be served through ad-
6 ditional expansion after the grant ends;

7 “(4) demonstrate that the eligible entity has es-
8 tablished one or more partnerships with the private
9 sector, which may include philanthropic organiza-
10 tions, and that the partner or partners will provide
11 matching funds, except that the Secretary may
12 waive, on a case-by-case basis, the matching funds
13 requirement under this paragraph upon a showing of
14 exceptional circumstances, such as the difficulty of
15 raising matching funds for a project to serve a rural
16 area;

17 “(5) describe the eligible entity’s plan for con-
18 tinuing the proposed project after the grant funding
19 under section 4403 ends, including a plan for dis-
20 semination of best practices and collaboration with
21 other local educational agencies;

22 “(6) demonstrate that the proposed project has
23 incorporated input and feedback from educators
24 working in the area to be served;

1 “(7) if the eligible entity is a local educational
2 agency—

3 “(A) document the local educational agen-
4 cy’s record in—

5 “(i) increasing student achievement,
6 including achievement for each subgroup
7 described in section 1111(b)(2)(C)(v); or

8 “(ii) decreasing achievement gaps;
9 and

10 “(B) demonstrate how the local edu-
11 cational agency has made significant improve-
12 ments in other outcomes, as applicable, on the
13 performance measures described in section
14 4406;

15 “(8) if the eligible entity is a nonprofit organi-
16 zation—

17 “(A) provide evidence that the nonprofit
18 organization has helped at least one high-need
19 school or high-need local educational agency
20 significantly—

21 “(i) increase student achievement, in-
22 cluding achievement for each subgroup de-
23 scribed in section 1111(b)(2)(C)(v);

24 “(ii) reduce achievement gaps; or

25 “(iii) increase graduation rates; and

1 “(B) describe how the nonprofit organiza-
2 tion has helped at least 1 school or local edu-
3 cational agency make a significant improve-
4 ment, as applicable, in other outcomes on the
5 performance measures described in section
6 4406;

7 “(9) if the eligible entity is an educational serv-
8 ice agency—

9 “(A) provide evidence that the agency has
10 helped at least one high-need school or high-
11 need local educational agency significantly—

12 “(i) increase student achievement, in-
13 cluding achievement for each subgroup de-
14 scribed in section 1111(b)(2)(C)(v);

15 “(ii) reduce achievement gaps; or

16 “(iii) increase graduation rates; and

17 “(B) describe how the agency has helped
18 at least 1 school or local educational agency
19 make a significant improvement, as applicable,
20 in other outcomes on the performance measures
21 described in section 4406;

22 “(10) provide a description of the eligible enti-
23 ty’s plan for independently evaluating the effective-
24 ness of activities carried out with funds under sec-
25 tion 4403;

1 “(11) provide an assurance that the eligible en-
2 tity will—

3 “(A) cooperate with cross-cutting evalua-
4 tions;

5 “(B) make evaluation data available to
6 third parties for validation and further study
7 consistent with protections established by appli-
8 cable Federal, State, and local privacy require-
9 ments and other on provisions on the protection
10 of personally identifiable information; and

11 “(C) participate in communities of prac-
12 tice; and

13 “(12) if the eligible entity is a nonprofit organi-
14 zation that intends to make subgrants, consistent
15 with section 4405(b), provide an assurance that the
16 eligible entity will apply paragraphs (1) through
17 (10), as appropriate, in the eligible entity’s selection
18 of subgrantees and in the oversight of such sub-
19 grants.

20 “(c) CRITERIA FOR EVALUATING APPLICATIONS.—

21 The Secretary shall award grants under section 4403 on
22 a competitive basis, based on the quality of the applica-
23 tions under this section submitted and, consistent with the
24 standards established under section 4403(f), each eligible
25 entity’s likelihood of achieving success in improving stu-

1 dent outcomes or outcomes on other performance meas-
2 ures.

3 **“SEC. 4405. USES OF FUNDS.**

4 “(a) USES OF FUNDS.—Each eligible entity that re-
5 ceives a grant under section 4403—

6 “(1) shall use the grant funds to address, at a
7 minimum, one of the following areas of school inno-
8 vations:

9 “(A) Improving the effectiveness and dis-
10 tribution of teachers or principals.

11 “(B) Strengthening the use of data to im-
12 prove teaching and learning.

13 “(C) Providing high-quality instruction
14 based on rigorous standards that build toward
15 college and career readiness and measuring stu-
16 dents’ mastery using high-quality assessments
17 aligned to those standards.

18 “(D) Turning around the lowest-per-
19 forming schools.

20 “(E) Supporting the effective use of tech-
21 nology to improve teaching or principals and
22 learning, including training teachers or prin-
23 cipals in the innovative use of technology.

24 “(F) Any other area of school innovation,
25 as determined by the Secretary;

1 “(2) shall use those funds to develop or expand
2 strategies to improve the performance of high-need
3 students on the performance measures described in
4 section 4406; and

5 “(3) may use the grant funds for an inde-
6 pendent evaluation, as required by section
7 4404(b)(9), of the innovative practices carried out
8 with the grant.

9 “(b) **AUTHORITY TO SUBGRANT.**—In the case of an
10 eligible entity receiving a grant under section 4403 that
11 is nonprofit organization such eligible entity may use the
12 grant funds to make subgrants to other entities to provide
13 support to one or more high-need schools or high-need
14 local educational agencies. Any entity receiving a subgrant
15 under this subsection shall comply with the requirements
16 of this part for eligible entities, as appropriate.

17 **“SEC. 4406. PERFORMANCE MEASURES.**

18 “(a) **IN GENERAL.**—The Secretary shall establish
19 performance measures for the projects carried out under
20 this part. These measures, at a minimum, shall track an
21 eligible entity’s progress in—

22 “(1) improving outcomes for each subgroup de-
23 scribed in section 1111(b)(2)(C)(v) that is served by
24 the grantee on measures, including, as applicable,
25 by—

1 “(A) increasing student achievement and
2 decreasing achievement gaps;

3 “(B) increasing secondary school gradua-
4 tion rates;

5 “(C) increasing college enrollment rates
6 and rates of college persistence;

7 “(D) improving teacher and principal ef-
8 fectiveness or the retention of highly effective
9 teachers or principals;

10 “(E) improving school readiness; or

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

13 “(2) implementing the eligible entity’s project
14 in rural schools, as applicable.

15 “(b) DATA COLLECTION PERIOD.—From the
16 amounts appropriated under section 4408, the Secretary
17 may—

18 “(1) approve, for an eligible entity receiving a
19 grant under section 4403, a data collection period of
20 not more than 72 months beginning after the end of
21 the eligible entity’s grant period; and

22 “(2) provide the eligible entity with funding
23 during such period for the sole purpose of collecting,
24 analyzing, and reporting performance information

1 under this subsection on the project carried out dur-
2 ing the grant period.

3 **“SEC. 4407. ANNUAL REPORT.**

4 “An eligible entity that receives a grant under section
5 4403 shall submit to the Secretary, at such time and in
6 such manner as the Secretary may require, an annual re-
7 port that includes information on—

8 “(1) the eligible entity’s progress on the per-
9 formance measures established under section 4406;
10 and

11 “(2) the data supporting such progress.

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

13 “There are authorized to be appropriated to carry out
14 this part \$500,000,000 for fiscal year 2014 and such sums
15 as may be necessary for each of the 5 succeeding fiscal
16 years.

17 **“SEC. 4409. DEFINITIONS.**

18 “In this part:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a local educational agency;

22 “(B) an educational service agencies; or

23 “(C) a nonprofit organization in partner-
24 ship with a local educational agency or consor-
25 tium of schools.

1 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
2 CY.—The term ‘high-need local educational agency’
3 means a local educational agency—

4 “(A) that serves not fewer than 10,000
5 children from families with incomes below the
6 poverty line;

7 “(B) for which not less than 20 percent of
8 the children served by the agency are from fam-
9 ilies with incomes below the poverty line; or

10 “(C) that is in the highest quartile of local
11 educational agencies in the State, based on stu-
12 dent poverty.

13 “(3) HIGH-NEED SCHOOL.—The term ‘high-
14 need school’ means—

15 “(A) an elementary school or middle school
16 in which not less than 50 percent of the en-
17 rolled students are children eligible for free or
18 reduced price lunch under the Richard B. Rus-
19 sell National School Lunch Act (42 U.S.C.
20 1751 et seq.);

21 “(B) a high school in which not less than
22 40 percent of the enrolled students are children
23 eligible for free or reduced price lunch under
24 the Richard B. Russell National School Lunch
25 Act (42 U.S.C. 1751 et seq.), which may be cal-

1 culated using comparable data from feeder
2 schools.

3 “(4) PRINCIPAL.—The term ‘principal’ includes
4 an assistant principal.

5 “(5) TEACHER.—The term ‘teacher’ includes
6 teacher leaders.

7 “(6) TEACHER LEADER.—The term ‘teacher
8 leader’ means a teacher who has demonstrated effec-
9 tiveness and assumes leadership responsibilities to
10 work with other teachers to raise student achieve-
11 ment in multiple classrooms.”.

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

“PART D—INVESTING IN INNOVATION

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

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