

118TH CONGRESS  
1ST SESSION

# H. R. 4442

To direct the Secretary of Education to award grants to State educational agencies for the purpose of implementing, administering, and evaluating programs that provide tutoring to students in elementary and secondary schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Ms. SHERRILL (for herself and Ms. MACE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To direct the Secretary of Education to award grants to State educational agencies for the purpose of implementing, administering, and evaluating programs that provide tutoring to students in elementary and secondary schools, 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 “Expanding Access to  
5 High-Impact Tutoring Act of 2023”.

1 **SEC. 2. AUTHORIZATION AND DISTRIBUTION OF FUNDS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
3 are authorized to be appropriated to carry out this Act  
4 such sums as may be necessary for each of fiscal years  
5 2024 through 2028.

6 (b) DISTRIBUTION OF FUNDS.—Of the amounts  
7 made available under subsection (a) for a fiscal year, the  
8 Secretary shall—

9 (1) use 80 percent to award or renew grants,  
10 as applicable, to State educational agencies to award  
11 subgrants to local educational agencies in accord-  
12 ance with section 4;

13 (2) use 10 percent to coordinate and support  
14 the development of a nationwide tutoring workforce  
15 in accordance with section 7;

16 (3) allocate 5 percent to State educational  
17 agencies receiving a grant under this Act to carry  
18 out evaluation activities under section 6(b)(4); and

19 (4) allocate 5 percent to the Advisory Board to  
20 carry out the activities required under section 5.

21 **SEC. 3. HIGH-IMPACT TUTORING GRANT PROGRAM ESTAB-**  
22 **LISHED.**

23 (a) IN GENERAL.—For the purpose of improving the  
24 academic achievement and recovery of students, as defined  
25 by each State educational agency’s academic standards  
26 pursuant to section 1111 of part A of title I of the Ele-

1 elementary and Secondary Education Act of 1965 (20 U.S.C.  
2 6311 et seq.), the Secretary of Education shall award  
3 grants to each State educational agency with an approved  
4 application under subsection (b).

5 (b) APPLICATION.—A State educational agency seek-  
6 ing a grant under this section shall submit to the Sec-  
7 retary and the Advisory Board an application each year  
8 in such form and containing such information as the Sec-  
9 retary may require, and which shall include the applica-  
10 tions and plans submitted by local educational agencies  
11 to State educational agencies during that year, during  
12 which time such applications and plans will be approved  
13 by the Secretary and Advisory Board.

14 (c) GRANT AMOUNTS.—Of the total amount made  
15 available for a fiscal year pursuant to section 2(b)(1), the  
16 Secretary shall award to each State educational agency a  
17 grant in an amount that bears the same proportion to  
18 such total amount as—

19 (1) the amount that such agency received under  
20 part A of title I of the Elementary and Secondary  
21 Education Act of 1965 (20 U.S.C. 6311 et seq.) for  
22 the fiscal year immediately preceding the fiscal year  
23 in which such grant is awarded; bears to

24 (2) the total amount allocated under part A of  
25 title I of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 6311 et seq.) for such fiscal  
2 year.

3 **SEC. 4. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

4 (a) IN GENERAL.—A State educational agency that  
5 receives a grant under section 3 shall award, on a competi-  
6 tive basis and in coordination with the Advisory Board,  
7 subgrants to local educational agencies served by such  
8 State educational agency for the implementation, adminis-  
9 tration, and evaluation of tutoring programs in elementary  
10 and secondary schools.

11 (b) PRIORITY.—In awarding subgrants under this  
12 section, a State educational agency shall prioritize local  
13 educational agencies, in coordination with the Advisory  
14 Board, based upon—

15 (1) the number or percentage of students eligi-  
16 ble for services under title I of the Elementary and  
17 Secondary Education Act (20 U.S.C. 1001 et seq.)  
18 that will be served by the tutoring programs;

19 (2) the level of decline in students' academic  
20 achievement, relative to each State educational agen-  
21 cy's academic standards pursuant to section 1111 of  
22 part A of title I of the Elementary and Secondary  
23 Education Act of 1965 (20 U.S.C. 6311 et seq.),  
24 since the declaration of COVID–19 as a nationwide  
25 Public Health Emergency on January 31, 2020;

1           (3) the quality and rigor of the tutoring pro-  
2           grams as described in the plan submitted under sub-  
3           section (c)(2), including—

4                   (A) the number of hours of tutoring per  
5                   school day; and

6                   (B) number of days of tutoring per week  
7                   during the school year; and

8           (4) whether the local educational agency has al-  
9           located American Rescue Plan Elementary and Sec-  
10          ondary School Emergency Relief Fund funding to  
11          tutoring programs that have demonstrated signifi-  
12          cant results in improving student achievement, with  
13          prioritization for local educational agencies that have  
14          implemented proven programs using American Res-  
15          cue Plan Elementary and Secondary School Emer-  
16          gency Relief Fund funds.

17          (c) APPLICATION.—

18                   (1) APPLICATION.—A local educational agency  
19                   seeking a subgrant under this section shall submit to  
20                   the State educational agency an application in such  
21                   form, at such time, and containing such information  
22                   as the State educational agency and Advisory Board  
23                   determines appropriate, including the plan described  
24                   in paragraph (2).

1           (2) PLAN.—The plan required under paragraph  
2 (1) shall include the following:

3           (A) How subgrant funds will be used to  
4 implement tutoring programs that meet the re-  
5 quirements of section 6(b).

6           (B) If such tutoring programs will not be  
7 implemented in all elementary and secondary  
8 schools served by the local educational agency,  
9 the schools in which such agency plans to im-  
10 plement such programs.

11          (C) If such tutoring programs will not  
12 serve each grade level in an elementary and sec-  
13 ondary school, which such grade levels will be  
14 served by such programs.

15          (D) How such tutoring programs will be  
16 administered, including—

17           (i) the number of hours of tutoring  
18 per school day and number of days of tu-  
19 toring per week during the school year, in-  
20 cluding—

21           (I) how such tutoring programs  
22 will structure the timing of their ses-  
23 sions to fit at least 30 minutes of tu-  
24 toring per student for at least 3 days  
25 per week into student schedules; or

1 (II) a request for approval from  
2 the Advisory Board, in coordination  
3 with the State educational agency, to  
4 use an alternative timing format be-  
5 cause of scheduling or labor con-  
6 straints, as applicable; and

7 (ii) a plan to—

8 (I) ensure maintenance of the 3-  
9 to-1 student-to-tutor ratio or ratio de-  
10 termined by the Advisory Board; or

11 (II) request approval from the  
12 Advisory Board, in coordination with  
13 the State educational agency, to main-  
14 tain a different student-to-teacher  
15 ratio.

16 (E) The qualifications of tutors (including  
17 teachers, paraprofessionals, or volunteers from  
18 a government or nonprofit service organization)  
19 and subjects taught (including math, reading,  
20 or both);

21 (F) A plan to—

22 (i) not fewer than 2 times per month,  
23 provide, in coordination with the Advisory  
24 Board, training and professional develop-  
25 ment for tutors; and

1 (ii) not fewer than 1 time per month,  
2 ensure that each tutor is observed by a  
3 program administrator.

4 (G) Whether the tutoring programs will be  
5 run by the local educational agency or in part-  
6 nership with a nonprofit provider, including, in  
7 the case of such a partnership—

8 (i) identifying and submitting the  
9 nonprofit provider to the Advisory Board  
10 for approval, in coordination with the State  
11 educational agency, including with respect  
12 to how—

13 (I) the nonprofit provider was se-  
14 lected; and

15 (II) such provider will partner  
16 with the local educational agency to  
17 carry out the tutoring program;

18 (ii) a plan to carry out the tutoring  
19 program if the nonprofit provider is not  
20 approved by the Advisory Board, in coordi-  
21 nation with the State educational agency.

22 (H) How such tutoring programs will be  
23 designed to improve the academic achievement  
24 and recovery of students, as defined by each  
25 State educational agency's academic standards



1           pursuant to section 1111 of part A of title I of  
2           the Elementary and Secondary Education Act  
3           of 1965 (20 U.S.C. 6311 et seq.).

4           (I) How the local educational agency, in  
5           coordination with the State educational agency,  
6           will partner with a government or nonprofit re-  
7           search organization or researchers to evaluate  
8           the impact of the tutoring programs on aca-  
9           demic achievement and recovery of students, as  
10          defined by each State educational agency's aca-  
11          demic standards pursuant to section 1111 of  
12          part A of title I of the Elementary and Sec-  
13          ondary Education Act of 1965 (20 U.S.C. 6311  
14          et seq.), including identifying and submitting  
15          the organization or researchers to the Advisory  
16          Board for approval.

17          (J) How the local educational agency will  
18          partner with State and local educator unions to  
19          bargain, or where bargaining is not permitted,  
20          collaborate, over any workplace-related issues or  
21          outcomes related to the implementation of a tu-  
22          toring program in the elementary or secondary  
23          school at which members of such union are  
24          working, including educator responsibilities and  
25          compensation.

1 (d) SUBGRANT PERIOD AND ALLOCATION OF  
2 SUBGRANT FUNDS.—

3 (1) IN GENERAL.—A subgrant awarded under  
4 this Act shall be for a period of 4 years.

5 (2) ANNUAL ALLOCATION OF SUBGRANT  
6 FUNDS.—Subgrant funds awarded to a local edu-  
7 cational agency under this section for the subgrant  
8 period described in paragraph (1) shall be allocated  
9 to such agency—

10 (A) in equal amounts for each year of such  
11 period; and

12 (B) with respect to each year in the grant  
13 period following the first year of such period, in  
14 accordance with paragraph (3).

15 (3) ANNUAL REPORT.—

16 (A) REPORT REQUIRED.—

17 (i) IN GENERAL.—In order to receive  
18 the annual allocation under paragraph (2)  
19 for any year described in subparagraph  
20 (B) of such paragraph, a local educational  
21 agency shall submit to the State edu-  
22 cational agency, at the conclusion of each  
23 year of such subgrant period, an annual  
24 report containing a compilation of the  
25 monthly reports submitted to the State

1 educational agency and Advisory Board  
2 under section 6(b)(5) for such year.

3 (ii) EXCEPTION.—In the case of a  
4 local educational agency that received an  
5 annual allocation for a year during such  
6 subgrant period after submitting an up-  
7 dated plan under clauses (i) or (ii) of sub-  
8 paragraph (C), such agency shall not, with  
9 respect to the monthly report for a month  
10 during which such agency awaited approval  
11 by the Secretary of such updated plan and  
12 did not have access to such annual alloca-  
13 tion, be required to—

14 (I) submit such report to the  
15 State educational agency or Advisory  
16 Board under section 6(b)(5); or

17 (II) include such report in the  
18 annual report under clause (i) for  
19 such year.

20 (B) REVIEW.—

21 (i) CRITERIA.—The State educational  
22 agency, in coordination with the Advisory  
23 Board, shall review the annual report sub-  
24 mitted under subparagraph (A)(i) for such  
25 year and make a determination with re-

1           spect to whether the tutoring programs  
2           carried out by such local educational agen-  
3           cy are improving the academic achievement  
4           and recovery of students, as defined by  
5           each State educational agency's academic  
6           standards pursuant to section 1111 of part  
7           A of title I of the Elementary and Sec-  
8           ondary Education Act of 1965 (20 U.S.C.  
9           6311 et seq.).

10           (ii) DETERMINATION.—If the State  
11           educational agency, in coordination with  
12           the Advisory Board, makes a determina-  
13           tion under clause (i) that such tutoring  
14           programs are—

15                   (I) improving such student out-  
16                   comes, the State educational agency  
17                   shall make available to the local edu-  
18                   cational agency the annual allocation  
19                   for such year; or

20                   (II) not improving such student  
21                   outcomes, the State educational agen-  
22                   cy shall direct the local educational  
23                   agency to submit an updated plan in  
24                   accordance with subparagraph (C).

25           (C) RESUBMISSION.—

1 (i) UPDATED PLAN.—

2 (I) IN GENERAL.—If the State  
3 educational agency, in coordination  
4 with the Advisory Board, makes a de-  
5 termination under subparagraph  
6 (B)(ii)(II) that such tutoring pro-  
7 grams are not improving such student  
8 outcomes, the local educational agency  
9 shall, not later than 3 months after  
10 the date of the submission of the an-  
11 nual plan under subparagraph  
12 (A)(i)—

13 (aa) create an updated plan  
14 that—

15 (AA) indicates how the  
16 design of such tutoring pro-  
17 grams will be changed to im-  
18 prove such student out-  
19 comes; and

20 (BB) does not change  
21 the distribution of individual  
22 schools or individual grade  
23 levels that receive subgrant  
24 funding from the local edu-  
25 cational agencies, except for

1 withdrawing funding from  
2 programs whose resubmitted  
3 plan is deemed to not im-  
4 prove student outcomes pur-  
5 suant to subsection  
6 (c)(ii)(II)(bb); and  
7 (bb) submit such updated  
8 plan to the State educational  
9 agency.

10 (II) DETERMINATION.—If the  
11 State educational agency, in coordina-  
12 tion with the Advisory Board, makes  
13 a determination that the tutoring pro-  
14 gram design described in such up-  
15 dated plan—

16 (aa) will improve such stu-  
17 dent outcomes, the State edu-  
18 cational agency shall make avail-  
19 able to the State educational  
20 agency the annual allocation for  
21 such year; or

22 (bb) will not improve such  
23 outcomes, the State educational  
24 agency shall direct the local edu-  
25 cational agency to resubmit such

1 updated plan in accordance with  
2 clause (ii).

3 (ii) ADVISORY BOARD.—

4 (I) If the State educational agen-  
5 cy, in coordination with the Advisory  
6 Board, makes a determination under  
7 clause (i)(II)(bb) that the tutoring  
8 program design described in such up-  
9 dated plan will not improve such stu-  
10 dent outcomes, the local educational  
11 agency shall, not later than 3 months  
12 after the date of the submission of  
13 such updated plan—

14 (aa) make changes, in co-  
15 ordination with the State edu-  
16 cational agency and Advisory  
17 Board, to the tutoring design de-  
18 scribed in such updated plan to  
19 ensure that such tutoring design  
20 will improve such student out-  
21 comes; and

22 (bb) resubmit such updated  
23 plan to the State educational  
24 agency.

1 (II) DETERMINATION.—If the  
2 State educational agency, in coordina-  
3 tion with the Advisory Board, makes  
4 a determination that the tutoring pro-  
5 gram design described in such resub-  
6 mitted plan—

7 (aa) will improve such stu-  
8 dent outcomes, the State edu-  
9 cational agency shall make avail-  
10 able to the local educational  
11 agency the annual allocation for  
12 such year; or

13 (bb) will not improve such  
14 student outcomes, the State edu-  
15 cational agency shall declare such  
16 agency ineligible to receive an an-  
17 nual allocation for the remainder  
18 of the subgrant period.

19 (iii) NEW APPLICATION.—A local edu-  
20 cational agency that is declared ineligible  
21 to receive an annual allocation for the re-  
22 mainder of a grant period under clause  
23 (ii)(II)(bb) may, at any point after the  
24 conclusion of such grant period, submit an



1 application for a subgrant under this sec-  
2 tion.

3 (e) SUBGRANT RENEWAL.—

4 (1) IN GENERAL.—The State educational agen-  
5 cy shall, at the conclusion of the subgrant period de-  
6 scribed in subsection (d)(1), renew a subgrant for a  
7 local educational agency that—

8 (A) submits an application described in  
9 paragraph (2);

10 (B) was not declared ineligible to receive  
11 annual allocations under subsection  
12 (d)(3)(C)(ii)(II)(bb) during such grant period;  
13 and

14 (C) the State educational agency, in co-  
15 ordination with the Advisory Board, determines,  
16 based on such application, is sufficiently car-  
17 rying out tutoring programs that meet the re-  
18 quirements under section 6(b).

19 (2) APPLICATION.—At the conclusion of the  
20 subgrant period described in subsection (d)(1), a  
21 local educational agency seeking renewal of a  
22 subgrant awarded under this section may submit to  
23 the State educational agency an application that in-  
24 cludes—

1 (A) a compilation of the annual reports  
2 submitted under subsection (d)(3)(A)(i) for the  
3 grant period; and

4 (B) the most recent evaluation conducted  
5 pursuant to section 6(b)(4).

6 (f) SUPPLEMENT NOT SUPPLANT.—Subgrant funds  
7 awarded under this section shall supplement, not supplant,  
8 other Federal or State funds available to carry out activi-  
9 ties described in this section.

10 **SEC. 5. ADVISORY BOARD.**

11 (a) IN GENERAL.—The Secretary shall establish  
12 within the Department of Education an Advisory Board  
13 to carry out the duties described in subsection (d).

14 (b) MEMBERSHIP.—The Advisory Board shall be  
15 composed of not fewer than 5 members, appointed by the  
16 Secretary—

17 (1) who have—

18 (A) expertise in designing and admin-  
19 istering elementary and secondary tutoring pro-  
20 grams; or

21 (B) experience in program evaluation and  
22 evidence-based policy development; and

23 (2) including at least 1 member who is an edu-  
24 cator or representative of an educator union.

1 (c) TERMS.—Each member shall be appointed for a  
2 term of 4 years and may be reappointed for additional  
3 4-year terms.

4 (d) DUTIES.—The Advisory Board shall:

5 (1) Evaluate and approve, in coordination with  
6 State educational agencies, plans submitted under  
7 section 4(c)(2) to ensure that local educational agen-  
8 cies—

9 (A) will meet the tutoring program re-  
10 quirements under section 6(b) and will imple-  
11 ment programs so as to have the greatest im-  
12 pact on student academic outcomes, including  
13 by considering—

14 (i) the quality and appropriateness of  
15 the instructional method; and

16 (ii) the degree to which instructional  
17 choices are supported by evidence or are  
18 appropriate to the setting, such as using  
19 virtual tutoring when in-person tutoring is  
20 not feasible; and

21 (B) will conduct evaluations of the tutoring  
22 programs in partnership with State educational  
23 agencies and government or nonprofit research  
24 organizations or researchers.

1           (2) Provide technical assistance and guidance to  
2 State and local educational agencies receiving a  
3 grant or subgrant under this Act with respect to—

4           (A) maintaining the student-to-tutor ratio  
5 required by the Advisory Board;

6           (B) meeting the requirement of 30 minutes  
7 of tutoring per student per day for at least 3  
8 days per week;

9           (C) in the case of a local educational agen-  
10 cy requesting to partner with a nonprofit pro-  
11 vider to implement tutoring programs, rec-  
12 ommendations for such nonprofit providers; and

13           (D) best practices for the establishment  
14 and administration of tutoring programs and  
15 implementation of such programs by local edu-  
16 cational agencies and not in partnership with  
17 nonprofit providers.

18           (3) Review and issue, in coordination with State  
19 educational agencies, a decision with respect to—

20           (A) a request by a local educational agency  
21 under section 4(c)(2)(D)(i)(II) to maintain an  
22 alternative timing format, approving such re-  
23 quest only if available evidence supports that al-  
24 ternative format as likely to be effective in  
25 boosting student outcomes;

1 (B) a request by a local educational agency  
2 under section 4(c)(2)(D)(ii)(II) to maintain a  
3 student-to-tutor ratio that is higher than the  
4 ratio required by the Advisory Board;

5 (C) the government or nonprofit research  
6 organization or researchers submitted by a local  
7 educational agency under section 4(c)(2)(I);  
8 and

9 (D) in the case of a local educational agen-  
10 cy seeking to partner with a nonprofit provider,  
11 the nonprofit provider submitted by such agen-  
12 cy under section 4(c)(2)(G)(i).

13 (4) In the case of a local educational agency  
14 that chooses an experimental research design with  
15 respect to the evaluation required under section  
16 6(b)(4), provide the organization with which the  
17 local educational agency partnered pursuant to such  
18 section additional resources to carry out the evalua-  
19 tion.

20 (5) Coordinate, with State and local educational  
21 agencies, the training and professional development  
22 for tutors described in section 4(c)(2)(F)(i) to en-  
23 sure such training and professional development  
24 maximizes the sharing of best practices and dissemi-  
25 nation of evidence-based tutoring methods, provided

1 that the Advisory Board does not require such agen-  
2 cies to adhere to any allocations of time or resources  
3 with respect to such training and professional devel-  
4 opment.

5 (6) Periodically assess and update—

6 (A) based on the most up-to-date research  
7 at the time of assessment, the student-to-tutor  
8 ratio; and

9 (B) on a program-by-program basis and  
10 based on the effectiveness, evaluation status,  
11 and number of years of existence of such pro-  
12 gram, the required frequency of tutor trainings,  
13 professional development, and observation.

14 (7) Develop and publish, based on the evalua-  
15 tions of tutoring programs under section 6(b)(4) and  
16 outside evaluations and studies of such tutoring pro-  
17 grams, a database of—

18 (A) different tutoring methods and the im-  
19 pact of each such method on the academic  
20 achievement and recovery of students as defined  
21 by each State educational agency's academic  
22 standards pursuant to section 1111 of part A  
23 of title I of the Elementary and Secondary  
24 Education Act of 1965 (20 U.S.C. 6311 et  
25 seq.); and

1 (B) evidence-based models for structuring  
2 the timing of tutoring sessions, including—

3 (i) how to create, in addition to reg-  
4 ular classes, a tutoring class;

5 (ii) how to allocate, at the discretion  
6 of the teacher, time during regular classes  
7 during which students may receive tutor-  
8 ing; and

9 (iii) how to identify an optimal time  
10 during the school day for tutoring outside  
11 of regular classes.

12 (8) Develop, in coordination with the Secretary  
13 and the State educational agencies receiving a grant  
14 under this Act, a nationwide tutoring workforce in  
15 accordance with section 7.

16 **SEC. 6. SUBGRANT USES.**

17 (a) IN GENERAL.—

18 (1) IMPLEMENTATION.—A local educational  
19 agency receiving a subgrant under section 4 shall  
20 use such subgrant funds to implement tutoring pro-  
21 grams that meet the requirements described in sub-  
22 section (b) in each elementary and secondary school  
23 served by such State educational agency.

24 (2) NONPROFIT PROVIDER.—A local edu-  
25 cational agency shall have the option of partnering

1 with a nonprofit provider, including an institution of  
2 higher education or other government agency, to im-  
3 plement tutoring programs that meet the require-  
4 ments described in subsection (b), after certifying to  
5 the State educational agency that the nonprofit pro-  
6 vider has experience and expertise in implementing  
7 high-quality tutoring programs. Local educational  
8 agencies will be required to develop a long-term plan  
9 to operate tutoring programs without a nonprofit  
10 provider and taught by licensed elementary or sec-  
11 ondary school teachers or paraprofessionals, with an  
12 exemption available if the local educational agency  
13 certifies and the State educational agency approves  
14 that it is unable to run such a program without a  
15 nonprofit due to labor shortages.

16 (b) PROGRAM REQUIREMENTS.—

17 (1) INSTRUCTION.—A program carried out by a  
18 local educational agency pursuant to subsection (a)  
19 shall provide tutoring—

20 (A) in math, reading, or both subjects for  
21 at least 30 minutes during the school day and  
22 for at least 3 days per week during the school  
23 year;

24 (B) taught by a compensated licensed ele-  
25 mentary or secondary school teacher or para-



1 professional, subject to the terms of section 8,  
2 or a volunteer working within a government or  
3 nonprofit service organization, with a student-  
4 to-tutor ratio of no more than 3-to-1, unless  
5 such ratio is updated by the Advisory Board  
6 under section 5(d)(6)(A);

7 (C) on a set schedule and with the same  
8 tutor each week;

9 (D) that, in the case of tutoring that takes  
10 place during a regular class, occurs in a class-  
11 room or area that is separate from such regular  
12 class; and

13 (E) that, with respect to a student, is re-  
14 lated to and aligned with the classwork in the  
15 student's regular classes.

16 (2) TRAINING AND OBSERVATION.—A program  
17 carried out by a local educational agency pursuant  
18 to subsection (a) shall—

19 (A) not fewer than 2 times per month and  
20 in coordination with the State educational agen-  
21 cy and Advisory Board, provide training and  
22 professional development for tutors.

23 (B) not fewer than 1 time per month, en-  
24 sure that each tutor is observed by a program  
25 administrator.

## 1 (3) TECHNOLOGY.—

2 (A) IN GENERAL.—A program carried out  
3 by a local educational agency pursuant to sub-  
4 section (a) may provide the option to incor-  
5 porate educational technology, computer-as-  
6 sisted software, and virtual instruction during  
7 tutoring sessions.

8 (B) VIRTUAL INSTRUCTION.—If the State  
9 educational agency, in coordination with the  
10 Advisory Board, makes a determination under  
11 section 4(d)(3)(B)(ii) that such a tutoring pro-  
12 gram is not improving student outcomes, the  
13 program’s updated plan under section  
14 4(d)(3)(C)(i) must include a plan to transition  
15 to in-person tutoring for that program.

16 (4) EVALUATIONS.—A program carried out by  
17 a local educational agency pursuant to subsection (a)  
18 shall, not less than 1 time per subgrant period de-  
19 scribed in section 4(d)(1), partner with a govern-  
20 ment or nonprofit research organization, subject to  
21 approval from the Advisory Board in coordination  
22 with the State educational agency, to evaluate the  
23 impact of the tutoring programs on the academic  
24 achievement and recovery of students, as defined by  
25 each State educational agency’s academic standards

1       pursuant to section 1111 of part A of title I of the  
2       Elementary and Secondary Education Act of 1965  
3       (20 U.S.C. 6311 et seq.), including by using quasi-  
4       experimental or experimental research designs, with  
5       a preference for experimental designs.

6               (5) MONTHLY REPORTS.—Except as provided  
7       under section 4(d)(3)(A)(ii)(I), a local educational  
8       agency carrying out a program shall submit to the  
9       Advisory Board and State educational agency  
10      monthly reports, with respect to each such month  
11      during the subgrant period described in section  
12      4(d)(1), containing information with respect to—

13               (A) the number of hours of tutoring per  
14      school day;

15               (B) the number of days of tutoring per  
16      week; and

17               (C) the number of students that received  
18      tutoring.

19      **SEC. 7. NATIONWIDE TUTORING WORKFORCE.**

20               (a) IN GENERAL.—The Advisory Board, in coordina-  
21      tion with the Secretary, the State educational agencies re-  
22      ceiving a grant under this Act, institutions of higher edu-  
23      cation, government or nonprofit service organizations, and  
24      State and local workforce boards, shall develop a nation-  
25      wide tutoring workforce.

1 (b) ACTIVITIES.—The Advisory Board shall:

2 (1) Identify the number of tutors that will be  
3 required to implement tutoring programs that meet  
4 the requirements under section 6(b) at each school  
5 receiving funds under title I of the Elementary and  
6 Secondary Education Act (20 U.S.C. 1001 et seq.).

7 (2) Provide, in consultation with States, fund-  
8 ing to institutions of higher education and State and  
9 local workforce boards to create a tutoring workforce  
10 that meets the staffing needs identified in paragraph  
11 (1) by recruiting and training additional teachers,  
12 paraprofessionals, and volunteers working within a  
13 government or nonprofit service organization.

14 (3) Provide, in consultation with States, fund-  
15 ing to local educational agencies to implement Grow  
16 Your Own programs, through which school districts,  
17 community-based organizations, and colleges partner  
18 to recruit and train community members as edu-  
19 cators, to develop locally-driven tutor workforces  
20 under which local educational agencies will recruit  
21 and provide workforce development training for—

22 (A) community members; and

23 (B) school staff members that are not tu-  
24 tors, provided that—

1 (i) tutoring by such staff member is  
2 not included as an additional job responsi-  
3 bility;

4 (ii) tutoring by such staff member is  
5 voluntary; and

6 (iii) such staff member will not be  
7 subjected to disciplinary action or penalty  
8 for declining to tutor.

9 (4) Coordinate with government or nonprofit  
10 service organizations such as AmeriCorps to recruit  
11 and train volunteers to work in tutoring programs in  
12 local educational agencies with teacher and para-  
13 professional shortages.

14 (5) Coordinate with institutions of higher edu-  
15 cation and State and local educational agencies to  
16 recruit and train students at institutions of higher  
17 education who are studying to pursue a career in  
18 education to work for tutoring programs in local  
19 educational agencies with teacher and paraprofes-  
20 sional shortages.

21 (6) Develop and administer a pilot program to  
22 provide funding for training and compensation of  
23 graduates from institutions of higher education if  
24 such graduates commit to tutoring for at least 2  
25 years in schools receiving funds under title I of the

1       Elementary and Secondary Education Act (20  
2       U.S.C. 1001 et seq.).

3 **SEC. 8. BARGAINING.**

4       (a) IN GENERAL.—If the implementation of a tutor-  
5 ing program pursuant to this Act is expected to affect the  
6 terms and conditions of employment of any local edu-  
7 cational agency employee, then before the subgrant is  
8 awarded such program must be agreed to through bar-  
9 gaining, or where bargaining does not exist, through col-  
10 laboration with the State or local educator union, with the  
11 Secretary working to mediate any disputes if an agree-  
12 ment cannot be reached.

13       (b) CONFLICTS.—In the event that any requirements  
14 under this Act conflict with the rights, remedies, and pro-  
15 cedures afforded to school or local educational agency em-  
16 ployees under Federal, State, or local laws (including ap-  
17 plicable regulations or court orders or requirements that  
18 local educational agencies negotiate or meet and confer in  
19 good faith) or under the terms of collective bargaining  
20 agreements, memoranda of understanding, or other agree-  
21 ments between such school or local educational agency and  
22 their employees, the latter shall control, and compliance  
23 with the latter will not provide a basis for withholding  
24 funds under this law.

1 **SEC. 9. DEFINITIONS.**

2 In this Act:

3 (1) ESEA TERMS.—The terms “Department”,  
4 “elementary school”, “local educational agency”,  
5 “secondary school”, “Secretary”, “State”, and  
6 “State educational agency” have the meanings given  
7 such terms in section 8101 of the Elementary and  
8 Secondary Education Act of 1965 (20 U.S.C. 7801).

9 (2) PROGRAM ADMINISTRATOR.—The term  
10 “program administrator” means an individual from  
11 a State educational agency or local educational agen-  
12 cy who—

13 (A) ensures that a tutoring program car-  
14 ried out pursuant to a grant under this Act is  
15 meeting the requirements under section 6(b)(1);

16 (B) manages the tutor training and profes-  
17 sional development in accordance with section  
18 6(b)(2)(A); and

19 (C) conducts tutor observations in accord-  
20 ance with section 6(b)(2)(B).

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