

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
Mr. BOOKER introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

**A BILL**

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

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

3       **SECTION 1. SHORT TITLE.**

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

6       **SEC. 2. PURPOSE.**

7       The purposes of this Act are—

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

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

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

11 **SEC. 3. FINDINGS.**

12          Congress finds the following:

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

17           (2) While 1 in 10 students in schools in the  
18           United States participate in the Advanced Place-  
19           ment (AP) program, just over 1 in 20 low-income,  
20           Black, and Native American students participate in  
21           Advanced Placement, 1 in 50 English learners par-  
22           ticipate, and fewer than 1 in 50 students with dis-  
23           abilities participate. One in 10 White students, 1 in  
24           15 Latino students, and 1 in 20 Black students par-  
25           ticipate in dual enrollment programs.

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

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

24           (5) A major barrier for Black and Latino stu-  
25      dents and students with disabilities to access ad-

1 vanced courses and programs is the over-reliance on  
2 subjective criteria, such as the recommendation of  
3 teachers and counselors, in the advanced course ad-  
4 mittance process. When Denver Public Schools im-  
5 plemented universal screening for gifted and talented  
6 programs, Latino students were identified for the  
7 program at twice the rate as the year before.

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

14 (7) Public elementary schools and secondary  
15 schools face a \$305,000,000,000 budget shortfall  
16 due to COVID-19 related tax revenue decreases and  
17 new COVID-19 related expenses. As school districts  
18 prepare to make drastic cuts to educational pro-  
19 gramming, access to advanced coursework and pro-  
20 grams is in jeopardy for millions of students, espe-  
21 cially students from underrepresented groups and  
22 students attending under-resourced schools. Addi-  
23 tional funding and reforms are needed to maintain  
24 and expand access to advanced coursework and pro-

1       grams, especially for marginalized students in com-  
2       munities hit hardest by the COVID–19 pandemic.

3   **SEC. 4. DEFINITIONS.**

4       In this Act:

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

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

20          (3) OPEN ENROLLMENT.—The term “open en-  
21      rollment” means an enrollment mechanism through  
22      which any student that chooses to enroll in an ad-  
23      vanced course or program is allowed to do so, with-  
24      out regard to previous academic performance or test  
25      scores.

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

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

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

20                       (i) that are combined in a reasoned  
21                       way that is not biased against any par-  
22                       ticular subgroup of students;

23                       (ii) that provide appropriate accom-  
24                       modations for students with disabilities;

(iii) that may be administered not explicitly for the primary purpose of determining enrollment in an advanced course or program (such as through a statewide exam that all students in a grade will take), so long as students with disabilities have equal access to the assessment and are provided appropriate accommodations in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(iv) that may include—

(I) a standardized assessment that provides appropriate accommodations for students with disabilities in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

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

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

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

8 **SEC. 5. GRANT PROGRAM AUTHORIZED.**

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

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

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

19 (B) awarding not less than 15 percent of  
20 the amounts authorized to be appropriated  
21 under section 9 to participating local edu-  
22 cational agencies to allow those local edu-  
23 cational agencies to carry out the activities de-  
24 scribed in section 7; and



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

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

24          (b) APPLICATION.—

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

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

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

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

1           dent preparation for and participation in path-  
2           ways to postsecondary education in STEM  
3           fields, which may include—

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

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

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

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

1 (F) 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 statewide inequities (according to race and eth-  
6 nicity, sex, disability status, socioeconomic sta-  
7 tus, and status as an English learner) in ad-  
8 vanced coursework or program participation  
9 and performance.

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

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

23 (A) An assurance that—

24 (i) the local educational agency is not  
25 also seeking a subgrant from a State edu-

1           cational agency that receives a grant under  
2           this Act during the applicable grant cycle;  
3           and

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

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

21          (C) A plan to assemble a local advisory  
22          council of students from underrepresented sub-  
23          groups of students, and parents or guardians of  
24          students from those subgroups, with at least 2  
25          members of each subgroup of students. The

1 plan shall explain how the council will be in-  
2 volved in the local educational agency's imple-  
3 mentation of the grant, as well as oversight and  
4 evaluation of the grant.

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

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

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

18 (G) 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.

24 (H) A description of ambitious 3-year en-  
25 rollment and performance goals for each sub-

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

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

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

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

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

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

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

22 (E) a proposed budget for how the appli-  
23 cant will spend funding awarded through the  
24 grant.

25 (c) CRITERIA FOR AWARDED GRANTS.—



1           (1) IN GENERAL.—In evaluating applications  
2           for a grant under subparagraphs (A), (B), and (C),  
3           of subsection (a)(1), respectively, the Secretary shall  
4           consider—

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

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

18                   (C) the level of detail and feasibility of the  
19                   plan for assembling an advisory council of stu-  
20                   dents from underrepresented subgroups of stu-  
21                   dents, and parents or guardians of students  
22                   from those subgroups, and involving that advi-  
23                   sory council in the implementation of the grant,  
24                   as well as oversight and evaluation of the grant;  
25                   and

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

8 (2) PRIORITIES.—

9 (A) STATE EDUCATIONAL AGENCY.—In  
10 awarding a grant under subsection (a)(1)(A),  
11 the Secretary shall give priority to—

12 (i) States that established memoranda  
13 of understanding, as described in section  
14 6(c), with a high percentage of the local  
15 educational agencies in the State and cov-  
16 ering a high percentage of total students in  
17 the State;

18 (ii) States with large gaps in equitable  
19 access, enrollment, and performance in ad-  
20 vanced coursework across subgroups of  
21 students, as described in the grant applica-  
22 tions of the State educational agencies;

23 (iii) States that prioritize evidence-  
24 based strategies to ensure subgroups of  
25 students have equitable access to pathways

1 to postsecondary education in STEM  
2 fields; and

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

11 (B) LOCAL EDUCATIONAL AGENCY.—In  
12 awarding a grant under subsection (a)(1)(B),  
13 the Secretary shall give priority to—

14 (i) local educational agencies that  
15 have made recent improvements to equi-  
16 table participation and performance in ad-  
17 vanced coursework among historically  
18 underrepresented subgroups of students  
19 based on data collection from the Office of  
20 Civil Rights of the Department of Edu-  
21 cation;

22 (ii) local educational agencies that  
23 provide pathways to postsecondary edu-  
24 cation in STEM fields to a high proportion  
25 of students who are enrolled in high

1 schools served by the local educational  
2 agency; and

3 (iii) local educational agencies that  
4 prioritize evidence-based strategies to en-  
5 sure subgroups of students have equitable  
6 access to pathways to postsecondary edu-  
7 cation in STEM fields.

8 (d) AMOUNT; DURATION.—

9 (1) STATE EDUCATIONAL AGENCY.—

10 (A) AMOUNT.—A grant awarded under  
11 subsection (a)(1)(A) shall be in an amount that  
12 is not less than \$15,000,000 and not more than  
13 \$60,000,000.

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

17 (2) LOCAL EDUCATIONAL AGENCY.—

18 (A) AMOUNT.—A grant awarded under  
19 subsection (a)(1)(B) shall be in an amount that  
20 is not less than \$1,000,000 and not more than  
21 \$20,000,000.

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

25 (3) OTHER NONPROFIT ENTITY.—

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

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

7 (e) NUMBER OF GRANTS AWARDED.—

8 (1) STATE EDUCATIONAL AGENCY.—

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

13 (B) EXCEPTIONS.—Notwithstanding sub-  
14 paragraph (A), if the amount appropriated to  
15 carry out this Act is—

16 (i) less than \$233,000,000 in any  
17 year, the Secretary may award fewer than  
18 6 awards under subsection (a)(1)(A) per  
19 cycle; and

20 (ii) more than \$300,000,000 in any  
21 year, the Secretary may award more than  
22 10 awards under subsection (a)(1)(A) per  
23 cycle.

24 (2) LOCAL EDUCATIONAL AGENCY.—

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

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

8 (i) less than \$233,000,000 in any  
9 year, the Secretary may award fewer than  
10 8 awards under subsection (a)(1)(B) per  
11 cycle; and

12 (ii) more than \$300,000,000 in any  
13 year, the Secretary may award more than  
14 16 awards under subsection (a)(1)(B) per  
15 cycle.

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

23 **SEC. 6. SUBGRANTS.**

24 (a) IN GENERAL.—A State educational agency re-  
25 ceiving a grant under this Act shall use the grant funds

1 to award subgrants to local educational agencies in the  
2 State.

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

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

12 (2) local educational agencies that will support  
13 elementary schools and secondary schools that offer  
14 fewer advanced course or program offerings (or  
15 fewer available slots in those courses or programs)  
16 than the average for the State.

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

21 (1) establish ambitious 3-year enrollment and  
22 performance goals for each subgroup of students,  
23 and intermediate annual targets for each subgroup  
24 of students to bridge districtwide inequities (accord-

1       ing to race, sex, socioeconomic status, disability sta-  
2       tus, and status as an English learner) in—

3               (A) advanced coursework;

4               (B) STEM program participation and per-  
5       formance; or

6               (C) both advanced coursework and STEM  
7       program participation and performance;

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

16       (3) submit a plan to train school leaders, aca-  
17      demic counselors or advisors, and teachers on strate-  
18      gies for bridging inequities (according to race and  
19      ethnicity, sex, socioeconomic status, disability status,  
20      and status as an English learner) in advanced  
21      coursework or program participation and perform-  
22      ance;

23       (4) submit a plan to assemble a local advisory  
24      council of students from underrepresented subgroups  
25      of students, and parents or guardians of students



1 from those subgroups, with at least 2 members of  
2 each subgroup of students, including an explanation  
3 of how the council will be involved in the local edu-  
4 cational agency's implementation of the grant, as  
5 well as oversight and evaluation of the grant;

6 (5) submit a plan to communicate to students  
7 and families, in multiple languages and through  
8 multiple formats, the process and requirements to  
9 enroll in advanced courses; and

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

12 **SEC. 7. USES OF FUNDS.**

13 (a) REQUIRED USES OF FUNDS.—A local educational  
14 agency receiving a grant or subgrant under this Act shall  
15 use the grant or subgrant funds to carry out 2 or more  
16 of the following activities:

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

20 (2) Not later than 1 year after funding is re-  
21 ceived, training school leaders, academic counselors  
22 or advisors, and teachers on strategies for bridging  
23 inequities (according to race and ethnicity, sex, so-  
24 cioeconomic status, disability status, and status as

1 an English learner) in advanced coursework or pro-  
2 gram participation and performance.

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

5 (4) Not later than 1 year after funding is re-  
6 ceived, implementing open enrollment or universal  
7 screening for all advanced courses and programs, in-  
8 cluding—

9 (A) gifted and talented programs, 8th  
10 grade Algebra I, Advanced Placement, Inter-  
11 national Baccalaureate, dual enrollment, early  
12 college high school, and any similarly advanced  
13 courses or programs; and

14 (B) training individuals involved in the as-  
15 sessment process in the administration of the  
16 assessments and the interpretation of the re-  
17 sults.

18 (5) Launching advanced courses or programs,  
19 or expand enrollment capacity in advanced courses  
20 or programs, which may include gifted and talented  
21 programs, 8th grade Algebra I, Advanced Place-  
22 ment, International Baccalaureate, dual enrollment,  
23 early college high school, or any similarly advanced  
24 courses or programs.

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

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

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

17           (2) Purchasing curricula and materials for ad-  
18           vanced courses and programs, such as calculators,  
19           books, and laboratory materials.

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

22           (4) Using funds to train or hire teachers to  
23           teach advanced coursework.

24           (5) Strengthening or developing a positive  
25           school climate through teacher training and profes-

1        sional development, including implicit bias training,  
2        identity-affirming curricula, peer mentoring, pro-  
3        grams to recruit and retain diverse educators, en-  
4        gaging and supporting families, and expanding alter-  
5        natives to punitive and exclusionary discipline prac-  
6        tices.

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

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

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

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

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

4           (a) REPORT TO SECRETARY.—

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

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

23           (B) A listing of the advanced courses or  
24           programs available at the local educational  
25           agency receiving a grant, or at each local edu-

1 educational agency that received a subgrant, as ap-  
2 plicable, and the student enrollment mechanism  
3 for each of those courses or programs. If a local  
4 educational agency uses universal screening in-  
5 stead of open enrollment, then the list shall in-  
6 clude a description of what assessments will be  
7 used to determine enrollment as described in  
8 section 4(5).

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

17 (D) The academic outcomes (such as  
18 grades or exam scores) of students enrolled in  
19 advanced courses or programs in the State (or  
20 in the local educational agency, in the case of  
21 a local educational agency receiving a grant),  
22 disaggregated and cross-tabulated by race and  
23 ethnicity, sex, disability status, socioeconomic  
24 status, and status as an English learner.

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

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

19 (G) A description of communication with  
20 families, including how parents were notified  
21 of—

- 22 (i) advanced coursework opportunities;  
23 (ii) the value of the programs; and  
24 (iii) the ability to opt out.

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

10          (b) BONUS.—

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



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

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

1   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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