

  
(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CASTRO of Texas introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# 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—

1 (1) to expand access to advanced courses and  
2 programs at under-resourced elementary and sec-  
3 ondary schools;

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

8 (3) to equip dramatically more students, espe-  
9 cially students from historically underrepresented  
10 groups, with twenty-first century skills in the fields  
11 of science, technology, engineering, and mathematics  
12 (referred to in this Act as “STEM”) needed to suc-  
13 ceed in college and a competitive global workforce.

14 **SEC. 3. FINDINGS.**

15 Congress finds the following:

16 (1) Black, Latino, and Native American stu-  
17 dents, students with disabilities, English learners,  
18 and students from low-income families are underrep-  
19 resented in advanced programs and courses.

20 (2) While 1 in 10 students in schools in the  
21 United States participate in the Advanced Place-  
22 ment (AP) program, just over 1 in 20 low-income,  
23 Black, and Native American students participate in  
24 Advanced Placement, 1 in 50 English learners par-  
25 ticipate, and fewer than 1 in 50 students with dis-

1 abilities participate. One in 10 White students, 1 in  
2 15 Latino students, and 1 in 20 Black students par-  
3 ticipate in dual enrollment programs.

4 (3) Taking the mathematics course Algebra 1  
5 in grade 8 is necessary for most students to be on  
6 track for enrolling in advanced math courses in high  
7 school. If Black and Latino students had a fair op-  
8 portunity to participate in eighth grade Algebra I  
9 across the country, schools would enroll an addi-  
10 tional 43,019 Black students and 59,452 Latino stu-  
11 dents in eighth grade Algebra I courses. The De-  
12 partment of Education reported that in the 2015–  
13 2016 school year, only 48 percent of schools with  
14 high concentrations of English learners offered Alge-  
15 bra I compared with 70 percent of schools with low  
16 concentrations of English learner students. In the  
17 same year, just 2 percent of English learner stu-  
18 dents nationwide were enrolled in Algebra I in grade  
19 8.

20 (4) A low-income student with reading and  
21 math achievement levels equal to those of a high-in-  
22 come student is half as likely to receive gifted serv-  
23 ices as the high-income student. Black students are  
24 approximately half as likely as white peers with the

1 same mathematics and reading achievement levels to  
2 be referred to gifted services.

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

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

18 (7) Public elementary schools and secondary  
19 schools face a \$305,000,000,000 budget shortfall  
20 due to COVID-19 related tax revenue decreases and  
21 new COVID-19 related expenses. As school districts  
22 prepare to make drastic cuts to educational pro-  
23 gramming, access to advanced coursework and pro-  
24 grams is in jeopardy for millions of students, espe-  
25 cially students from underrepresented groups and

1 students attending under-resourced schools. Addi-  
2 tional funding and reforms are needed to maintain  
3 and expand access to advanced coursework and pro-  
4 grams, especially for marginalized students in com-  
5 munities hit hardest by the COVID–19 pandemic.

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

8 (1) **TERMS FROM THE ELEMENTARY AND SEC-**  
9 **ONDARY EDUCATION ACT OF 1965.**—The terms  
10 “early college high school”, “elementary school”,  
11 “English learner”, “gifted and talented”, “institu-  
12 tion of higher education”, “parent”, “school leader”,  
13 “secondary school”, and “State educational agency”  
14 have the meaning given those terms in section 8101  
15 of the Elementary and Secondary Education Act of  
16 1965 (20 U.S.C. 7801).

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

23 (3) **OPEN ENROLLMENT.**—The term “open en-  
24 rollment” means an enrollment mechanism through  
25 which any student that chooses to enroll in an ad-

1       vanced course or program is allowed to do so, with-  
2       out regard to previous academic performance or test  
3       scores.

4               (4) SUBGROUP OF STUDENTS.—The term “sub-  
5       group of students” has the meaning given that term  
6       in section 1111(c)(2) of the Elementary and Sec-  
7       ondary Education Act of 1965 (20 U.S.C.  
8       6311(c)(2)).

9               (5) UNIVERSAL SCREENING.—The term “uni-  
10       versal screening” means an enrollment mechanism  
11       through which all students in a grade are screened  
12       for enrollment in advanced courses and programs.  
13       Students that are determined to be qualified for ad-  
14       vanced courses or programs are automatically en-  
15       rolled in those courses or programs, unless a parent  
16       chooses to opt out a student. The determination of  
17       which students are qualified for advanced courses or  
18       programs—

19               (A) shall be made after consideration of  
20       not less than 2 objective assessments (except  
21       that a student may qualify based on only 1  
22       such assessment)—

23               (i) that are combined in a reasoned  
24       way that is not biased against any par-  
25       ticular subgroup of students;

1 (ii) that provide appropriate accom-  
2 modations for students with disabilities;

3 (iii) that may be administered not ex-  
4 plicitly for the primary purpose of deter-  
5 mining enrollment in an advanced course  
6 or program (such as through a statewide  
7 exam that all students in a grade will  
8 take), so long as students with disabilities  
9 have equal access to the assessment and  
10 are provided appropriate accommodations  
11 in accordance with the Individuals with  
12 Disabilities Education Act (20 U.S.C.  
13 1400 et seq.) and section 504 of the Reha-  
14 bilitation Act of 1973 (29 U.S.C. 794);  
15 and

16 (iv) that may include—

17 (I) a standardized assessment  
18 that provides appropriate accommoda-  
19 tions for students with disabilities in  
20 accordance with the Individuals with  
21 Disabilities Education Act (20 U.S.C.  
22 1400 et seq.) and section 504 of the  
23 Rehabilitation Act of 1973 (29 U.S.C.  
24 794);

1 (II) a statewide, districtwide, or  
2 schoolwide assessment; or

3 (III) grades from relevant  
4 courses, a portfolio of relevant work,  
5 or class ranking; and

6 (B) may be partially based upon a subjec-  
7 tive measure (such as a teacher's recommenda-  
8 tion) in addition to the required 2 objective  
9 measures.

10 **SEC. 5. GRANT PROGRAM AUTHORIZED.**

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

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

13 (A) awarding not less than 80 percent of  
14 the amounts authorized to be appropriated  
15 under section 9 to State educational agencies to  
16 allow those State educational agencies to award  
17 subgrants to participating local educational  
18 agencies, including public charter schools, to en-  
19 able those local educational agencies to carry  
20 out the activities described in section 7;

21 (B) awarding not less than 15 percent of  
22 the amounts authorized to be appropriated  
23 under section 9 to participating local edu-  
24 cational agencies to allow those local edu-



1           cational agencies to carry out the activities de-  
2           scribed in section 7; and

3           (C) awarding not more than 4 percent of  
4           the amounts authorized to be appropriated  
5           under section 9 to an institution of higher edu-  
6           cation or other nonprofit entity that has a dem-  
7           onstrated record of effectiveness in delivering or  
8           designing advanced coursework or programs  
9           (such as by previously executing a successful  
10          project that was part of the Jacob K. Javits  
11          Gifted and Talented Students Education Pro-  
12          gram under section 4644 of the Elementary  
13          and Secondary Education Act of 1965 (20  
14          U.S.C. 7294)), to enable that institution or en-  
15          tity to provide services to students in rural  
16          areas and students who otherwise lack access to  
17          advanced courses or programs; and

18          (2) reserve not more than 1 percent of the  
19          amounts authorized to be appropriated under section  
20          9 for the Department of Education to administer the  
21          program under this Act, provide technical assistance  
22          to grantees, evaluate grantees' performance (as re-  
23          quired by this Act), and disseminate information  
24          about findings and best practices related to the ac-  
25          tivities authorized under this Act.

1 (b) APPLICATION.—

2 (1) STATE EDUCATIONAL AGENCY.—A State  
3 educational agency desiring to receive a grant under  
4 subsection (a)(1)(A) shall submit an application to  
5 the Secretary during the first year of the 3-year  
6 grant cycle, and at such time and in such manner  
7 as the Secretary may require. The application shall  
8 include the following:

9 (A) An assurance that memoranda of un-  
10 derstanding, as described in section 6(c), have  
11 been executed between the State educational  
12 agency and not less than 50 percent of the local  
13 educational agencies in the State, representing  
14 not less than 50 percent of all students in the  
15 State, to participate in the grant program and  
16 fulfill the program obligations.

17 (B) A list of the participating local edu-  
18 cational agencies that have executed such  
19 memoranda, and the percentage of the State's  
20 public school students who are served by those  
21 local educational agencies.

22 (C) A plan for supporting participating  
23 local educational agencies with implementing  
24 programs and activities to improve enrollment  
25 in all advanced courses or programs offered by

1 the local educational agency and improving stu-  
2 dent preparation for and participation in path-  
3 ways to postsecondary education in STEM  
4 fields, which may include—

5 (i) using data from evidence-based  
6 early warning indicator systems; and

7 (ii) other evidence-based activities, in-  
8 cluding open enrollment or universal  
9 screening.

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

19 (E) A plan for supporting participating  
20 local educational agencies in collecting and re-  
21 porting data about advanced coursework enroll-  
22 ment and student performance data, including  
23 data disaggregated and cross-tabulated by race  
24 and ethnicity, sex, disability status, socio-

1 economic status, and status as an English  
2 learner.

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

12 (G) A proposed budget for how the State  
13 educational agency will spend funding awarded  
14 through the grant.

15 (2) LOCAL EDUCATIONAL AGENCY.—A local  
16 educational agency desiring to receive a grant under  
17 subsection (a)(1)(B) shall be eligible to apply for a  
18 grant if the local educational agency is not also seek-  
19 ing a subgrant from a State educational agency that  
20 receives a grant under this Act. A local educational  
21 agency shall submit an application to the Secretary  
22 at such time and in such manner as the Secretary  
23 may require. The application shall include the fol-  
24 lowing:

25 (A) An assurance that—

1 (i) the local educational agency is not  
2 also seeking a subgrant from a State edu-  
3 cational agency that receives a grant under  
4 this Act during the applicable grant cycle;  
5 and

6 (ii) the local educational agency has a  
7 high student poverty ratio (as measured by  
8 comparing the number of students meeting  
9 at least one measure of poverty described  
10 in section 1113(a)(5) of the Elementary  
11 and Secondary Education Act of 1965 (20  
12 U.S.C. 6313(a)(5)) to the total number of  
13 students in the school).

14 (B) A description of the enrollment mecha-  
15 nism that the participating local educational  
16 agency will use for its various advanced courses  
17 or programs, which shall include open enroll-  
18 ment or universal screening, including in the  
19 case of universal screening, a description of  
20 what assessments will be used to determine en-  
21 rollment as described in section 4(5), and a jus-  
22 tification for why each assessment was selected.

23 (C) A plan to assemble a local advisory  
24 council of students from underrepresented sub-  
25 groups of students, and parents or guardians of

1 students from those subgroups, with at least 2  
2 members of each subgroup of students. The  
3 plan shall explain how the council will be in-  
4 volved in the local educational agency's imple-  
5 mentation of the grant, as well as oversight and  
6 evaluation of the grant.

7 (D) A plan to train school leaders, aca-  
8 demic advisors or counselors, and teachers on  
9 strategies for bridging inequities (according to  
10 race and ethnicity, sex, socioeconomic status,  
11 disability status, and status as an English  
12 learner) in advanced coursework or STEM pro-  
13 gram participation and performance.

14 (E) A plan to communicate to students  
15 and families, in multiple languages and through  
16 multiple formats, the process and requirements  
17 to enroll in advanced courses.

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

20 (G) A plan for collecting and reporting  
21 data about advanced coursework enrollment and  
22 student performance data, including data  
23 disaggregated and cross-tabulated by race and  
24 ethnicity, sex, disability status, socioeconomic  
25 status, and status as an English learner.

1 (H) A description of ambitious 3-year en-  
2 rollment and performance goals for each sub-  
3 group of students, and intermediate annual tar-  
4 gets for each subgroup of students, to bridge  
5 districtwide inequities (according to race and  
6 ethnicity, sex, socioeconomic status, disability  
7 status, and status as an English learner) in ad-  
8 vanced coursework or STEM program partici-  
9 pation and performance.

10 (I) A proposed budget for how the partici-  
11 pating local educational agency will spend fund-  
12 ing awarded through the grant.

13 (3) OTHER NONPROFIT ENTITY.—An institu-  
14 tion of higher education or other nonprofit entity de-  
15 siring to receive a grant under subsection (a)(1)(C)  
16 shall submit an application to the Secretary at such  
17 time, in such manner, and containing such informa-  
18 tion as the Secretary may require, including, at a  
19 minimum—

20 (A) at least one memorandum of under-  
21 standing that the applicant has already estab-  
22 lished with a school, local educational agency,  
23 or State educational agency that the applicant  
24 intends to work with, and a description of the  
25 services the applicant would provide to that

1 school, local educational agency, or State edu-  
2 cational agency;

3 (B) materials that demonstrate the appli-  
4 cant's record of effectiveness in designing or de-  
5 livering advanced coursework or programs and  
6 providing academic supports for students that  
7 belong to underrepresented subgroups;

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

18 (D) a plan for collecting and reporting  
19 data about advanced coursework enrollment and  
20 student performance data, including data  
21 disaggregated and cross-tabulated by race and  
22 ethnicity, sex, disability status, socioeconomic  
23 status, and status as an English learner; and



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

4 (c) CRITERIA FOR AWARDING GRANTS.—

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

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

15 (B) the level of detail and feasibility of the  
16 plan for implementing (or supporting a partici-  
17 pating State educational agency, local edu-  
18 cational agency, or school in implementing, as  
19 applicable) open enrollment or universal screen-  
20 ing for all advanced courses or programs of-  
21 fered by the local educational agency;

22 (C) the level of detail and feasibility of the  
23 plan for assembling an advisory council of stu-  
24 dents from underrepresented subgroups of stu-  
25 dents, and parents or guardians of students

1 from those subgroups, and involving that advi-  
2 sory council in the implementation of the grant,  
3 as well as oversight and evaluation of the grant;  
4 and

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

12 (2) PRIORITIES.—

13 (A) STATE EDUCATIONAL AGENCY.—In  
14 awarding a grant under subsection (a)(1)(A),  
15 the Secretary shall give priority to—

16 (i) States that established memoranda  
17 of understanding, as described in section  
18 6(c), with a high percentage of the local  
19 educational agencies in the State and cov-  
20 ering a high percentage of total students in  
21 the State;

22 (ii) States with large gaps in equitable  
23 access, enrollment, and performance in ad-  
24 vanced coursework across subgroups of

1 students, as described in the grant applica-  
2 tions of the State educational agencies;

3 (iii) States that prioritize evidence-  
4 based strategies to ensure subgroups of  
5 students have equitable access to pathways  
6 to postsecondary education in STEM  
7 fields; and

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

16 (B) LOCAL EDUCATIONAL AGENCY.—In  
17 awarding a grant under subsection (a)(1)(B),  
18 the Secretary shall give priority to—

19 (i) local educational agencies that  
20 have made recent improvements to equi-  
21 table participation and performance in ad-  
22 vanced coursework among historically  
23 underrepresented subgroups of students  
24 based on data collection from the Office of

1 Civil Rights of the Department of Edu-  
2 cation;

3 (ii) local educational agencies that  
4 provide pathways to postsecondary edu-  
5 cation in STEM fields to a high proportion  
6 of students who are enrolled in high  
7 schools served by the local educational  
8 agency; and

9 (iii) local educational agencies that  
10 prioritize evidence-based strategies to en-  
11 sure subgroups of students have equitable  
12 access to pathways to postsecondary edu-  
13 cation in STEM fields.

14 (d) AMOUNT; DURATION.—

15 (1) STATE EDUCATIONAL AGENCY.—

16 (A) AMOUNT.—A grant awarded under  
17 subsection (a)(1)(A) shall be in an amount that  
18 is not less than \$15,000,000 and not more than  
19 \$60,000,000.

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

23 (2) LOCAL EDUCATIONAL AGENCY.—

24 (A) AMOUNT.—A grant awarded under  
25 subsection (a)(1)(B) shall be in an amount that

1 is not less than \$1,000,000 and not more than  
2 \$20,000,000.

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

6 (3) OTHER NONPROFIT ENTITY.—

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

10 (B) DURATION.—A grant awarded under  
11 subsection (a)(1)(C) shall be for a 3-year pe-  
12 riod.

13 (e) NUMBER OF GRANTS AWARDED.—

14 (1) STATE EDUCATIONAL AGENCY.—

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

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

22 (i) less than \$233,000,000 in any  
23 year, the Secretary may award fewer than  
24 6 awards under subsection (a)(1)(A) per  
25 cycle; and

1 (ii) more than \$300,000,000 in any  
2 year, the Secretary may award more than  
3 10 awards under subsection (a)(1)(A) per  
4 cycle.

5 (2) LOCAL EDUCATIONAL AGENCY.—

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

10 (B) EXCEPTIONS.—Notwithstanding sub-  
11 paragraph (A), if the amount appropriated to  
12 carry out this Act is—

13 (i) less than \$233,000,000 in any  
14 year, the Secretary may award fewer than  
15 8 awards under subsection (a)(1)(B) per  
16 cycle; and

17 (ii) more than \$300,000,000 in any  
18 year, the Secretary may award more than  
19 16 awards under subsection (a)(1)(B) per  
20 cycle.

21 (f) SPECIAL RULE.—In the event a local educational  
22 agency that is receiving a subgrant cannot carry out one  
23 or more of the activities described in section 7, a State  
24 educational agency receiving a grant under subsection  
25 (a)(1)(A) may use not more than 4 percent of the grant

1 funds to carry out high-quality technical assistance for  
2 local educational agencies in the State.

3 **SEC. 6. SUBGRANTS.**

4 (a) **IN GENERAL.**—A State educational agency re-  
5 ceiving a grant under this Act shall use the grant funds  
6 to award subgrants to local educational agencies in the  
7 State.

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

10 (1) local educational agencies that have a high  
11 student poverty ratio (as measured by comparing the  
12 number of students meeting at least one measure of  
13 poverty described in section 1113(a)(5) of the Ele-  
14 mentary and Secondary Education Act of 1965 (20  
15 U.S.C. 6313(a)(5)) to the total number of children  
16 in the school); and

17 (2) local educational agencies that will support  
18 elementary schools and secondary schools that offer  
19 fewer advanced course or program offerings (or  
20 fewer available slots in those courses or programs)  
21 than the average for the State.

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

1           (1) establish ambitious 3-year enrollment and  
2 performance goals for each subgroup of students,  
3 and intermediate annual targets for each subgroup  
4 of students to bridge districtwide inequities (accord-  
5 ing to race, sex, socioeconomic status, disability sta-  
6 tus, and status as an English learner) in—

7                   (A) advanced coursework;

8                   (B) STEM program participation and per-  
9 formance; or

10                  (C) both advanced coursework and STEM  
11 program participation and performance;

12           (2) specify the enrollment mechanism that the  
13 local educational agency will use for its various ad-  
14 vanced courses or programs, which shall include  
15 open enrollment or universal screening, including in  
16 the case of universal screening, a description of what  
17 assessments will be used to determine enrollment as  
18 described in section 4(5), and a justification for why  
19 each assessment was selected;

20           (3) submit a plan to train school leaders, aca-  
21 demic counselors or advisors, and teachers on strate-  
22 gies for bridging inequities (according to race and  
23 ethnicity, sex, socioeconomic status, disability status,  
24 and status as an English learner) in advanced



1 coursework or program participation and perform-  
2 ance;

3 (4) submit a plan to assemble a local advisory  
4 council of students from underrepresented subgroups  
5 of students, and parents or guardians of students  
6 from those subgroups, with at least 2 members of  
7 each subgroup of students, including an explanation  
8 of how the council will be involved in the local edu-  
9 cational agency's implementation of the grant, as  
10 well as oversight and evaluation of the grant;

11 (5) submit a plan to communicate to students  
12 and families, in multiple languages and through  
13 multiple formats, the process and requirements to  
14 enroll in advanced courses; and

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

17 **SEC. 7. USES OF FUNDS.**

18 (a) **REQUIRED USES OF FUNDS.**—A local educational  
19 agency receiving a grant or subgrant under this Act shall  
20 use the grant or subgrant funds to carry out 2 or more  
21 of the following activities:

22 (1) Conducting community engagement (includ-  
23 ing by assembling a local advisory council) with re-  
24 gard to changes to advanced courses or programs.

1           (2) Not later than 1 year after funding is re-  
2           ceived, training school leaders, academic counselors  
3           or advisors, and teachers on strategies for bridging  
4           inequities (according to race and ethnicity, sex, so-  
5           cioeconomic status, disability status, and status as  
6           an English learner) in advanced coursework or pro-  
7           gram participation and performance.

8           (3) Expanding enrollment in advanced courses  
9           or programs for underrepresented students.

10          (4) Not later than 1 year after funding is re-  
11          ceived, implementing open enrollment or universal  
12          screening for all advanced courses and programs, in-  
13          cluding—

14                (A) gifted and talented programs, 8th  
15                grade Algebra I, Advanced Placement, Inter-  
16                national Baccalaureate, dual enrollment, early  
17                college high school, and any similarly advanced  
18                courses or programs; and

19                (B) training individuals involved in the as-  
20                sessment process in the administration of the  
21                assessments and the interpretation of the re-  
22                sults.

23          (5) Launching advanced courses or programs,  
24          or expand enrollment capacity in advanced courses  
25          or programs, which may include gifted and talented

1 programs, 8th grade Algebra I, Advanced Place-  
2 ment, International Baccalaureate, dual enrollment,  
3 early college high school, or any similarly advanced  
4 courses or programs.

5 (6) Providing direct services, such as tutoring,  
6 to students from underrepresented groups to enable  
7 those students to thrive academically in advanced  
8 courses and programs, and if applicable, prioritize  
9 services to be delivered by paraprofessionals or other  
10 qualified school personnel.

11 (b) PERMITTED USES OF FUNDS.—A local edu-  
12 cational agency receiving a grant or subgrant under this  
13 Act may (in addition to the required uses described in sub-  
14 section (a)) use the grant or subgrant funds to carry out  
15 one or more of the following activities:

16 (1) Launching innovative advanced coursework  
17 models that allow all students to benefit from ad-  
18 vanced coursework, such as embedded enrichment  
19 (for elementary and middle school students), and  
20 open honors (for high school students).

21 (2) Purchasing curricula and materials for ad-  
22 vanced courses and programs, such as calculators,  
23 books, and laboratory materials.

24 (3) Covering the cost of advanced coursework  
25 fees for low-income students.

1           (4) Using funds to train or hire teachers to  
2           teach advanced coursework.

3           (5) Strengthening or developing a positive  
4           school climate through teacher training and profes-  
5           sional development, including implicit bias training,  
6           identity-affirming curricula, peer mentoring, pro-  
7           grams to recruit and retain diverse educators, en-  
8           gaging and supporting families, and expanding alter-  
9           natives to punitive and exclusionary discipline prac-  
10          tices.

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

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

1 open honors (for high school students), or any simi-  
2 larly advanced courses or programs.

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

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

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

9 (a) REPORT TO SECRETARY.—

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

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

1 schools those trained individuals are affiliated  
2 with.

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

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

22 (D) The academic outcomes (such as  
23 grades or exam scores) of students enrolled in  
24 advanced courses or programs in the State (or  
25 in the local educational agency, in the case of

1 a local educational agency receiving a grant),  
2 disaggregated and cross-tabulated by race and  
3 ethnicity, sex, disability status, socioeconomic  
4 status, and status as an English learner.

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

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

23 (G) A description of communication with  
24 families, including how parents were notified  
25 of—

- 1 (i) advanced coursework opportunities;
- 2 (ii) the value of the programs; and
- 3 (iii) the ability to opt out.

4 (2) OTHER NONPROFIT ENTITIES.—Not later  
5 than 60 days after the end of each year of the grant,  
6 each nonprofit entity receiving a grant under section  
7 5(a)(1)(C) shall prepare and submit to the Secretary  
8 a report containing the information described in sub-  
9 paragraph (C) through (F) of paragraph (1) with re-  
10 spect to students that are enrolled in advanced  
11 courses or programs provided by the nonprofit entity  
12 and the nonprofit entity’s targets.

13 (b) BONUS.—

14 (1) STATE EDUCATIONAL AGENCY.—The State  
15 educational agency receiving a grant under section  
16 5(a)(1)(A) that achieves the greatest growth toward  
17 that State’s advanced coursework enrollment and  
18 performance equity goals described in section  
19 5(b)(1)(F) at the end of the first or second grant  
20 year shall receive a bonus payment of 5 percent of  
21 the original grant amount (to be used during the  
22 subsequent grant year). A State educational agency  
23 shall direct not less than 50 percent of the bonus  
24 funds to local educational agency subgrantees that  
25 achieved the greatest growth toward the local edu-



1 educational agency's advanced coursework equity goals  
2 described in section 6(c)(1).

3 (2) LOCAL EDUCATIONAL AGENCY.—The local  
4 educational agency receiving a grant under section  
5 5(a)(1)(B) that achieves the greatest growth toward  
6 that local educational agency's advanced coursework  
7 enrollment and performance equity goals described  
8 in section 5(b)(2)(H) at the end of the first grant  
9 year shall receive a bonus payment of 5 percent of  
10 the original grant amount (to be used during the  
11 subsequent grant year). A local educational agency  
12 shall direct not less than 50 percent of the bonus  
13 funds to the schools that achieved the greatest  
14 growth toward the local educational agency's ad-  
15 vanced coursework equity goals described in section  
16 5(b)(2)(H).

17 (c) EVALUATION.—At the end of the 3-year grant pe-  
18 riod, the Secretary shall prepare and submit to Congress  
19 a report containing an evaluation of the grant program  
20 under this Act and a summary of the reports submitted  
21 under subsection (a). The evaluation shall contain an anal-  
22 ysis of the effectiveness of the program, including the im-  
23 pact of the grants on equitable enrollment and perform-  
24 ance in advanced courses and programs. This evaluation

1 shall provide recommendations based on the Secretary's  
2 findings from the grant program.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated to carry out  
5 this Act \$266,000,000 for fiscal year 2023, \$266,000,000  
6 for fiscal year 2024, and \$266,000,000 for fiscal year  
7 2025.