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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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**

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

\_\_\_\_\_  
**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:

1           (1) IN GENERAL.—Except as otherwise pro-  
2           vided, a term used in this Act that is defined in sec-  
3           tion 8101 of the Elementary and Secondary Edu-  
4           cation Act of 1965 (20 U.S.C. 7801) has the mean-  
5           ing given such term in such section.

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

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

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

1       tagged students than a school that serves the median  
2       percentage of economically disadvantaged students,  
3       based on the percentages of economically disadvan-  
4       tagged students at all schools served by such local  
5       educational agency.

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

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

12          (B) who—

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

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

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

1 (A) the amount of any reduction in the  
2 total amount of State funds provided to all local  
3 educational agencies in the State in such fiscal  
4 year compared to the total amount of such  
5 funds provided to all local educational agencies  
6 in the State in the previous fiscal year; divided  
7 by

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

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

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

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

1 (C) a maximum of 10 weeks of school or  
2 the equivalent of 400 hours.

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

5 (A) A student with disabilities.

6 (B) A low-income student.

7 (C) An English learner.

8 (D) A minority student.

9 (E) A student experiencing homelessness.

10 (F) A migrant student.

11 (G) A student in foster care.

12 (H) A student involved with the juvenile  
13 justice system.

14 **TITLE I—REACHING STUDENTS**  
15 **AND MEETING UNFINISHED**  
16 **LEARNING NEEDS**

17 **SEC. 101. PROGRAM AUTHORIZED.**

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

21 (1) one-half of 1 percent for allotments for the  
22 outlying areas, to be distributed among those out-  
23 lying areas on the basis of their relative need, as de-  
24 termined by the Secretary; 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 to each  
10 State educational agency with an approved applica-  
11 tion under section 102, a grant in proportion to the  
12 amount the State of such agency received under part  
13 A of title I of the Elementary and Secondary Edu-  
14 cation Act of 1965 (20 U.S.C. 6311 et seq.) for the  
15 most recent fiscal year.

16           (2) REALLOTMENT.—If a State educational  
17 agency does not apply for 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 approved applications under section 103 in proportion to  
8 the amount of funds 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 most recent 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,  
17 disaggregated 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.