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

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

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

(4) HIGH-POVERTY SCHOOL.—The term “high-
poverty school” means, with respect to a school
served by a local educational agency, a school that
serves a higher percentage of economically disadvan-
taged students than a school that serves the median percentage of economically disadvantaged students, based on the percentages of economically disadvan-
taged students at all schools served by such local educational agency.

(5) Missing Student.—The term “missing student”, used with respect to a local educational agency, means a student—

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

(B) who—

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

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

(6) Overall Per-Pupil Reduction in State Funds.—The term “overall per-pupil reduction in State funds” means, with respect to a fiscal year—
(A) the amount of any reduction in the total amount of State funds provided to all local educational agencies in the State in such fiscal year compared to the total amount of such funds provided to all local educational agencies in the State in the previous fiscal year; divided by

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

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

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

(B) a minimum of 3 weeks of school or the equivalent of 120 hours; and
(C) a maximum of 10 weeks of school or
the equivalent of 400 hours.

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

(A) A student with disabilities.

(B) A low-income student.

(C) An English learner.

(D) A minority student.

(E) A student experiencing homelessness.

(F) A migrant student.

(G) A student in foster care.

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

TITLE I—REACHING STUDENTS
AND MEETING UNFINISHED
LEARNING NEEDS

SEC. 101. PROGRAM AUTHORIZED.

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

(1) one-half of 1 percent for allotments for the
outlying areas, to be distributed among those out-
lying areas on the basis of their relative need, as de-
termined by the Secretary; and
(2) one-half of 1 percent for the Secretary of the Interior, in consultation with the Secretary of Education, for programs under this title in schools operated or funded by the Bureau of Indian Education.

(b) State Allotments.—

(1) In general.—From the amount appropriated under section 106 (and not reserved under subsection (a)), the Secretary shall allot to each State educational agency with an approved application under section 102, a grant in proportion to the amount the State of such agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year.

(2) Reallocation.—If a State educational agency does not apply for a grant under this title for a fiscal year, the Secretary shall reallocate the amount of the grant to the remaining State educational agencies in accordance with paragraph (1).

(3) State reservations.—A State educational agency receiving a grant under this subsection may reserve up to 5 percent of such grant for State level activities described under section 102(c), of which not more than 1 percent may be
used for administrative purposes related to such activities.

(c) LOCAL ALLOCATIONS.—After making a reservation under subsection (b)(3), a State educational agency shall allocate the remaining grant amount received under this section to local educational agencies in the State with approved applications under section 103 in proportion to the amount of funds such local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent preceding fiscal year.

SEC. 102. STATE APPLICATION AND ACTIVITIES.

(a) SECRETARIAL REQUIREMENTS.—The Secretary shall—

(1) not later than 15 days after the date of enactment of this Act, issue a notice for applications; and

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

(b) STATE APPLICATION.—To receive a grant under section 101(b), a State educational agency shall submit an application to the Secretary at such time, in such manner, and requiring such information as the Secretary may reasonably require. Such application shall—
(1) describe how the State educational agency will use funds reserved under section 101(b)(3) to support local educational agencies receiving allocations under section 101(c) from the State educational agency;

(2) provide an assurance that the State educational agency, and each local educational agency receiving an allocation under section 101(c) from such State educational agency—

(A) will meet the requirements of section 105; and

(B) will widely inform the public by posting on its website information on the availability of each school extension program to be funded with such allocation in an easily understandable format and in multiple languages that parents can understand, to the extent practicable;

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

(4) provide an assurance that the State educational agency will meet the maintenance of effort, maintenance of equity, and supplement, not supplant
requirements in subsections (d) through (f), respectively.

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

(1) shall—

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

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

(ii) high concentrations of students who have been negatively or disproportionately affected (academically, socially, and emotionally) by the pandemic and school closures;

(B) support local educational agencies in coordinating with a designated regional educational laboratory (as described in section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564)) to effectively use data and evidence-based strategies to address learning recovery needs for students with disabilities, minority children, English learners, and low-income students;
(C) monitor the use of funds received by local educational agencies receiving allocations under section 101(c); and

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

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

(d) State Maintenance of Effort.—A State educational agency receiving a grant under this title shall maintain support for elementary and secondary education for the fiscal year for which such grant is received at least at the proportional levels of such State’s support for elementary and secondary education relative to such State’s overall spending, averaged over fiscal years 2017, 2018, and 2019.

(e) State Maintenance of Equity.—

(1) High-poverty Local Educational Agencies.—For a fiscal year in which a State educational agency receives a grant under section 101(b), in a case in which a per-pupil reduction in State funding occurs for any high-poverty local educational agency in the State, such reduction may not exceed the overall per-pupil reduction in State funds,
if any, across all local educational agencies in such
State in such fiscal year.

(2) Local educational agencies with the
highest share of economically disadvan-
taged students.—For the fiscal year in which a
State educational agency receives a grant under sec-
tion 101(b), the State educational agency may not
reduce State funding for the 20 percent of local edu-
cational agencies in the State with the highest per-
centage of economically disadvantaged students
(based on the percentages of economically disadvan-
taged students served by all local educational agen-
cies in the State) below the level of funding provided
to such local educational agencies in fiscal year
2019.

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

SEC. 103. LOCAL APPLICATION AND ACTIVITIES.

(a) Local application.—To receive an allocation
under section 101(e), a local educational agency shall sub-
mit an application to the applicable State educational
agency at such time, in such manner, and requiring such
information as the State educational agency may reason-
ably require. Such application shall—

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

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

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

(4) describe how the local educational agency
plans to implement evidence-based interventions and
strategies that meet the requirements of section
8101(21)(A)(i) of the Elementary and Secondary
to address unfinished learning as a result of the
COVID–19 pandemic;

(5) provide an assurance that the local edu-
cational agency will carry out a school extension pro-
gram;
(6) describe such program, including the provision of evidence-based, intensive tutoring services for students;

(7) provide an assurance that the local educational agency will seek public input on the design and implementation of such program;

(8) provide an assurance that the local educational agency will not charge a student or the student’s family for participation in such school extension program;

(9) provide an assurance that the local educational agency will meet the requirements of subsection (d);

(10) provide an assurance that the local educational agency will establish protocols for program operation related to the COVID–19 pandemic, as applicable; and

(11) provide a description of how the local educational agency will operationalize the assurance described in paragraph (10), including—

(A) how staff will be trained in implementing such protocols; and

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

(i) reduced class size;
(ii) split scheduling;

(iii) staggered meal times or locations;

(iv) changes in school bus routes, and more frequent bus routes (with the utilization of additional bus drivers); and

(v) special considerations necessary for students who are medically at-risk.

(b) Local Uses.—

(1) Required Uses.—A local educational agency that receives an allocation under section 101(c) shall use such allocation to carry out the following:

(A) Planning and implementation of not less than 1 school extension program at a school served by the local educational agency, ensuring that the increased learning time provided through such program focuses on vulnerable students.

(B) Supporting salaries and benefits of school leaders, teachers, counselors, paraprofessionals, and other support staff involved with the school extension program.

(C) Planning and implementing attendance intervention strategies that reengage, rather than punish, students and families within the
school community, including, to the extent practicable—

(i) public service announcements; and

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

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

(2) ALLOWABLE USES.—A local educational agency that receives an allocation under section 101(e) may use such allocation to carry out the following:

(A) Administering and using high-quality assessments that are valid and reliable to accurately assess students’ academic progress and assist educators in meeting students’ academic needs, including through differentiating instruction.

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

(i) use assessments to individualize academic instruction;
(ii) modify instruction and scheduling to accelerate students’ academic progress; and

(iii) address the social, emotional, and learning needs of vulnerable students, which may be in coordination with a regional educational laboratory or the State educational agency.

(3) Providing opportunities for evidence-based intensive tutoring services for students as part of a school extension program described in the local educational agency’s application, including by establishing or expanding partnerships with evidenced-based tutoring interventions.

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

(5) Implementing universal screenings for adverse childhood experiences and trauma and implementing interventions in response to such screenings.

(6) Increasing student engagement in school through the establishment or reestablishment of well-rounded educational opportunities such as music and fine arts programming, athletics pro-
grams, and reestablishing nonprofit and after-school programs that promote student engagement and learning.

(7) Implementing culturally responsive practices.

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

(9) Covering the costs of student transportation (in addition to any previously existing student transportation costs).

(10) Providing for technology to support learning for students and teachers participating in school extension programs.

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

(c) PRIORITY FOR SERVICES.—

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

(A) An elementary school or secondary school that participated in a schoolwide pro-

Gram under section 1114 of the Elementary

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

(2) Measure of Poverty in Secondary Schools.—In measuring the number of students in low-income families in secondary schools for purposes of paragraph (1)(B), a local educational agency shall use the measure of poverty described in section 1113(a)(5)(B)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)(B)(ii)), except that the local educational agency shall not be required to meet the conditions of section 1113(a)(5)(C) of such Act (20 U.S.C. 6313(a)(5)(C)) to use such measure.

(3) Measure of Poverty in Elementary Schools.—In measuring the number of students in low-income families in elementary schools for purposes of paragraph (1)(B), a local educational agen-
cy shall use the measure of poverty described in section 1113(a)(5)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)(A)).

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

(1) in a case in which a per-pupil reduction in local educational agency funding occurs for such fiscal year for any high-poverty school served by such local educational agency, such reduction may not exceed—

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

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

(2) the local educational agency may not reduce per-pupil staffing in any high-poverty school by an amount that exceeds—
(A) the total reduction in staffing in all schools served by such local educational agency in such fiscal year (if any); divided by
(B) the aggregate number of children in average daily attendance in all schools served by the local educational agency in such fiscal year.

SEC. 104. REPORTING REQUIREMENTS.
(a) LOCAL EDUCATIONAL AGENCY.—
(1) IN GENERAL.—Not later than 1 year after receiving an allocation under section 101(b), and for each succeeding year thereafter, a local educational agency shall report to the State educational agency on the information described in paragraph (2).
(2) CONTENTS.—Each report under paragraph (1) shall include the following information, disaggregated in accordance with paragraph (3)—
(A) The number of students served in a school extension program funded under this title.
(B) The number of missing students—
(i) who reenrolled at a school served by the local educational agency; and
(ii) who did not reenroll at a school served by the local educational agency.
(C) Which schools served by such agency received services under a school extension program funded under this title.

(D) The attendance and learning recovery interventions implemented (including social and emotional services) and how the interventions supported students with disabilities, minority children, English learners, and low-income students.

(E) Any student performance data from assessments prior to the implementation of a school extension program, and after the implementation of such program.

(3) DISAGGREGATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the information provided under subparagraphs (A) through (C) of paragraph (2) shall be disaggregated by each of the following subgroups:

   (i) Each major racial and ethnic group.

   (ii) Economically disadvantaged students as compared to students who are not economically disadvantaged.

   (iii) Disability status.
(iv) English proficiency status.
(v) Gender.
(vi) Migrant status.
(vii) Homeless status.
(viii) Status as a child in foster care.

(B) EXCEPTION.—The disaggregation in subparagraph (A) shall not be required in the case in which the number of students in a subgroup would reveal personally identifiable information about an individual student.

(b) STATE REPORT TO THE SECRETARY.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency receiving funds under this title shall, on an annual basis, compile, summarize, prepare, and submit a report on the information reported to the State educational agency to the Secretary.

(2) SECRETARY.—

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

(B) REPORT.—The Secretary shall submit to Congress, and make publicly available, the summary and compilation described in subparagraph (A).
SEC. 105. COLLECTIVE BARGAINING APPLICABILITY.

Nothing in this Act shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—INSTITUTE OF EDUCATION SCIENCES

SEC. 201. IN GENERAL.

The Director of the Institute of Education Sciences shall—

(1) not later than 30 days after the date of enactment of this Act, begin to study interventions and strategies to address learning recovery for all students, including students with disabilities, minority children, English learners, and low-income students; and
(2) disseminate, when available, the findings to State educational agencies, local educational agencies, and other appropriate entities.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

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