

Whitehouse / Title V / Amendment #2

AMENDMENT NO. _____ Calendar No. _____

Purpose: To support innovation schools.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. _____

To reauthorize the Elementary and Secondary Education Act
of 1965 to ensure that every child achieves.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 On page 367, between lines 5 and 6, insert the fol-
2 lowing:

3 (10) by inserting after part C the following:

4 **“PART D—INNOVATION SCHOOLS**

5 **“SEC. 5401. PURPOSE.**

6 “The purpose of this part is to support locally-de-
7 signed innovation schools by providing grants to States
8 and local educational agencies that will provide increased
9 autonomy and support for innovation schools.

10 **“SEC. 5402. PROGRAM AUTHORIZATION.**

11 “(a) IN GENERAL.—The Secretary is authorized to
12 award grants, on a competitive basis, to State educational
13 agencies to enable such State educational agencies—

1 “(1) to award subgrants, on a competitive
2 basis, to local educational agencies to—

3 “(A) transition an existing school to an in-
4 novation school; and

5 “(B) replicate or expand innovation
6 schools, or open new innovation schools; and

7 “(2) to provide technical assistance to local edu-
8 cational agencies and work with eligible entities to
9 improve the quality of innovation schools.

10 “(b) DISTRIBUTION OF SUBGRANTS.—Each State
11 educational agency awarding subgrants under this part
12 shall award subgrants in a manner that, to the extent
13 practicable and applicable, ensures that such subgrants—

14 “(1) prioritize local educational agencies that
15 serve the largest numbers or percentages of students
16 from low-income families; and

17 “(2) are geographically diverse, including
18 awarded for urban, suburban, and rural areas.

19 “(c) STATE EDUCATIONAL AGENCY USES OF
20 FUNDS.—A State educational agency receiving a grant
21 under this part shall—

22 “(1) use not less than 92 percent of the grant
23 funds to award subgrants to local educational agen-
24 cies for the purpose described in section 5401;

1 “(2) reserve not less than 5 percent of such
2 funds to carry out the activities described subsection
3 (a)(2); and

4 “(3) reserve not more than 3 percent of such
5 funds for administrative costs, which may include
6 the administrative costs of providing technical assist-
7 ance.

8 “(d) WAIVER AND FLEXIBILITY.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), the Secretary is authorized to grant a
11 waiver and provide other such flexibility of Federal
12 law in carrying out this part if the State educational
13 agency—

14 “(A) demonstrates that such waiver or
15 flexibility is necessary for the successful oper-
16 ation of the innovation schools supported under
17 this part; and

18 “(B) provides a description of any State or
19 local rules, generally applicable to public
20 schools, that will be waived, or otherwise not
21 apply, to innovation schools supported under
22 this part.

23 “(2) EXCEPTION.—A waiver shall not be grant-
24 ed under paragraph (1) with respect to any provi-
25 sion under part B of the Individuals with Disabil-

ities Education Act, title VI of the Civil Rights Act of 1964, or section 504 of the Rehabilitation Act of 1973.

“(c) PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this part shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes the terms governing innovation schools supported under this part

“SEC. 5403. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency that receives a subgrant under this part.

“(2) INNOVATION SCHOOL.—The term ‘innovation school’ means a school that is seeking autonomy flexibility in order to implement an innovative model that will improve student outcomes; and

“SEC. 5404. STATE APPLICATIONS AND REQUIREMENTS.

“A State educational agency desiring to receive a grant under this part 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:

1 “(1) DESCRIPTION OF PROGRAM.—A descrip-
2 tion of the State educational agency’s objectives in
3 supporting innovation schools, and how the objec-
4 tives of the program will be carried out, including—

5 “(A) a description of how the State edu-
6 cational agency will—

7 “(i) support the success of innovation
8 schools;

9 “(ii) inform local educational agencies
10 and communities of the availability of
11 funds under the program;

12 “(iii) work with eligible entities to en-
13 sure that innovation schools access all Fed-
14 eral, State, and local funds such schools
15 are eligible to receive;

16 “(iv) work with eligible entities to en-
17 sure that innovation schools receive waiv-
18 ers to all Federal, State, and local laws
19 necessary to implement innovation schools’
20 innovation plans;

21 “(v) ensure each eligible entity has a
22 plan to continue to operate innovation
23 schools once the subgrant funds under this
24 section are no longer available;

“(vi) ensure each eligible entity works with innovation schools to ensure inclusion of all students and promote retention of students in the school; and

“(vii) share best and promising practices among innovation schools and other schools; and

“(B) a description of how the State educational agency will ensure that each eligible entity will actively monitor and hold innovation schools accountable to ensure a high-quality education, including by approving, re-approving, and revoking the innovation plan and its attendant flexibility based on the performance of the innovation school, in the areas of student achievement, student safety, financial management, and compliance with all applicable statutes; and

19 “(C) a description of how the State edu-
20 cational agency will award subgrants, includ-
21 ing—

“(i) a description of the application
each local educational agency desiring to
receive a subgrant will be required to sub-
mit, which application shall include—

1 “(I) the school innovation plan;

2 “(II) a description of the roles
3 and responsibilities of local edu-
4 cational agencies and of any other or-
5 ganizations with which the local edu-
6 cational agency will partner to open
7 innovation schools, including adminis-
8 trative and contractual roles and re-
9 sponsibilities;

10 “(III) a description of the quality
11 controls that will be used by the local
12 educational agency, such as a contract
13 or performance agreement that in-
14 cludes a school’s performance in the
15 State’s academic accountability sys-
16 tem and impact on student achieve-
17 ment;

18 “(IV) a description of the
19 planned activities and expenditures of
20 subgrant funds and how the innova-
21 tion schools will be financially sustain-
22 able after the end of the subgrant pe-
23 riod; and

1 “(V) a description of waivers and
2 other flexibility needed to implement
3 the school innovation plan; and

4 “(ii) a description of how the State
5 educational agency will review applications
6 from local educational agencies.

7 “(2) STATE ASSURANCES.—Assurances from
8 the State that—

9 “(A) each eligible entity will ensure that
10 innovation schools have a high degree of auton-
11 omy over budget and operations;

12 “(B) the State educational agency —

13 “(i) and each eligible entity awarded a
14 subgrant by the agency will ensure that
15 each innovation school that receives funds
16 under the entity’s program is meeting the
17 requirements of this Act, part B of the In-
18 dividuals with Disabilities Education Act,
19 title VI of the Civil Rights Act of 1964,
20 and section 504 of the Rehabilitation Act
21 of 1973; and

22 “(ii) will ensure that each eligible en-
23 tity awarded a subgrant by the agency ade-
24 quately monitors and provides adequate
25 technical assistance to each innovation

1 school in recruiting, enrolling, and meeting
 2 the needs of all students, including chil-
 3 dren with disabilities and English learners;

4 “(C) the State educational agency will en-
 5 sure that the eligible entity will monitor innova-
 6 tion schools, including by—

7 “(i) using annual performance data,
 8 including graduation rates and student
 9 academic achievement data, as appro-
 10 priate;

11 “(ii) reviewing the schools’ inde-
 12 pendent, annual audits of financial state-
 13 ments conducted in accordance with gen-
 14 erally accepted accounting principles, and
 15 ensuring any such audits are publically re-
 16 ported; and

17 “(iii) holding innovation schools ac-
 18 countable to the academic, financial, and
 19 operational quality controls outlined in the
 20 innovation plan, such as through renewal,
 21 non-renewal, or revocation of the school’s
 22 innovation plan;

23 “(D) the State educational agency will en-
 24 sure that, to the greatest extent possible, State
 25 and local rules, generally applicable to public

1 schools, will be waived, or otherwise not apply,
2 to the extent necessary to innovation plans at
3 each innovation school; and

4 “(E) eligible entities will ensure that each
5 innovation school makes publicly available infor-
6 mation to help parents make informed decisions
7 about the education options available to their
8 children, including information on the edu-
9 cational program, student support services, and
10 annual performance and enrollment data for
11 students in the innovation school.

12 **“SEC. 5405. LOCAL EDUCATIONAL AGENCY APPLICATIONS**
13 **AND REQUIREMENTS.**

14 “A local educational agency that desires a subgrant
15 under this part shall submit to the State educational agen-
16 cy such information that the State educational agency
17 shall require, including—

18 “(1) the plans for all approved innovation
19 schools to be served by the local educational agency,
20 which shall include—

21 “(A) a statement of the innovations
22 school’s mission and why designation as an in-
23 novation school would enhance the school’s abil-
24 ity to achieve its mission;

1 “(B) a description of the innovations the
2 public school would implement, which may in-
3 clude, innovations in school staffing, curriculum
4 and assessment, class scheduling and size, use
5 of financial and other resources, and faculty re-
6 cruitment, employment, evaluation, compensa-
7 tion, and extracurricular activities;

8 “(C) if the innovation school seeks to es-
9 tablish an advisory board, a description of—

10 “(i) the membership of the board
11 (which may include representatives of
12 teachers, parents, students, the local edu-
13 cational agency, the State educational
14 agency, the business community, institu-
15 tions of higher education, or other commu-
16 nity representatives);

17 “(ii) its responsibilities in designing
18 and furthering the mission of the innova-
19 tion school; and

20 “(iii) how the board will ensure co-
21 ordination with the local educational agen-
22 cy and State educational agency;

23 “(D) a listing of the programs, policies, or
24 operational documents within the public school
25 that would be affected by the public school’s

1 identified innovations and the manner in which
2 they would be affected, which shall include—

3 “(i) the research-based educational
4 program the school would implement;

5 “(ii) the length of school day and
6 school year at the school;

7 “(iii) the student engagement policies
8 to be implemented at the school;

9 “(iv) the school’s instruction and as-
10 sessment plan;

11 “(v) the school’s plan to use data,
12 evaluation, and professional learning to im-
13 prove student achievement;

14 “(vi) the proposed budget for the
15 school; and

16 “(vii) the proposed staffing plan or
17 staff compensation model for the school;

18 “(E) an identification of the improvements
19 in academic performance that the school ex-
20 pects to achieve in implementing the innova-
21 tions;

22 “(F) evidence that a majority of the ad-
23 ministrators employed at the public school sup-
24 port the request for designation as an innova-
25 tion school;

1 “(G) evidence that not less than 60 per-
2 cent of the teachers employed at the public
3 school support the request for designation as an
4 innovation school;

5 “(H) a statement of the level of support
6 for designation as an innovation school dem-
7 onstrated by the students and parents of stu-
8 dents enrolled in the public school;

9 “(I) a description of any regulatory or pol-
10 icy requirements that would need to be waived
11 for the public school to implement its identified
12 innovations; and

13 “(J) any additional information required
14 by the local educational agency in which the in-
15 novation plan would be implemented; and

16 “(2) a description of any rules or regulations
17 that the local educational agency will waive in order
18 to provide autonomy to the innovation schools and
19 why waiving such regulations will benefit students;

20 “(3) a description of any State regulations that
21 the local educational agency seeks to waive in order
22 to provide autonomy to innovation schools, and why
23 waiving such regulations will benefit students; and

24 “(4) a description of the process that the local
25 educational agency will use to regularly review the

1 progress of innovation schools, including student
2 performance and performance in the State's ac-
3 countability system and decide whether to revoke or
4 continue the innovation school's autonomy.

5 **"SEC. 5406. USE OF FUNDS.**

6 "(a) IN GENERAL.—A subgrant awarded under this
7 part may be used by an eligible entity—

8 "(1) for planning and promotional activities di-
9 rectly related to the development, expansion, con-
10 tinuation, or enhancement of academic programs
11 and services offered at innovation schools;

12 "(2) for the acquisition of books, materials, and
13 equipment, including computers and the mainte-
14 nance and operation of materials, equipment, and
15 computers, necessary to conduct programs in innova-
16 tion schools;

17 "(3) for the compensation, or subsidization of
18 the compensation, of elementary school and sec-
19 ondary school teachers who are highly qualified, and
20 instructional staff where applicable, who are nec-
21 essary to conduct programs in innovation schools;

22 "(4) for activities, which may include profes-
23 sional development, that will build the recipient's ca-
24 pacity to operate innovation schools once the grant
25 period has ended;

1 “(5) to enable the local educational agency, or
2 consortium of such agencies, to have more flexibility
3 in the administration of an innovation school pro-
4 gram in order to serve students attending a school
5 who are not enrolled in an innovation school; and

6 “(6) for other activities to improve the student
7 achievement and engagement at innovation schools.

8 “(b) REPORTING REQUIREMENTS AND ASSESS-
9 MENTS.—

10 “(1) REPORTING.—Each State educational
11 agency receiving a grant under this section shall
12 submit to the Secretary, at the end of the third year
13 of the grant period and at the end of any renewal
14 period, a report that includes the following—

15 “(A) the number of students served by
16 each subgrant awarded under this part and, if
17 applicable, the number of new students served
18 during each year of the subgrant period, ex-
19 pressed as a total number and as a percentage
20 of the students enrolled in the State and rel-
21 evant local educational agencies;

22 “(B) the number and amount of subgrants
23 awarded under this part;

24 “(C) an overview of the innovations imple-
25 mented in the innovation schools and the inno-

1 vation school zones in the districts of innova-
2 tion; and

3 “(D) an overview of the academic perform-
4 ance of the students served in innovation
5 schools, including a comparison between the
6 students’ academic performance before and
7 since implementation of the innovations.

8 “(2) EVALUATION.—The Director of the Insti-
9 tute of Education Sciences (or a comparable, inde-
10 pendent research organization) shall conduct an
11 evaluation of the program under this part after year
12 three and five of the program and every two years
13 thereafter.

14 **“SEC. 5407. DURATION AND LIMITATIONS.**

15 “(a) DURATION OF AWARDS.—

16 “(1) GRANTS.—A grant under this part shall be
17 awarded for a period that shall not exceed 5 fiscal
18 years, and may be renewed by the Secretary for 1
19 additional 2-year period.

20 “(2) SUBGRANTS.—A subgrant awarded by a
21 State educational agency under this part shall be for
22 a period of not more than 5 years.

23 **“SEC. 5408. AUTHORIZATION OF APPROPRIATIONS.**

24 ““There are authorized to be appropriated to carry out
25 this part such sums as may be necessary.”.