IN THE SENATE OF THE UNITED STATES

Ms. HIRONO introduced the following bill; which was read twice and referred to the Committee on __________

A BILL

To provide resources for States, State educational agencies, local educational agencies, educators, school leaders, and others to measure and address instructional loss in students in kindergarten through grade 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Learning Opportunity and Achievement Act”.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide resources for States, State educational agencies, local educational agen-
cies, educators, school leaders, and others to measure and
address instructional loss in students in kindergarten
through grade 12.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Children in every State were affected by
school closures during the 2019-2020 school year,
which resulted in fewer instructional days for the
Nation’s 56,400,000 students in Kindergarten
through grade 12, and caused instructional loss for
these students.

(2) Instructional loss for certain students, in-
cluding Black and Hispanic students, low-income
students, children with disabilities, English learners,
Native students, migratory students, students expe-
riencing homelessness, children and youth in foster
care, and others, could be especially severe,
compounding existing opportunity and achievement
gaps.

(3) Instructional loss for students who lack ac-
cess to broadband connectivity and mobile devices,
or who otherwise lack access to high-quality remote
learning, remote instruction, and conducive learning
environments, could also be severe.
Before the coronavirus pandemic, opportunity and achievement gaps between Black and Hispanic students and White students deprived the economy of the United States of between $310,000,000,000 and $525,000,000,000 per year in productivity, equivalent to 2 percent to 4 percent of gross domestic product. Furthermore, achievement gaps between low-income students and high-income students deprived the United States economy of between $400,000,000,000 and $670,000,000,000 per year in productivity, equivalent to 3 percent to 5 percent of gross domestic product.

Preliminary estimates indicate students will return for the 2020-2021 school year with roughly 70 percent of learning gains in reading relative to a typical school year, and, in some grades, with less than 50 percent of learning gains in mathematics, nearly a full year behind where they would have been under normal circumstances.

The average instructional loss due to recent school closures could be 7 months for all students, 10.3 months for Black students, 9.2 months for Hispanic students, and more than a year for low-income students.
(7) Students in Kindergarten through grade 12 in the United States could lose between $61,000 and $82,000 in lifetime earnings solely due to coronavirus-related instructional loss.

(8) Coronavirus-related instructional loss could result in reduced annual earnings for White students ($1,348 per year), but even further reduced earnings for Black students ($2,186 per year) and Hispanic students ($1,809 per year), resulting in $98,800,000,000 in reduced earnings per year.

(9) Instructional loss caused by school closures and disruptions in learning could further compound learning, achievement, and opportunity gaps, reduce lifetime earnings, and harm competitiveness between the United States and other countries that mitigated the pandemic.

(10) The pandemic has created new challenges for education, but educators have performed admirably and adjusted accordingly to educate students. However, more resources are needed to make sure the Nation’s 3,700,000 educators have the necessary tools to address instructional loss in students, especially at-risk or marginalized students.

(11) Specifically, more resources are needed to support evidence-based approaches to professional
development that will help educators in their efforts
to more effectively use technology, address equity
gaps in learning, and provide personalized instruction within continually changing learning environments.

(12) Research has shown that, among other things, effective professional development for educators should be collaborative, job-embedded, content-based, and sustained.

(13) Research has also shown that effective professional development for educators should be intensive, provide opportunities for coaching and expert support, and offer opportunities for feedback.

SEC. 4. DEFINITIONS.

In this Act:

(2) Alaska Native and Alaska Native Organization.—The terms “Alaska Native” and “Alaska Native organization” have the meanings given those terms in section 6306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7546).

(3) At-risk or Marginalized Students.—The term “at-risk or marginalized students” means students in elementary or secondary school who are—

(A) low-income students;
(B) minority students;
(C) children with disabilities;
(D) English learners;
(E) migratory students;
(F) homeless children and youth; or
(G) children or youth in foster care.

(4) Child with a Disability.—The term “child with a disability” has the meaning given that term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) Community-Based Organization.—The term “community-based organization” means a public or private nonprofit organization with demonstrated effectiveness that—
(A) is representative of a community or significant segments of a community; and

(B) provides educational or related services to individuals in the community.

(6) DISTANCE LEARNING.—The term “distance learning” means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications or physical materials that is aligned to the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(7) ENGLISH LEARNER.—The term “English learner” has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) HOMELESS CHILDREN AND YOUTH.—The term “homeless children and youth” has the meaning given the term “homeless children or youths” in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(9) HYBRID LEARNING.—The term “hybrid learning” means any combination of distance and in-person learning where distance learning represents a substantial component of the instructional model.
(10) MIGRATORY CHILD.—The term “migratory child” means a child or youth who made a qualifying move (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399) in the preceding 36 months—

(A) as a migratory agricultural worker or a migratory fisher (as those terms are defined in such section); or

(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher (as those terms are defined in such section).

(11) NATIVE HAWAIIAN, NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION AND NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The terms “Native Hawaiian”, “Native Hawaiian community-based organization” and “Native Hawaiian educational organization” have the meanings given those terms in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(12) NATIVE STUDENTS.—The term “Native students” means students in elementary or secondary school who are American Indian, Alaska Native, or Native Hawaiian.
(13) **Poverty Line.**—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

**SEC. 5. PROFESSIONAL DEVELOPMENT TO ADDRESS INSTRUCTIONAL LOSS IN STUDENTS.**

(a) **In General.**—There are authorized to be appropriated, and there are appropriated, out of any amounts in the Treasury not otherwise appropriated, $2,250,000,000 to carry out part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6611 et seq.) for fiscal year 2022, of which, not less than 10 percent shall be used for activities under that part for school leaders (as such term is defined in that Act).

(b) **Emergency Designation.**—

(1) **In General.**—The amounts provided by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) **Designation in Senate.**—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res.
71 (115th Congress), the concurrent resolution on
the budget for fiscal year 2018.

SEC. 6. PROFESSIONAL DEVELOPMENT GRANTS.

(a) Grants Authorized.—From amounts made
available under subsection (d), the Secretary shall award
grants, on a competitive basis, to States to enable States
to provide funds to local educational agencies for supple-
mental professional development opportunities for edu-
cators, paraprofessionals, specialized instructional support
personnel, and school leaders regarding how to effectively
deliver distance learning and hybrid learning models.

(b) Application.—Not later than 30 days after the
date of enactment of this Act, the Secretary shall request
applications for grants under this section. Each State de-
siring a grant under this section shall submit an applica-
tion to the Secretary at such time, in such manner, and
containing such information as the Secretary may reason-
ably require, including—

(1) a plan to ensure that local educational
agencies use evidence-based approaches to profes-
sional development, and approaches that are collabor-
ative, job-embedded, content-based, and sustained
in duration;

(2) a description of how the local educational
agencies in the State provide evidence-based profes-
sional development, at the time the application is submitted; and

(3) a description of how the State will ensure that local educational agencies use grant funds to provide evidence-based professional development—

(A) focused on distance learning and hybrid learning;

(B) that supports at-risk and marginalized students, including low-income students, minority students, children with disabilities, English learners, migratory students, homeless children and youth, and children or youth in foster care; and

(C) that is collaborative, job-embedded, content-based, and sustained in duration.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A State receiving a grant under this section shall use grant funds to provide funds to local educational agencies for supplemental professional development opportunities for educators, paraprofessionals, specialized instructional support personnel, and school leaders regarding how to effectively deliver distance learning and hybrid learning models.
(2) Administrative Costs.—A State may reserve not more than 10 percent of grant funds for administrative costs.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000.


(a) Grants Authorized.—From amounts made available under subsection (e), the Secretary shall award grants, on a competitive basis, to eligible entities to enable those eligible entities to develop training resources for educators, paraprofessionals, specialized instructional support personnel, and school leaders, including online training resources.

(b) Eligible Entity.—In this section, the term “eligible entity” means—

(1) a State educational agency;

(2) a local educational agency; or

(3) an entity described in paragraph (1) or (2) in partnership with one or more of the following:

(A) A public elementary school or secondary school.

(B) A nonprofit institution of higher education.
(C) A national nonprofit organization with experience researching, evaluating, and providing information and guidance, including best practices, on professional development or training programs or professional enhancement activities, which may include activities that lead to an advanced credential, for educators, para-professionals, specialized instructional support personnel, or school leaders.

(D) An Alaska Native organization.

(E) A Native Hawaiian community-based organization or Native Hawaiian educational organization.

(F) A community-based nonprofit organization.

(c) APPLICATION; PRIORITY.—

(1) APPLICATION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall request applications for grants under this section. Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—
(A) a plan to develop evidence-based training resources;

(B) a description of the eligible entity’s experience creating evidence-based training resources; and

(C) a description of how the eligible entity will use grant funds to create evidence-based training resources—

(i) focused on distance learning and hybrid learning;

(ii) that support at-risk and marginalized students, including low-income students, minority students, children with disabilities, English learners, migratory students, homeless children and youth, and children or youth in foster care; and

(iii) that support approaches to professional development that are collaborative, job-embedded, content-based, and sustained in duration.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities—
(A) that serve a high rate of students who are from families at or below the poverty line; or

(B) that serve a population with a high rate of COVID–19 infection.

(d) USES OF FUNDS.—

(1) IN GENERAL.—An eligible entity receiving a grant under this section shall use grant funds to develop evidence-based training resources for educators, paraprofessionals, specialized instructional support personnel, and school leaders, including online training resources.

(2) ADMINISTRATIVE COSTS.—An eligible entity receiving a grant under this section may reserve not more than 5 percent of grant funds for administrative costs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000.

SEC. 8. STUDENT SUPPORT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available under subsection (e), the Secretary shall award grants, on a competitive basis, to eligible entities to enable those eligible entities to provide evidence-based tutoring services and related academic supports for at-risk or
marginalized students, including low-income students, minority students, children with disabilities, English learners, migratory students, homeless children and youth, and children or youth in foster care, and Native students.

(b) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

(1) a State educational agency;

(2) a local educational agency; or

(3) an entity described in paragraphs (1) or (2) in partnership with one or more of the following:

(A) A public elementary school or secondary school.

(B) A nonprofit institution of higher education.

(C) A national nonprofit organization with experience researching, evaluating, and providing information and guidance, including best practices, on evidence-based professional development or training programs or professional enhancement activities, which may include activities that lead to an advanced credential, for educators, paraprofessionals, specialized instructional support personnel, or school leaders.

(D) An Alaska Native organization.
(E) A Native Hawaiian community-based organization or Native Hawaiian educational organization.

(F) A community-based nonprofit organization.

(c) APPLICATION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall request applications for grants under this section. Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(1) a description of the eligible entity’s experience providing evidence-based tutoring services or related academic supports; and

(2) a description of how the eligible entity will use grant funds to provide evidence-based tutoring services or related academic supports—

(A) focused on addressing instructional loss due to COVID-19; and

(B) that support at-risk and marginalized students, including low-income students, minority students, children with disabilities, English learners, migratory students, homeless children
and youth, and children or youth in foster care, and Native students.

(d) USES OF FUNDS.—

(1) IN GENERAL.—An eligible entity receiving a grant under this section shall use grant funds to provide evidence-based tutoring services and related academic supports for at-risk or marginalized students, including low-income students, minority students, children with disabilities, English learners, migratory students, homeless children and youth, and children or youth in foster care, and Native students.

(2) ADMINISTRATIVE COSTS.—An eligible entity receiving a grant under this section may reserve not more than 10 percent of grant funds for administrative costs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000.

SEC. 9. INNOVATION GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available under subsection (d), the Secretary shall award grants, on a competitive basis, to local educational agencies to enable those local educational agencies to carry out the activities described in subsection (e).
(b) APPLICATION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall request applications for grants under this section. Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a description of how the local educational agency will use grant funds to—

(1) support evidence-based approaches to addressing instructional loss due to COVID-19; and

(2) support evidence-based approaches to addressing instructional loss due to COVID-19 in at-risk and marginalized students, including low-income students, minority students, children with disabilities, English learners, migratory students, homeless children and youth, and children or youth in foster care.

(c) USES OF FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a grant under this section shall use grant funds (in an amount of not more than $50,000 each)—

(A) to purchase evidence-based training resources for educators, paraprofessionals, spe
cialized instructional support personnel, and
school leaders;

(B) to develop evidence-based training re-
sources for educators, paraprofessionals, spe-
cialized instructional support personnel, and
school leaders; or

(C) to propose innovative, evidence-based
projects to improve distance learning and hy-
brid learning for students.

(2) PRIORITY.—In awarding grants under this
section, the Secretary shall give priority to local edu-
cational agencies—

(A) that serve a high percentage of at-risk
or marginalized students, including low-income
students, minority students, children with dis-
abilities, English learners, migratory students,
homeless children and youth, or children or
youth in foster care, or Native students; or

(B) who plan to engage in projects that
address instructional loss for at-risk or
marginalized students, including low-income
students, minority students, children with dis-
abilities, English learners, migratory students,
homeless children and youth, and children or
youth in foster care, and Native students.
(3) Administrative Costs.—A local educational agency receiving a grant under this section may reserve not more than 5 percent of grant funds for administrative costs.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $25,000,000.

SEC. 10. LEARNING HUBS.

(a) Definitions.—In this section:

(1) Eligible School.—The term “eligible school” means a public elementary or secondary school—

(A) with respect to which not less than 40 percent of students enrolled are children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(B) that is in compliance with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(2) Learning Hub.—The term “learning hub” means a supervised, on-campus learning environment where students, during times of physical school closure, have access to broadband connectivity (such as Wi-Fi), laptop computers, assistive technology de-
vices, and other devices necessary for distance learning, school supplies, and technology and digital support services.

(b) Program Authorized.—From amounts made available under subsection (f), the Secretary shall award grants, on a competitive basis, to local educational agencies to enable those local educational agencies to carry out the activities described in subsection (d) at eligible schools.

(c) Application.—

(1) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary shall request applications for grants under this section. Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including, at a minimum—

(A) an assurance that the local educational agency has developed a high-quality distance learning curriculum for students in the learning hubs; and

(B) an assurance that learning hubs will be required to meet Federal, State, Tribal, and local public health and safety guidelines, as applicable.
(2) PRIORITY.—In providing funds under this section, the Secretary shall give priority to local educational agencies that—

(A) plan to serve a high percentage of at-risk or marginalized students, including—

(i) low-income students, minority students, children with disabilities, English learners, migratory students, homeless children and youth, and children or youth in foster care;

(ii) Native students; or

(iii) students who lack internet and device access; and

(B) have adopted high-quality distance learning models.

(d) USES OF FUNDS.—A local educational agency receiving a grant under this section shall use grant funds to pay expenses related to the administration of learning hubs at eligible schools, including—

(1) the cost of paying instructors who are educators, paraprofessionals, or specialized instructional support personnel who are employed by the local educational agency or eligible school receiving grant funds; or
(2) the cost of broadband connectivity, laptop computers and other devices necessary for distance learning, school supplies, and technology and digital support services.

(e) REPORT.—Not later than 180 days after receiving a grant under this section, a local educational agency receiving a grant under this section shall submit a report to the Secretary containing information about the effectiveness of learning hubs at eligible schools that are supported with funds under the grant, including the number of students served.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000.

SEC. 11. BEST PRACTICES.

(a) BEST PRACTICES.—The Secretary, acting through the Director of the Institute of Education Sciences, shall identify information about best practices for schools to measure and address instructional loss during the period of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, especially for at-risk or marginalized students, including low-income students, minority students, children with disabilities, English learn-
ers, migratory students, homeless children and youth, and
children or youth in foster care, and Native students.

(b) REPORT.—Not later than 1 year after the date
of enactment of this Act, the Secretary shall—

(1) prepare and submit a report to Congress
containing the information about best practices iden-
tified under subsection (a);

(2) widely disseminate such information to
States; and

(3) make such information available on the De-
partment’s website.

SEC. 12. STUDY ON INSTRUCTIONAL LOSS.

Not later than 1 year after the date of enactment
of this Act, the Secretary, acting through the Director of
the Institute of Education Sciences, shall—

(1) carry out a study to determine instructional
loss in at-risk or marginalized students, including
low-income students, minority students, children
with disabilities, English learners, migratory stu-
dents, homeless children and youth, and children or
youth in foster care, during the period of the public
health emergency declared by the Secretary of
Health and Human Services under section 319 of
the Public Health Service Act (42 U.S.C. 247d) with
respect to COVID–19; and
(2) prepare and submit a report to Congress containing the results of that study.