

117TH CONGRESS
1ST SESSION

H. R. 2765

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2021

Mr. CASTRO of Texas (for himself, Mr. GRIJALVA, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advanced Coursework
5 Equity Act”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are—

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

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

5 (3) to equip dramatically more students, espe-
6 cially students from historically underrepresented
7 groups, with the twenty-first century skills needed to
8 succeed in college and a competitive global work-
9 force.

10 **SEC. 3. FINDINGS.**

11 Congress finds the following:

12 (1) Black, Latino, and Native American stu-
13 dents, students with disabilities, and students from
14 low-income families are underrepresented in ad-
15 vanced programs and courses.

16 (2) While 1 in 10 students in schools in the
17 United States participate in the Advanced Place-
18 ment (AP) program, just over 1 in 20 low-income,
19 Black, and Native American students participate in
20 Advanced Placement, and fewer than 1 in 50 stu-
21 dents with disabilities participate.

22 (3) Taking the mathematics course Algebra I in
23 grade 8 is necessary for most students to be on
24 track for enrolling in advanced courses, such as Cal-
25 culus, in high school; however, Black students are

1 half as likely as White students to take Algebra I in
2 grade 8.

3 (4) A low-income student with reading and
4 math achievement levels equal to those of a high-in-
5 come student is half as likely to receive gifted serv-
6 ices as the high-income student. Black students are
7 approximately half as likely as White peers with the
8 same mathematics and reading achievement levels to
9 be referred to gifted services.

10 (5) A major barrier for Black and Latino stu-
11 dents and students with disabilities to access ad-
12 vanced courses and programs is the over-reliance on
13 subjective criteria, such as the recommendation of
14 teachers and counselors, in the advanced course ad-
15 mittance process. When Denver Public Schools im-
16 plemented universal screening for gifted and talented
17 programs, Latino students were identified for the
18 program at twice the rate as the year before.

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

1 (7) Public elementary schools and secondary
2 schools face a \$305,000,000,000 budget shortfall
3 due to COVID-19 related tax revenue decreases and
4 new COVID-19 related expenses. As school districts
5 prepare to make drastic cuts to educational pro-
6 gramming, access to advanced coursework and pro-
7 grams is in jeopardy for millions of students, espe-
8 cially students from underrepresented groups and
9 students attending under-resourced schools. Addi-
10 tional funding and reforms are needed to maintain
11 and expand access to advanced coursework and pro-
12 grams, especially for marginalized students in com-
13 munities hit hardest by the COVID-19 pandemic.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) TERMS FROM THE ELEMENTARY AND SEC-
17 ONDARY EDUCATION ACT OF 1965.—The terms
18 “early college high school”, “elementary school”,
19 “English learner”, “gifted and talented”, “institu-
20 tion of higher education”, “parent”, “school leader”,
21 “secondary school”, and “State educational agency”
22 have the meaning given those terms in section 8101
23 of the Elementary and Secondary Education Act of
24 1965 (20 U.S.C. 7801).

1 (2) LOCAL EDUCATIONAL AGENCY.—The term
2 “local educational agency” has the meaning given
3 the term in section 8101 of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 7801),
5 and includes a public charter school that is a local
6 educational agency.

7 (3) OPEN ENROLLMENT.—The term “open en-
8 rollment” means an enrollment mechanism through
9 which any student that chooses to enroll in an ad-
10 vanced course or program is allowed to do so, with-
11 out regard to previous academic performance or test
12 scores.

13 (4) SUBGROUP OF STUDENTS.—The term “sub-
14 group of students” has the meaning given that term
15 in section 1111(c)(2) of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C.
17 6311(c)(2)).

18 (5) UNIVERSAL ENROLLMENT.—The term “uni-
19 versal enrollment” means an enrollment mechanism
20 through which all students are automatically en-
21 rolled in an advanced course or program for a par-
22 ticular subject, without regard to previous academic
23 performance or test scores. A parent may choose to
24 opt out a student from enrolling in one or more ad-
25 vanced courses or programs.

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

11 (A) shall be made after consideration of
12 not less than 2 objective assessments (except
13 that a student may qualify based on only 1
14 such assessment)—

15 (i) that are combined in a reasoned
16 way that is not biased against any par-
17 ticular subgroup of students;

18 (ii) that provide appropriate accom-
19 modations for students with disabilities;

20 (iii) that may be administered not ex-
21 plicitly for the primary purpose of deter-
22 mining enrollment in an advanced course
23 or program (such as through a statewide
24 exam that all students in a grade will
25 take), so long as students with disabilities

1 have equal access to the assessment and
2 are provided appropriate accommodations
3 in accordance with the Individuals with
4 Disabilities Education Act (20 U.S.C.
5 1400 et seq.) and section 504 of the Reha-
6 bilitation Act of 1973 (29 U.S.C. 794);
7 and

8 (iv) that may include—

9 (I) a standardized assessment
10 that provides appropriate accommoda-
11 tions for students with disabilities in
12 accordance with the Individuals with
13 Disabilities Education Act (20 U.S.C.
14 1400 et seq.) and section 504 of the
15 Rehabilitation Act of 1973 (29 U.S.C.
16 794);

17 (II) a statewide, districtwide, or
18 schoolwide assessment; or

19 (III) grades from relevant
20 courses, a portfolio of relevant work,
21 or class ranking; and

22 (B) may be partially based upon a subjec-
23 tive measure (such as a teacher's recommenda-
24 tion) in addition to the required 2 objective
25 measures.

1 **SEC. 5. GRANT PROGRAM AUTHORIZED.**

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

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

4 (A) awarding not less than 80 percent of
5 the amounts authorized to be appropriated
6 under section 9 to State educational agencies to
7 allow those State educational agencies to award
8 subgrants to participating local educational
9 agencies, including public charter schools, to en-
10 able those local educational agencies to carry
11 out the activities described in section 7;

12 (B) awarding not less than 15 percent of
13 the amounts authorized to be appropriated
14 under section 9 to participating local edu-
15 cational agencies to allow those local edu-
16 cational agencies to carry out the activities de-
17 scribed in section 7; and

18 (C) awarding not more than 4 percent of
19 the amounts authorized to be appropriated
20 under section 9 to a nonprofit institution of
21 higher education or other nonprofit entity that
22 has a demonstrated record of effectiveness in
23 delivering or designing advanced coursework or
24 programs (such as by previously executing a
25 successful project that was part of the Jacob K.
26 Javits Gifted and Talented Students Education

1 Program under section 4644 of the Elementary
2 and Secondary Education Act of 1965 (20
3 U.S.C. 7294)), to enable that institution or en-
4 tity to provide services to students in rural
5 areas and students who otherwise lack access to
6 advanced courses or programs; and

7 (2) reserve not more than 1 percent of the
8 amounts authorized to be appropriated under section
9 9 for the Department of Education to administer the
10 program under this Act, provide technical assistance
11 to grantees, evaluate grantees' performance (as re-
12 quired by this Act), and disseminate information
13 about findings and best practices related to the ac-
14 tivities authorized under this Act.

15 (b) APPLICATION.—

16 (1) STATE EDUCATIONAL AGENCY.—A State
17 educational agency desiring to receive a grant under
18 subsection (a)(1)(A) shall submit an application to
19 the Secretary during the first year of the 3-year
20 grant cycle, and at such time and in such manner
21 as the Secretary may require. The application shall
22 include the following:

23 (A) An assurance that memoranda of un-
24 derstanding, as described in section 6(b), have
25 been executed between the State educational

1 agency and not less than 50 percent of the local
2 educational agencies in the State, representing
3 not less than 50 percent of all students in the
4 State, to participate in the grant program and
5 fulfill the program obligations.

6 (B) A list of the participating local edu-
7 cational agencies that have executed such
8 memoranda, and the percentage of the State's
9 public school students who are served by those
10 local educational agencies.

11 (C) A plan for supporting participating
12 local educational agencies with implementing
13 open enrollment, universal enrollment, or uni-
14 versal screening for all advanced courses or pro-
15 grams offered by the local educational agency.

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

1 (E) A plan for supporting participating
2 local educational agencies in collecting and re-
3 porting data about advanced coursework enroll-
4 ment and student performance data, including
5 data disaggregated and cross-tabulated by race
6 and ethnicity, sex, disability status, socio-
7 economic status, and status as an English
8 learner.

9 (F) A description of ambitious 3-year en-
10 rollment and performance goals for each sub-
11 group of students, and intermediate annual tar-
12 gets for each subgroup of students, to bridge
13 statewide inequities (according to race and eth-
14 nicity, sex, disability status, socioeconomic sta-
15 tus, and status as an English learner) in ad-
16 vanced coursework or program participation
17 and performance.

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

21 (2) LOCAL EDUCATIONAL AGENCY.—A local
22 educational agency desiring to receive a grant under
23 subsection (a)(1)(B) shall be eligible to apply for a
24 grant if the local educational agency is not also seek-
25 ing a subgrant from a State educational agency that

1 receives a grant under this Act. A local educational
2 agency shall submit an application to the Secretary
3 at such time and in such manner as the Secretary
4 may require. The application shall include the fol-
5 lowing:

6 (A) An assurance that—

7 (i) the local educational agency is not
8 also seeking a subgrant from a State edu-
9 cational agency that receives a grant under
10 this Act during the applicable grant cycle;
11 and

12 (ii) the local educational agency has a
13 high student poverty ratio (as measured by
14 comparing the number of students meeting
15 at least one measure of poverty described
16 in section 1113(a)(5) of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 6313(a)(5)) to the total number of
19 students in the school).

20 (B) A description of the enrollment mecha-
21 nism that the participating local educational
22 agency will use for its various advanced courses
23 or programs, which shall include open enroll-
24 ment, universal enrollment, or universal screen-
25 ing, including in the case of universal screening,

1 a description of what assessments will be used
2 to determine enrollment as described in section
3 4(6), and a justification for why each assess-
4 ment was selected.

5 (C) A plan to assemble a local advisory
6 council of students from underrepresented sub-
7 groups of students, and parents or guardians of
8 students from those subgroups, with at least 2
9 members of each subgroup of students. The
10 plan shall explain how the council will be in-
11 volved in the local educational agency's imple-
12 mentation of the grant, as well as oversight and
13 evaluation of the grant.

14 (D) A plan to train academic advisors or
15 counselors on strategies for bridging inequities
16 (according to race and ethnicity, sex, socio-
17 economic status, disability status, and status as
18 an English learner) in advanced coursework or
19 program participation and performance.

20 (E) A plan to communicate to students
21 and families the process and requirements to
22 enroll in advanced courses.

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

1 (G) A plan for collecting and reporting
2 data about advanced coursework enrollment and
3 student performance data, including data
4 disaggregated and cross-tabulated by race and
5 ethnicity, sex, disability status, socioeconomic
6 status, and status as an English learner.

7 (H) A description of ambitious 3-year en-
8 rollment and performance goals for each sub-
9 group of students, and intermediate annual tar-
10 gets for each subgroup of students, to bridge
11 statewide inequities (according to race and eth-
12 nicity, sex, socioeconomic status, disability sta-
13 tus, and status as an English learner) in ad-
14 vanced coursework or program participation
15 and performance.

16 (I) A proposed budget for how the partici-
17 pating local educational agency will spend fund-
18 ing awarded through the grant.

19 (3) OTHER NONPROFIT ENTITY.—A nonprofit
20 institution of higher education or nonprofit entity
21 desiring to receive a grant under subsection
22 (a)(1)(C) shall submit an application to the Sec-
23 retary at such time, in such manner, and containing
24 such information as the Secretary may require, in-
25 cluding, at a minimum—

1 (A) at least one memorandum of under-
2 standing that the applicant has already estab-
3 lished with a school, local educational agency,
4 or State educational agency that the applicant
5 intends to work with, and a description of the
6 services the applicant would provide to that
7 school, local educational agency, or State edu-
8 cational agency;

9 (B) materials that demonstrate the appli-
10 cant's record of effectiveness in designing or de-
11 livering advanced coursework or programs;

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

22 (D) a plan for collecting and reporting
23 data about advanced coursework enrollment and
24 student performance data, including data
25 disaggregated and cross-tabulated by race and

1 ethnicity, sex, disability status, socioeconomic
2 status, and status as an English learner; and

3 (E) a proposed budget for how the appli-
4 cant will spend funding awarded through the
5 grant.

6 (c) CRITERIA FOR AWARDING GRANTS.—

7 (1) IN GENERAL.—In evaluating applications
8 for a grant under subparagraphs (A), (B), and (C),
9 of subsection (a)(1), respectively, the Secretary shall
10 consider—

11 (A) the 3-year goals, and intermediate an-
12 nual targets, for bridging statewide inequities
13 (according to race and ethnicity, sex, socio-
14 economic status, disability status, and status as
15 an English learner) in advanced coursework or
16 program participation and performance;

17 (B) the level of detail and feasibility of the
18 plan for implementing (or supporting a partici-
19 pating State educational agency, local edu-
20 cational agency, or school in implementing, as
21 applicable) open enrollment, universal enroll-
22 ment, or universal screening for all advanced
23 courses or programs offered by the local edu-
24 cational agency;

1 (C) the level of detail and feasibility of the
2 plan for assembling an advisory council of stu-
3 dents from underrepresented subgroups of stu-
4 dents, and parents or guardians of students
5 from those subgroups, and involving that advi-
6 sory council in the implementation of the grant,
7 as well as oversight and evaluation of the grant;
8 and

9 (D) the level of detail and feasibility of the
10 plan for collecting and reporting (or supporting
11 a participating State educational agency, local
12 educational agency, or school in collecting or re-
13 porting, as applicable) data by subgroup of stu-
14 dents about advanced coursework enrollment
15 and performance.

16 (2) PRIORITIES.—

17 (A) STATE EDUCATIONAL AGENCY.—In
18 awarding a grant under subsection (a)(1)(A),
19 the Secretary shall give priority to—

20 (i) States that established memoranda
21 of understanding, as described in section
22 6(b), with a high percentage of the local
23 educational agencies in the State and cov-
24 ering a high percentage of total students in
25 the State;

1 (ii) States with large gaps in equitable
2 access, enrollment, and performance in ad-
3 vanced coursework across subgroups of
4 students, as described in the grant applica-
5 tions of the State educational agencies;
6 and

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

15 (B) LOCAL EDUCATIONAL AGENCY.—In
16 awarding a grant under subsection (a)(1)(B),
17 the Secretary shall give priority to local edu-
18 cational agencies that have made recent im-
19 provements to equitable participation and per-
20 formance in advanced coursework among his-
21 torically underrepresented subgroups of stu-
22 dents based on data collection from the Office
23 of Civil Rights of the Department of Education.

24 (d) AMOUNT; DURATION.—

25 (1) STATE EDUCATIONAL AGENCY.—

1 (A) AMOUNT.—A grant awarded under
2 subsection (a)(1)(A) shall be in an amount that
3 is not less than \$15,000,000 and not more than
4 \$60,000,000.

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

8 (2) LOCAL EDUCATIONAL AGENCY.—

9 (A) AMOUNT.—A grant awarded under
10 subsection (a)(1)(B) shall be in an amount that
11 is not less than \$1,000,000 and not more than
12 \$20,000,000.

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

16 (3) OTHER NONPROFIT ENTITY.—

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

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

23 (e) NUMBER OF GRANTS AWARDED.—

24 (1) STATE EDUCATIONAL AGENCY.—

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

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

8 (i) less than \$700,000,000 over 3
9 years, the Secretary may award fewer than
10 6 awards under subsection (a)(1)(A) per
11 cycle; and

12 (ii) more than \$900,000,000 over 3
13 years, the Secretary may award more than
14 10 awards under subsection (a)(1)(A) per
15 cycle.

16 (2) LOCAL EDUCATIONAL AGENCY.—

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

21 (B) EXCEPTIONS.—Notwithstanding sub-
22 paragraph (A), if the amount appropriated to
23 carry out this Act is—

24 (i) less than \$700,000,000 over 3
25 years, the Secretary may award fewer than

1 8 awards under subsection (a)(1)(B) per
2 cycle; and

3 (ii) more than \$900,000,000 over 3
4 years, the Secretary may award more than
5 16 awards under subsection (a)(1)(B) per
6 cycle.

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

14 **SEC. 6. SUBGRANTS.**

15 (a) IN GENERAL.—A State educational agency re-
16 ceiving a grant under this Act shall use the grant funds
17 to award subgrants to local educational agencies in the
18 State.

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

21 (1) local educational agencies that have a high
22 student poverty ratio (as measured by comparing the
23 number of students meeting at least one measure of
24 poverty described in section 1113(a)(5) of the Ele-
25 mentary and Secondary Education Act of 1965 (20

1 U.S.C. 6313(a)(5)) to the total number of children
2 in the school); and

3 (2) local educational agencies that will support
4 elementary schools and secondary schools that offer
5 fewer advanced course or program offerings (or
6 fewer available slots in those courses or programs)
7 than the average for the State.

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

12 (1) establish ambitious 3-year enrollment and
13 performance goals for each subgroup of students,
14 and intermediate annual targets for each subgroup
15 of students, to bridge districtwide inequities (accord-
16 ing to race, sex, socioeconomic status, disability sta-
17 tus, and status as an English learner) in advanced
18 coursework or program participation and perform-
19 ance;

20 (2) specify the enrollment mechanism that the
21 local educational agency will use for its various ad-
22 vanced courses or programs, which shall include
23 open enrollment, universal enrollment, or universal
24 screening, including in the case of universal screen-
25 ing, a description of what assessments will be used

1 to determine enrollment as described in section 4(6),
2 and a justification for why each assessment was se-
3 lected;

4 (3) submit a plan to train school leaders, aca-
5 demic counselors or advisors, and teachers on strate-
6 gies for bridging inequities (according to race and
7 ethnicity, sex, socioeconomic status, disability status,
8 and status as an English learner) in advanced
9 coursework or program participation and perform-
10 ance;

11 (4) submit a plan to assemble a local advisory
12 council of students from underrepresented subgroups
13 of students, and parents or guardians of students
14 from those subgroups, with at least 2 members of
15 each subgroup of students, including an explanation
16 of how the council will be involved in the local edu-
17 cational agency's implementation of the grant, as
18 well as oversight and evaluation of the grant;

19 (5) submit a plan to communicate to students
20 and families, in multiple languages and through
21 multiple formats, the process and requirements to
22 enroll in advanced courses; and

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

1 **SEC. 7. USES OF FUNDS.**

2 (a) **REQUIRED USES OF FUNDS.**—A local educational
3 agency receiving a grant or subgrant under this Act shall
4 use the grant or subgrant funds to carry out each of the
5 following:

6 (1) Use not more than 5 percent of funds to
7 conduct community engagement (including by as-
8 sembling a local advisory council) with regard to
9 changes to advanced courses or programs.

10 (2) Not later than 1 year after funding is re-
11 ceived, use not more than 5 percent of subgrant
12 funds to train school leaders, academic counselors or
13 advisors, and teachers on strategies for bridging in-
14 equities (according to race and ethnicity, sex, socio-
15 economic status, disability status, and status as an
16 English learner) in advanced coursework or program
17 participation and performance.

18 (3) Expand enrollment in advanced courses or
19 programs for underrepresented students.

20 (4) Not later than 1 year after funding is re-
21 ceived, implement open enrollment, universal enroll-
22 ment, or universal screening for all advanced courses
23 and programs, including—

24 (A) gifted and talented programs, 8th
25 grade Algebra I, Advanced Placement, Inter-
26 national Baccalaureate, dual enrollment, early

1 college high school, and any similarly advanced
2 courses or programs; and

3 (B) training individuals involved in the as-
4 sessment process in the administration of the
5 assessments and the interpretation of the re-
6 sults.

7 (5) Launch advanced courses or programs, or
8 expand enrollment capacity in advanced courses or
9 programs, which may include gifted and talented
10 programs, 8th grade Algebra I, Advanced Place-
11 ment, International Baccalaureate, dual enrollment,
12 early college high school, or any similarly advanced
13 courses or programs.

14 (6) Provide direct services, such as tutoring, to
15 students from underrepresented groups to enable
16 those students to thrive academically in advanced
17 courses and programs.

18 (b) PERMITTED USES OF FUNDS.—A local edu-
19 cational agency receiving a grant or subgrant under this
20 Act may (in addition to the required uses described in sub-
21 section (a)) use the grant or subgrant funds to carry out
22 one or more of the following:

23 (1) Launch innovative advanced coursework
24 models that allow all students to benefit from ad-
25 vanced coursework, such as embedded enrichment

1 (for elementary and middle school students), and
2 open honors (for high school students).

3 (2) Purchase curricula and materials for ad-
4 vanced courses and programs, such as calculators,
5 books, and laboratory materials.

6 (3) Cover the cost of advanced coursework
7 exams for low-income students.

8 (4) Use not more than 20 percent of funds to
9 train or hire teachers to teach advanced coursework.

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

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

1 (2) Purchase curricula and materials for ad-
2 vanced courses and programs, such as calculators,
3 books, and laboratory materials.

4 (3) Cover the cost of advanced coursework
5 exams for low-income students.

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

7 (a) REPORT TO SECRETARY.—

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

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

1 (B) A listing of the advanced courses or
2 programs available at the local educational
3 agency receiving a grant, or at each local edu-
4 cational agency that received a subgrant, as ap-
5 plicable, and the student enrollment mechanism
6 for each of those courses or programs. If a local
7 educational agency uses universal screening in-
8 stead of open enrollment or universal enroll-
9 ment, then the list shall include a description of
10 what assessments will be used to determine en-
11 rollment as described in section 4(4).

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

20 (D) The academic outcomes (such as
21 grades or exam scores) of students enrolled in
22 advanced courses or programs in the State (or
23 in the local educational agency, in the case of
24 a local educational agency receiving a grant),
25 disaggregated and cross-tabulated by race and

1 ethnicity, sex, disability status, socioeconomic
2 status, and status as an English learner.

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

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

21 (2) OTHER NONPROFIT ENTITIES.—Not later
22 than 60 days after the end of each year of the grant,
23 each nonprofit entity receiving a grant under section
24 5(a)(1)(C) shall prepare and submit to the Secretary
25 a report containing the information described in sub-

1 paragraph (C) through (F) of paragraph (1) with re-
2 spect to students that are enrolled in advanced
3 courses or programs provided by the nonprofit entity
4 and the nonprofit entity's targets.

5 (b) BONUS.—

6 (1) STATE EDUCATIONAL AGENCY.—The State
7 educational agency receiving a grant under section
8 5(a)(1)(A) that achieves the greatest growth toward
9 that State's advanced coursework enrollment and
10 performance equity goals described in section
11 5(b)(1)(E) at the end of the first or second grant
12 year shall receive a bonus payment of 5 percent of
13 the original grant amount (to be used during the
14 subsequent grant year). A State educational agency
15 shall direct not less than 50 percent of the bonus
16 funds to local educational agency subgrantees that
17 achieved the greatest growth toward the local edu-
18 cational agency's advanced coursework equity goals
19 described in section 6(c)(1).

20 (2) LOCAL EDUCATIONAL AGENCY.—The local
21 educational agency receiving a grant under section
22 5(a)(1)(B) that achieves the greatest growth toward
23 that local educational agency's advanced coursework
24 enrollment and performance equity goals described
25 in section 5(b)(2)(G) at the end of the first grant

1 year shall receive a bonus payment of 5 percent of
2 the original grant amount (to be used during the
3 subsequent grant year). A local educational agency
4 shall direct not less than 50 percent of the bonus
5 funds to the schools that achieved the greatest
6 growth toward the local educational agency's ad-
7 vanced coursework equity goals described in section
8 5(b)(2)(G).

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

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this Act \$266,000,000 for fiscal year 2022, \$266,000,000
22 for fiscal year 2023, and \$266,000,000 for fiscal year
23 2024.

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