

TITLE I – IMPROVING STUDENT LITERACY

To establish a comprehensive literacy program

SECTION 1. FINDINGS.

For a comprehensive, effective national literacy program addressing needs of readers and writers it is critical to address the following findings--

- (1) Literacy development is an ongoing process that requires a sustained investment beginning in early childhood and continuing through elementary and secondary school.
- (2) Developing literacy skills begins at birth as infants and toddlers associate sounds, gestures, and marks on paper with consequences and meaning. Many low-income children ages birth to four lack oral and print language-rich environments to promote early literacy skills.
- (3) Childcare providers and preschool teachers most often only have high school educations with little training in early childhood development or language development.
- (4) Middle school and high school teachers are not often prepared and supported to work with students reading several years below grade level; middle school and high school teachers in core content areas like math and science are often unaware of how to explicitly teach literacy skills in their content area.
- (5) The intellectual and physical skills necessary for writing and reading must be developed through intentional language activities, to which many low-income and minority students do not currently have access.
- (6) Between 1971 and 2004, the reading levels of America's 17-year-olds showed no improvement at all.
- (7) Seventy percent of 8th graders read below the proficient level on the 2007 National Assessment of Educational Progress, indicating that students in middle schools and high schools struggle to graduate because their literacy achievement is alarmingly low.
- (8) Only 71 percent of high school students graduate on time with a diploma, meaning that every year 1,230,000 students fail to graduate from high school.
- (9) These 1,230,000 nongraduates cost the nation more than \$319,000,000,000 in lost wages, taxes, and productivity over their lifetimes.
- (10) High school graduation rates for low-income students and students of color hover around 50 percent, as do graduation rates for students in urban school districts. Graduation rates for English language learners are particularly low.
- (11) Only one third of high school students who enter ninth grade each year can expect to graduate in four years with the skills they need to succeed in college and the workplace.

(12) High school students' ability to read complex texts is strongly predictive of their performance in college math and science courses.

(13) About 40 percent of high school graduates lack the literacy skills employers seek.

(14) The 25 fastest-growing professions have far greater than average literacy demands, while the fastest-declining professions have lower than average literacy demands.

SECTION 2. PURPOSES.

The purpose of this Act is to provide federal support to States to develop, coordinate and implement comprehensive literacy plans that ensure high quality instruction in reading and writing from early education through grade 12. To assist States in achieving this purpose this Act will—

(1) Support the development and implementation of comprehensive early education through grade 12 literacy programs in every state and targeted school districts that is based on scientifically valid research, to ensure that every student can read and write at grade level or above.

(2) Provide children birth to age 5 with learning opportunities in high-quality language and literature-rich environments so that the children develop the fundamental knowledge and skills necessary for literacy development in kindergarten and beyond.

(3) Support effective educational environments for children in grades K through 3 to develop oral language, reading, and writing abilities through high-quality instruction and practices.

(4) Improve student achievement in grades 4 through 12 by establishing adolescent literacy initiatives that provide explicit and systematic instruction in literacy across the curriculum.

(5) Provide assistance to State educational agencies and local educational agencies in preparing teachers, including special education and English as a second language teachers, as well as school leaders and literacy coaches, through professional development and other support focused on both the characteristics of effective literacy instruction and the essential components of reading and writing.

(6) Support State educational agencies and local educational agencies in using age-appropriate instructional materials and strategies and diagnostic assessments that assist teachers as they work with students to develop reading and writing appropriate to their grade level.

(7) Strengthen coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, and afterschool programs in regards to teaching strategies, curricula, interventions, and assessments, to improve literacy for all children.

SECTION 3. DEFINITIONS.

(1) CHARACTERISTICS OF EFFECTIVE LITERACY INSTRUCTION.— The term “characteristics of effective literacy instruction” includes:

(A) For children birth to age 5—

- (i) reading aloud;
- (ii) encouragement of children’s early attempts at writing and drawing;
- (iii) use of oral modeling techniques to build language skills;
- (iv) multiple opportunities for children to use language with peers and adults;
- (v) integration of oral and written language;
- (vi) encouragement of family literacy experiences and practices;
- (vii) education for adults about literacy development and child development;
- (viii) experience with varied and interactive technologies;
- (ix) observational assessment in contexts; and
- (x) coordinated involvement of families, caregivers, school leaders and teachers.

(B) For students in kindergarten through grade 3—

- (i) strategic instruction using phonics, language structure, and meaning in context;
- (ii) use of diverse texts at the reading and interest level of students;
- (iii) multiple opportunities to write individually and collaboratively;
- (iv) differentiated instructional approaches;
- (v) small group instruction;
- (vi) use of oral modeling techniques to build language skills;
- (vii) additional systematic and intensive individual and small group instruction;
- (viii) instruction in uses of technology for research and for generating and presenting ideas;

- (ix) diagnostic, formative, and summative assessments;
- (x) high-quality professional development for teachers and principals;
and
- (xi) coordinated involvement of families, caregivers, school leaders, and teacher literacy teams.

(C) For students in grades 4 through 12—

- (i) direct and explicit comprehension instruction;
- (ii) direct and explicit instruction that builds academic vocabulary;
- (iii) use of diverse texts at the reading and interest level of the students;
- (iv) multiple opportunities to write with clear objectives and high levels of reasoning;
- (v) motivation and self-directed learning;
- (vi) extended time and opportunities for instruction and practice;
- (vii) text based collaborative learning;
- (viii) systematic and intensive individual and small group instruction;
- (ix) instruction in uses of technology for research and for generating and presenting ideas;
- (x) use of diagnostic, formative, and summative assessment;
- (xi) high-quality professional development for teachers and principals;
- (xii) coordinated involvement of school leaders and teacher literacy teams that are interdisciplinary and interdepartmental and that analyze student work and plan instruction.

(2) COMPREHENSIVE LITERACY INSTRUCTION.—The term “comprehensive literacy instruction” constitutes the characteristics of effective literacy instruction and the essential components of reading and writing.

(3) ELIGIBLE ENTITY.—

(A) EARLY LITERACY.—The term “eligible entity” means—

(i) one or more local educational agencies that are eligible to receive a subgrant under sections 7 and 8; or

(ii) one or more public or private organizations or agencies with a demonstrated record of effectiveness in improving the early literacy development of children ages birth-to-5 and in providing professional development aligned with the goals of this part, acting in partnership with one or more local educational agency or program serving children ages birth-to-5 (such as a program at a Head Start center, a child care program, a public library, or a family literacy program).

(B) GRADES K- 12.—The term “eligible entity” means a local educational agency or consortium of local educational agencies that—

(i) is among the local educational agencies in the State with the highest numbers or percentages of students reading or writing below grade level, based on the most currently available data; and

(ii) has jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965; or

(iii) has the highest numbers or percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965, in comparison to other local educational agencies in the State.

(4) ESSENTIAL COMPONENTS OF READING.—The term “essential components of reading” means explicit and systematic developmentally appropriate instruction in reading.

(5) ESSENTIAL COMPONENTS OF WRITING.—The term “essential components of writing” means developmentally appropriate and contextually explicit instruction and frequent practice in writing.

(6) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term “high-quality professional development” means job-embedded, ongoing, research-based professional development that—

(A) provides teachers, principals and other school leaders with expertise in applying the characteristics of effective literacy instruction and the essential components of reading and writing;

(B) involves teachers in analyzing student learning data as they implement the characteristics of effective literacy instructional strategies to improve student learning; and

(C) in grades 4-12, supports the characteristics of effective literacy instruction strategies through core academic subjects and career and technical education

subjects where such career and technical education subjects provide for the integration of core academic subjects.

(7) INSTRUCTIONAL STAFF.—The term “instructional staff”—

(A) means individuals who have responsibility for teaching children to read and write; and

(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading or writing, and other individuals who have responsibility for assisting children to learn to write and read.

(8) LITERACY COACH.—The term “literacy coach” means a professional—

(A) who—

(i) has previous teaching experience and a master’s degree with a concentration in reading and writing education; or

(ii) has previous teaching experience and has demonstrated proficiency in teaching reading or writing in a core academic subject; and

(iii) is able to demonstrate the ability to help teachers—

(I) use research on how students become successful readers, writers, and communicators;

(II) use multiple forms of assessment, including formative and summative tests, to guide instructional decision making;

(III) improve student writing and reading in and across content areas such as math, science, social studies, and language arts;

(IV) develop analytic skills through technology and multiple media;

(V) develop and implement differentiated instruction to serve the needs of the full range of learners, including English Language Learners and students with disabilities;

(VI) employ best practices in engaging teachers and other education staff to change school cultures to serve all students in literacy development; and

(VII) use data to improve instruction.

(B) whose role with teachers and school personnel is to—

- (i) provide high-quality professional development opportunities in literacy for teachers and school personnel;
- (ii) collaborate with teachers, principals, and other administrators, and the community served by the school in the areas of reading and writing; and
- (iii) work cooperatively and collaboratively with other professionals in planning programs to help teachers teach literacy across the content areas so that they can meet the needs of students reading and writing below grade level and diverse learners, including students with disabilities and English language learners.

(C) who may cooperate with other professionals to provide students with reflective, inquiry-based reading or writing diagnosis, instruction, and assessment.

(9) **READING.**—The term “reading” means a complex system of deriving meaning from print that requires all of the following in ways that are developmentally and context appropriate—

- (A) the skills and knowledge to understand how phonemes, or speech sounds, are connected to print;
- (B) the ability to decode unfamiliar words;
- (C) the ability to read fluently;
- (D) sufficient background information and vocabulary to foster reading comprehension;
- (E) the development of appropriate active strategies to construct meaning from print; and
- (F) the development and maintenance of a motivation to read.

(10) **SCHOOL LEADER.**—The term “school leader” means an individual who—

- (A) is an employee or officer of a school; and
- (B) is responsible for—
 - (i) the school's performance; and
 - (ii) the daily instructional and managerial operations of the school.

(11) **SCIENTIFICALLY VALID RESEARCH.**—The term “scientifically valid research” includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

(12) SCREENING, DIAGNOSTIC, AND CLASSROOM-BASED INSTRUCTIONAL READING AND WRITING ASSESSMENTS.—

(A) SCREENING ASSESSMENT.—The term “screening assessment” means an assessment that is—

- (i) valid, reliable, and based on scientifically valid literacy research; and
- (ii) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional literacy instruction; and
- (iii) may include a comprehensive screening assessment of a child’s learning and development.

(B) DIAGNOSTIC ASSESSMENT.—The term “diagnostic assessment” means an assessment that is—

- (i) valid, reliable, and based on scientifically valid literacy research; and
- (ii) used for the purposes of—
 - (I) identifying a student’s specific areas of strengths and weaknesses in literacy;
 - (II) determining any difficulties that the student may have in literacy and the potential cause of such difficulties;
 - (III) helping to determine possible literacy intervention strategies for, and the related special needs of, the student;
- (iii) is conducted after a screening writing and reading assessment identifies potential risks or a lack of school preparedness, including language and literacy development, or delayed development.

(C) FORMATIVE ASSESSMENT.—The term “formative” means an assessment that —

- (i) is used by teachers and students during instruction;
- (ii) is embedded within the learning activity and linked directly to the current unit of instruction; and
- (iii) provides feedback to adjust ongoing teaching and learning to improve students’ achievement of intended instructional outcomes.

(13) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(14) STATE LITERACY LEADERSHIP TEAM.—The term “State Literacy Leadership Team” means a team coordinated by the state education agency composed of not less than 10 individuals that assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan. The team—

(A) Shall include—

(i) at least 2 individuals who have literacy expertise in each of the following areas—

(I) birth to age 5;

(II) kindergarten to grade 3; and

(III) grade 4 to grade 12; and

(ii) a school leader, a special education teacher or administrator, and a teacher or administrator with expertise in teaching the English language to English language learners; and

(iii) a representative from the SEA who oversees literacy initiatives.

(B) May include a literacy specialist serving in a school district within the state, including a literacy coach; a library media specialist; a representative from a state child-serving agency with expertise in literacy instruction; a school counselor; a teacher of a core academic subject; a college or university professor; a parent; and a business leader.

(C) PREEXISTING PARTNERSHIP.—If, before the date of enactment of the No Child Left Behind Act of 2001, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of this Act (as such part was in effect on the day before the date of enactment of No Child Left Behind Act of 2001) and includes the required personnel described in Sec 11(A), that consortium, partnership, or body may be considered a State Literacy Leadership Team for purposes of this subsection consistent with the provisions of this subpart.

(15) WRITING.—The term “writing” means composing meaning in print or through other media to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer. Writing means—

(A) composing ideas appropriate for the purpose, audience, and occasion;

(B) choosing vocabulary, tone, and genre that fit purpose, audience, and occasion;

(C) composing ideas through the use of multiple media, including current technologies;

(D) using conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion;

(E) composing individually and collaboratively; and

(F) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

SECTION 4. PROGRAM AUTHORIZED.

(a) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—For any fiscal year for which the funds appropriated under section 12 are less than \$500,000,000, the Secretary shall—

(A) reserve not more than a total of 1 percent of such funds—

(i) to award a contract under section 9 for a national evaluation of the grant programs assisted under this subsection; and

(ii) for the dissemination of information, resulting from the grant programs assisted under this subsection, in accordance with section 9; and

(B) use the funds not reserved under subparagraph (A) to award grants, on a competitive basis and in accordance with section 5(a), to State educational agencies described in paragraph (1) that apply under section 5(B), for the purpose of enabling the State educational agency to carry out the authorized activities described in section 6(1) and (2).

(2) ELIGIBILITY.— A State educational agency shall only be eligible for a grant under this subsection if the State educational agency provides an assurance that it will form a State Leadership Literacy Team in accordance with section 5(A).

(3) IN GENERAL.—For any fiscal year for which the funds appropriated under subsection (b) equal or exceed \$500,000,000, the Secretary shall—

(A) reserve not less than 94 percent for allotments to State educational agencies to enable the State educational agencies to carry out activities described in sections 6, 7, and 8;

(B) reserve ½ of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this Act;

(C) reserve ½ of 1 percent for the Secretary of the Interior for programs under sections 6, 7, and 8 in schools operated or funded by the Bureau of Indian Education; and

(D) reserve not more than 5 percent for national activities, including a national evaluation of the State and subgrant programs and the dissemination of information under section 9.

(4) DETERMINATION OF STATE ALLOTMENTS.—The Secretary shall allot the amount made under subsection (a)(1)(A) for a fiscal year among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

(5) MINIMUM GRANT AMOUNT.—No State receiving an allotment under subsection (a)(1)(A) may receive less than one-fourth of 1 percent of the total amount allotted under such subparagraph.

(6) DURATION OF GRANTS.—A grant under this Act shall be awarded for a period of not more than 5 years.

(7) RENEWALS.—

(A) IN GENERAL.—Grants under this Act may be renewed in 2-year increments.

(B) CONDITIONS.—In order to be eligible to have a grant renewed under this paragraph, the recipient must demonstrate, to the satisfaction of the granting entity, that—

(i) the recipient has complied with the terms of the grant including by undertaking all required activities; and

(ii) during the period of the grant there has been significant progress in student achievement, as measured by the annual measurable objectives established pursuant to section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act and other key risk factors such as attendance and on-time promotion.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Institute for Literacy, shall convene a peer review panel to evaluate applications for each grant awarded to a State educational agency under sections 6, 7, and 8 using the evaluation criteria described in paragraph (2).

(2) DEVELOPMENT OF EVALUATION CRITERIA.—The Secretary shall promulgate regulations, subject to notice and comment, establishing the criteria that the peer review panel shall use to evaluate the grant applications under this section.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The peer review panel convened under paragraph (1) shall be composed of not less than 12 members, of whom—

(i) 3 shall be appointed by the Secretary;

(ii) 3 shall be appointed by the Secretary from among persons recommended by the Director of the National Institute for Literacy and relevant education organizations and professional associations with expertise in literacy at various developmental stages;

(iii) 3 shall be appointed by the Secretary from among persons recommended by the Chairman of the National Research Council of the National Academy of Sciences with expertise in literacy at various developmental stages; and

(iv) 3 shall be appointed by the Secretary from among persons recommended by the Director of the National Institute of Child Health and Human Development with expertise concerning development from ages birth to 18.

(B) COMPETENCY AND EXPERTISE.--

(i) **COMPETENCY.**--The Secretary shall ensure that each member of the peer review panel appointed under this subparagraph is competent, by virtue of the training, expertise, or experience of the member, to evaluate grant applications under this section.

(ii) **EXPERTISE.**--The Secretary shall ensure that the peer review panel appointed under this subparagraph includes, at a minimum--

(I) classroom teachers or literacy coaches with expertise in literacy, including special education teachers and teachers of students who are limited English proficient;

(II) experts who provide high-quality professional development to individuals who teach literacy to students, teachers, and other instructional staff;

(III) experts in screening, diagnostic, and classroom-based instructional reading and writing assessments.

(iii) **CONFLICT OF INTEREST.**--The Secretary shall ensure that members of the peer review panel do not stand to benefit financially from grants awarded under this Act.

(4) **RECOMMENDATIONS.**--The panel shall recommend grant applications under this section to the Secretary for funding or for disapproval.

(5) **DISTRIBUTION OF RECOMMENDATIONS.**--Not later than 120 days after the panel submits the panel's recommendation regarding an application by a State educational agency or a local educational agency for a grant under this section to the Secretary, the Secretary shall notify the State educational agency or local educational agency that the

application has been approved or disapproved and shall provide to such State educational agency or local educational agency a copy of the panel's recommendation.

(c) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded under this section shall supplement, and not supplant, non-Federal funds that would, in the absence of such grant funds, be made available for the literacy instruction of pupils participating in programs assisted under this Act.

(d) MAINTENANCE OF EFFORT.—Each State educational agency that receives a grant under this section, and each local educational agency that receives a grant or subgrant under this section, shall maintain the expenditures of the State educational agency or local educational agency, respectively, for literacy instruction in early education through grade 12 at a level not less than the level of such expenditures maintained by the State educational agency or local educational agency, respectively, for the fiscal year preceding the fiscal year for which the grant or subgrant is received.

SECTION 5. STATE GRANTS.

(a) STATE APPLICATIONS.—

(1) IN GENERAL.— A State educational agency that desires to receive a grant that supports the development of a comprehensive early education through grade 12 literacy plan as detailed under sections 6, 7, and 8 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

(A) An assurance from the State educational agency that the State educational agency will form a State Leadership Literacy Team which will execute the following functions—

(i) create a comprehensive state literacy plan including a needs assessment and an implementation plan which will be submitted to the Secretary of Education and will include a description of a comprehensive literacy plan that ensure high quality instruction in reading and writing from early education through grade 12;

(ii) provide recommendations to guide the State educational agency in its process of strengthening and aligning State literacy standards with the State's challenging academic content standards and academic achievement standards;

(iii) provide recommendations to guide the State educational agency in its process of measuring and assessing progress in literacy at the school, local educational agency, and State levels;

(iv) guide the State educational agency in advising local educational agencies and schools on providing timely and appropriate feedback to teachers;

(v) provide recommendations to guide the State educational agency in its process of building educators' capacity to provide literacy instruction;

(vi) build public support for a statewide focus on literacy;

(vii) disseminate information on promising practices and progress in student literacy achievement; and

(viii) identify high quality professional development providers for the State educational agency and local education agencies.

(B) An implementation plan that includes—

(i) a description of how the State educational agency will assist eligible entities with developing or selecting and using diagnostic assessments, standardized assessments; one-to-one, small group, or classroom based instructional methods programs, strategies, and approaches; curricular materials and instructional tools, and high-quality professional development as part of such entities' literacy initiatives;

(ii) evidence that local educational agencies in the State are committed to instructional changes and can implement literacy initiatives effectively;

(iii) a description of how the State educational agency will coordinate and align the State grant program assisted under this Act with other State and local programs serving children and youth that promote literacy instruction;

(iv) a description of how the State educational agency will award grants to carry out the activities in Sections 6,7,and 8 of this bill, including to—

(I) eligible entities that serve rural areas; and

(II) eligible entities that serve urban areas;

(v) a description of how the State educational agency will ensure that professional development activities are based on the characteristics of effective literacy instruction and the essential components of reading and writing;

(vi) a description of how the State educational agency will assist the local educational agencies in the State to—

(I) provide intensive instruction for students reading and writing below grade level;

(II) address the literacy needs of students with disabilities and English language learners in early education through grade 12; and

(III) provide professional development in literacy instruction to teachers, including special education teachers or teachers of

students who are English language learners, and teachers of core academic subjects.

(C) An assurance that the State educational agency, and any eligible entity receiving a subgrant from the State educational agency under sections 6, 7, and 8, will, if requested, participate in the national evaluation under section 9.

(D) An assurance that the State educational agency will utilize funds for literacy programs as follows—

(i) 10 percent for State and local programs and activities pertaining to learners from birth to age 5;

(ii) 35 percent for State and local programs and activities pertaining to learners in kindergarten through grade 3;

(iii) 50 percent for State and local programs and activities, allocated equally between grade levels, pertaining to learners in grades 4 through 12; and

(iv) 5 percent for the activities listed under section 6(a).

(E) An assurance that the State educational agency shall give priority to awarding a grant or subgrant under this Act to eligible entities based on—

(A) the number of children aged 5 to 17 served by the local educational agency or consortium who are from families below the poverty level, based on the most recent satisfactory data provided to the Secretary by the Bureau of the Census for determining eligibility under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (U.S.C. 6333(c)(1)(A));

(B) the total number or percentage of schools served by the local educational agency or consortium that were identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) for the preceding academic year; and

(C) the number or percentage of students served by the local educational agency or consortium who are reading and writing below grade level.

(b) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall evaluate State educational agency applications based on their responsiveness to the application requirements. The Secretary shall also convene a peer review panel to evaluate applications for each grant awarded to a State educational agency as detailed under section 4(b)(1).

SECTION 6. STATE ACTIVITIES.

(a) PROGRAM AUTHORIZED.—From amounts received from the Secretary pursuant to an approved application under section 5, State educational agencies shall carry out the authorized activities described in this subsection.

(1) MANDATORY ACTIVITIES.—A State educational agency that receives an allotment under section 4(a)(1)(A) shall use the funds made available to carry out all of the following activities—

(A) TECHNICAL ASSISTANCE.—The State educational agency shall provide technical assistance to enable eligible entities to design and implement a program under this Act, including—

(i) designing or selecting, and implementing literacy instruction based on scientifically valid research;

(ii) designing or selecting and implementing diagnostic and standardized assessments;

(iii) providing high quality professional development to teachers and principals in literacy instruction, including to train teachers in how to develop and use formative assessments.

(B) PRESERVICE COURSEWORK REVIEW.—The State educational agency shall coordinate with institutions of higher education in the State to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach early education through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy strategies by—

(i) reviewing such courses to assure that the courses' content is consistent with findings of the most recent literacy research, including findings on the elements of an effective literacy initiative, and that such courses' content embeds information about literacy in content area instruction;

(ii) following up such reviews with recommendations to ensure that such institutions offer courses that meet the highest standards; and

(C) STATE LICENSURE AND CERTIFICATION RECOMMENDATIONS.—The State educational agency shall review and update, in collaboration with teachers and Statewide organizations representing teachers, State licensure and certification standards in the area of literacy instruction in early education through grade 12.

(2) PERMISSIVE ACTIVITIES.—A State educational agency that receives an allotment under section 4(a)(1)(A) may use the funds made available to carry out any of the following activities—

(A) Identifying providers of high-quality professional development for eligible entities.

(B) Training the personnel of local educational agencies to use data systems that track student literacy achievement.

(B) Identifying and deploying literacy coaches where appropriate.

(D) Developing literacy coach training and training literacy coaches.

(E) Building public support among local educational agency personnel for comprehensive literacy instruction for all grades K-12.

SECTION 7. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH TO PRE-KINDERGARTEN LITERACY.

(a) AUTHORIZATION TO MAKE SUBGRANTS.—A State educational agency shall use funds provided under section 4(a)(1)(A) for the purpose of making competitive subgrants to eligible entities to support early literacy initiatives for children ages birth-to-5.

(b) LOCAL APPLICATIONS.—An eligible applicant that desires to receive a subgrant under this section shall submit an application to the State educational agency, which shall include a description of—

- (1) the programs to be served by the proposed project, including demographic and socioeconomic information on the children ages birth-to-5 enrolled in the programs;
- (2) how the proposed project will enhance the school readiness of children ages birth-to-5 in high-quality oral language and literature-rich environments;
- (3) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development focused on characteristics of effective literacy development, including onsite intensive mentoring by early childhood literacy coaches to provide high-quality literacy activities using scientifically valid research on child development and learning for children ages birth-to-5;
- (4) how the proposed project will provide services, incorporate activities and select and use instructional materials that are based on scientifically valid research on child development and learning;
- (5) how the proposed project will use assessments or other appropriate measures to effectively identify children ages birth-to-5 who may be at high risk for delayed development or lack of school preparedness and to determine whether such children are developing the skills described in this subsection;
- (6) how the proposed project will help staff in the programs more effectively meet the diverse developmental and linguistic needs of children ages birth-to-5 in the community, including the needs of English language learners and children with disabilities and other special needs;
- (7) how the proposed project will integrate professional development, instructional materials, and literacy activities with existing preschool programs and family literacy services;

(8) how the proposed project will help children, particularly children experiencing difficulty with spoken and written language to make the transition from early education to formal classroom instruction in school;

(9) if the eligible applicant has received a subgrant under this section, how the activities conducted under this section will be coordinated with the eligible applicant's activities under section 8 at the kindergarten through grade 3 level;

(10) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early literacy development of children ages birth-to-5 served by the project; and

(11) such other information as the State educational agency may require.

(c) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency shall—

(1) select applicants for funding under this subpart based on the quality of the applications and the recommendations of the State Literacy Leadership Team, and other experts in the area of literacy, as appropriate; and

(2) place priority to those applications serving the highest number of low-income children.

(d) LOCAL USES OF FUNDS.—An eligible applicant that receives a subgrant under this subpart shall use the funds provided under the grant to carry out the following activities—

(1) Providing children ages birth-to-5 with high-quality oral language and literature-rich environments in which to develop early literacy skills.

(2) Providing high quality professional development that is based on scientifically valid research about early language, second language acquisition, and reading and writing development, which may include the use of an early childhood literacy coach for the staff of the eligible applicant, to integrate appropriate instructional strategies, including professional development strategies that are effective and linguistically appropriate for children with disabilities and English language learners.

(3) Acquiring, providing training for, and implementing screening assessments or other appropriate measures that are based on scientifically valid writing and reading research to determine whether children ages birth-to-5 are developing the skills described in this subsection.

(4) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

(e) SPECIAL CONDITIONS AND LIMITATIONS.—

(1) SPECIAL RULE.—A grantee may not use more than [10] percent of the grant to purchase curricula and assessment materials.

(2) SPECIAL RULE ON ASSESSMENT.—The use of assessment items and data on any assessment authorized under this Subpart to rank, compare, or otherwise evaluate individual children, teachers, or principals, or to provide rewards or sanctions for individual children, teachers, or principals is prohibited.

SECTION 8. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES IN SUPPORT OF KINDERGARTEN TO GRADE TWELVE LITERACY.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) AUTHORIZATION TO MAKE SUBGRANTS.—A State educational agency receiving an allotment under section 4(a)(1)(A) of this Act shall use funds made available to make competitive subgrants to eligible entities, to enable them to carry out the authorized activities described in subsection (b) and (c).

(2) LOCAL APPLICATIONS.—A local educational agency or consortium desiring to receive a grant or subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include the following information—

(A) For each school that the local educational agency or consortium identifies as participating in a subgrant program under this Act—

(i) how the school will perform a capacity survey to identify the strengths and weaknesses of such school related to literacy, and how the results of the survey will be used to inform instruction at the school;

(ii) how the school, local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development in literacy instruction to all teachers and school leaders served by the school;

(iii) a budget for the school that projects the cost of developing and implementing literacy initiatives to carry out the activities in section (8)(b) or section (8)(c) as applicable;

(iv) an explanation of how the school will integrate literacy instruction into core academic subjects;

(v) a description of how the school will coordinate literacy instruction with early education and after-school programs, as applicable;

(vi) a description of the types of diagnostic assessments, formative assessments, and summative assessments that will be used in an assessment system to track literacy progress in schools;

(vii) a description of how the parents will be involved in supporting literacy instruction and assessment;

(viii) how the school will identify students in need of intensive interventions and provide appropriate scientifically valid instructional interventions and extended time for struggling students;

(ix) a description of how, if a local education agency is requesting a planning period, the local educational agency will use that planning period to prepare schools for successful implementation;

(x) a description of the literacy and non-literacy initiatives, if any, already in place and how these programs and the programs in this act will be integrated; and

(xi) an assurance that the local educational agency or consortium will, if requested, participate in the national evaluation under section 9.

(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE THREE.--

(1) REQUIRED USES.--An eligible local educational agency that receives a subgrant under this section shall use funds provided under the subgrant to carry out the following activities pertaining to learners in kindergarten through grade 3--

(A) Selecting and administering screening, diagnostic, and classroom-based instructional literacy assessments.

(B) Selecting and implementing a learning system that uses one-to-one, small group, and classroom based literacy instruction based on scientifically valid literacy research that--

(i) is based on the characteristics of comprehensive literacy instruction and the essential components of reading and writing,

(ii) provides such instruction to children in kindergarten through grade 3 in the schools served by the eligible local educational agency, including children who--

(I) may have reading or writing difficulties;

(II) are at risk of being referred to special education based on these difficulties;

(III) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of that Act, have not been identified as being a child with a disability (as defined in section 602 of that Act);

(IV) are being served under such Act primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of that Act) related to reading or writing;

(V) need further instruction in and experience with elements of reading and writing appropriate to grade level; or

(VI) are identified as having limited English proficiency.

(C) Procuring and implementing instructional materials, such as books or education technology such as software and other digital curricula that are based on scientifically valid literacy research.

(D) Providing high quality professional development for teachers (including special education teachers and teachers of limited English proficient students) of kindergarten through grade 3 that--

(i) will prepare these teachers in understanding elements of literacy development appropriate to these grade levels;

(ii) is focused on instructional strategies appropriate to the literacy needs of the children in their classes;

(iii) shall include--

(I) information on one-to-one, small group, and classroom based instructional materials and approaches based on scientifically valid literacy research; and

(II) instruction in the use of screening, diagnostic, and classroom-based instructional reading and writing assessments and other procedures that effectively identify students who may need further instruction and practice to write and read and write at grade level.

(iv) shall be provided by professional development providers with the most recent knowledge of literacy development and instruction; and

(v) will assist teachers in instructing students who make progress toward literacy skills appropriate to their grade level or higher; and

(vi) will train teachers in how to use student data to inform and improve instruction.

(E) Training principals and other school district personnel to support, develop, and administer kindergarten through grade 3 literacy initiatives that--

(i) utilize data--

(I) to inform instructional decisions; and

(II) to assess professional development needs; and

(ii) provide time for teachers to meet to plan research-based literacy instruction during the school day and in expanded learning time settings.

(F) Collecting and summarizing data--

(i) to document the effectiveness of activities carried out under this subpart in individual schools and in the local educational agency as a whole; and

(ii) to stimulate and accelerate improvement by identifying the schools that produce significant gains in literacy achievement.

(G) Reporting data for all students and categories of students in a manner that utilizes a variety of data and that is consistent across the state.

(H) Promoting reading and library programs that provide access to engaging reading material, including a variety of fiction and non-fiction texts at the reading and interest level of the students.

(I) Promoting writing experiences and programs that engage students in writing for multiple audiences and purposes appropriate to the interests and capacities of the students.

(2) ALLOWABLE USES.--An eligible local educational agency that receives a subgrant under this section may use the funds provided under the subgrant to carry out the following activities pertaining to learners in kindergarten through grade 3--

(A) Providing training in effective instructional practices for writing and reading for parents or volunteer literacy tutors that are consonant with or complement school-based instruction for encouragement and support of children's literacy development; and

(B) Providing a period of up to 1 year to use as a planning time for schools to establish the elements necessary for successful implementation of a K-3 literacy program.

(c) LOCAL USES OF FUNDS FOR GRADES FOUR THROUGH TWELVE.--

(1) REQUIRED USES.--An eligible local educational agency that receives a subgrant under this section shall use funds provided under the subgrant to carry out the following activities pertaining to learners in grades 4 through 12--

(A) Selecting and administering screenings, diagnostic assessments, and standardized assessments to determine the students' literacy difficulties, reading and writing levels, and literacy growth.

(B) Developing and implementing an adolescent literacy initiative across content areas that serves the needs of students (including students with disabilities and English language learners) who are reading or writing below grade level and

provides intensive, accelerated, and explicit intervention and support in reading and writing for students whose literacy skills are below grade level.

(C) Providing high-quality professional development for teachers of core academic subjects (including special education and English language learner teachers) of grades 4-12 that includes instruction on utilizing the research-based characteristics of effective literacy instruction to improve the literacy skills of the students within the content area that--

(i) shall be provided by professional development providers with the most recent knowledge of literacy development and instruction; and

(ii) will assist teachers in instructing students who make progress toward literacy skills appropriate to their grade level or higher.

(D) Training principals and school leaders to support, develop, administer and evaluate adolescent literacy initiatives that--

(i) utilize data--

(I) to inform instructional decisions; and

(II) to assess professional development needs;

(ii) assess the quality of adolescent literacy instruction in core academic subjects and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

(iii) provide time for teachers to meet to plan research-based adolescent literacy instruction in core academic subjects and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

(E) Annually collecting, analyzing, and reporting data on the literacy achievement growth of the students who are served by the eligible entity and who read or write significantly below grade level, which may include contracting with an external evaluator to measure the impact of adolescent literacy interventions on the students.

(F) Collecting and summarizing data--

(i) to document the effectiveness of activities carried out under this Act in individual schools and in the local educational agency as a whole; and

(ii) to stimulate and accelerate improvement by identifying the schools that produce significant gains in academic achievement; and

(G) Reporting data to the State educational agency for all students and categories of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965.

(2) ALLOWABLE USES.—An eligible local educational agency that receives a subgrant under this section may use the funds provided under the subgrant to carry out the following activities pertaining to learners in grades 4 through 12—

(A) Recruiting, placing, and training adolescent literacy coaches.

(B) Identifying, through criteria that include the most current knowledge of literacy development and instructional strategies for writing and reading, providers of high-quality professional development for teachers.

(C) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the students.

(D) Educating parents and family members to support the improvement of adolescent literacy.

(E) Acquiring academically rich literacy materials that support multiple reading and writing levels and engage the interests of the students.

(F) Utilizing research-based technology and software to improve literacy achievement.

(G) Identifying, purchasing, implementing, or adapting research-based supplementary literacy interventions for students who are reading or writing below grade level.

(H) Providing a planning period for schools to establish the elements necessary for successful implementation of an adolescent literacy program.

(I) Providing for programs, such as response to intervention, that integrates assessment and interventions within a multi-leveled prevention system to maximize student achievement.

(3) LIMITATION TO CERTAIN SCHOOLS.—An eligible entity receiving a subgrant under subsection (c) shall, in distributing subgrant funds under this subsection, provide funds only to schools that both—

(A) are among the schools served by the local educational agency with the highest percentages or numbers of students in grades 4 through 12 reading and writing below grade level, based on the most currently available data; and

(B) are identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b) of the Elementary and Secondary Education Act of 1965; or

- (C) have the highest percentages or numbers of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965.

SECTION 9. EVALUATION AND INFORMATION DISSEMINATION.

(a) EXTERNAL EVALUATION.—

(1) IN GENERAL.—From funds reserved under section 4(a)(1)(D), the Secretary shall enter into a contract with an independent organization to perform a 5-year evaluation of the grant and subgrant programs assisted under this Act. Such evaluation shall include scientifically valid research that applies rigorous and systematic procedures to obtain valid knowledge relevant to literacy development, reading and writing instruction, and reading and writing difficulties.

(2) CONTENTS OF EVALUATION.—The evaluation described in this section shall include an analysis of each of the following—

- (A) the impact of literacy initiatives on increasing student academic achievement, and how various elements of such initiatives combine to promote student learning, and the types of literacy initiatives that have demonstrated the greatest impact on student achievement;
- (B) how State standards, local educational agency and school curricula, and school interventions combine to improve literacy;
- (C) how specific screening, diagnostic, and classroom-based instructional reading assessments assist teachers in identifying specific reading needs;
- (D) how specific screening, diagnostic, and classroom-based instructional writing assessments assist teachers in diagnosing writing needs;
- (E) how job-embedded, ongoing, high-quality professional development improves teacher practice and increases literacy;
- (F) how the grant recipients are improving early reading, writing, and language, skills of children ages birth-to-5;
- (G) how early childhood teachers are being prepared with scientifically valid research on early childhood, literacy, and learning development;
- (H) how early literacy instructional materials and activities based on scientifically valid research are being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act, and family literacy programs;
- (I) the impact of adolescent literacy initiatives on student motivation, engagement, and participation in adolescent literacy activities; and
- (J) the relationship between students' literacy achievement and secondary school graduation rates.

(3) PROGRAM IMPROVEMENT.—The findings of the evaluation conducted under this section shall be provided to State educational agencies and local educational agencies on a periodic basis for use in program improvement.

(b) INFORMATION DISSEMINATION.—

(1) IN GENERAL.—From amounts reserved under section 4(a)(1)(D), the Secretary, in collaboration with the Director of the National Institute for Literacy, the regional educational laboratories established under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.), and the Director of the National Institute of Child Health and Human Development, shall distribute information on research-based literacy instruction, including—

(A) information on literacy instruction and the impact of the instruction on—

(i) student achievement, motivation, and engagement for literacy; and

(ii) student graduation with a high school diploma;

(B) information on elements of job-embedded, ongoing, high-quality professional development that improve literacy achievement in students in early education through grade 12; and

(C) information on schools, local educational agencies, and States that have successfully improved literacy achievement in early education through grade 12.

(2) DISSEMINATION AND COORDINATION.—At a minimum, the National Institute for Literacy shall disseminate the information described in subsection (b) to—

(A) recipients of Federal financial assistance under this title, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

(B) each Bureau funded school (as defined in section 1141 of the Education Amendments of 1978).

(3) USE OF EXISTING NETWORKS.—In carrying out this section, the National Institute for Literacy shall, to the extent practicable, use existing information and dissemination networks developed and maintained through other public and private entities including through the Department and the National Center for Family Literacy.

SECTION 10. INSUFFICIENT PROGRESS, REPORTING, AND CONFLICTS OF INTEREST.

(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving a grant under section 6 or eligible entity receiving a

grant under sections 7 and 8 is not making significant progress in meeting the purposes of this Act after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this Act in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency, or eligible entity, respectively.

(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.— A State educational agency receiving a grant under section 6 may refuse to award subgrant funds to an eligible entity under sections 7 and 8 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this Act, after—

- (A) providing technical assistance to the eligible entity; and
- (B) affording the eligible entity notice and an opportunity for a hearing.

(b) REPORTING REQUIREMENTS.—

(1) Each State educational agency receiving a grant under this Act shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

- (A) the types of activities and entities involved in providing professional development to classroom teachers and other program staff;
- (B) the types of instruction, activities, curricula, materials, and assessments used in programs funded under this Act;
- (C) the types of programs funded under the grant and the ages and demographic information, that is not individually identifiable, of children served by such programs funded under this Act; and
- (D) the experience and qualifications of the program staff who provide literacy instruction under programs funded under this Act, including the experience and qualifications of those working with children with special needs and with English language learners.

(c) CONFLICTS OF INTEREST.—The Secretary shall ensure that members of the State Literacy Leadership Teams do not stand to benefit financially from grants awarded under this Act.

SECTION 11. PROHIBITION ON FEDERAL GOVERNMENT

(a) IN GENERAL.—Nothing in this Act shall be construed to alter or lessen the prohibition contained in section 9527(b) of the Elementary and Secondary Education Act of 1965 or section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).

(b) GUIDANCE.—

(1) IN GENERAL.—The Secretary shall develop guidance for Department employees responsible for the implementation of this Act that will assist those employees in complying with the prohibitions included in subsection (a).

(2) CONSULTATION.—Such guidance shall emphasize the importance of consultation with the Office of General Counsel of the Department on issues related to such prohibitions.

(3) TECHNICAL ASSISTANCE.—Such guidance shall stress that any information disseminated, or technical assistance provided, related to this Act, shall be balanced in presenting eligible products or services and shall not in any way endorse or appear to endorse any particular product or service that might be purchased by a State educational agency or eligible entity in the course of such entity's implementation of the program under this Act.

SECTION 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

- (1) \$2,350,000,000 for fiscal year 2010;
- (2) \$2,350,000,000 for fiscal year 2011;
- (3) \$2,350,000,000 for fiscal year 2012;
- (4) \$2,350,000,000 for fiscal year 2013; and
- (5) \$2,350,000,000 for fiscal year 2014.