

117TH CONGRESS
1ST SESSION

H. R. 676

To establish a learning recovery grant program and fund the Institute of Education Sciences for certain purposes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2021

Mr. SCOTT of Virginia (for himself, Ms. LEGER FERNANDEZ, Mr. SABLAN, Mr. POCAN, Ms. WILD, Mrs. HAYES, Mr. JONES, Mr. LEVIN of Michigan, Ms. BONAMICI, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish a learning recovery grant program and fund the Institute of Education Sciences for certain purposes, 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 “Learning Recovery Act
5 of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided, a term used in this Act that is defined in sec-

1 tion 8101 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7801) has the mean-
3 ing given the term in such section.

4 (2) ECONOMICALLY DISADVANTAGED STU-
5 DENT.—The term “economically disadvantaged stu-
6 dent” as used in this Act is used in the same man-
7 ner as such term is used in the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 6301 et
9 seq.).

10 (3) HIGH-POVERTY LOCAL EDUCATIONAL AGEN-
11 CY.—The term “high-poverty local educational agen-
12 cy” means, with respect to a local educational agen-
13 cy in a State, a local educational agency that serves
14 a higher percentage of economically disadvantaged
15 students than the local educational agency that
16 serves the median percentage of economically dis-
17 advantaged students, based on the percentages of
18 economically disadvantaged students served by all
19 local educational agencies in such State.

20 (4) HIGH-POVERTY SCHOOL.—The term “high-
21 poverty school” means, with respect to a school
22 served by a local educational agency, a school that
23 serves a higher percentage of economically disadvan-
24 taged students than a school that serves the median
25 percentage of economically disadvantaged students,

1 based on the percentages of economically disadvan-
2 tagged students at all schools served by such local
3 educational agency.

4 (5) MISSING STUDENT.—The term “missing
5 student”, used with respect to a local educational
6 agency, means a student—

7 (A) who was enrolled in a school served by
8 the local educational agency in the most re-
9 cently completed school year; and

10 (B) who—

11 (i) has been chronically absent from a
12 school served by the local educational agen-
13 cy at any time during the COVID–19 pan-
14 demic; or

15 (ii) with respect to the school year for
16 which funds are being allocated to such
17 local educational agency under this Act,
18 has neither reenrolled in such a school nor
19 has reported moving to a different school
20 system.

21 (6) OVERALL PER-PUPIL REDUCTION IN STATE
22 FUNDS.—The term “overall per-pupil reduction in
23 State funds” means, with respect to a fiscal year—

24 (A) the amount of any reduction in the
25 total amount of State funds provided to all local

1 educational agencies in the State in such fiscal
2 year compared to the total amount of such
3 funds provided to all local educational agencies
4 in the State in the previous fiscal year; divided
5 by

6 (B) the aggregate number of children in
7 average daily attendance in all schools served
8 by all local educational agencies in the State in
9 the fiscal year for which the determination is
10 being made.

11 (7) SCHOOL EXTENSION PROGRAM.—The term
12 “school extension program” means an evidence-
13 based comprehensive program (such as a summer
14 school, extended day, or extended school year pro-
15 gram) at an elementary school or secondary school
16 that provides for learning time, at any point in the
17 calendar year, that is—

18 (A) in addition to the minimum number of
19 school days and hours required by State law for
20 such elementary school or secondary school;

21 (B) a minimum of 3 weeks of school or the
22 equivalent of 120 hours; and

23 (C) a maximum of 10 weeks of school or
24 the equivalent of 400 hours.

1 (8) VULNERABLE STUDENTS.—The term “vul-
2 nerable students” includes the following students:

3 (A) A student with disabilities.

4 (B) A low-income student.

5 (C) An English learner.

6 (D) A minority student.

7 (E) A student experiencing homelessness.

8 (F) A migrant student.

9 (G) A student in foster care.

10 (H) A student involved with the juvenile
11 justice system.

12 **TITLE I—REACHING STUDENTS**
13 **AND MEETING UNFINISHED**
14 **LEARNING NEEDS**

15 **SEC. 101. PROGRAM AUTHORIZED.**

16 (a) RESERVATIONS.—From the amount appropriated
17 under section 106 for a fiscal year, the Secretary shall
18 reserve—

19 (1) one-half of 1 percent for allotments for the
20 outlying areas, in proportion to the relative amount
21 such outlying areas received under part A of title I
22 of the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 6311 et seq.) for the preceding fis-
24 cal year; and

1 (2) one-half of 1 percent for the Secretary of
2 the Interior, in consultation with the Secretary of
3 Education, for programs under this title in schools
4 operated or funded by the Bureau of Indian Edu-
5 cation.

6 (b) STATE ALLOTMENTS.—

7 (1) IN GENERAL.—From the amount appro-
8 priated under section 106 (and not reserved under
9 subsection (a)), the Secretary shall allot grants to
10 State educational agencies with an approved applica-
11 tion under section 102 in proportion to the relative
12 amount the States of such agencies received under
13 part A of title I of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6311 et seq.) for
15 the preceding fiscal year.

16 (2) REALLOTMENT.—If a State educational
17 agency does not receive a grant under this title for
18 a fiscal year, the Secretary shall reallocate the amount
19 of the grant to the remaining State educational
20 agencies in accordance with paragraph (1).

21 (3) STATE RESERVATIONS.—A State edu-
22 cational agency receiving a grant under this sub-
23 section may reserve up to 5 percent of such grant
24 for State level activities described under section
25 102(c), of which not more than 1 percent may be

1 used for administrative purposes related to such ac-
2 tivities.

3 (c) LOCAL ALLOCATIONS.—After making a reserva-
4 tion under subsection (b)(3), a State educational agency
5 shall allocate the remaining grant amount received under
6 this section to local educational agencies in the State with
7 an approved application under section 103 in proportion
8 to the relative amount such local educational agencies re-
9 ceived under part A of title I of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 6311 et seq.)
11 for the preceding fiscal year.

12 **SEC. 102. STATE APPLICATION AND ACTIVITIES.**

13 (a) SECRETARIAL REQUIREMENTS.—The Secretary
14 shall—

15 (1) not later than 15 days after the date of en-
16 actment of this Act, issue a notice for applications;
17 and

18 (2) not later than 15 days after receipt of an
19 application, approve or deny such application.

20 (b) STATE APPLICATION.—To receive a grant under
21 section 101(b), a State educational agency shall submit
22 an application to the Secretary at such time, in such man-
23 ner, and requiring such information as the Secretary may
24 reasonably require. Such application shall—

1 (1) describe how the State educational agency
2 will use funds reserved under section 101(b)(3) to
3 support local educational agencies receiving alloca-
4 tions under section 101(c) from the State edu-
5 cational agency;

6 (2) provide an assurance that the State edu-
7 cational agency, and each local educational agency
8 receiving an allocation under section 101(c) from
9 such State educational agency—

10 (A) will meet the requirements of section

11 105; and

12 (B) will widely inform the public by post-
13 ing on its website information on the avail-
14 ability of each school extension program to be
15 funded with such allocation in an easily under-
16 standable format and in multiple languages
17 that parents can understand, to the extent
18 practicable;

19 (3) provide a description of the application the
20 State educational agency will use under section 103
21 for local educational agencies to receive allocations;
22 and

23 (4) provide an assurance that the State edu-
24 cational agency will meet the maintenance of effort,
25 maintenance of equity, and supplement, not supplant

1 requirements in subsections (d) through (f), respec-
2 tively.

3 (c) STATE ACTIVITIES.—From funds reserved under
4 section 101(b)(3), a State educational agency—

5 (1) shall—

6 (A) provide technical assistance to local
7 educational agencies receiving an allotment
8 under section 101(c), with a priority for such
9 local educational agencies that serve—

10 (i) high percentages of low-income
11 children; and

12 (ii) high concentrations of students
13 who have been negatively or disproportion-
14 ately affected (academically, socially, and
15 emotionally) by the pandemic and school
16 closures;

17 (B) support local educational agencies in
18 coordinating with a designated regional edu-
19 cational laboratory (as described in section 174
20 of the Education Sciences Reform Act of 2002
21 (20 U.S.C. 9564)) to effectively use data and
22 evidence-based strategies to address learning re-
23 covery needs for students with disabilities, mi-
24 nority children, English learners, and low-in-
25 come students;

1 (C) monitor the use of funds received by
2 local educational agencies receiving allocations
3 under section 101(c); and

4 (D) collect and analyze the data described
5 under section 104 from such local educational
6 agencies; and

7 (2) may support existing activities to combat
8 learning loss due to COVID–19 as long as such ac-
9 tivities meet the applicable requirements of this title.

10 (d) STATE MAINTENANCE OF EFFORT.—A State
11 educational agency receiving a grant under this title shall
12 maintain support for elementary and secondary education
13 for the fiscal year for which such grant is received at least
14 at the proportional levels of such State’s support for ele-
15 mentary and secondary education relative to such State’s
16 overall spending, averaged over fiscal years 2017, 2018,
17 and 2019.

18 (e) STATE MAINTENANCE OF EQUITY.—

19 (1) HIGH-POVERTY LOCAL EDUCATIONAL AGEN-
20 CIES.—For a fiscal year in which a State edu-
21 cational agency receives a grant under section
22 101(b), in a case in which a per-pupil reduction in
23 State funding occurs for any high-poverty local edu-
24 cational agency in the State, such reduction may not
25 exceed the overall per-pupil reduction in State funds,

1 if any, across all local educational agencies in such
2 State in such fiscal year.

3 (2) LOCAL EDUCATIONAL AGENCIES WITH THE
4 HIGHEST SHARE OF ECONOMICALLY DISADVAN-
5 TAGED STUDENTS.—For the fiscal year in which a
6 State educational agency receives a grant under sec-
7 tion 101(b), the State educational agency may not
8 reduce State funding for the 20 percent of local edu-
9 cational agencies in the State with the highest per-
10 centage of economically disadvantaged students
11 (based on the percentages of economically disadvan-
12 tagged students served by all local educational agen-
13 cies in the State) below the level of funding provided
14 to such local educational agencies in fiscal year
15 2019.

16 (f) SUPPLEMENT, NOT SUPPLANT.—Funds made
17 available to State educational agencies under this title
18 shall be used to supplement, and not supplant, other Fed-
19 eral and non-Federal funds that would otherwise be used
20 for activities authorized under this title.

21 **SEC. 103. LOCAL APPLICATION AND ACTIVITIES.**

22 (a) LOCAL APPLICATION.—To receive an allocation
23 under section 101(c), a local educational agency shall sub-
24 mit an application to the applicable State educational
25 agency at such time, in such manner, and requiring such

1 information as the State educational agency may reason-
2 ably require. Such application shall—

3 (1) describe how the local educational agency
4 will use funds to locate missing students and re-
5 engage the students and their families with the
6 school community;

7 (2) describe how the local educational agency
8 plans to facilitate family engagement to address con-
9 cerns about student learning, social-emotional well-
10 being, and COVID–19 safety;

11 (3) describe how the local educational agency
12 plans to diagnose, measure, and reduce unfinished
13 learning among students, including vulnerable stu-
14 dents;

15 (4) describe how the local educational agency
16 plans to implement evidence-based interventions and
17 strategies that meet the requirements of section
18 8101(21)(A)(i) of the Elementary and Secondary
19 Education Act of 1965 (25 U.S.C. 7801(21)(A)(i))
20 to address unfinished learning as a result of the
21 COVID–19 pandemic;

22 (5) provide an assurance that the local edu-
23 cational agency will carry out a school extension pro-
24 gram;

1 (6) describe such program, including the provi-
2 sion of evidence-based, intensive tutoring services for
3 students;

4 (7) provide an assurance that the local edu-
5 cational agency will seek public input on the design
6 and implementation of such program;

7 (8) provide an assurance that the local edu-
8 cational agency will not charge a student or the stu-
9 dent’s family for participation in such school exten-
10 sion program;

11 (9) provide an assurance that the local edu-
12 cational agency will meet the requirements of sub-
13 section (d);

14 (10) provide an assurance that the local edu-
15 cational agency will establish protocols for program
16 operation related to the COVID–19 pandemic, as
17 applicable; and

18 (11) provide a description of how the local edu-
19 cational agency will operationalize the assurance de-
20 scribed in paragraph (10), including—

21 (A) how staff will be trained in imple-
22 menting such protocols; and

23 (B) how the school day will be restructured
24 due to such protocols, including through—

25 (i) reduced class size;

- 1 (ii) split scheduling;
- 2 (iii) staggered meal times or locations;
- 3 (iv) changes in school bus routes, and
- 4 more frequent bus routes (with the utiliza-
- 5 tion of additional bus drivers); and
- 6 (v) special considerations necessary
- 7 for students who are medically at-risk.

8 (b) LOCAL USES.—

9 (1) REQUIRED USES.—A local educational

10 agency that receives an allocation under section

11 101(c) shall use such allocation to carry out the fol-

12 lowing:

13 (A) Planning and implementation of not

14 less than 1 school extension program at a

15 school served by the local educational agency,

16 ensuring that the increased learning time pro-

17 vided through such program focuses on vulner-

18 able students.

19 (B) Supporting salaries and benefits of

20 school leaders, teachers, counselors, paraprofes-

21 sionals, and other support staff involved with

22 the school extension program.

23 (C) Planning and implementing attendance

24 intervention strategies that reengage, rather

25 than punish, students and families within the

1 school community, including, to the extent prac-
2 ticable—

3 (i) public service announcements; and

4 (ii) utilizing languages understood by
5 such families in addition to English.

6 (D) Planning and implementing strategies
7 to reengage and monitor student reengagement
8 during the school extension program.

9 (2) ALLOWABLE USES.—A local educational
10 agency that receives an allocation under section
11 101(c) may use such allocation to carry out the fol-
12 lowing:

13 (A) Administering and using high-quality
14 assessments that are valid and reliable to accu-
15 rately assess students' academic progress and
16 assist educators in meeting students' academic
17 needs, including through differentiating instruc-
18 tion.

19 (B) Providing professional development to
20 educators, paraprofessionals, and other staff on
21 how to—

22 (i) use assessments to individualize
23 academic instruction;

1 (ii) modify instruction and scheduling
2 to accelerate students' academic progress;
3 and

4 (iii) address the social, emotional, and
5 learning needs of vulnerable students,
6 which may be in coordination with a re-
7 gional educational laboratory or the State
8 educational agency.

9 (3) Providing opportunities for evidence-based
10 intensive tutoring services for students as part of a
11 school extension program described in the local edu-
12 cational agency's application, including by estab-
13 lishing or expanding partnerships with evidenced-
14 based tutoring interventions.

15 (4) Providing social, emotional, and mental
16 health related supports, including services provided
17 by school counselors.

18 (5) Implementing universal screenings for ad-
19 verse childhood experiences and trauma and imple-
20 menting interventions in response to such
21 screenings.

22 (6) Increasing student engagement in school
23 through the establishment or reestablishment of
24 well-rounded educational opportunities such as
25 music and fine arts programming, athletics pro-

1 grams, and reestablishing nonprofit and after-school
2 programs that promote student engagement and
3 learning.

4 (7) Implementing culturally responsive prac-
5 tices.

6 (8) Covering overhead costs associated with
7 keeping school buildings open, if such school build-
8 ings would not otherwise be open.

9 (9) Covering the costs of student transportation
10 (in addition to any previously existing student trans-
11 portation costs).

12 (10) Providing for technology to support learn-
13 ing for students and teachers participating in school
14 extension programs.

15 (11) Supporting existing activities to combat
16 learning loss due to COVID–19 as long as such ac-
17 tivities meet the applicable requirements of this title.

18 (c) PRIORITY FOR SERVICES.—

19 (1) IN GENERAL.—In selecting schools at which
20 to carry out the activities described in section
21 103(b), a local educational agency shall give priority
22 to the following schools:

23 (A) An elementary school or secondary
24 school that participated in a schoolwide pro-
25 gram under section 1114 of the Elementary

1 and Secondary Education Act of 1965 (20
2 U.S.C. 6314) during school year 2019–2020.

3 (B) A high school in which the percentage
4 of children from low-income families is at least
5 as high as the percentage of children from low-
6 income families served by the local educational
7 agency as a whole during school year 2019–
8 2020 at elementary schools and secondary
9 schools that do not meet the requirements of
10 subparagraph (A).

11 (2) MEASURE OF POVERTY IN SECONDARY
12 SCHOOLS.—In measuring the number of students in
13 low-income families in secondary schools for pur-
14 poses of paragraph (1)(B), a local educational agen-
15 cy shall use the measure of poverty described in sec-
16 tion 1113(a)(5)(B)(ii) of the Elementary and Sec-
17 ondary Education of 1965 (20 U.S.C.
18 6313(a)(5)(B)(ii)), except that the local educational
19 agency shall not be required to meet the conditions
20 of section 1113(a)(5)(C) of such Act (20 U.S.C.
21 6313(a)(5)(C)) to use such measure.

22 (3) MEASURE OF POVERTY IN ELEMENTARY
23 SCHOOLS.—In measuring the number of students in
24 low-income families in elementary schools for pur-
25 poses of paragraph (1)(B), a local educational agen-

1 cy shall use the measure of poverty described in sec-
2 tion 1113(a)(5)(A) of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C.
4 6313(a)(5)(A)).

5 (d) MAINTENANCE OF EQUITY FOR HIGH-POVERTY
6 SCHOOLS.—With respect to the fiscal year in which a local
7 educational agency receives an allocation under section
8 101(c)—

9 (1) in a case in which a per-pupil reduction in
10 local educational agency funding occurs for such fis-
11 cal year for any high-poverty school served by such
12 local educational agency, such reduction may not ex-
13 ceed—

14 (A) the total reduction in local educational
15 agency funding for all schools served by the
16 local educational agency in such fiscal year (if
17 any); divided by

18 (B) the aggregate number of children in
19 average daily attendance in all schools served
20 by the local educational agency in such fiscal
21 year; and

22 (2) the local educational agency may not reduce
23 per-pupil staffing in any high-poverty school by an
24 amount that exceeds—

1 (A) the total reduction in staffing in all
2 schools served by such local educational agency
3 in such fiscal year (if any); divided by

4 (B) the aggregate number of children in
5 average daily attendance in all schools served
6 by the local educational agency in such fiscal
7 year.

8 **SEC. 104. REPORTING REQUIREMENTS.**

9 (a) LOCAL EDUCATIONAL AGENCY.—

10 (1) IN GENERAL.—Not later than 1 year after
11 receiving an allocation under section 101(b), and for
12 each succeeding year thereafter, a local educational
13 agency shall report to the State educational agency
14 on the information described in paragraph (2).

15 (2) CONTENTS.—Each report under paragraph
16 (1) shall include the following information, disaggre-
17 gated in accordance with paragraph (3)—

18 (A) The number of students served in a
19 school extension program funded under this
20 title.

21 (B) The number of missing students—

22 (i) who reenrolled at a school served
23 by the local educational agency; and

24 (ii) who did not reenroll at a school
25 served by the local educational agency.

1 (C) Which schools served by such agency
2 received services under a school extension pro-
3 gram funded under this title.

4 (D) The attendance and learning recovery
5 interventions implemented (including social and
6 emotional services) and how the interventions
7 supported students with disabilities, minority
8 children, English learners, and low-income stu-
9 dents.

10 (E) Any student performance data from
11 assessments prior to the implementation of a
12 school extension program, and after the imple-
13 mentation of such program.

14 (3) DISAGGREGATION.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the information provided under sub-
17 paragraphs (A) through (C) of paragraph (2)
18 shall be disaggregated by each of the following
19 subgroups:

20 (i) Each major racial and ethnic
21 group.

22 (ii) Economically disadvantaged stu-
23 dents as compared to students who are not
24 economically disadvantaged.

25 (iii) Disability status.

- 1 (iv) English proficiency status.
2 (v) Gender.
3 (vi) Migrant status.
4 (vii) Homeless status.
5 (viii) Status as a child in foster care.

6 (B) EXCEPTION.—The disaggregation in
7 subparagraph (A) shall not be required in the
8 case in which the number of students in a sub-
9 group would reveal personally identifiable infor-
10 mation about an individual student.

11 (b) STATE REPORT TO THE SECRETARY.—

12 (1) STATE EDUCATIONAL AGENCY.—Each State
13 educational agency receiving funds under this title
14 shall, on an annual basis, compile, summarize, pre-
15 pare, and submit a report on the information re-
16 ported to the State educational agency to the Sec-
17 retary.

18 (2) SECRETARY.—

19 (A) IN GENERAL.—The Secretary shall
20 summarize and compile the reports submitted
21 under paragraph (1).

22 (B) REPORT.—The Secretary shall submit
23 to Congress, and make publicly available, the
24 summary and compilation described in subpara-
25 graph (A).

1 **SEC. 105. COLLECTIVE BARGAINING APPLICABILITY.**

2 Nothing in this Act shall be construed to alter or oth-
3 erwise affect the rights, remedies, and procedures afforded
4 school or local educational agency employees under Fed-
5 eral, State, or local laws (including applicable regulations
6 or court orders) or under the terms of collective bar-
7 gaining agreements, memoranda of understanding, or
8 other agreements between such employees and their em-
9 ployers.

10 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated
12 \$37,500,000,000 for each of fiscal years 2021 and 2022
13 to carry out this title.

14 **TITLE II—INSTITUTE OF**
15 **EDUCATION SCIENCES**

16 **SEC. 201. IN GENERAL.**

17 The Director of the Institute of Education Sciences
18 shall—

19 (1) not later than 30 days after the date of en-
20 actment of this Act, begin to study interventions and
21 strategies to address learning recovery for all stu-
22 dents, including students with disabilities, minority
23 children, English learners, and low-income students;
24 and

1 (2) disseminate, when available, the findings to
2 State educational agencies, local educational agen-
3 cies, and other appropriate entities.

4 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as may be necessary for fiscal years 2021 and 2022 to
7 carry out this title, which shall remain available through
8 September 30, 2023.

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