

[DISCUSSION DRAFT]

A BILL

To invest in creating an excellent and equitable public education system in America, so every child in the United States, regardless of race, ethnicity, social class, or State of residence, receives a high-quality, academically rich, rigorous and evidence-based education, in a local public school that is safe, modern, and fosters a positive learning environment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Invest in Excellence and Equity in American Education Act of 202__.”

SEC. 2. PURPOSE.

The purpose of this Act is to create a public education system in the United States that has the capacity to deliver an excellent education to every child, irrespective of race, ethnicity, English language proficiency, special needs, social class, or State of residence. To accomplish that objective, this Act creates a means for the federal government to make new investments in public education designed to assist States in creating a system that: is funded based on what the evidence indicates works to enhance student achievement; and will assure each student receives a high quality public education which meets all of that student’s academic and social/emotional needs. These new federal investments are designed to help ensure every public school in the United States will have---

(1) safe, modern facilities that create a positive learning environment, as well as

(2) the fiscal resources needed to:

- fund those educational practices which the evidence indicates improve academic outcomes, and are necessary to provide a high quality education that offers the academic, enrichment, social/emotional, technical, and vocational programs each student attending public school in America needs to become a competitive worker, responsible parent, engaged citizen, and active member of our national democracy;
- ensure each student receives the education needed to graduate from high school with the skills required to pursue post-secondary education or training, and/or a career in the modern economy;
- reduce, with a goal of eliminating, all gaps that appear along income, racial, and/or ethnic lines in key educational outcomes such as but not limited to academic achievement, enrollment in advanced placement or honors courses, graduation rates, disciplinary rates, drop-out rates, college matriculation rates, and college completion rates, by investing in practices shown to enhance the performance of all students, and not by reducing standards; and
- relieve the disproportionate burden placed on local property taxes to fund schools.

Creating such an educational system will require our Nation to make new, substantial financial investments in the education of our children which will—

(1) tie the dollar amount taxpayers invest in schools, to covering the cost of those educational practices which the research shows actually enhance student achievement over time;

(2) help overcome the widely varying fiscal and economic capacities to fund public education that exist from State to State and community to community, that historically have resulted in many public schools having insufficient resources to cover the costs of providing each of their students with the type of high-quality, academically rich, and rigorous education which the evidence and/or research show is required to meet the needs of every student;

(3) move away from outdated concepts of school finance that are focused primarily on State and local considerations, such as “property valuation per pupil” and “per pupil foundation levels” tied to State and local fiscal capacity, and to instead create an education finance system focused on covering what the research shows is the actual cost of

delivering a high-quality public education to each child based on that child's academic and social/emotional needs;

(4) ensure all social, health and other necessary “wrap-around” services are available in public schools that serve a significant portion of children who come from poverty;

(5) ensure every public school is a modern, safe, well designed facility that promotes learning, is environmentally friendly, and can effectively house current, and can be readily adapted to accommodate future, technologies needed to educate students in an increasingly competitive global economy; and

(6) target new Federal investments to those schools that serve—

(A) a high percentage of children from poverty or otherwise economically disadvantaged families and communities; or

(B) a high percentage of children who are part of a racial or ethnic minority group, or are English language learners, and who in each case have historically realized gaps in performance vis-a-vie the performance of nonminority children in one or more fundamental educational outcomes, including but not limited to academic performance on standardized tests, enrollment in advanced placement or honors courses, disciplinary actions, drop-out rates, graduation rates, college matriculation rates, and college completion rates.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) a lack of overall fiscal capacity, coupled with inequitable distribution of extant resources and inadequate physical facilities, have been consistent obstacles to providing the high quality public education each child in the United States needs to attain high levels of achievement in rigorous academic programs, and build the skills necessary to attend college, be

- career ready, compete in a global economy, and become a responsible, productive, and engaged citizen; and
- (2) this Act will address those shortcomings and help create an education funding system that is both sufficient in amount and equitable in distribution based on student need, while being predictable and sustainable over time.

TITLE I—INVESTING IN AN EXCELLENT AND EQUITABLE PUBLIC EDUCATION SYSTEM

SEC. 101. NEW FEDERAL INVESTMENTS.

(a) CREATION OF NEW NATIONAL INVESTMENT PROGRAMS.—Lack of financial capacity to fund those educational practices which the research show actually enhance student achievement has been a consistent obstacle to each child receiving the high quality public education needed to be successful in rigorous academic programs, and to building the skills necessary to attend college, be career ready, compete in a global economy, and become a responsible, productive, engaged citizen. To begin addressing that shortcoming, and help create an American public education system that: will have adequate financial resources for every public school to implement those educational practices the research and/or evidence indicate enhance student achievement over time; distributes new investments in public education in a manner that is equitable based on student needs; is comprised of public school facilities that are safe, modern, environmentally friendly and promote learning; the following public education investment programs are established--

(1) The “Excellence and Equity Initiative” (EEI), which shall be administered by the Secretary of Education. The EEI is a grant program pursuant to which the Secretary of Education shall issue grants to match enhanced investments made by a State in educating students who attend a public school (each, a “Targeted School”) that satisfies any of the following criteria—

(A) is in a local educational agency that has an “Adequacy Percentage” (as defined in Section 101(c)(1) of this Act) that is at or below 75 percent; or

(B) serves a student population in which 20 percent or more of its pupils either are eligible for at least one of the following low-income programs or any successor thereto established under federal law- Medicaid, the Children’s Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), or the Supplemental Nutrition Assistance Program (SNAP), or live in economically disadvantaged communities as determined using United States Census data; or

(C) serves a student population in which 20 percent or more of all pupils qualify as English language learners under the rules of the applicable “State educational agency” (as defined in Section 101(b)(6) of this Act); or

(D) serves a student population in which 20 percent or more of its pupils are members of some combination of a racial and/or ethnic minority group, a migratory group, Indian, and/or have disabilities, and who historically have realized gaps in performance vis-a-vie that State’s nonminority students in one or more fundamental educational outcomes, including but not limited to academic performance on standardized tests, enrollment in advanced placement or honors courses, disciplinary actions, drop-out rates, graduation rates, college matriculation rates, and/or college completion rates.

(2) The “Educating Every Child” Initiative (EEC), which is established to ensure that every child in the United States receives the high quality public education necessary for that child to achieve high academic standards, irrespective of the investment made in that child’s education by the State or local community in which that child lives. Under the EEC, the Secretary of Education is authorized to extend annual grants directly to local educational agencies that include Targeted Schools. When determining which Targeted Schools within a given State will receive EEC grants, the Secretary of Education shall prioritize those Targeted Schools in such State that are located within

the local educational agencies that have the lowest Adequacy Percentages.

(3) The “Facilities Modernization Initiative” (FMI), which is established to assist local educational agencies that include Targeted Schools in making the capital investments needed either to modernize existing school buildings, or to construct new school buildings, so that all such facilities are safe, modern, environmentally friendly, capable of housing current and future technologies, and create an atmosphere that promotes learning.

(4) The “Equitable and Sustainable Fiscal Policy” Program (ESFP), which is established to support efforts by States to reform their respective fiscal policies to create State capacity to invest sufficiently in ensuring each child in attending public school in such State receives a high quality public education, by comporting with the tax policy principles of fairness, responsiveness, and stability, that in turn are required for equitable and sustainable revenue generation in a modern economy.

(b) **BASE DEFINITIONS.**—Unless otherwise specifically defined in this Act, the following terms have the following meanings:

- (1) **EMPLOYMENT COST INDEX.** The terms “Employment Cost Index” and “ECI” each mean the Employment Cost Index—for Total Compensation, Service-Providing Industries—Elementary and Secondary Schools, published by the Bureau of Labor Statistics from time to time.
- (2) **ENHANCED INVESTMENT.** The term “enhanced investment” means a year-to-year increase in annual, per-pupil, elementary and/or secondary education funding made by a State after the effective date of this Act in the education of children attending Targeted Schools who live in that State, that satisfies both of the following requirements:

(A) The initial amount of such increase in elementary and/or secondary education funding in real, inflation-adjusted terms (with inflation based on the annual, Employment Cost Index for the immediately preceding complete calendar year) totals at least \$250

per pupil more than what total expenditures per pupil from all State and local sources were in such Targeted Schools for the immediately preceding school year.

(B) The entire amount of such enhanced investment comes from State, own-source revenues rather than local or other Federal sources of revenue.

(3) **LOCAL EDUCATIONAL AGENCY.** The term “local educational agency” means any public school district recognized as such by the State educational agency of any of the 50 States, and which contains elementary schools typically serving kindergarten through fifth grades; middle schools typically serving sixth through eighth grades; or high schools typically serving ninth through twelfth grades. It is acknowledged that the actual grade levels served by a particular local educational agency may vary from what is typical.

(4) **EVIDENCE-BASED MODEL.** The term “evidence-based model” means a research-based evaluation of the actual cost of educating each student attending each local educational agency in a particular State, to achieve high academic standards and otherwise create a “high quality public education” (as defined in Section 101(b)5 of this Act), that—

(A) considers those educational practices, personnel levels, and qualifications, strategies, programs, and other educational resources, which have actually been demonstrated through evidence or research to enhance student achievement over time;

(B) adjusts for specific student demographics such as but not limited to poverty, English language proficiency, minority status, ethnic status, and special needs; and

(C) adjusts for the specific cost of funding each evidence-based educational practice predicated on the regional labor market in which a particular local educational agency is located in the State in question, using a methodology therefore which the Secretary of Education establishes by rule from time to time.

Without excluding other appropriate evidence or research based methodologies which the Secretary of Education may recognize by rule from time to time as satisfying the preceding definition of an evidence-based model, the methodology explicated in the study “Using Available Evidence to Estimate the Cost of Educational Adequacy,” published in 2008 in Education Finance and Policy and produced by Allen R. Odden, Michael E. Goetz and Lawrence O. Picus, shall constitute an acceptable evidence-based model under this Act.

- (5) **High Quality Public Education.** The term “high-quality public education” means the opportunity to attend a public school that provides the combination of educational resources, including but not limited to the programs, practices, technology, physical facilities, wrap-around services, instructional materials, academic enrichment programs, qualified teaching, administrative and support personnel, and a reasonable selection of extracurricular activities, which together are necessary to enable each and every child attending such public school to attain high academic standards and graduate from high school with the skills needed to be college and career ready.
- (6) **SECRETARY OF EDUCATION.** The term “Secretary of Education” shall mean the Secretary of the federal Department of Education.
- (7) **STATE EDUCATIONAL AGENCY.** The term “State educational agency” means the administrative agency in each State with the principal authority for elementary and secondary public education.
- (8) **WRAP-AROUND SERVICES.** The term “wrap-around services” means all social, counseling, health, nutritional and other support services needed by students attending targeted schools.

(c) **EVIDENCE BASED MODEL DEFINITIONS.**—The annual investment needed to provide a high quality public education to each student who attends a local educational agency in a State shall be referred to in this Act as such local educational agency’s “Adequacy Target,” and shall be computed by summing the evidence-based educational factors identified in Section 101(d) of this Act, as said

factors relate to the student composition and “average student enrollment” (as defined in Section 101 (c)(5) of this Act) of said local educational agency.

- (1) **ADEQUACY PERCENTAGE.** The term “Adequacy Percentage” shall mean the percentage obtained by dividing the total State and local funding (but excluding any federal funding) which a local educational agency has in a given school year, by such local educational agency’s Adequacy Target for said school year.
- (2) **ADEQUACY TARGET PER PUPIL.** The term “Adequacy Target Per Pupil” shall mean, for a local educational agency, said local educational agency’s Adequacy Target for the school year in question, divided by said local educational agency’s ASE for said year.
- (3) **ASSESSMENTS.** The term “assessments” shall mean any benchmark, progress monitoring, formative, diagnostic, and/or other assessments, which, in addition to the applicable State accountability assessment, are used to assist teachers in understanding the skills and meeting the needs of the students they serve.
- (4) **AT RISK STUDENTS.** The term “at risk students” shall mean each of the following—(A) a student at risk of not scoring at least proficient on any of the standardized tests of the State in which such student attends public school, or not graduating from elementary or high school and who demonstrates a need for academic support or social services beyond that provided by regular school programs, (B) all students included in a local educational agency’s “Low Income Count” (as defined in Section 101(c)(20) of this Act), as well as in its “EL” (as defined in Section 101(c)(11) of this Act) population and/or special needs population, and (C) all students in a State who are members of some combination of a racial and/or ethnic minority group, a migratory group, or an Indian group, and who historically have realized gaps in performance vis-a-vie that State’s nonminority students in one or more fundamental educational outcomes, including but not limited to academic performance on standardized tests, enrollment in advanced placement or honors courses,

disciplinary actions, drop-out rates, graduation rates, college matriculation rates, and/or college completion rates.

- (5) **AVERAGE STUDENT ENROLLMENT.** The term “average student enrollment” or “ASE” of a local educational agency means, in a given school year, the greater of: the total number of students shown as enrolled in such local educational agency by its State educational agency for the immediately preceding school year; or the average number of total students which such state educational agency shows as enrolled in such local educational agency for the immediately preceding three school years.
- (6) **CENTRAL OFFICE STAFF.** The term “central office staff” shall mean individual administrators and support service personnel charged with managing the instructional programs and business/operations of a local educational agency.
- (7) **COMPARABLE WAGE INDEX.** The term “comparable wage index” or “CWI” shall mean such regional cost differentiation metric as the Secretary of Education may establish by rule from time to time. The CWI for each local educational agency shall be determined by comparing the index for the region and counties in which said local educational agency is situated against the median index therefor in the applicable State. Any State educational agency may request the Secretary of Education to approve of a CWI methodology for use in its State, which approval will be granted or denied within 60 days of receipt of any such request.
- (8) **COMPUTER TECHNOLOGY AND EQUIPMENT.** The term “computer technology and equipment” shall mean computers, servers, notebooks, tablets, network equipment, copiers, printers, instructional software, security software, and curriculum management courseware, and any other materials or devices identified by the Secretary of Education from time to time.

- (9) **CORE TEACHER.** The term “core teacher” shall mean a regular classroom teacher in elementary schools, and teachers of a “core subject” in middle and high schools, and the term “core subjects” shall mean mathematics, science, reading/English/writing/language Arts, history/social studies, and world languages, as well as all subjects taught as “Advanced Placement” in high schools.
- (10) **EMPLOYEE BENEFITS.** The term “employee benefits” shall mean health, dental, and vision insurance offered to employees of a local educational agency, as well as the costs associated with required payments of the normal cost of such local educational agency’s employee pensions and any and all Social Security contributions to the extent applicable.
- (11) **ENGLISH LEARNER.** The term “English learner” or “EL” shall mean: each child in grades Pre-K through 12 who was not born in the United States, whose native tongue is a language other than English, and who has not obtained an overall composite proficiency level of 5.0 as well as a reading proficiency level of 4.2 and a writing proficiency level of 4.2 on the prior year ACCESS or an equivalent assessment for Els.
- (12) **EXTENDED DAY.** The term “extended day” shall mean academic and enrichment programs provided to students outside the regular school day before and after school.
- (13) **FULL-TIME EQUIVALENT or FTE.** The term “full-time equivalent” or “FTE” shall mean the full-time equivalency compensation for staffing the relevant position at a local educational agency, computed based on the average annual compensation for the position in question that was paid over the immediately preceding three school years by those local educational agencies in the applicable State that constitute the highest paying 25 percent of all local educational agencies in such State for such position.
- (14) **GIFTED STUDENT.** The term “gifted student” shall mean a student who has shown the ability to perform at the very top levels academically, and to handle academic challenges

greater than those typically provided in such student's grade level.

- (15) **GUIDANCE COUNSELOR.** The term “guidance counselor” shall mean an academic counselor, social worker, psychologist, or family outreach worker who provides support for all students within a local educational agency.
- (16) **INSTRUCTIONAL FACILITATOR.** The term “instructional facilitator” shall mean a qualified teacher who: facilitates and coaches continuous improvement in classroom instruction; or provides instructional support to teachers in the elements of research-based instruction and/or demonstrates the alignment of instruction with curriculum standards and assessments tools; or develops and/or coordinates instructional programs or strategies; or develops and implements training; or chooses standards-based instructional materials; or provides teachers with an understanding of current research; or serves as a mentor, site coach, curriculum specialist or lead teacher; or otherwise works with fellow teachers in collaboration to use data to improve instructional practice or develop model lessons.
- (17) **INSTRUCTIONAL MATERIALS.** The term “instructional materials” shall mean all relevant academic materials needed to provide adequate levels of student instruction across all disciplines, including but not limited to: textbooks, consumable workbooks, laboratory equipment, library books, and other materials identified by the Secretary of Education from time to time.
- (18) **INTERVENTION TEACHER.** The term “intervention teacher” shall mean a licensed teacher providing one-on-one or small group (no larger than five pupils) tutoring to students struggling to meet proficiency in core subjects.
- (19) **LIBRARIAN.** The term “librarian” shall mean a teacher with an endorsement as a school librarian.
- (20) **LOW INCOME COUNT.** The term “low income count” of a local educational agency in a given school year shall mean

the average number of students attending such local educational agency over the immediately preceding three school years, who, at any time over such prior three year period were either (A) eligible for at least one of the following low-income programs or any successor thereto established under federal law- Medicaid, the Children's Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), or the Supplemental Nutrition Assistance Program (SNAP); or (B) or live in economically disadvantaged communities as determined using United States Census data;

- (21) **MAINTENANCE AND OPERATIONS.** The term “maintenance and operations” shall mean functions such as, but not limited, to custodial services, facility and ground maintenance, facility operations, HVAC equipment, facility security, and facility repairs.
- (22) **NURSE.** The term “nurse” shall mean an individual licensed as a school nurse or registered nurse or limited practice nurse in the applicable State, in accordance with the rules established for nursing services regulated by the applicable State educational agency, who is an employee of, and provides healthcare related services for all students of, a local educational agency.
- (23) **PROFESSIONAL DEVELOPMENT.** The term “professional development” shall mean training programs for licensed staff in schools, including but not limited to programs that: assist in implementing new curriculum programs; provide data focused and/or academic assessment data training to help staff identify a student's weaknesses and strengths; target interventions; improve instruction; encompass instructional strategies for EL, gifted, and/or at-risk students; address inclusivity, cultural sensitivity and/or implicit bias; or otherwise provide professional support for licensed staff in areas identified by the applicable State educational agency.
- (24) **PRINCIPAL AND ASSISTANT PRINCIPAL.** The terms “principal and assistant principal” shall mean school

administrator(s) duly endorsed to be employed in such positions by the applicable State.

- (25) **PROTOTYPICAL SCHOOL SIZE.** The term “prototypical school size” shall mean: 450 students for an elementary school; 450 students for a middle school; and 600 students for a high school.
- (26) **PUPIL SUPPORT STAFF.** The term “pupil support staff” shall mean a guidance counselor, nurse, psychologist, social worker, family liaison personnel, or other staff member who provides support to at risk students or students who are struggling academically, socially, or emotionally, whether or not technically “at risk.”
- (27) **SCHOOL SITE STAFF.** The term “school site staff” shall mean the primary school secretary and any additional clerical personnel assigned to the school under the funding matrices set forth in Section 101(d) of this Act.
- (28) **SPECIAL EDUCATION.** The term “special education” shall mean programs for students with moderate disabilities categorized comparably as either high incidence or low cost. Services for students can be in self-contained classrooms or as part of the regular education classroom.
- (29) **SPECIALIST TEACHER.** The term “specialist teacher” shall mean a teacher who provides instruction in subject areas not included in the core subjects, including but not limited to art, music, physical education, health, drivers education, career technical education, and such other subject areas as may be mandated or permitted by the laws of the State in question and/or identified by the applicable State educational agency from time to time.
- (30) **STUDENT ACTIVITIES.** The term “student activities” shall mean non-credit producing after school programs, including but not limited to clubs, bands, sports, and other activities established by the board of education of a local educational agency.

- (31) **SUBSTITUTE TEACHER.** The term “substitute teacher” shall mean an individual teacher who is not a full time employee of a local educational agency, who is temporarily serving such local educational agency on a per diem basis replacing a core or specialist teacher; or a core or specialist teacher on a local educational agency’s staff who is temporarily covering additional sections for other core or specialist teachers of such local educational agency.
- (32) **SUMMER SCHOOL.** The term “summer school” shall mean academic and enrichment programs provided to students during the summer months (outside of the regular school year).
- (33) **SUPERVISORY AIDE.** The term “supervisory aide” shall mean a non-licensed staff member who helps in supervising students of a local educational agency, but does so outside of the classroom, in situations such as but not limited to monitoring hallways and playgrounds, supervising lunchrooms and/or supervising students when being transported in buses serving such local educational agency.
- (34) **WINSORIZATION.** The term “winsORIZATION” shall mean the transformation of statistics by limiting extreme values in the statistical data to reduce the effect of possible outliers.

(d) **DETERMINING THE ADEQUACY TARGET FOR EACH LOCAL EDUCATIONAL AGENCY IN A STATE.**—The Adequacy Target for each local educational agency in a State shall be the sum of the following factors:

- (1) **CLASS SIZE INVESTMENTS.** Each local educational agency receiving the funding required to support that number of FTE core teacher positions, as is needed to keep the respective class sizes of each public school within such local educational agency to a maximum of: 15 students each for grades Kindergarten through 3; and 20 students each for grades 4 through 12. The aforesaid number of FTE core teacher positions shall be determined by dividing the ASE of

such local educational agency for grades K through 3 by 15, and grades 4 through 12 by 20.

- (2) **SPECIALIST TEACHER INVESTMENTS.** Each local educational agency receiving the funding needed to cover that number of FTE specialist teacher positions which correspond to the following percentages:

for each elementary or middle school, 20% of the number of core teachers for each such school operated by such local educational agency as determined under Section 101(d)(1) of this Act; and for each high school, 33 1/3% of the number of core teachers for each such high school operated by such local educational agency as determined under Section 101(d)(1) of this Act.

- (3) **INSTRUCTIONAL FACILITATOR INVESTMENTS.** Each local educational agency receiving the funding needed to cover one FTE instructional facilitator position for every 200 students attending such local educational agency.
- (4) **CORE INTERVENTION TEACHER INVESTMENTS.** Each local educational agency receiving the funding needed to cover one FTE teacher position for each prototypical elementary, middle and high school it operates.
- (5) **SUBSTITUTE TEACHER INVESTMENTS.** Each local educational agency receiving the funding for substitute teacher costs, in that amount which is needed to cover 5% of the aggregate teaching days the applicable State requires of its full time equivalent core, specialist and intervention teachers, instructional facilitators, summer school and extended day teachers, at a salary rate of 33.3% of the average salary for each such position, all as determined under this Act.
- (6) **CORE GUIDANCE COUNSELOR INVESTMENTS.** Each local educational agency receiving the funding needed to cover one FTE guidance counselor for each 450 ASE elementary students, plus one FTE guidance counselor for each 250 ASE middle school students, plus one FTE guidance counselor for each 250 ASE high school students.

- (7) NURSE INVESTMENTS. Each local educational agency receiving the funding needed to cover one FTE nurse for each 750 ASE across all grade levels it serves.
- (8) SUPERVISORY AIDE INVESTMENTS. Each local educational agency receiving the funding needed to cover one FTE for each 225 ASE elementary students, plus one FTE for each 225 ASE middle school students, plus one FTE for each 200 ASE high school students.
- (9) LIBRARIAN INVESTMENTS. Each local educational agency receiving the funding needed to cover one FTE librarian for each prototypical elementary school, plus one FTE librarian for each prototypical middle school, plus one FTE library for each prototypical high school, plus one FTE aide/media technician for every for every 300 ASE prototypical elementary, middle and high school it operates.
- (10) PRINCIPAL INVESTMENTS. Each local educational agency receiving the funding needed to cover one FTE principal position for each elementary school, plus one FTE principal position for each middle school, plus one FTE principal position for each high school it operates.
- (11) ASSISTANT PRINCIPAL INVESTMENTS. Each local educational agency receiving the funding needed to cover one FTE assistant principal position for each prototypical elementary school, plus one FTE assistant principal position for each prototypical middle school plus, one FTE assistant principal position for each prototypical high school it operates.
- (12) SCHOOL SITE STAFF INVESTMENTS. Each local educational agency receiving the funding needed to cover one FTE school site staff position for each 225 ASE elementary students, plus one FTE for each 225 ASE middle school students, plus one FTE for each 200 ASE high school students.
- (13) GIFTED INVESTMENTS. Each local educational agency receiving that dollar amount per student based on ASE which

is equal to the average, annual per student dollar amount spent on gifted educational services over the prior three school years by those local educational agencies in the applicable State which comprise the highest 25 percent in per student gifted expenditures in said State.

- (14) **PROFESSIONAL DEVELOPMENT INVESTMENTS.** Each local educational agency receiving that amount for professional development that will cover 10 pupil free days of training per FTE teacher position, plus \$150 per student based on ASE for trainers and other professional development related expenses for supplies and materials.
- (15) **INSTRUCTIONAL MATERIAL INVESTMENTS.** Each local educational agency receiving that dollar amount per ASE student to cover instructional material costs that is equal to the average, annual per student instructional material cost incurred in the applicable State over the prior three year period by those local educational agencies which collectively constitute the highest 25 percent in such expenditures.
- (16) **ASSESSMENT INVESTMENTS.** Each local educational agency receiving the greater of either \$25.00 per ASE student to cover assessment costs, or such other per student assessment cost amount as the Secretary of Education may establish from time to time as needed to cover such costs.
- (17) **COMPUTER TECHNOLOGY AND EQUIPMENT INVESTMENTS.** Each local educational agency receiving the greater of either \$600.00 per ASE student to cover computer technology and equipment costs, or such other per student amount as the Secretary of Education may establish from time to time as needed to cover such costs.
- (18) **STUDENT ACTIVITIES INVESTMENTS.** Each local educational agency receiving the following amounts to cover student activities: \$100.00 per ASE student in elementary school, plus \$200.00 per ASE student in middle school, plus \$675.00 per ASE student in high school, or such other amount in any of the preceding categories as the Secretary of

Education may establish from time to time as needed to cover the costs of funding student activities at such grade levels.

- (19) **MAINTENANCE AND OPERATIONS INVESTMENTS.** Each local educational agency receiving \$1,500.00 per ASE student for day-to-day maintenance and operations expenditures, and including salary, supplies and materials as well as purchased services, but excluding employee benefits. The aforesaid amount of \$1,500.00 per ASE student shall increase annually after the implementation of this Act in an amount equal to the ECI, on a compounding basis.
- (20) **CENTRAL OFFICE INVESTMENTS.** Each local educational agency receiving that dollar amount in per ASE student funding that is equal to the average, annual amount spent on central office operations, including administrators and classified personnel charged with managing the instructional programs and business operations of the local educational agency, over the prior three school years, by those local educational agencies which collectively constitute the highest 25 percent in such expenditures in the applicable State.
- (21) **EMPLOYEE BENEFIT INVESTMENTS.** Each local educational agency receiving 33 percent of its total payroll, excluding substitute teachers, to cover employee benefit costs.
- (22) **ADDITIONAL INVESTMENTS IN LOW INCOME, EL AND AT RISK STUDENTS.** In addition to and not in lieu of all other funding targeted to a local educational agency under all other provisions of Section 101(d) of this Act, the Adequacy Target for each local educational agency shall include funding to cover the costs of-
 - (A) one FTE intervention teacher position for every 125 Low Income Count students, plus one FTE intervention teacher position for every 125 EL students, plus one FTE intervention teacher position for every 125 at risk students not already included in either of the prior adjustments for Low Income Count or EL population, nor covered in Section 101(d)(23) of this Act, plus

(B) one FTE pupil support staff position for every 125 Low Income Count students, plus one FTE pupil support staff position for every 125 EL students, plus one FTE support staff position for every 125 at risk students not already included in either of the prior adjustments for Low Income Count or EL population, nor covered in Section 101(d)(23) of this Act, plus

(C) one FTE core teacher position for every 100 EL students, plus

(D) one FTE Extended Day teacher position for every 120 Low Income Count students, plus one FTE Extended Day teacher position for every 120 EL students, plus

(E) one FTE summer school teacher position for every 120 Low Income Count students and one additional FTE summer school teacher position for every 120 EL students.

(23) Anti-Institutional and Historical Bias Investment. In addition to and not in lieu of all other funding targeted to a local educational agency under all other provisions of Section 101(d) of this Act, the Adequacy Target for each local educational agency shall include funding in the amount of \$500 per African American student included in such local educational agency's student body, if 10% or more of its total student body is African American (the "Anti-Institutional and Historical Bias Investment"), provided, however that all Anti-Institutional and Historical Bias Investment funding such local educational agency receives shall be used solely for the purpose of implementing "effective anti-institutional and historical bias initiatives," as that term is defined in Section 202(2)(g) of this Act.

(24) SPECIAL EDUCATION INVESTMENTS. Each local educational agency receiving funding to cover special education programs as follows: one FTE teacher position for each 141 ASE elementary, middle and high school students, plus one-half of one (0.5) FTE teacher aide for each 141 ASE elementary, middle and high school students.

Moreover, the Adequacy Target for each local educational agency shall include funding to cover the cost of a school psychologist to oversee and review IEP development, as follows: one FTE psychologist

position for each 1,000 ASE elementary, middle and high school students.

(25) APPLICATION OF COMPARABLE WAGE INDEX. Before using any salary amount determined under this Act to compute the Adequacy Target of a local educational agency, such shall salary amount for each staffing category shall be adjusted by applying thereto the Comparable Wage Index for such local educational agency.

TITLE II—EQUITY AND EXCELLENCE INITIATIVE

SEC. 201. EQUITY AND EXCELLENCE MATCHING PROGRAM.

(a) GRANT MECHANICS.—

(1) IN GENERAL.—Under the Equity and Excellence Initiative, the Secretary of Education shall provide financial assistance in the form of an annual matching grant to each State that makes an enhanced investment towards providing a high quality public education for students attending Targeted Schools in that State, in the amounts, for the purposes and up to the limits set forth in this Section and Section 202.

(2) AMOUNT.—Subject to the limits identified in 201(a)(4) of this Act, the amount of the annual matching grant a State will receive shall equal the enhanced investment made by the applicable State, multiplied by the number of students attending Targeted Schools in that State which are the recipients of such enhanced investment. After making its initial, annual matching grant to a State, the Secretary of Education will continue making annual matching grants to that State in each year thereafter that said State satisfies its “Matching MOE Requirement” (as defined in Section 202(d) of this Act), except that the amount of each such subsequent annual matching grant shall equal such State’s initial enhanced investment per student, increased (cumulatively) by the Employment Cost Index that pertained for the last complete calendar year which immediately precedes the school year in question.

(3) DISTRIBUTION.—The Secretary of Education shall make each annual matching grant to the appropriate State educational agency in the

State making the qualifying enhanced investment, or satisfying its Matching MOE Requirement (as the case may be) within 120 days of the Secretary of Education's receipt of the "Matching Grant Certification" detailed in Section 201(b) of this Act. Not later than 30 days after its receipt of an annual matching grant under this Act, the applicable State education agency shall redistribute all of the proceeds from such annual matching grant to the applicable Targeted Schools located in that State, so that each such Targeted School receives that percentage of such Annual Matching Grant which is equal to the number of students attending such Targeted School, divided by the total number of students attending all Targeted Schools which received the enhanced investment in said State.

(4) **MAXIMUM AMOUNT.**—Notwithstanding any contrary provision of this Act, the maximum dollar amount of an annual matching grant provided to any State under this title in any year shall not, when added to other state-level and local funding for public education provided to the Targeted Schools in such State for such year, exceed the amount necessary to fund 100 percent of the respective Adequacy Targets of all such Targeted Schools in such State (the "Grant Maximum").

(b) **CERTIFICATION.**—As a condition to receipt of an annual matching grant under this title, the State educational agency in the applicable State shall submit a certificate to the Secretary of Education, signed by the principal officer of said State educational agency under penalty of perjury (the "Matching Grant Certification"), which—

(1) verifies that the applicant State has made an enhanced investment or satisfied its subsequent Matching MOE Requirement that qualifies for an annual matching grant under this title;

(2) identifies the amount of such enhanced investment or applicable Matching MOE Requirement, and provides specific documentation of the calculation thereof in sufficient detail to permit the verification thereof;

(3) provides a detailed and complete list of the Targeted Schools which will receive the enhanced investment or applicable matching MOE requirement, including—

(A) the basis upon which each school included in the list of Targeted Schools qualifies as such;

(B) the number and demographic composition (race, ethnicity, gender, English language proficiency, low income status, etc.) of students attending each Targeted School; and

(C) a metric for reviewing how each such Targeted School is performing academically, broken down by demographic category;

(4) includes verification that the entire enhanced investment or applicable Matching MOE Requirement comes exclusively from State, own-source revenue and does not include any local or other Federal revenue; and

(5) includes such other information as the Secretary of Education may from time-to-time require by regulation.

The Secretary of Education may, but shall not be obligated to, issue a standard form for use as the Matching Grant Certification, provided, however, that any such form shall not be longer than 10 pages in length.

SEC. 202. USE OF GRANT PROCEEDS.

(a) **IN GENERAL.**—All annual matching grant proceeds received by a Targeted School under this title shall be used to provide a high quality public education to each and every student attending such Targeted Schools. The specific investments needed to provide such high quality public education may vary from Targeted School to Targeted School, except that all proceeds from annual matching grants received under this title shall be used to invest in one or more of the evidence based practices or related cost factors identified in Section 101(d) of this Act, and/or to invest in some combination of the educational improvements identified in Section 202(b) of this Act.

(b) **BUILDING EDUCATIONAL CAPACITY.**—For purposes of this title, building education capacity of Targeted Schools means implementing systems-based reforms, programs or initiatives which have been demonstrated, either in the United States or in any other nation, to enhance student achievement, learning or critical thinking skills over time. Such reforms, programs or initiatives may include the following:

(1) ENHANCING PEDAGOGICAL SKILLS OF EXTANT TEACHING STAFF.—Recognizing the crucial role teachers play in providing a high quality public education, and the contribution teachers make to the overall development of children, annual matching grant proceeds received under this Act may be used to implement —

(A) induction, mentoring, training and other professional development programs for teachers that are based on best practices, aligned with Common Core Standards, embedded in daily practice, and have evidence-based support, and

(B) collaborative teaching programs across schools and local educational agencies which encourage teachers to work in groups and share effective strategies.

(2) ENHANCING INSTRUCTIONAL CAPACITY.—Recognizing the importance that robust educational resources and programming play in providing a high quality public education, annual matching grant proceeds received under this title may be used to—

(A) implement extended learning time initiatives pursuant to which the school day or year is extended in conjunction with a plan that incorporates additional substantive learning, tutoring or enrichment programming demonstrated to correlate to enhanced student learning, achievement or development of either critical thinking or social/emotional learning;

(B) implement high-quality and trauma-sensitive after-school, summer, and vacation programs;

(C) implement trauma informed training for frontline staff to recognize, understand and mitigate, traumatization in students, and vicarious trauma in staff;

(D) implement distance learning initiatives to enhance local curriculum offerings and provide students with the opportunity to participate in advanced placement, STEM and other programs that otherwise would not be available in a particular Targeted School;

(E) implement social/emotional learning curriculum including all teacher training or professional development necessary for such implementation to be successful;

(F) introduce, supplement or implement fully rich and rigorous academic programming including but not limited to programming needed for effective implementation of the Common Core State Initiative, advanced placement, honors or gifted programs, and academic tutoring programs, including but not limited to acquisition of all associated textbooks, library materials, computers, smart-boards, electronic tablets or similar devices, lab materials, virtual resources and other technology, pedagogical material or instructional supplies, as well as all professional development necessary for effective implementation thereof;

(G) introduce, supplement or implement “effective anti-institutional and historical bias initiatives,” which for purposes of this Act shall mean evidence or research based practices which have been identified by the Secretary of Education as shown to reduce gaps experienced by African American students visa vie white students in academic achievement, disciplinary rates, advanced placement or honors course participation, drop-out rates, graduation rates, college matriculation rates, and/or college completion rates, and which shall include but shall not be limited to reducing class sizes in grades k-3, implementing culturally appropriate curriculum and associated professional development, implementing project based learning and or the Universal Design for Learning and associated professional development, and/or implementing professional development for faculty, administrators and staff that is research based and on-going (as opposed to one time approaches) on identifying and countering implicit bias, provided that by January 30th of each calendar year after passage of this Act, the Secretary of Education shall cause to be published on the Department of Education’s website, a list of effective anti-institutional and historical bias initiatives that are in addition to the ones identified previously in this Section;

(H) implement effective “response to intervention” programming with appropriately skilled professional staff and/or tiered intervention strategies;

(I) implement appropriate programs and services for English language learners;

(J) implement meaningful enrichment programming that includes cultural, athletic, academic, civic, community service and other enrichment activities, except that a Targeted School shall use no more than 5 percent of its annual matching grant for enrichment programs outlined in this subparagraph, unless such Targeted School receives a waiver of the preceding limit from the Secretary of Education;

(K) implement appropriate programs and services for students with disabilities that are not funded under other State or Federal programs;

(L) implement compensation programs designed to attract and retain highly skilled teachers, particularly those qualified in the areas of science, technology and math, or in instruction of English language learners;

(M) hire additional, professional, qualified, teaching staff and classroom assistants needed to reduce class sizes in kindergarten through third grade to no more than 15 students, and class sizes for all grades thereafter to no more than 20 students;

(N) hire additional nurses, counselors, support staff, certified special education teachers or assistants as required to service the needs of the students attending such Targeted School;

(O) implement evidence-based, effective strategies for reducing and preventing children from dropping out of school; and

(P) implement enhanced technology and vocational instruction.

(3) WRAP-AROUND SERVICES.—Recognizing that in many cases students need more than access to rigorous academic programs to receive a high quality public education, annual matching grants received under this title may be used to ensure each student attending each recipient Targeted School receives all necessary and appropriate wrap-around services such student may need. To the extent feasible, each Targeted School receiving annual matching grant proceeds under this title will

implement a program to help coordinate the delivery of all such needed wrap-around services with high-quality providers thereof, except that a Targeted School shall utilize no more than 5 percent of its annual matching grant proceeds for the purposes identified in this subparagraph, unless such Targeted School receives a waiver of the preceding limit from the Secretary of Education.

(4) **EFFECTIVE LEADERSHIP.**—Recognizing the crucial role effective leadership plays in providing a high quality public education, annual matching grant proceeds received under this title may be used to attract, develop and keep effective principals and other administrators, by funding appropriate professional development, mentoring and training programs and implementing a compensation structure necessary to attract highly qualified professionals, except that a Targeted School may use no more than 5 percent of the annual matching grant proceeds received under this title for the purposes identified in this subparagraph, unless such Targeted School receives a waiver of the preceding limit from the Secretary of Education.

(5) **PARENT ENGAGEMENT.**—Recognizing the crucial role parents and guardians play in the education of their children, annual matching grants received under this title may be used to implement or enhance effective parent engagement strategies and programs, including but not limited to providing parenting education, after-hours adult education offerings in basic and advanced knowledge and skill areas, professional development that promotes mutual engagement between schools and families, adult English language learner classes targeted to parents of enrolled students, crisis counseling and support for families and other family-based support services, provided, however, that a Targeted School shall use no more than 10 percent of its annual matching grant proceeds for the purposes outlined in this subparagraph, unless such Targeted School receives a waiver of the preceding limit from the Secretary of Education.

(6) **OTHER USES.**—Recognizing that the attributes of what constitutes a high quality public education will evolve over time, annual matching grant proceeds received under this title may be used by a Targeted School for a purpose not enumerated previously in this Act, if each of the following criteria are satisfied:

(A) The State educational agency initially receiving such annual matching grant for redistribution to Targeted Schools makes a written request to the Secretary of Education asking for authorization to do so.

(B) Such request involves either implementation of an educational practice not enumerated in either Section 101(d) or 202(b) of this Act, but for which there is evidence that such practice either enhances student achievement, learning, or critical thinking, or otherwise improves student outcomes, or creation/implementation of a pilot program said State educational agency believes will enhance student achievement, learning, or critical thinking, or will otherwise improve student outcomes.

(C) The Secretary of Education approves such request in writing.

(c) PERMITTED USES DEFINED.—For purposes of this title, the term “permitted uses” shall mean any of the uses of annual matching grant proceeds identified in Sections 101(d) or 202(b) of this Act.

(d) MAINTENANCE OF EFFORT.—In each school year following the initial school year during which a State receives an annual matching grant for its Targeted Schools under this title, such State shall, at a minimum, maintain such enhanced investment in its Targeted Schools, and increase said investment amount annually, on a cumulative basis, by the Employment Cost Index that pertained for the immediately preceding complete calendar year (the “Matching MOE Requirement”). A State shall fund its annual Matching MOE Requirement entirely from own-source, State-based revenues, and shall not use any local or federal revenues or funding of any type therefor. If in any year a State fails to satisfy its Matching MOE Requirement, then the Secretary of Education may make up the difference with a grant issued under the Educating Every Child Initiative under Title III of this Act. If the Secretary of Education elects to make up for a State’s failure to fund fully its Matching MOE Requirement as provided in the preceding sentence, then the Department of the Treasury shall reduce other Federal funding owed to such State under any Federal assistance program other than the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act), or the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008

(7 U.S.C. 2011 et seq.), on a dollar-for-dollar basis, and shall provide an accounting thereof to the applicable State.

SEC. 203. TECHNICAL ASSISTANCE GRANTS.

The Secretary of Education will provide the State educational agency of each State that applies for an Equity and Excellence Matching Grant under this title with a grant of \$250,000 to assist that State educational agency in meeting the reporting, certification, data collection and filing requirements under this title, in the first year during which such State educational agency applies for a grant under the Equity and Excellence Initiative. In each year thereafter during which such State educational agency receives funding thereunder and satisfies its Matching MOE Requirement, the Secretary of Education shall provide such State with a \$50,000 technical assistance grant.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the provisions of this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 202 and each of the 5 succeeding fiscal years.

TITLE III—EDUCATING EVERY CHILD

SEC. 301. AUTHORIZATION OF DIRECT INVESTMENTS.

Recognizing that each child in the United States must receive a high quality public education to develop the numeracy and literacy skills needed to be competitive in a modern economy and to be a contributing, engaged citizen in a vibrant democracy, pursuant to the initiative established under this title, the Secretary of Education is authorized to make annual grants directly to local educational agencies that include Targeted Schools, in those instances when the Secretary of Education determines the State in which that child lives has failed to invest an amount of financial resources in that State's public education system that would be adequate to create a high quality public education for each and every student who attends Targeted Schools in that State. Grants the Secretary of Education elects to make under this title shall be referred to as "Educating Every Child Grants" or "EECGs."

SEC. 302. GRANT MECHANICS.

If the Secretary of Education elects to make Educating Every Child Grants directly to local educational agencies that include Targeted Schools under this title—

(1) the local educational agency receiving such grant shall distribute the proceeds thereof in the amounts and directly to the Targeted Schools designated by the Secretary of Education;

(2) the maximum amount of such grants shall be that amount which, when aggregated with all other State, local, and Federal funding received by the Targeted Schools that are the recipient of such grants, is sufficient to fund 100 percent of the respective Adequacy Targets of such Targeted Schools, to ensure each and every student enrolled therein receives a high quality public education (the actual dollar amounts of these grants shall be determined by the Secretary of Education applying the evidence-based model of education funding identified previously in this Act to the State in which the Targeted Schools receiving such grants are located); and

(3) the State in which the Targeted Schools receiving Educating Every Child grants under this title are located shall maintain the minimum investment (as defined in Section 303 of this Act) in each year such Targeted Schools receive such grants.

SEC. 303. MINIMUM INVESTMENT.

For purposes of this title, the “minimum investment” of a State shall mean the total amount of education funding received by Targeted Schools in that State from State and local resources in the complete school year immediately preceding the first year such Targeted Schools receive an Educating Every Child Grant under this title, increased cumulatively thereafter by the Employment Cost Index for the then most recently complete calendar year, for each year in which Targeted Schools in that State receive such grants. If a State fails to satisfy its minimum investment obligation under this title, then the Department of the Treasury shall reduce other Federal funding owed to that State under any Federal program other than the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act), or the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008

(7 U.S.C. 2011 et seq.), on a dollar-for-dollar basis, and shall provide an accounting thereof to the applicable State.

SEC. 304. USE OF GRANT PROCEEDS, PLANNING, AND ASSISTANCE.

As a condition to receiving an Educating Every Child Grant under this title, the Secretary of Education shall require a local educational agency that includes the Targeted Schools receiving such grant to submit a plan for utilization of the grant proceeds (an “investment plan”). Each investment plan shall include solely permitted uses for all EEC grant proceeds, and all Targeted Schools receiving EEC grants under this title shall utilize the proceeds thereof solely for said permitted uses. The Secretary of Education shall provide each local educational agency that includes Targeted Schools receiving grants under this title annual technical assistance grants of \$100,000 to support such local educational agency’s compliance with the reporting and planning obligations of this title, in each year the Secretary of Education makes EEC grants to Targeted Schools located in such districts.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 202__ and each of the 5 succeeding fiscal years.

TITLE IV—FACILITIES MODERNIZATION INITIATIVE

SEC. 401. PROGRAM DESCRIPTION

It is recognized that each and every student in the United States has the right to attend public school in buildings that are safe, structurally sound, modern, designed to promote learning, environmentally friendly, and both capable of effectively housing the most current technologies, such as broadband internet, and being readily adapted to accommodate future technologies that become needed to educate students in an increasingly competitive global economy. School buildings that satisfy the preceding criteria shall be referred to in this Act as “modern facilities.” Pursuant to the Facilities Modernization Initiative established under this title, the Secretary of Education is authorized to make grants directly to local educational agencies that include Targeted Schools, to assist in the financing of capital improvements needed to modify existing facilities to accommodate digital

capacity needs, determined through independent assessment, and/or additions to existing buildings, or construction of new buildings, needed to ensure the physical facilities utilized by said Targeted Schools constitute modern facilities as defined under this Act.

SEC. 402. PRIORITIZATION.

Before making a Facilities Modernization Initiative grant under this title, the Secretary of Education shall work collaboratively with the State educational agency for the State in which local educational agencies that are potential recipients of such grants are sited, to develop a comprehensive capital needs assessment of all local educational agencies within such State that contain Targeted Schools (the “needs assessment”). Each such needs assessment shall identify which Targeted schools have the greatest need for facilities improvements from a life/safety standpoint, student health and safety standpoint, environmental standpoint, technology modernization standpoint, and learning efficacy standpoint. Once a needs assessment for a State is completed, the Secretary of Education shall prioritize providing FMI grants to those local educational agencies in such State that:

- (1) rank in the top ten percent of the applicable State needs assessment;
- (2) have building(s) that are at least 25 years old; and
- (3) are in the lowest quintile of Adequacy Percentages in such State.

SEC. 403. CO-INVESTMENT.

(a) **COST SHARING BY STATES.**— The FMI grant program is intended to encourage States to share in the costs associated with long-term facilities funding for Targeted Schools. However, it is further acknowledged that not all States have the fiscal capacity to make new investments in the capital facilities of their Targeted Schools. Therefore, the Secretary of Education may, but shall not be required to, make it a condition of receipt of FMI grants under this title that a State with the fiscal capacity to do so, share in the cost of the program (the “co-investment requisite”). For purposes of this Act, a State shall be deemed to have the fiscal capacity to satisfy a co-investment requisite if the median income in such State for the calendar year immediately preceding the school year in which the

applicable FMI grant is to be made, is at least 90 percent of the national median income for such calendar year, based on data published by the Federal Bureau of Labor Statistics. If the Secretary of Education establishes a co-investment requisite for a State, the applicable State shall establish or enhance, and administer, a facilities aid program for K-12 public schools in such State, that—

(1) is specified in State law;

(2) provides annual financing for local educational agencies containing Targeted Schools that aligns with the applicable co-investment requisite; and

(3) comports with the “supplement-not-supplant requisites established in Section 403(b) of this Act.

(b) SUPPLEMENT-NOT-SUPPLANT.— The FMI grant program incorporates supplement-not-supplant funding requirements. States that, subject to satisfying a co-investment requisite, are provisionally selected to receive FMI grants under this title, will not receive such grants unless they demonstrate, by September 1st of a given school year in which such FMI grant funding is due, that they are able to, or will be able to, provide the State share required under the applicable co-investment requisite. Moreover, all FMI grant funds must be used to supplement, and not supplant:

(1) all State funds expended to meet any applicable co-investment requisites established to construct the modern facilities for the Targeted Schools in question; and

(2) all State and local funds that would otherwise be used for capital improvements for the facilities in question in the absence of the FMI grant program. The Department generally considers that State and local funds would be available for said purposes at least in the amount of the funds that were available in the year preceding the initial FMI grant(s) made under this title, and that all Federal funding under each FMI grant and all State funding under any co-investment requisite would supplement that amount.

SEC. 404. USE OF GRANT PROCEEDS, PLANNING, REPORTING, AND ASSISTANCE.

As a condition to receiving a Facilities Modernization Initiative grant under this title, the Secretary of Education shall require a local educational agency that

includes the Targeted Schools receiving such grant to submit a plan for utilization of the grant proceeds (a “facilities modernization plan”). Each facilities modernization plan shall identify with specificity the capital improvements the grant will help finance for the Targeted Schools occupying the buildings being modernized, and/or that will occupy any building that will be newly constructed, and the underlying reasons why such improvements are necessary. Each facilities modernization plan shall also include an outline of project implementation approaches that emphasizes efficiency, and maximizes the funding that will go to improvements as opposed to management or implementation costs. Each local educational agency receiving a Facilities Modernization Initiative grant under this title, shall provide annual reports on the progress made under any such grant to the Department of Education, utilizing such forms therefor as the Secretary of Education may prescribe. The Secretary of Education shall provide each local educational agency that includes Targeted Schools receiving FMI grants under this title a one-time technical assistance grant of \$50,000 to support such local educational agency’s compliance with the reporting and planning obligations of this title.

Sec. 405. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 202__ and each of the 5 succeeding fiscal years.

TITLE V—EQUITABLE AND SUSTAINABLE FISCAL POLICY PROGRAM

SEC. 501. TECHNICAL ASSISTANCE GRANTS.

Recognizing that every State has a unique fiscal system, economy and demographic composition, it may be necessary for a particular State to reform its fiscal policies to create adequate State capacity to invest sufficiently in ensuring all of its children receive a high quality public education. To assist States in reforming their tax policies to comport with the principles of fair, responsive and stable taxation, and thereby generate the capacity to fund education sufficiently so that each and every child in said State, including those attending Targeted Schools, receives a high quality public education, the Secretary of Education shall provide technical assistance grants of \$1,000,000 each to States that satisfy the requisites

therefor set forth in Section 501 of this Act. To receive a grant under this section, the Governor of a State must submit a written request therefor to the Secretary of Education, that—

- (1) outlines the fiscal policy reforms that State intends to consider;
- (2) summarizes that State’s current education funding system;
- (3) identifies how it intends to enhance State funding of Targeted Schools to provide a high quality public education to students attending such schools; and
- (4) delineates how the proceeds of the grant received under this section will be used both to study that State’s fiscal policy and generate popular support for implementing the necessary tax policy reforms.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 202__ and each of the 5 succeeding fiscal years.

TITLE VI—REPORTING AND ACCOUNTABILITY

SEC. 601. ANNUAL REPORTS REQUIRED.

Each State educational agency receiving a grant under title II, or local educational agency receiving a grant under title III or title IV of this Act, shall file annual reports with the Secretary of Education within 60 days of the close of the school year in which the grant is received, regarding the utilization of the proceeds of those grants which, at a minimum shall:

- (1) specify in detail each Targeted School receiving any such grant proceeds and the total grant proceeds distributed to each such Targeted School;
- (2) specify in detail the specific permitted uses for which all grant proceeds under title II or title III were utilized by each Targeted School receiving the same;

(3) specify how funding the permitted uses with grant proceeds received under this Act contributes to or constitutes part of a comprehensive, strategic plan to enhance the capacity of that State's entire educational system to enable it to provide a high quality public education to each and every student—but particularly those students attending Targeted Schools;

(4) the demographic breakdown of each Targeted School and the academic performance of the children attending those Targeted Schools vis-a-vie each other, the State's student body overall, and the students attending the 5 percent of schools with the highest per pupil funding levels in that State;

(5) the academic performance of racial and ethnic minority students, Indians, and English language learners in that State overall and as compared to the performance of nonminority students in that State;

(6) specific programming, if any, designed to address any achievement gap that appears in the comparisons required under paragraph (5) of Section 601 of this Act;

(7) per-pupil funding levels in that State broken down by decile covering:

(A) income levels per district,

(B) property values per district, and

(C) Targeted Schools versus all other schools;

(8) professional staffing levels, teacher qualifications and class sizes by grade level in Targeted Schools vis-a-vie all other schools in that State;

(9) attendance rates, graduation rates and drop-out rates (using definitions thereof agreed upon in writing by the Secretary of Education), percentage of students enrolled in and passing advanced placement courses and tests, ACT scores, SAT scores, or scores on any future nationally recognized standardized test used for admission to college, in Targeted Schools versus all other State schools;

(10) availability of wrap-around services in the Targeted Schools to meet the demographically driven need therefor; and

(11) such other data as the Secretary of Education may from time to time require via regulation or request in writing.

SEC. 602. DEVELOPMENT OF ACCOUNTABILITY METRICS.

(a) ESTABLISHMENT.—Recognizing that statistically significant enhanced student achievement will not occur over a short period of time, the Secretary of Education will work with the State educational agencies and local educational agencies receiving grants under this Act to develop the following:

(1) A series of accountability metrics that will allow the Federal Government to monitor the performance of the investments it makes under this Act to ensure those investments are creating a high quality public education and ultimately leading to enhanced student achievement. These metrics will be informative in nature, provide adequate data (as determined by the Secretary of Education), and provide information that will allow the Department of Education, working in collaboration with State educational agencies, local educational agencies receiving grants under this Act and other stakeholders (such as but not limited to educators, school administrators, and as appropriate community members and parents) to develop changes in practice designed to enhance performance and effectively create the desired high quality public education for each and every child.

(2) A series of mechanisms designed to remediate practices that are not attaining those goals.

All enforcement mechanisms implemented by the Secretary of Education pursuant to regulations it issues to accomplish the goals identified in this section will be designed in a manner that changes practice at the State, local educational agency, or Targeted School level in a manner that creates a high quality public education for each and every student, and shall not take resources away from low income, minority, English language learners, other at risk students, or other children who attend Targeted Schools and hence need resources the most.

(b) ENHANCED METRICS.—Evaluations of academic performance shall include multiple measures, and therefore—

(1) may include standardized test scores but shall not be based solely on such test scores;

(2) to the extent standardized test scores are considered, utilize a growth model of evaluation that tracks the academic performance of each child over time rather than simply comparing test scores by grade level of different annual cohorts of students;

(3) shall include an evaluation of drop-out rates and graduation rates utilizing a methodology which has been approved in writing and in advance by the Secretary of Education;

(4) may include course passage rates and may include: (i) where available, district developed assessments that incorporate sound methodology and best practice as determined by the Secretary of Education, (ii) where available, AP and honors course enrollment, (iii) when appropriate, portfolio based work, and (iv) when appropriate, school-environment metrics such as but not limited to reduced incidents of significant student discipline, development of collaborative educational practices, and implementation of effective, well-designed teacher and administrator professional development and induction and mentoring;

(5) shall include an evaluation of growth in critical thinking, and, to the extent standardized tests are utilized to evaluate student achievement, the Secretary of Education will work with State educational agencies receiving grants under this Act to ensure such testing provides an accurate measure of student learning and is free of racial, ethnic, gender, income class or other biases; and

(6) shall include an analysis of resources (fiscal, facility, and personnel) to determine whether the applicable State and/or local educational agency has the capacity to provide a high quality public education to each child it serves.

SEC. 603. REPORT TO CONGRESS.

The Secretary of the Secretary of Education shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State level data on the information collected under this

Act and on the progress or lack thereof towards enhancing student achievement in Targeted Schools and creating an excellent and equitable public education system in the United States.

TITLE VII—ENFORCEABLE CIVIL RIGHTS

SEC. 701. RECOGNITION OF A CIVIL RIGHT OF EVERY CHILD TO RECEIVE A HIGH QUALITY PUBLIC EDUCATION.

In recognition of the strong and growing importance of educational attainment to national and individual economic viability, to the capacity to engage fully in our democratic society, and to being college and career ready, every child has a fully enforceable civil right to a high-quality public education as defined in this Act.

To enforce that right, parents or guardians of any child attending a public school in a State that receives financial assistance from the federal Department of Education, or the governing body of a local educational agency in such a State on behalf of its students, shall have the right to bring a civil lawsuit under this title in an appropriate district court of the United States against the state education agency, other state officials, and/or the local educational agency that governs the school that any such child attends, claiming that the state education agency, other state officials, and/or a local educational agency have denied or abridged said child's right to a high-quality public education, and to seek an injunction requiring the state education agency, other state officials and/or a local educational agency to cease denying or abridging that right. The Attorney General for the United States, for or in the name of the United States, also may institute such a civil action on behalf of any such child or children. The remedy for a violation of the right to a high-quality public education shall not include damages, nor shall it include federal withdrawal from any State of any financial assistance said state may be receiving from the U.S. Department of Education, and except in the case of a lawsuit instituted by the Attorney General for the United States, shall be limited to entering and enforcing an order to cease denying or abridging the applicable child's or children's right(s) to a high-quality public education.

SEC. 702. PROHIBITED USE OF FUNDING.

Given the civil right of each and every child to receive a high quality public education, it shall be illegal for any State educational agency or any local educational agency to intentionally utilize proceeds received from any grant received under this Act to—

(1) perpetuate or exacerbate inequities in the distribution of financial, educational, or teaching resources between schools; or

(2) encourage concentrations of poverty in certain schools or districts or concentrations of racial or ethnic minorities or English language learners in certain schools or districts.