

110TH CONGRESS
1ST SESSION

H. R. 2203

To amend the Elementary and Secondary Education Act of 1965 to increase student access and participation in supplemental educational services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2007

Mr. McKEON (for himself, Mr. HOEKSTRA, Mr. BISHOP of Utah, Mr. WALBERG, Mr. FORTUÑO, Mr. BOEHNER, Mr. WILSON of South Carolina, Mr. BOUSTANY, and Mr. MARCHANT) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to increase student access and participation in supplemental educational services, and for other purposes.

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 “Improving Supple-
5 mental Education by Ensuring Parental Awareness Act”.

1 **SEC. 2. INCREASING STUDENT ACCESS AND PARTICIPA-**
2 **TION IN SUPPLEMENTAL EDUCATIONAL**
3 **SERVICES.**

4 Section 1116(b) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

6 (1) in paragraph (1) by striking subparagraph
7 (E) and inserting the following:

8 “(E) PUBLIC SCHOOL CHOICE AND SUP-
9 PLEMENTAL EDUCATION SERVICES.—

10 “(i) IN GENERAL.—In the case of a
11 school identified for school improvement
12 under this paragraph, the local educational
13 agency shall, not later than the first day of
14 the school year following such identifica-
15 tion, provide all eligible students enrolled
16 in the school with the option—

17 “(I) to transfer to another public
18 school served by the local educational
19 agency and described in clause (ii),
20 which may include a public charter
21 school, that has not been identified for
22 school improvement under this para-
23 graph, unless such an option is pro-
24 hibited by State law; and

1 “(II) to receive supplemental
2 educational services, available con-
3 sistent with subsection (e)(1).

4 “(ii) SPECIAL RULE.—In providing
5 students the option to transfer to another
6 public school under clause (i)(I), the local
7 educational agency shall give priority to
8 the lowest achieving children from low-in-
9 come families, as determined by the local
10 educational agency for purposes of allo-
11 cating funds to schools under section
12 1113(c)(1).”;

13 (2) in paragraph (10)(A) by striking “spend an
14 amount equal to” and inserting “set aside and
15 spend”; and

16 (3) in paragraph (10) by inserting after sub-
17 paragraph (D) the following:

18 “(E) FUNDING.—The funds described in
19 subparagraph (A) shall be made available for
20 the year in which the funding is set aside or
21 otherwise allocated and shall, notwithstanding
22 section 1127(a), remain available until such
23 funds are expended (subject to section 421(b)
24 of the General Education Provisions Act) on
25 supplemental educational services under sub-

1 section (e), transportation costs under para-
2 graph (9), or parent outreach and assistance
3 under paragraph (10)(C), unless—

4 “(i) the local educational agency has
5 provided the State educational agency with
6 evidence satisfactory to the State edu-
7 cational agency that at least 75 percent of
8 the students eligible for supplemental edu-
9 cational services have received or affirma-
10 tively declined those services; or

11 “(ii) the State educational agency ap-
12 proves a local educational agency request
13 to spend a lesser amount based on a State
14 review of the agency’s demonstrated suc-
15 cess in—

16 “(I) making significant progress
17 in meeting the requirements of clause
18 (i);

19 “(II) partnering with community-
20 based organizations and other groups
21 to help inform eligible students and
22 their families of the availability of
23 supplemental educational services;

24 “(III) ensuring that all eligible
25 students are able to sign up for sup-

1 plemental educational services
 2 throughout the course of the school
 3 year and the summer; and
 4 “(IV) meeting the requirements
 5 of subsection (e)(2)(E) and
 6 (e)(2)(F).”.

7 **SEC. 3. ENSURING ACCOUNTABILITY AND PROVIDER EF-**
 8 **ECTIVENESS AND EXPANDING RESOURCES**
 9 **FOR STATE AND LOCAL IMPLEMENTATION OF**
 10 **SUPPLEMENTAL EDUCATIONAL SERVICES.**

11 (a) FUNDS FOR SCHOOL IMPROVEMENT.—Section
 12 1003(b) of the Elementary and Secondary Education Act
 13 of 1965 (20 U.S.C. 6303(b)) is amended—

14 (1) in paragraph (1) by striking “or” at the
 15 end;

16 (2) in paragraph (2) by striking the period at
 17 the end and inserting “; or”; and

18 (3) by adding at the end the following:

19 “(3) may reserve up to 1 percent to carry out
 20 the responsibilities under section 1116(e)(4).”.

21 (b) FUNDS FOR TRANSPORTATION AND SUPPLE-
 22 MENTAL EDUCATIONAL SERVICES.—Section 1116(b)(10)
 23 of that Act (20 U.S.C. 6316(b)(10)) is amended by insert-
 24 ing after subparagraph (E) (as added by section 2 of this
 25 Act) the following:

“(F) INCREASED FOCUS ON PARENTAL INVOLVEMENT.—For any fiscal year, a local educational agency may spend an amount up to 0.2 percent of its allocation under subpart 2 on implementing the parent outreach and assistance requirements of subsection (b)(6)(F) and subsection (e)(2), with such funds counting toward meeting the requirements of subparagraph (A).”.

SEC. 4. ENSURING STUDENTS HAVE FAIR OPTIONS IN SELECTING A SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER OF THEIR CHOICE.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) in paragraph (2)(A)—

(A) by inserting after “parents” the following: “, at the beginning of the school year following the school’s failure to make adequate yearly progress,”; and

(B) by amending clause (iii) to read as follows:

“(iii) a brief description of the services, including minimum qualifications required by the provider for their instructors that provide direct instruction to students,

1 and demonstrated effectiveness of each
2 such provider;”.

3 (2) in paragraph (2)—

4 (A) in subparagraph (C) by striking “and”
5 at the end;

6 (B) in subparagraph (D) by striking the
7 period at the end and inserting a semicolon;
8 and

9 (C) after subparagraph (D) by adding the
10 following:

11 “(E) choose an approved provider or pro-
12 viders, using a fair, open, and objective process,
13 to operate on site in the school or schools iden-
14 tified under paragraphs (1), (7), or (8) of sub-
15 section (b) free of charge, or for a reasonable
16 fee, on the same basis and terms as are avail-
17 able to other groups that seek access to the
18 school building;

19 “(F) provide approved providers with ap-
20 propriate logistical information, including infor-
21 mation on the procedures parents must follow
22 in obtaining supplemental educational services
23 for their children; and

“(G) conduct quality parental outreach campaigns to increase the number of students that receive supplemental educational services.”; (3) in paragraph (4)—

(A) by striking subparagraph (D) and inserting the following:

“(D) develop, implement not later than 1 year after the date of enactment of this subparagraph, and publicly report (including an annual report to the Secretary on the implementation of this subparagraph) on standards and techniques that—

“(i) are for monitoring the quality and effectiveness of the services offered by approved providers under this subsection and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

“(ii) use valid and reliable methods that are consistent with relevant, nationally recognized professional standards that—

1 “(I) are administered to all stu-
2 dents enrolled in supplemental edu-
3 cational services under this sub-
4 section;

5 “(II) are supplemented with ad-
6 ditional criteria, such as—

7 “(aa) local educational agen-
8 cy evaluations of the supple-
9 mental educational services pro-
10 vided under this subsection;

11 “(bb) student, parent, prin-
12 cipal, or teacher satisfaction with
13 the provider, except that, if a
14 State elects to include this cri-
15 terion in the State evaluation
16 system, the satisfaction levels
17 shall be measured by a survey
18 that uniformly evaluates all such
19 providers in the State; and

20 “(cc) the attendance rates of
21 the students enrolled in the sup-
22 plemental educational services of-
23 fered by the provider under this
24 subsection; and

1 “(III) measure individual student
2 academic achievement in mathematics,
3 and in reading or language arts, as
4 measured by progress toward meeting
5 challenging State student academic
6 achievement standards under section
7 1111(b), or as measured by progress
8 on other valid individual student as-
9 sessment instruments, as a result of
10 the provision of supplemental edu-
11 cational services;”.

12 (B) in subparagraph (E) by striking the
13 period at the end and inserting a semicolon;
14 and

15 (C) after subparagraph (E) by inserting
16 the following:

17 “(F) monitor each local educational agency
18 that serves as an approved provider to ensure
19 the local educational agency is in compliance
20 with paragraph (2) and, if the State edu-
21 cational agency determines (which may be
22 based on complaints filed by eligible providers,
23 parents, or other entities) that the local edu-
24 cational agency is not in compliance—

1 “(i) withdraw approval from the local
2 educational agency for the following year;
3 or

4 “(ii) designate a third-party entity to
5 carry out the responsibilities under para-
6 graph (2);

7 “(G) establish a fair mechanism for the re-
8 moval of a provider who is subject to repeat
9 complaints submitted by parents, school per-
10 sonnel, or the local educational agency, after a
11 full independent investigation of the complaints
12 and right of appeals;

13 “(H) provide—

14 “(i) guidelines to each local edu-
15 cational agency on the enrollment forms
16 used to enroll students for supplemental
17 educational services under this subsection,
18 which shall include—

19 “(I) the baseline of information
20 the local educational agency is re-
21 quired to provide to parents; and

22 “(II) a sample form for the local
23 educational agency; and

24 “(ii) technical assistance to each local
25 educational agency regarding the enroll-

1 ment process, in an effort to streamline
2 the enrollment process for parents;

3 “(I) ensure that the enrollment process is
4 fair to all providers of supplemental educational
5 services;

6 “(J) if the State educational agency deter-
7 mines appropriate, require a local educational
8 agency to employ different methods to reach
9 students regarding the availability of supple-
10 mental educational services under this sub-
11 section, including—

12 “(i) sending enrollment forms home
13 with students;

14 “(ii) posting the enrollment form on-
15 line; and

16 “(iii) allowing parents to obtain en-
17 rollment forms at the school of the stu-
18 dents eligible for supplemental educational
19 services under this subsection;

20 “(K) if the State educational agency deter-
21 mines appropriate, use a portion of the funds
22 available under subsection (b)(10) to provide,
23 on behalf of rural local educational agencies
24 that serve schools required to offer supple-
25 mental educational services under this sub-

1 section, incentives for providers to provide sup-
2 plemental educational services under this sub-
3 section to students in rural local educational
4 agencies, including—

5 “(i) providing technical assistance to
6 providers, including those offering supple-
7 mental educational services through dis-
8 tance learning; and

9 “(ii) providing assistance to commu-
10 nity based organizations with the approval
11 process to become supplemental edu-
12 cational services providers, as well as with
13 the contracting process with local edu-
14 cational agencies.”.

15 **SEC. 5. REQUIRING GREATER TRANSPARENCY OF DATA RE-**
16 **LATED TO SUPPLEMENTAL EDUCATIONAL**
17 **SERVICES.**

18 (a) STATE REPORT CARDS.—Section 1111(h)(1)(C)
19 of the Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 6311(h)(1)(C)) is amended—

21 (1) in clause (vii) by striking “and” at the end;

22 (2) in clause (viii) by striking the period at the
23 end and inserting “; and”; and

24 (3) by adding at the end the following:

25 “(ix) for the prior school year—

1 “(I) the number of students eligi-
2 ble to participate in public school
3 choice and supplemental educational
4 services;

5 “(II) the actual number of stu-
6 dents who participated;

7 “(III) the total amount of funds
8 expended for supplemental educational
9 services; and

10 “(IV) the total amount of funds
11 expended for transportation related to
12 public school choice.”.

13 (b) LEA REPORT CARDS.—Section 1111(h)(2)(B)(i)
14 of that Act (20 U.S.C. 6311(h)(2)(B)(i)) is amended—

15 (1) in subclause (I), by striking “and” at the
16 end; and

17 (2) by adding at the end the following:

18 “(III) the information described
19 in subparagraph (C)(ix), relating to
20 student participation in public school
21 choice and supplemental educational
22 services; and”.

23 (c) ANNUAL STATE REPORT.—Section
24 1111(h)(4)(F) of that Act (20 U.S.C. 6311(h)(4)(F)) is
25 amended to read as follows:

1 “(F) for the prior school year—

2 “(i) the number of students eligible to
3 participate in public school choice and sup-
4 plemental educational services;

5 “(ii) the actual number of students
6 who so participated;

7 “(iii) the total amount of funds ex-
8 pended for supplemental educational serv-
9 ices; and

10 “(iv) the total amount of funds ex-
11 pended for transportation related to public
12 school choice; and”.

13 **SEC. 6. EXPANDING RESEARCH AND EVALUATION OF SUP-**
14 **PLEMENTAL EDUCATIONAL SERVICES EFFEC-**
15 **TIVENESS AT THE NATIONAL LEVEL.**

16 Section 1501(a)(2)(I)(iv) of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C.
18 6491(a)(2)(I)(iv)) is amended to read as follows:

19 “(iv) The number of students who re-
20 ceived supplemental educational services,
21 the criteria used by the States to deter-
22 mine the quality of providers, the kinds of
23 services that are available and utilized, the
24 costs associated with implementing this op-
25 tion, and the impact of receiving supple-

1 mental educational services on student
2 achievement, using criteria for success to
3 evaluate such impact, including criteria
4 consistent with scientifically-based re-
5 search.”.

6 **SEC. 7. SUPPLEMENTAL EDUCATIONAL SERVICES FOR STU-**
7 **DENTS WITH DISABILITIES AND STUDENTS**
8 **WHO ARE LIMITED ENGLISH PROFICIENT.**

9 (a) IN GENERAL.—Section 1501(a)(2) of the Ele-
10 mentary and Secondary Education Act of 1965 (20 U.S.C.
11 6491(a)(2)) is amended—

12 (1) by redesignating subparagraph (O) as sub-
13 paragraph (P); and

14 (2) by inserting after subparagraph (N) the fol-
15 lowing:

16 “(O) The extent to which students with
17 disabilities and students with limited English
18 proficiency are represented as compared to all
19 students receiving supplemental educational
20 services.”.

21 (b) STATE EDUCATIONAL AGENCY RESPONSIBIL-
22 ITIES.—Section 1116(e)(4) of that Act (20 U.S.C.
23 6316(e)(4)), as amended by this Act, is further amend-
24 ed—

1 (1) in subparagraph (K) by striking the period
2 at the end and inserting “; and”; and

3 (2) by adding at the end the following:

4 “(L) ensure that, in each area served by a
5 local educational agency in the State that in-
6 forms the State educational agency of the local
7 educational agency’s need to provide supple-
8 mental educational services under this sub-
9 section to children who are limited English pro-
10 ficient or children with disabilities, the list of
11 approved providers includes a choice of 2 or
12 more providers with sufficient capacity to pro-
13 vide effective services for children who are lim-
14 ited English proficient or children with disabil-
15 ities, respectively.”.

16 (c) AMOUNTS FOR SES.—Section 1116(e)(6) of that
17 Act (20 U.S.C. 6316(e)) is amended—

18 (1) by striking “(A)” and “(B)” and inserting
19 “(i)” and “(ii)”, respectively;

20 (2) by inserting “(A)” before “The amount”;
21 and

22 (3) by adding at the end the following:

23 “(B) AMOUNTS FOR SPECIAL POPU-
24 LATIONS.—Notwithstanding subparagraph (A),
25 the amount that a local educational agency

1 shall make available for supplemental edu-
 2 cational services for students with disabilities,
 3 limited English proficient students, and stu-
 4 dents in local educational agencies that are eli-
 5 gible for assistance under section 6211 or 6221
 6 of this Act, shall equal 200 percent of the
 7 amount determined in subparagraph (A)(i), ex-
 8 cept that no student shall receive more than the
 9 actual costs of the supplemental educational
 10 services received by the child.”.

11 **SEC. 8. A LOCAL EDUCATIONAL AGENCY THAT NEEDS IM-**
 12 **PROVEMENT IS NOT ELIGIBLE TO BE A PRO-**
 13 **VIDER OF SUPPLEMENTAL EDUCATIONAL**
 14 **SERVICES.**

15 Section 1116(e)(12)(B) of the Elementary and Sec-
 16 ondary Education Act of 1965 (20 U.S.C.
 17 6316(e)(12)(B)) is amended by inserting after “or a local
 18 educational agency” the following: “(but such term does
 19 not include a local educational agency that has been iden-
 20 tified for improvement or corrective action)”.

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