

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1043

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 them to become proficient in English, access the academic content knowledge needed to meet State challenging academic content standards, and be prepared for postsecondary education and careers.

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IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

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

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## 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 them to become proficient in English, access the academic content knowledge needed to meet State challenging academic content standards, and be prepared for postsecondary education and careers.

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”.

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 2014 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 3111(e)(1)(C), by striking  
20 “3303” each place the term appears and inserting  
21 “3403”; and

22 (5) in section 3116(d)(1), by striking “3302”  
23 and inserting “3402”;

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

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

3   **“SEC. 3301. PURPOSE.**

4           “The purposes of this part are—

5                   “(1) to support eligible entities and eligible  
 6           agencies in developing and strengthening innovative  
 7           systems that support high-quality instruction for a  
 8           diverse group of English learners, including English  
 9           learners who have entered a school in the United  
 10          States after elementary school or English learners  
 11          who have been in schools in the United States for  
 12          more than 5 years without achieving English lan-  
 13          guage proficiency (as determined through the assess-  
 14          ment described in section 1111(b)(7)), or both; and

15                   “(2) to encourage successful strategies in pro-  
 16          viding coordinated literacy and parent engagement  
 17          service models for low-literate limited English pro-  
 18          ficient parents of English learners.

19   **“SEC. 3302. INNOVATION GRANTS.**

20           “(a) PROGRAM AUTHORIZED.—From amounts ap-  
 21   propriated under section 3001(a)(3), the Secretary may  
 22   award grants, on a competitive basis, to eligible entities  
 23   that have demonstrated progress in establishing and com-  
 24   mitting to provide high-quality instruction that results in  
 25   the ability of English learners to achieve English language  
 26   proficiency and to demonstrate content mastery in core

1 academic subjects to enable such eligible entities to carry  
2 out the activities described in subsection (f).

3 “(b) DURATION.—

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

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

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

14 “(B) increasing the percentage of English  
15 learners who achieve proficiency on the State  
16 academic assessment in mathematics, reading  
17 or language arts, and science, as described in  
18 section 1111(b)(3);

19 “(C) increasing the percentage of sec-  
20 ondary school students who achieve proficiency  
21 in core academic subjects;

22 “(D) increasing the awareness and knowl-  
23 edge of the education system for parents of  
24 English learners;

1           “(E) improving the English language pro-  
2           ficiency and literacy skills of parents served by  
3           the grant program; and

4           “(F) increasing the graduation rate, as de-  
5           fined in section 1111(b)(2)(C)(vi) and clarified  
6           in section 200.19(b)(1) of title 34, Code of Fed-  
7           eral Regulations, for English learners.

8           “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’  
9           means—

10           “(1) a State educational agency;

11           “(2) a local educational agency; or

12           “(3) a public charter school or a charter school  
13           management organization.

14           “(d) APPLICATIONS.—

15           “(1) IN GENERAL.—An eligible entity desiring a  
16           grant under this section shall submit an application  
17           to the Secretary at such time, in such manner, and  
18           containing such information as the Secretary may  
19           require.

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

23           “(A) A description of how the eligible enti-  
24           ty will use grant funds to implement English  
25           language proficiency standards, and the aca-

1           demic content standards and student academic  
2           achievement standards required under section  
3           1111(b)(1), to assist English learners in—

4                   “(i) improving English language pro-  
5                   ficiency, academic achievement, and  
6                   achievement in core academic subject  
7                   areas; and

8                   “(ii) improving preparation for post-  
9                   secondary education and careers.

10                   “(B) A description of the benchmarks, con-  
11                   sistent with section 3304(b)(1), that the eligible  
12                   entity will establish to demonstrate improve-  
13                   ments in outcomes for students who are  
14                   English learners.

15                   “(C) A description of how the eligible enti-  
16                   ty has used the metrics described in subpara-  
17                   graphs (A) through (D) of subsection (b)(2)  
18                   and the benchmarks described in subparagraph  
19                   (B) to create a data-driven needs assessment  
20                   that the eligible entity will use to determine  
21                   how grant funds will be used.

22                   “(D) A description of how the eligible enti-  
23                   ty will use Federal funds received under this  
24                   section only to supplement the funds that  
25                   would, in the absence of such Federal funds, be

1           made available from non-Federal sources for  
2           the education of students participating in pro-  
3           grams assisted under this section, and not to  
4           supplant such funds.

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

8                   “(1) use funds, or propose to use grant funds  
9           under this section, to—

10                           “(A) implement evidence-based strategies,  
11                           as determined by the Secretary, for activities  
12                           described in subsection (f);

13                           “(B) provide educational opportunities for  
14                           English learners who have entered a school in  
15                           the United States after elementary school or  
16                           English learners who have been in schools in  
17                           the United States for more than 5 years with-  
18                           out achieving English language proficiency (as  
19                           determined through the assessment described in  
20                           section 1111(b)(7)), or both;

21                           “(C) provide a continuum of literacy, par-  
22                           enting, and parent engagement services for low-  
23                           literate limited English proficient parents of  
24                           young English learners; or

1           “(D) serve populations of rural students  
2           and students who are migratory children, as de-  
3           fined in section 1309(2);

4           “(2) form partnerships with entities to carry  
5           out activities under the grant; or

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

11          “(f) USE OF FUNDS.—Each eligible entity that re-  
12          ceives a grant under this section shall use the grant funds  
13          to carry out activities that lead to English learners becom-  
14          ing proficient in English in order to access the academic  
15          content knowledge that English learners need to meet the  
16          State challenging academic content standards under sec-  
17          tion 1111(b)(1) and to be ready for postsecondary edu-  
18          cation and careers, which may include—

19                 “(1) improving instructional programs by—

20                         “(A) implementing evidence-based lan-  
21                         guage instruction programs, including—

22                                 “(i) technology-based programs; and

23                                 “(ii) early childhood education pro-  
24                                 grams, if applicable;



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

5                   “(i) a dual-language program; or

6                   “(ii) a bilingual education program; or

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

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

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

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

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

21          “(3) increasing the ability of families of English  
22          learners to be engaged in their child’s education and  
23          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 for a grant  
9 awarded under this section shall be contingent on the eligi-  
10 ble agency’s progress in—

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

13           “(2) improving the English language proficiency  
14 of students served by the grant program, as meas-  
15 ured by the assessment described in section  
16 1111(b)(7);

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

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

24           “(5) increasing the graduation rate, as defined  
25 in section 1111(b)(2)(C)(vi) and clarified in section

1 200.19(b)(1) of title 34, Code of Federal Regula-  
2 tions, for English learners;

3 “(6) increasing the awareness and knowledge of  
4 the education system for parents of English learners;  
5 and

6 “(7) improving the English language proficiency  
7 and literacy skills of parents of English learners.

8 “(e) APPLICATIONS.—

9 “(1) IN GENERAL.—An eligible agency desiring  
10 a grant under this section shall submit an applica-  
11 tion to the Secretary at such time, in such manner,  
12 and containing such information as the Secretary  
13 may require.

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

17 “(A) A description of how the eligible enti-  
18 ty will use grant funds to implement English  
19 language proficiency standards and challenging  
20 student academic achievement standards and  
21 academic content standards under section  
22 1111(b)(1) to assist English learners in—

23 “(i) improving English language pro-  
24 ficiency;

1                   “(ii) improving preparation for post-  
2 secondary education and careers;

3                   “(iii) improving the English language  
4 proficiency and literacy skills of their par-  
5 ents; and

6                   “(iv) improving the knowledge and  
7 ability of their parents to navigate the edu-  
8 cation system.

9                   “(B) A description of the benchmarks, con-  
10 sistent with section 3304(b), that the eligible  
11 agency will establish to demonstrate improve-  
12 ments in outcomes for students who are  
13 English learners.

14                   “(C) A description of how the eligible  
15 agency will efficiently use funds to build upon  
16 previous efforts to educate English learners and  
17 their parents.

18                   “(D) A description of how the eligible enti-  
19 ty will use Federal funds received under this  
20 section only to supplement the funds that  
21 would, in the absence of such Federal funds, be  
22 made available from non-Federal sources for  
23 the education of students participating in pro-  
24 grams assisted under this section, and not to  
25 supplant such funds.

1       “(f) PRIORITY.—In awarding grants under this sec-  
2 tion, the Secretary shall give priority to eligible agencies  
3 that propose to use grant funds to implement evidence-  
4 based strategies, as determined by the Secretary, in order  
5 to become competitive in the application process for a  
6 grant described in section 3302.

7       “(g) USE OF FUNDS.—

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

11               “(A) build the eligible agency’s capacity to  
12 provide quality instruction to English learners  
13 and their parents; and

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

17           “(2) PERMISSIBLE USE OF FUNDS.—An eligible  
18 agency that receives a grant under this section may  
19 use the grant funds to ensure that English learners  
20 are taught by effective teachers and attend schools  
21 that are administered by effective principals, by—

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

1           “(B) developing or implementing a strat-  
 2           egy to retain effective teachers and principals;  
 3           or

4           “(C) developing or implementing a strategy  
 5           to improve the effectiveness of teachers and  
 6           principals.

7   **“SEC. 3304. INDICATORS, EVALUATION, TECHNICAL ASSIST-**  
 8           **ANCE, AND RESEARCH.**

9           “(a) INDICATORS.—

10           “(1) IN GENERAL.—The Secretary, in consulta-  
 11           tion with the Director of the Institute of Education  
 12           Sciences, shall establish indicators to measure the  
 13           success of grant programs under this part.

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

17           “(A) are English learners;

18           “(B) become English language proficient;

19           “(C) are on track for postsecondary edu-  
 20           cation and a career;

21           “(D) have parents who demonstrate im-  
 22           proved English language or basic literacy skills;

23           “(E) have parents who increase their  
 24           knowledge of the education system; and

1                   “(F) have parents who increase their par-  
2                   ticipation in their children’s education.

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

6                   “(1) develop quantifiable benchmarks to evalu-  
7                   ate the activities that the eligible entity or eligible  
8                   agency carries out under this part, based on the ap-  
9                   plicable indicators described in subsection (a), which  
10                  may include—

11                  “(A) the percentage of students who are  
12                  English learners who obtain English pro-  
13                  ficiency;

14                  “(B) the rate of participation of students  
15                  who are English learners in the State academic  
16                  assessments under section 1111(b);

17                  “(C) the reduction in the percentage of  
18                  students who are English learners and who are  
19                  in the lowest level of achievement on such State  
20                  assessments in English, reading or language  
21                  arts, and mathematics;

22                  “(D) the percentage of students who are  
23                  English learners and who are taking advanced  
24                  coursework;



1           “(E) the percentage of parents of English  
2 learners who advance at least one educational  
3 functioning level in English language pro-  
4 ficiency, based on the Department’s National  
5 Reporting System of Adult Education, after a  
6 year of participating in a program supported  
7 under this part;

8           “(F) the percentage of parents of English  
9 learners who enter postsecondary education or  
10 job training after a year of participating in  
11 such program;

12           “(G) improvement, based on pre- and post-  
13 surveys, of the knowledge of the parents of  
14 English learners regarding the education sys-  
15 tem; or

16           “(H) improvement, based on instructor ob-  
17 servation, of child and parent interactions and  
18 reports of parent engagement;

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

21           “(3) prepare and submit an annual report to  
22 the Secretary on the progress that the eligible entity  
23 or eligible agency is making toward meeting such  
24 benchmarks.

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

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

12 **“SEC. 3305. DEFINITIONS.**

13       “In this part:

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

17                       “(A) in which students are taught literacy  
18 and content in English and another language  
19 and use the other language for at least half of  
20 the instructional day; and

21                       “(B) that fosters bilingualism, biliteracy,  
22 enhanced awareness of linguistic and cultural  
23 diversity, and high levels of academic achieve-  
24 ment through instruction in 2 languages.

1           “(2) ENGLISH LEARNER.—The term ‘English  
2 learner’ means an individual who is limited English  
3 proficient, as defined in section 9101.”.

○