

103^D CONGRESS
1ST SESSION

H. R. 1097

To assist the Nation in achieving the national education goals.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

Mr. GOODLING (for himself, Mr. MICHEL, Mr. PETRI, Mr. GUNDERSON, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. CUNNINGHAM, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To assist the Nation in achieving the national education goals.

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 “Educational Excellence
5 for All Students Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the Federal Government currently spends
9 more than \$9,000,000,000 supporting education at

1 the kindergarten through 12th grade level in the
2 United States;

3 (2) these programs, and the funds authorized,
4 currently do not contribute sufficiently to lifting the
5 educational achievement of all students or com-
6 plement the important education reforms taking
7 place around the country;

8 (3) the Federal Government should support on-
9 going efforts to establish national educational goals,
10 voluntary national standards and a State and local
11 educational agency-based, voluntary system of as-
12 sessments;

13 (4) States should be assisted in carrying out
14 systemic reforms of their school systems as a means
15 to meeting the national education goals; and

16 (5) the reauthorization of the Elementary, Sec-
17 ondary and Vocational Education Act should trans-
18 form such programs into a major school reform vehi-
19 cle by which States, school districts, teachers, and
20 parents can help every child meet the national edu-
21 cation goals.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are—

24 (1) to establish as the policy of the United
25 States the 6 national education goals;

1 (2) to authorize the National Education Goals
2 Panel to monitor the Nation's progress toward meet-
3 ing the national education goals;

4 (3) to establish a process in support of vol-
5 untary national education standards and a national
6 system of voluntary assessments;

7 (4) to authorize a grant program to States to
8 encourage dramatic, new approaches to education
9 that are likely to provide students with an oppor-
10 tunity to achieve the national goals; and

11 (5) to establish a system by which States, local
12 educational agencies, and schools can utilize Federal,
13 State, and local education program funds in a more
14 flexible manner in order to improve delivery and
15 effectiveness of programs.

16 **SEC. 4. NATIONAL POLICY.**

17 It is the sense of Congress that—

18 (1) **READINESS FOR SCHOOL.**—By the year
19 2000, all children in America will start school ready
20 to learn.

21 (2) **HIGH SCHOOL COMPLETION.**—By the year
22 2000, the high school graduation rate will increase
23 to at least 90 percent.

24 (3) **STUDENT ACHIEVEMENT AND CITIZEN-**
25 **SHIP.**—By the year 2000, students in the United

1 States will leave grades 4, 8, and 12 having dem-
2 onstrated competency in challenging subject matter
3 including English, mathematics, science, history, and
4 geography; and every school in the United States
5 will ensure that all students learn to use their minds
6 well, so they may be prepared for responsible citizen-
7 ship, further learning, and productive employment in
8 our modern economy.

9 (4) SCIENCE AND MATHEMATICS.—By the year
10 2000, students in the United States will be first in
11 the world in science and mathematics achievement.

12 (5) ADULT LITERACY AND LIFELONG LEARN-
13 ING.—By the year 2000, every adult American will
14 be literate and will possess the knowledge and skills
15 necessary to compete in a global economy and exer-
16 cise the rights and responsibilities of citizenship.

17 (6) SAFE, DISCIPLINED, AND DRUG-FREE
18 SCHOOLS.—By the year 2000, every school in the
19 United States will be free of drugs and violence and
20 will offer a disciplined environment conducive to
21 learning.

1 **TITLE I—VOLUNTARY**
2 **STANDARDS AND ASSESSMENT**
3 **PART A—NATIONAL EDUCATION GOALS PANEL**
4 **SECTION 101. GOALS PANEL.**

5 (a) ESTABLISHMENT.—There is established a Na-
6 tional Education Goals Panel (referred to in this title as
7 the “Panel”).

8 (b) COMPOSITION.—

9 (1) IN GENERAL.—The Panel shall be composed
10 of 14 members (referred to in this title as members),
11 including—

12 (A) two members appointed by the Presi-
13 dent;

14 (B) eight Governors, three of whom shall
15 be from the same political party as the Presi-
16 dent and five of whom shall be of the opposite
17 political party to the President, appointed by
18 the Chairperson or Vice Chairperson of the Na-
19 tional Governors’ Association, with each ap-
20 pointing individuals of such respective political
21 party, in consultation with each other and in
22 accordance with paragraph (2); and

23 (C) four Members of Congress appointed
24 as follows:

1 (i) The majority leader of the Senate
2 shall appoint 1 individual from among the
3 Members of the Senate.

4 (ii) The minority leader of the Senate
5 shall appoint 1 individual from among the
6 Members of the Senate.

7 (iii) The Speaker of the House of
8 Representatives shall appoint 1 individual
9 from among the Members of the House of
10 Representatives.

11 (iv) The minority leader of the House
12 of Representatives shall appoint 1 individ-
13 ual from among the Members of the House
14 of Representatives.

15 (2) SPECIAL APPOINTMENT RULES.—(A) The
16 members appointed pursuant to paragraph (1)(B)
17 shall be appointed as follows:

18 (i) If the Chairperson of the National Gov-
19 ernors' Association is from the same political
20 party as the President, the Chairperson shall
21 appoint 3 individuals pursuant to such para-
22 graph and the Vice Chairperson shall appoint 5
23 persons pursuant to such paragraph.

24 (ii) If the Chairperson of the National
25 Governors' Association is from the opposite po-

1 litical party as the President, the Chairperson
2 shall appoint 5 persons pursuant to such para-
3 graph and the Vice Chairperson shall appoint 3
4 persons pursuant to such paragraph.

5 (B) If the National Governors' Association has
6 appointed a panel that meets the requirements of
7 this subsection prior to the date of enactment of this
8 Act, the members serving on such panel shall be
9 deemed to be in compliance with the provisions of
10 this subsection and shall not be required to be
11 reappointed pursuant to this subsection.

12 (c) TERMS.—The terms of service of members shall
13 be as follows:

14 (1) EXECUTIVE BRANCH.—Members appointed
15 under paragraph (1)(A) shall serve at the pleasure
16 of the President.

17 (2) GOVERNORS.—Members appointed under
18 paragraph (1)(B) shall serve a two-year term, except
19 that the initial appointments under such paragraph
20 shall be made to ensure staggered terms with one-
21 half of such member's terms concluding every two
22 years.

23 (3) MEMBERS OF CONGRESS.—Members ap-
24 pointed under paragraph (1)(C) shall serve a term
25 of four years.

1 (d) INITIATION.—The Panel may begin to carry out
2 the duties of the Panel under this part when seven mem-
3 bers of the Panel have been appointed.

4 (e) DATE OF APPOINTMENT.—The initial members
5 shall be appointed not later than 60 days after the date
6 of enactment of this Act.

7 (f) RETENTION.—In order to retain an appointment
8 to the Panel, a member must attend at least two-thirds
9 of the scheduled meetings of the Panel in any given year.

10 (g) VACANCIES.—A vacancy on the Panel shall not
11 affect the powers of the Panel, but shall be filled in the
12 same manner as the original appointment.

13 (h) TRAVEL.—Each member shall be allowed travel
14 expenses, including per diem in lieu of subsistence, as au-
15 thorized by section 5703 of title 5, United States Code,
16 for each day the member is engaged in the performance
17 of duties away from the home or regular place of business
18 of the member.

19 (i) CHAIRPERSON SELECTION.—The Panel shall se-
20 lect a chairperson from among members appointed under
21 subsection (b)(1)(B).

22 **SEC. 102. FUNCTIONS.**

23 (a) FUNCTIONS.—

24 (1) IN GENERAL.—The Panel shall—

1 (A) propose the indicators to be used to
2 measure the National Education Goals and re-
3 porting progress in achieving such goals, the
4 baselines and benchmarks against which
5 progress may be evaluated, and the format for
6 an annual report to the Nation;

7 (B) select interim and final measures and
8 appropriate measurement tools to be developed
9 as necessary in each goal area;

10 (C) report on the Federal actions that ful-
11 fill responsibilities to education, including fund-
12 ing the Federal financial role, providing more
13 flexibility and controlling mandates that limit
14 the States' ability to fund education;

15 (D) issue a report annually to the Presi-
16 dent, the Congress, the Governors, and the Na-
17 tion regarding progress in achieving the Na-
18 tional Education Goals;

19 (E) assure, through requirements for State
20 reports, that student performance is reported in
21 the context of other relevant information about
22 student, school, and system performance;

23 (F) identify gaps in existing educational
24 data, make recommendations for improvements
25 in the methods and procedures for assessments

1 that would be appropriate in assessing progress
2 in achieving the National Education Goals, pro-
3 pose changes in national and international
4 measurement systems as appropriate and make
5 recommendations to the President, the Con-
6 gress, and the Governors for needed improve-
7 ments;

8 (G) appoint members to the National Edu-
9 cation Standards and Assessments Council; and

10 (H) in accordance with paragraph (2),
11 issue certification of content and student per-
12 formance standards and the criteria for world-
13 class assessments after submission of such noti-
14 fication of approval by the National Education
15 Standards and Assessments Council.

16 (2) SPECIAL RULE.—In the event that the
17 Panel denies certification to all or part of a certifi-
18 cation of the National Education Standards and As-
19 sessments Council, all or part of a certification shall
20 be returned to such Council with detailed written
21 explanations for such denial.

22 (b) PERFORMANCE OF FUNCTIONS.—In carrying out
23 its responsibilities, the Panel shall operate on the principle
24 of consensus.

1 (c) DATA COLLECTION.—The Panel shall make ar-
2 rangements with any appropriate entity to generate or col-
3 lect such data as may be necessary to appropriately assess
4 progress in achieving the National Education Goals.

5 **SEC. 103. ANNUAL REPORT CARD.**

6 (a) IN GENERAL.—The Panel shall prepare and sub-
7 mit to the President, the appropriate committees of Con-
8 gress, and the Governor of each State a national report
9 card, that—

10 (1) sets forth an analysis of the progress of the
11 United States toward achieving the National Edu-
12 cation Goals; and

13 (2) may, as determined necessary by the Panel
14 based on the findings of the Panel and an analysis
15 of the views and comments of all interested par-
16 ties—

17 (A) identify continuing gaps in existing
18 educational data; and

19 (B) make recommendations for improve-
20 ment in the methods and procedures of assess-
21 ing educational attainment and strengthening
22 the national educational assessment and infor-
23 mation system of the Department of Education
24 or any other appropriate Federal Government
25 entity.

1 (b) CONTINUATION.—The Panel shall issue a na-
2 tional report card on an annual basis for the duration of
3 the existence of the Panel.

4 (c) FORMAT.—National Report Cards shall be pre-
5 sented in a form that is understandable to parents and
6 the general public.

7 **SEC. 104. POWERS OF THE PANEL.**

8 (a) HEARINGS.—

9 (1) IN GENERAL.—The Panel shall, for the pur-
10 pose of carrying out this part, conduct such hear-
11 ings, sit and act at such times and places, take such
12 testimony, and receive such evidence, as the Panel
13 considers appropriate.

14 (2) PUBLIC HEARINGS.—In carrying out this
15 part, the Panel shall conduct public hearings in dif-
16 ferent geographic areas of the country, both urban
17 and rural, to receive the reports, views, and analyses
18 of a broad spectrum of experts and the public re-
19 garding the Panel's functions described in section
20 102(a).

21 (b) INFORMATION.—The Panel may secure directly
22 from any department or agency of the United States, in-
23 formation necessary to enable the Panel to carry out this
24 title. Upon request of the Chairperson of the Panel, the

1 head of a department or agency shall furnish such infor-
2 mation to the Panel to the extent permitted by law.

3 (c) GIFTS.—The Panel may accept, use, and dispose
4 of gifts or donations of services or property.

5 (d) POSTAL SERVICES.—The Panel may use the
6 United States mail in the same manner and under the
7 same conditions as other departments and agencies of the
8 United States.

9 (e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—
10 The Secretary of Education shall provide to the Panel, on
11 a reimbursable basis, administrative support services as
12 the Panel may request.

13 **SEC. 105. ADMINISTRATIVE PROVISIONS.**

14 (a) MEETINGS.—The Panel shall meet on a regular
15 basis, as necessary, at the call of the Chairperson of the
16 Panel or a majority of its members.

17 (b) QUORUM.—A majority of the members shall con-
18 stitute a quorum for the transaction of business.

19 (c) VOTING.—No individual may vote or exercise any
20 of the powers of a member by proxy.

21 **SEC. 106. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
22 **ANTS.**

23 (a) DIRECTOR.—The Chairperson of the Panel shall,
24 without regard to the provisions of title 5, United States
25 Code, relating to the appointment and compensation of of-

1 ficers or employees of the United States, appoint a Direc-
2 tor to be paid at a rate not to exceed the rate of basic
3 pay payable for level V of the Executive Schedule.

4 (b) APPOINTMENT AND PAY OF STAFF.—The Chair-
5 person of the Panel may appoint personnel as the Chair-
6 person considers appropriate without regard to the provi-
7 sions of title 5, United States Code, governing appoint-
8 ments to the competitive service. The staff of the Panel
9 may be paid without regard to the provisions of chapter
10 51 and subchapter III of chapter 53 of title 5, United
11 States Code, relating to classification and General Sched-
12 ule pay rates. The rate of pay of the staff of the Panel
13 shall not exceed the rate of basic pay payable for GS-
14 15 of the General Schedule.

15 (c) EXPERTS AND CONSULTANTS.—The Panel may
16 procure temporary and intermittent services under section
17 3019(b) of title 5, United States Code.

18 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
19 quest of the Panel, the head of any department or agency
20 of the United States is authorized to detail, on a reimburs-
21 able basis, any of the personnel of that agency to the
22 Panel to assist the Panel in its duties under this title.

23 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated \$2,000,000
25 for fiscal year 1993 and such sums as may be necessary

1 for each of the fiscal years 1994 through 2001 to carry
2 out this part.

3 **PART B—VOLUNTARY NATIONAL EDUCATION**

4 **STANDARDS AND ASSESSMENTS**

5 **SEC. 111. NATIONAL EDUCATION STANDARDS AND ASSESS-**
6 **MENTS COUNCIL.**

7 (a) ESTABLISHMENT.—There is established a Na-
8 tional Education Standards and Assessments Council (re-
9 ferred to in this title as the “Council”).

10 (b) APPOINTMENT AND COMPOSITION.—

11 (1) APPOINTMENT.—The Council shall be com-
12 posed of 19 members (referred to in this part as
13 “members”) appointed by the National Education
14 Goals Panel described in section 101.

15 (2) COMPOSITION.—The Council shall be com-
16 posed of—

17 (A) 9 educators who have demonstrated
18 leadership in educational innovation, including
19 at least 1 person with expertise in each of edu-
20 cational measurement, assessment, subject mat-
21 ter scholarship, and curriculum design;

22 (B) 5 State and local public officials who
23 possess strong education backgrounds and have
24 displayed a commitment to improving edu-
25 cation; and

1 (C) 5 members of the general public who
2 have demonstrated a commitment to improving
3 education and bring additional perspectives
4 from the business, foundation, and advocacy
5 communities within the private sector.

6 (c) QUALIFICATIONS.—

7 (1) IN GENERAL.—Members shall be appointed
8 to the Council on the basis of widely recognized ex-
9 perience in, knowledge of, commitment to, and a
10 demonstrated record of service to, education and to
11 achieving education excellence at the Federal, State
12 or local level.

13 (2) NOMINATIONS.—Members under this sub-
14 section shall be appointed from among qualified indi-
15 viduals nominated by the public and other groups
16 representative of public officials, educators, and indi-
17 viduals described in subsection (c)(1).

18 (d) TERMS.—

19 (1) IN GENERAL.—The members shall be ap-
20 pointed for 3-year terms, with no member serving
21 more than 2 consecutive terms.

22 (2) CONFLICT OF INTEREST.—(A) No member
23 of the Council may concurrently serve as a member
24 of the Panel.

1 (B)(i) No waiver shall be granted to members
2 of the Council pursuant to section 208(b)(3) of title
3 18, United States Code, regarding conflict of
4 interest.

5 (ii) Any person who serves on the Council shall
6 report any subsequent proposals for Federal, State,
7 or local funding related to the standards and assess-
8 ments described in subsection (e) to the National
9 Goals Panel.

10 (3) DATE OF APPOINTMENT.—The initial mem-
11 bers shall be appointed by the Panel, not later than
12 120 days after the date of enactment of this Act.

13 (4) RETENTION.—In order to retain an ap-
14 pointment to the Council, a member must attend at
15 least two-thirds of the scheduled meetings of the
16 Council in any given year.

17 (5) OFFICER SELECTION.—The members ap-
18 pointed under subsection (b)(2) shall select officers
19 of the Council from among the members of the
20 Council. The officers of the Council shall serve for
21 1-year terms.

22 (6) VACANCIES.—A vacancy on the Council
23 shall not affect the powers of the Council, but shall
24 be filled in the same manner as the original appoint-
25 ment.

1 (7) TRAVEL.—Each member of the Council
2 shall be allowed travel expenses, including per diem
3 in lieu of subsistence, as authorized by section 5703
4 of title 5, United States Code, for each day the
5 member is engaged in the performance of duties
6 away from the home or regular place of business of
7 the member.

8 (e) FUNCTIONS OF THE COUNCIL.—

9 (1) STANDARDS.—The Council shall, with re-
10 gards to standards—

11 (A) coordinate the effort to establish vol-
12 untary national education content and student
13 performance standards;

14 (B) develop criteria for what constitutes
15 world-class content and student performance
16 standards and establish guidelines for standard
17 setting and development to ensure consensus
18 building and broad participation in the process;
19 and

20 (C) issue approval of content and student
21 performance standards as world-class based on
22 the criteria and guidelines described in subpara-
23 graph (B) and transmit such approved stand-
24 ards to the Panel for the Panel's certification.

1 (2) ASSESSMENTS.—The Council shall, with re-
2 gards to assessments—

3 (A) be a coordinating body to encourage a
4 voluntary system of assessments for individual
5 students consistent with the voluntary national
6 standards;

7 (B) establish guidelines for the develop-
8 ment and use of assessments to ensure that as-
9 sessments are valid, reliable, and fair;

10 (C) develop criteria for assessments, and
11 the use of such assessments, to ensure that the
12 assessments measure the world class standards
13 and meet the guidelines described in subpara-
14 graph (B);

15 (D) establish procedures and criteria to de-
16 termine whether assessments are comparable to
17 each other without sacrificing the validity, reli-
18 ability, and fairness of the assessments; and

19 (E) transmit such criteria to the Panel to
20 review for certification.

21 (3) REEXAMINATION.—The Council shall reex-
22 amine the criteria for certification at least once
23 every 3 years and shall reexamine any certified na-
24 tional standards at least once every 3 years to ascer-

1 tain whether such standards continue to meet the
2 criteria described in paragraphs (1) and (2).

3 (f) PERFORMANCE OF FUNCTIONS.—In carrying out
4 its responsibilities, the Council shall work with Federal
5 and non-Federal agencies and organizations which are
6 conducting research, studies, or demonstration projects to
7 determine world-class education standards and assess-
8 ments based on such standards.

9 (g) PROCEDURES.—

10 (1) PUBLICATION.—The Council shall publish
11 in the Federal Register—

12 (A) proposed criteria for determining what
13 are world-class content and student perform-
14 ance standards;

15 (B) proposed guidelines for standards set-
16 ting;

17 (C) proposed procedures and criteria for
18 certifying content standards as world class; and

19 (D) proposed procedures and criteria for
20 assessments that measure such world-class
21 standards.

22 (2) FINAL REGULATIONS.—Final regulations,
23 reflecting public comment, for the proposals devel-
24 oped in accordance with paragraph (1) shall be pub-

1 lished in the Federal Register prior to the implemen-
2 tation of such regulations.

3 (h) DATA COLLECTION.—The Council shall make ar-
4 rangements with any appropriate entity to generate or
5 collect such data as may be necessary to carry out the
6 Council’s functions.

7 **SEC. 112. ANNUAL REPORTS.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date that the Council concludes its first meeting of mem-
10 bers and in each succeeding year, the Council shall pre-
11 pare and submit to the President, the appropriate commit-
12 tees of Congress, the Secretary, and the Governor of each
13 State a report regarding its findings. Such report shall—

14 (1) analyze the progress and obstacles, if any,
15 toward the development and certification of world-
16 class content and student performance standards;

17 (2) analyze the progress and obstacles, if any,
18 toward the development and certification of any cri-
19 teria for assessments that reflect the world-class
20 standards; and

21 (3) analyze the progress and obstacles, if any,
22 to the adoption of certified content and student per-
23 formance standards by State and local educational
24 agencies.

1 (b) SPECIAL RULE.—In carrying out paragraph (3)
2 of subsection (a), the Council, through the National Cen-
3 ter for Education Statistics, shall collect information on
4 the implementation by State and local educational agen-
5 cies of certified content standards, including—

6 (1) adoption of curricula frameworks, including
7 instructional materials, assessments and teacher
8 training that incorporates or reflects world-class con-
9 tent standards;

10 (2) availability of school resources, including in-
11 structional materials and technology, necessary to
12 meet world-class standards;

13 (3) staff capacity;

14 (4) school governance systems; and

15 (5) barriers to implementation of world-class
16 standards.

17 **SEC. 113. POWERS OF THE COUNCIL.**

18 “(a) REGIONAL MEETINGS.—(1) The Council may
19 convene regional meetings to obtain public involvement in
20 the development of proposed regulations implementing
21 this section. Such meetings should include individuals and
22 representatives of the groups involved in content and stu-
23 dent performance standards setting and assessments, in-
24 cluding educators, administrators, students, parents, cur-

1 rriculum and assessment experts, and organizations which
2 have demonstrated experience in these areas.

3 (2) The meetings described in paragraph (1) should
4 provide for a comprehensive discussion and exchange of
5 information regarding the implementation of this section
6 and the Council should take into account the information
7 received in such meetings in developing regulations.

8 (3) The Council shall solicit public comment on any
9 proposed guidelines and criteria and on standards submit-
10 ted for approval and certification.

11 (b) INFORMATION.—The Council may secure directly
12 from any department or agency of the United States infor-
13 mation necessary to enable the Council to carry out this
14 part. Upon request of the Chairperson of the Council, the
15 head of a department or agency shall furnish such infor-
16 mation to the Council to the extent permitted by law.

17 (c) POSTAL SERVICES.—The Council may use the
18 United States mail in the same manner and under the
19 same conditions as other departments and agencies of the
20 United States.

21 (d) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—
22 The Secretary shall provide to the Council, on a reimburs-
23 able basis, administrative support services as the Council
24 may request.

1 **SEC. 114. ADMINISTRATIVE PROVISIONS.**

2 (a) MEETINGS.—The Council shall meet on a regular
3 basis, as necessary, at the call of the Chairperson of the
4 Council or a majority of its members.

5 (b) QUORUM.—A majority of the members shall con-
6 stitute a quorum for the transaction of business.

7 (c) VOTING.—The Council shall take all action of the
8 Council by a two-thirds majority vote of the total member-
9 ship of the Council, assuring the right of the minority to
10 issue written views. No individual may vote or exercise any
11 of the powers of a member by proxy.

12 **SEC. 115. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
13 **ANTS.**

14 (a) DIRECTOR.—The Council shall, without regard to
15 the provisions of title 5, United States Code, relating to
16 the appointment and compensation of officers or employ-
17 ees of the United States, appoint a Director, who by virtue
18 of education, training, and experience, is eminently quali-
19 fied to assist the Council in administering the functions
20 described in section 101(e) of this part to be paid at a
21 rate not to exceed the rate of basic pay payable for level
22 V of the Executive Schedule.

23 (b) APPOINTMENT AND PAY OF STAFF.—The Coun-
24 cil may appoint personnel who by virtue of education,
25 training, and experience are eminently qualified to assist
26 the Council in administering the functions described in

1 section 101(e). Such appointments can be made without
2 regard to the provisions of title 5, United States Code,
3 governing appointments to the competitive service and the
4 staff of the Council may be paid without regard to the
5 provisions of chapter 51 and subchapter III of chapter 53
6 of title 5, United States Code, relating to classification
7 and General Schedule pay rates. The rate of pay of the
8 staff of the Council shall not exceed the rate of basic pay
9 payable for GS-15 of the General Schedule.

10 (c) EXPERTS AND CONSULTANTS.—The Council may
11 procure temporary and intermittent services under section
12 3019(b) of title 5, United States Code, if the individual
13 performing such services, by virtue of education, training,
14 and experience, is eminently qualified to assist the Council
15 in administering the functions described in section 101(e).

16 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
17 quest of the Council, the head of any department or agen-
18 cy of the United States is authorized to detail, on a reim-
19 bursable basis, any of the personnel of that department
20 or agency to the Council to assist the Council in its duties
21 under this part.

22 (e) CONFLICT OF INTEREST.—No director, staff, ex-
23 pert, or consultant may serve the Council if such person
24 directly or indirectly has any financial interest in the de-
25 velopment of tests or assessments related to the standards

1 described in section 101(e). Any person who served the
2 Council in such capacity shall submit any subsequent pro-
3 posals for Federal, State, or local funding related to the
4 standards or assessments described in section 101(e) to
5 the National Goals Panel, the Congress, and to the
6 Department of Education.

7 **SEC. 116. EVALUATION.**

8 The National Academy of Sciences shall conduct an
9 evaluation of the work of the Council, including—

10 (1) an analysis of the technical expertise of the
11 panel and its use of outside technical assistance;

12 (2) an analysis of the process of establishing
13 guidelines and criteria for the development and cer-
14 tification of standards and such guidelines and cri-
15 teria;

16 (3) a review of standards that are certified;

17 (4) an evaluation of the process for establishing
18 criteria for assessments of world-class standards and
19 such criteria; and

20 (5) an evaluation of the research and develop-
21 ment work being carried out by the Department of
22 Education, in the areas of education standards, cur-
23 riculum, and assessment.

1 **SEC. 117. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Coun-
3 cil \$2,000,000 for each of the fiscal years 1993, and 1994
4 and such sums as may be necessary for each of the fiscal
5 years 1995 through 1999 to carry out this part.

6 **PART C—NATIONAL COMMISSION ON EARLY**
7 **CHILDHOOD ASSESSMENT**

8 **SEC. 121. ESTABLISHMENT.**

9 There is established a National Commission on Early
10 Childhood Assessment (referred to in this Act as the
11 “Commission”)

12 **SEC. 122. FINDINGS.**

13 The Congress finds that there is no assessment avail-
14 able at this time which adequately assesses the full range
15 of early learning and development necessary to obtain a
16 valid indication of the Nation’s progress toward the first
17 national education goal—that all children in America will
18 start school ready to learn.

19 **SEC. 123. PURPOSE.**

20 The purpose of the Commission is to—

21 (1) assist the Nation in tracking progress to-
22 ward the first national education goal;

23 (2) oversee the development of an early child-
24 hood assessment that advances a broad view of
25 school readiness and expands our knowledge of how
26 to assess young children equitably; and

1 (3) ensures that such an assessment is not used
2 to label, stigmatize, or track any individual child but
3 to focus and improve policies and services to ensure
4 that all children do start school ready to learn.

5 **SEC. 124. APPOINTMENT AND COMPOSITION.**

6 (a) APPOINTMENTS.—Members of the Commission
7 shall be appointed by the National Education Goals Panel.

8 (b) NOMINATIONS.—The Panel shall appoint such
9 members to the Commission from among qualified individ-
10 uals nominated by the public.

11 (c) QUALIFICATIONS.—The Panel shall ensure that
12 the Commission is made up of individuals with the quali-
13 fications necessary to carry out the purposes of this
14 section.

15 (d) TERMS.—Members shall serve for 3-year terms
16 with no member serving more than 2 consecutive terms.

17 **SEC. 125. FUNCTIONS OF THE COMMISSION.**

18 The Commission shall—

19 (1) serve as a standing advisory group to the
20 Panel on the first national goal;

21 (2) establish a framework by which school read-
22 iness can be understood and assessed, taking into
23 account the many dimensions of early childhood de-
24 velopment;

1 (3) create clear guidelines as to the functions
2 and uses of such an assessment system;

3 (4) coordinate a program of research and devel-
4 opment to create the necessary knowledge and tech-
5 nology to make such an assessment possible;

6 (5) oversee the development of a national as-
7 sessment of young children based on our best think-
8 ing of what defines early learning and development
9 during this period and the best assessment tech-
10 nology available so as to provide the Nation with a
11 fair and valid indication of the status of these
12 children;

13 (6) monitor the field testing of such an assess-
14 ment and approve its national use; and

15 (7) carry out a sustained and intensive evalua-
16 tion of the assessments and their use so as to ensure
17 that they are achieving the intended results and
18 being used for the purposes for which they were
19 designed.

20 **SEC. 126. REPORTS.**

21 The Commission shall prepare and submit a report
22 regarding its work to the Panel and the Congress not later
23 than 1 year after the date of its first meeting and in each
24 succeeding year.

1 **SEC. 127. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Coun-
3 cil \$1,000,000 for fiscal year 1994 and such sums as may
4 be necessary for each of the fiscal years 1995 through
5 2000.

6 **TITLE II—NATIONAL EDUCATION**
7 **REFORM AND EXCELLENCE**

8 **SEC. 201. SHORT TITLE.**

9 This title may be cited as the “National Education
10 Reform and Excellence Act”.

11 **SEC. 202. CONGRESSIONAL FINDINGS.**

12 The Congress finds that—

13 (1) a national consensus has been reached that
14 every effort must be made to achieve the National
15 Education Goals;

16 (2) work at the national level to establish what
17 all students should know and be able to do must be
18 accompanied by State and local efforts to make sure
19 the education delivery system is up to the task of
20 delivering high quality instruction based on such
21 standards;

22 (3) strategies must be developed by States and
23 communities to support the revitalization of all local
24 schools by fundamentally changing the entire system
25 of education through comprehensive, coherent, and
26 coordinated improvement;

1 (4) parents, teachers and other local educators,
2 and community leaders must be involved in develop-
3 ing system-wide reform strategies that reflect the
4 needs of their individual communities;

5 (5) States and local educational agencies, work-
6 ing together, must immediately set about developing
7 and implementing such system-wide reform strate-
8 gies if the Nation is to educate all children to meet
9 their full potential and achieve national goals;

10 (6) in order to be successful, Federal funds di-
11 rected at school reform must leverage substantive
12 change in the education system as a whole; and

13 (7) more specifically, Federal education pro-
14 grams such as chapter 1 must be recast so as to be
15 a catalyst for improving the education of disadvan-
16 taged students so that they are included in the na-
17 tional effort to achieve the National Education
18 Goals.

19 **SEC. 203. PURPOSE.**

20 The purpose of this title is to raise the quality of edu-
21 cation for all students by supporting a long-term broad
22 based effort to promote coherent and coordinated changes
23 in the system of education throughout the Nation at the
24 State and local level.

1 **SEC. 204. PROGRAM AUTHORIZED.**

2 The Secretary is authorized, in accordance with the
3 provisions of this title, to make grants to State educational
4 agencies to enable States and local educational agencies
5 to reform and improve the quality of education throughout
6 the Nation. Such grants shall be used to—

7 (1) develop innovative educational reform plans,
8 which—

9 (A) include State achievement goals, a
10 means for developing or adopting high quality,
11 challenging curricular frameworks and coordi-
12 nated curricular materials, professional develop-
13 ment strategies, and assessment instruments;

14 (B) describe how Federal and State cat-
15 egorical programs will be utilized in State and
16 local reform efforts;

17 (C) create a process for allowing local edu-
18 cational agencies greater flexibility in achieving
19 national and State goals and standards; and

20 (2) implement such reforms and plans to im-
21 prove the education system at the State and local
22 levels.

23 **SEC. 205. APPLICATION.**

24 (a) IN GENERAL.—If a State desires to receive assist-
25 ance under this title, the State educational agency shall
26 submit an application to the Secretary at such time, in

1 such manner, and accompanied by such additional infor-
2 mation as the Secretary may reasonably require. Such
3 application shall cover a 5-year period.

4 (b) CONSIDERATION OF APPLICATIONS.—Each such
5 application shall—

6 (1) contain satisfactory evidence that the State
7 educational agency has or will have authority, by
8 legislation if necessary, to implement the plan re-
9 quired under section 206;

10 (2) describe how a State will ensure broad par-
11 ticipation in the planning process to establish the
12 goals and to refine them in the future, as well as
13 participate in the development of all other compo-
14 nents of the plan;

15 (3) provide an assurance that the State will no-
16 tify the public (including individuals with limited
17 English proficiency), and local educational agen-
18 cies—

19 (A) that the State has made application
20 for funds under this title; and

21 (B) that the State is developing a plan
22 under section 206;

23 (4) provide an assurance that the State has the
24 goal of providing all students with equal access to

1 the curricular frameworks, high quality curricular
2 materials, and well-qualified teachers;

3 (5) describe actions taken and resources identi-
4 fied or committed to meet the requirements of this
5 title;

6 “(6) provide an assurance that the applicant
7 will prepare and submit to the Secretary, annual
8 evaluations of and reports concerning the State pro-
9 gram; and

10 (7) provide an assurance that the State will
11 carry out the provisions of section 206.

12 (c) APPROVAL.—The Secretary shall approve an ap-
13 plication and any amendment to the application if the ap-
14 plication or the amendment to such application meets the
15 requirements of this section and is of sufficient quality to
16 meet the objectives of this title. The Secretary shall not
17 finally disapprove an application or an amendment to such
18 application except after giving reasonable notice, technical
19 assistance, and an opportunity for a hearing.

20 (d) REAPPLICATION.—(1) A State educational agen-
21 cy may apply for assistance for a second 5-year period and
22 such application shall be approved by the Secretary if the
23 State—

24 (A) has met all of its reporting requirements;
25 and

1 (B) demonstrates that it has made substantial
2 progress in carrying out its plan.

3 (2) The Secretary shall not finally disapprove an ap-
4 plication or an amendment to such application except after
5 giving reasonable notice, technical assistance, and an
6 opportunity for a hearing.

7 **SEC. 206. DEVELOPMENT AND APPROVAL OF STATE PLAN.**

8 (a) ESTABLISHMENT OF PANEL.—Each State pro-
9 gram assisted under this title shall establish a panel to
10 develop a statewide reform plan. Such panel shall consist
11 of—

12 (1) the chief executive of the State (or des-
13 ignee);

14 (2) the presiding officers and the minority lead-
15 ers of the State legislature (or designees);

16 (3) the chief State school officer;

17 (4) the head of the office that coordinates high-
18 er education programs in the State or, if there is no
19 such office, the head of the office designated under
20 section 2008 of the Dwight D. Eisenhower Mathe-
21 matics and Science Education Act (20 U.S.C. 2988)
22 (or designee); and

23 (5) individuals representing each of the follow-
24 ing:

25 (A) Teachers.

1 (B) School administrators.

2 (C) Local school boards.

3 (D) Parents.

4 (E) Businesses.

5 (F) State board of education.

6 (b) ADDITIONAL MEMBERS.—(1) The first meeting
7 of such panel shall be convened by the chief executive of
8 the State. At such meeting, the panel members designated
9 and nominated in subsection (a) shall select additional
10 panel members.

11 (2) The membership of the panel shall be geographi-
12 cally representative of all areas of the State.

13 (3) Following the selection of additional members, the
14 chief executive of the State shall convene a meeting of the
15 full panel to establish procedures regarding the operation
16 of subsequent meetings, including the designation of a
17 panel chairperson, consistent with applicable State law.

18 (c) DEVELOPMENT OF STATE PLAN.—(1) The panel
19 shall develop a plan that will result in—

20 (A) the establishment of State goals to maxi-
21 mize achievement for all children in conjunction with
22 national educational goals;

23 (B) the establishment of curricular frameworks
24 in specific subject matter areas that incorporate the
25 goals established under subparagraph (A);

1 (C) the development or adoption of instruc-
2 tional materials to assist the implementation of the
3 curricular frameworks;

4 (D) the allocation of resources to implement
5 such a system-wide reform plan;

6 (E) the establishment or adoption of a valid, re-
7 liable, and fair assessment system based upon the
8 curricular frameworks that is capable of accurately
9 measuring the skills and knowledge required to meet
10 State goals;

11 (F) professional development strategies nec-
12 essary for achieving the State goals;

13 (G) the establishment of a process for reviewing
14 Federal, State, and local laws and regulations and
15 for seeking waivers to Federal education laws and
16 regulations as set forth in title III of this Act;

17 (H) provides a process for selecting local edu-
18 cational agencies for participation in local system-
19 wide reform efforts;

20 (I) provides for the ongoing evaluation of the
21 effectiveness of the State plan in closing the gap be-
22 tween high and low achieving students to be as-
23 sessed using achievement and other measures such
24 as attendance, grade retention, and dropout rates;

1 (J) provides for the availability of curricular
2 frameworks, curricular materials, and professional
3 development in a manner ensuring equal access by
4 all local educational agencies in the State;

5 (K) describes the steps the State educational
6 agency shall take to ensure that successful programs
7 and practices supported by subgrants awarded to
8 local educational agencies under this title shall be
9 disseminated to other local educational agencies in
10 the State; and

11 (L) describes methods, such as interagency co-
12 operative agreements, of coordinating health and so-
13 cial services with education.

14 (2) In developing the plan, the panel shall—

15 (A) emphasize outcome measures rather than
16 prescribing how the State and local educational
17 agencies should achieve such outcomes;

18 (B) review recent innovations by other States
19 and by national professional subject matter organi-
20 zations in educational goals, curricula, and assess-
21 ment nationally;

22 (C) review existing Federal education programs
23 and how they can contribute to the State plan; and

24 (D) ensure broad-based participation through
25 regular notice and dissemination of information to

1 the public (including individuals with limited English
2 proficiency) using print and electronic media.

3 (3) Following the development of the plan, the panel
4 shall seek public comment and after providing the public
5 with an opportunity to comment on the plan, the panel
6 shall consider the public comments and make appropriate
7 changes.

8 (4) The plan shall be submitted to the State edu-
9 cational agency for review except that any changes to such
10 plan shall be made with the concurrence of the panel. Be-
11 fore any funds under this Act may be used to implement
12 the plan, the State educational agency shall submit such
13 plan to the Secretary for approval. In the event that the
14 State has previously accomplished any of the reform ac-
15 tivities required under this title in a specific subject area
16 or set of grade levels, the State is not required to include
17 them in the plan but shall include a request for a waiver,
18 including a description of such accomplishments.

19 (5)(A) The Secretary shall approve a State's plan if
20 such plan—

21 (i) meets the requirements of this section;

22 (ii) is of sufficient quality to meet the objectives
23 of this title; and

24 (iii) provides evidence that the State has, or will
25 have, the resources necessary to carry it out.

1 (B) The Secretary shall not finally disapprove a plan
2 or an amendment to such plan except after giving reason-
3 able notice, technical assistance, and an opportunity for
4 a hearing.

5 (d) REVIEW OF STATE PLAN.—The panel and the
6 State educational agency shall review on an ongoing basis,
7 the implementation of the State plan for the period during
8 which the State receives funding under this title. The re-
9 sults of such review shall be prepared in writing by the
10 panel and included by the State in its annual report to
11 the Secretary under section 213(a).

12 **SEC. 207. STATE USES OF FUNDS.**

13 (a) USES OF FUNDS.—Funds allotted by the Sec-
14 retary under section 211(a) and State and private funds
15 contributed to make up the total cost of a State program
16 as provided in section 211(b) shall be used by a State with
17 an approved application for the following purposes—

18 “(1) development and implementation of the
19 State plan, including the establishment of State
20 goals, curricular frameworks, and assessment sys-
21 tems;

22 “(2) activities of the panel (including the travel
23 expenses of the members of such panel);

24 “(3) subgrants to local educational agencies;

1 “(4) technical assistance (including dissemina-
2 tion of information) to local educational agencies to
3 assist in developing and carrying out their plans;
4 and

5 “(5) evaluation, reporting, and data collection.

6 “(b) LOCAL EDUCATIONAL AGENCIES.—In the first
7 year that a State receives an allotment under this title,
8 the State educational agency may make subgrants for the
9 purpose of developing local plans as provided in section
10 208 consistent with section 206(c)(1)(H). In the second
11 year, and in each succeeding year, from not less than 75
12 percent of the total cost of a State’s program, the State
13 educational agency shall make subgrants to local edu-
14 cational agencies which shall include at least one local edu-
15 cational agency in each congressional district which shall
16 receive a subgrant.

17 (c) SPECIAL PROVISION.—Funds available under sec-
18 tion 211 shall be used to carry out the plan in a manner
19 which ensures that all children, especially those identified
20 through the assessment process (using achievement and
21 other measures) as not achieving satisfactorily, are af-
22 forded ample opportunity to reach local, State, and
23 national goals.

1 **SEC. 208. DEVELOPMENT AND APPROVAL OF LOCAL PLANS.**

2 (a) LOCAL TASK FORCE.—(1) A local educational
3 agency which desires to receive a subgrant under this sec-
4 tion shall establish a school reform task force comprised
5 of—

6 (A) the chief elected officer of the unit of gen-
7 eral purpose local government with boundaries which
8 are most closely aligned with the geographic bound-
9 aries of the local educational agency;

10 (B) the superintendent of the local educational
11 agency;

12 (C) a representative nominated by the local
13 school board;

14 (D) a representative nominated by local teach-
15 ers;

16 (E) a representative nominated by the largest
17 business association with business members having
18 an interest in educational improvement that operate
19 in a geographic area that is most closely aligned
20 with the local educational agency; and

21 (F) a representative nominated by the parents
22 of children served in the schools.

23 (2) The first meeting of such task force shall be con-
24 vened by the superintendent to enable the committee mem-
25 bers designated and selected in paragraph (1) to select ad-

1 ditional members necessary to carry out the duties and
2 activities required by this section.

3 (3) Following the selection of the additional members,
4 the superintendent shall convene a meeting of the task
5 force to establish procedures regarding the operation of
6 subsequent meetings, including the designation of a task
7 force chairperson, consistent with applicable State and
8 local law.

9 (4) Each meeting of such task force shall be open
10 to the public.

11 (5) The task force shall develop the local plan
12 described in subsection (b).

13 (b) LOCAL PLAN.—As described in the State reform
14 plan, and consistent with the recommendations of the
15 panel established under section 206, the State shall make
16 subgrants to local educational agencies. Each subgrant
17 shall be of a sufficient amount to develop or implement
18 a locally developed plan which—

19 (1) is formally approved by the local edu-
20 cational agency;

21 (2) describes a process to ensure broad-based
22 community participation in the development of the
23 local plan;

24 (3) proposes district-wide reform which in-
25 cludes—

1 (A) the setting of local goals;

2 (B) the development or adoption of cur-
3 ricular and instructional materials which reflect
4 State goals, State curricular frameworks and
5 local goals;

6 (C) the development or adoption of an as-
7 sessment system which is curriculum based and
8 includes achievement and other indicators that
9 validly, fairly, and reliably measure progress of
10 all students (including students from non-Eng-
11 lish language backgrounds and students with
12 disabilities) toward meeting State and local
13 goals;

14 (D) the provision of teacher and adminis-
15 trator training relevant to the new curricular
16 and instructional materials; and

17 (E) a review and restructuring, if nec-
18 essary, of the administrative and staffing struc-
19 ture of the local educational agency and individ-
20 ual schools within such agency.

21 (4) describes how parents are involved in the
22 development, operation, and evaluation of programs
23 and activities assisted under this title;

24 (5) provides for the ongoing evaluation of the
25 effectiveness of the local plan in meeting State and

1 local goals and in closing the gap between high and
2 low achieving students;

3 (6) reviews existing Federal education pro-
4 grams, including early childhood education pro-
5 grams, and describes how such programs will be uti-
6 lized as part of the district reform plan;

7 (7) based on the recommendations of teachers,
8 principals and the task force, identifies provisions of
9 Federal, State, and local laws and regulations that
10 may impede the implementation of the plan and
11 seeks a waiver of such provisions as set forth in title
12 III of this Act;

13 (8) describes the process that will be used to
14 ensure that the funds received will be used to the
15 maximum extent at the local school level; and

16 (9) describes the steps the local educational
17 agency shall take to ensure that successful practices
18 supported by assistance provided to schools under
19 this title shall be disseminated to other schools in
20 the local educational agency.

21 (c) ASSISTANCE FOR LOCAL PLAN DEVELOPMENT.—
22 The State shall, upon the request of the task force of a
23 local educational agency, provide technical assistance in
24 the development of a local plan.

1 (d) SUBMISSION OF LOCAL PLAN.—(1) Prior to sub-
2 mitting the local plan to the State Panel for possible fund-
3 ing, the task force and the local education agency shall
4 hold public meetings to explain the plan to the public, seek
5 input on possible changes to the plan, and solicit input
6 from persons not involved in the development of the initial
7 plan.

8 (2) After making any changes in the plan as a result
9 of the public meetings, the local education agency and the
10 task force shall jointly submit the plan to the State Panel
11 for review and possible funding.

12 (3) Such plan shall be accompanied by any written
13 comments from individuals and groups in the community
14 that either support or oppose parts of the plan.

15 (e) ADDITIONAL SUBGRANT.—A local educational
16 agency may not receive an additional subgrant in a suc-
17 ceeding year unless such local educational agency dem-
18 onstrates substantial progress in the implementation of its
19 local plan and, after its third year of funding under this
20 title, provides evidence of improved student achievement
21 and progress toward State and local national goals.

22 (f) REVIEW OF LOCAL PLAN.—(1) The task force
23 and the local educational agency shall review, on an ongo-
24 ing basis, the progress of the local educational agency in

1 implementing the local plan for the period during which
2 such agency receives funding under this title.

3 (2) The local education agency and the task force
4 shall annually submit a joint written progress report to
5 the State panel established under section 206, and the
6 State educational agency.

7 **SEC. 209. LOCAL USES OF FUNDS.**

8 A local educational agency which receives a subgrant
9 under this title shall use the funds for the purpose of dis-
10 trict-wide reform, consistent with the State and local
11 plans. Activities authorized under this section are—

12 (1) the development and implementation of the
13 local plan;

14 (2) schools which reflect the best available
15 knowledge regarding teaching and learning for all
16 students in public schools, which use the highest
17 quality instructional materials and technologies, and
18 which are designed to meet national, State, and local
19 educational goals as well as the particular needs of
20 their students and communities;

21 (3) public school choice programs, including
22 charter schools, which permit parents to select the
23 public school their children will attend;

24 (4) systems such as performance schools and
25 performance pay which reward public schools and

1 teachers with students who, as a group, demonstrate
2 improved performance on curriculum related out-
3 come measures;

4 (5) activities that supplement early childhood
5 education programs and increase the readiness of
6 young children to learn;

7 (6) site-based management which places maxi-
8 mum decisionmaking authority at the individual
9 school level and that, at a minimum, involves teach-
10 ers and other professional staff;

11 (7) activities which maximize parental involve-
12 ment in improving the education of their children;

13 (8) coordination of health and social services
14 with education;

15 (9) planning to improve the use of technology
16 in schools;

17 (10) development or adoption, with substantial
18 involvement of principals, teachers, and other admin-
19 istrators, of curricula, instructional materials, and
20 assessment instruments which are consistent with
21 State frameworks and local goals; and

22 (11) other school reform activities which will
23 bring about comprehensive school improvement
24 through systemic change in the local educational
25 agency.

1 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

2 For the purpose of carrying out this title, there are
3 authorized to be appropriated \$200,000,000 for the fiscal
4 year 1994, and such sums as may be necessary for each
5 of the fiscal years 1995 through 2001.

6 **SEC. 211. ALLOTMENT OF FUNDS.**

7 (a) TO STATES.—(1) From funds appropriated under
8 section 210, the Secretary shall allot to the Secretary of
9 the Interior for each fiscal year an amount equal to $\frac{1}{2}$
10 of 1 percent of the funds appropriated, not to exceed
11 \$2,000,000 in any fiscal year, to benefit Indian students
12 enrolled in schools funded by the Department of the Inte-
13 rior for Indian students. The provisions of subsection (b)
14 of this section shall not apply to payments made under
15 this paragraph.

16 (2) From the remaining amount appropriated under
17 section 210, the Secretary shall make annual grants to
18 States with approved applications based upon the formula
19 established in part A of chapter 1 of title I of the Elemen-
20 tary and Secondary Education Act.

21 (b) MATCHING REQUIREMENT.—(1) The Federal
22 share under this title may not exceed—

23 (A) 100 percent of the total cost of a program
24 for the first year for which a State receives funds
25 under this title;

1 (B) 85 percent of the total cost of a program
2 for the second year for which a State receives funds
3 under this title;

4 (C) 60 percent of the total cost of a program
5 for the third year for which a State receives funds
6 under this title;

7 (D) 45 percent of the total cost of a program
8 for the fourth year for which a State receives funds
9 under this title; and

10 (E) 33 percent of the total cost of a program
11 for the fifth and any succeeding year for which a
12 State receives funds under this title.

13 (2) The remaining cost of a program that receives
14 assistance under this title shall be paid by the State from
15 State funds or Federal chapter 2 funds and may include
16 contributions from the private sector.

17 (3) The share of payments from sources other than
18 funds appropriated under this title may be in cash or in
19 kind fairly evaluated.

20 (4) The requirements of this subsection shall not
21 apply to the Virgin Islands, the Commonwealth of Puerto
22 Rico, or Pacific outlying areas.

23 (c) MAINTENANCE OF EFFORT.—A State is entitled
24 to receive its full allotment of funds under this section for
25 any fiscal year if the Secretary finds that either the com-

1 bined fiscal effort per student or the aggregate expendi-
2 tures within the State with respect to the provision of free
3 public education for the preceding fiscal year was not less
4 than 90 percent of such combined fiscal effort or aggre-
5 gate expenditures for the second preceding fiscal year.

6 (d) ADMINISTRATIVE COSTS.—From its annual allot-
7 ment, a State may reserve for administration (not to in-
8 clude the activities of the panel) an amount not to exceed
9 4 percent or \$250,000, whichever is greater.

10 (e) ASSURANCES AND TERMS.—The funds allotted to
11 the Secretary of the Interior under subsection (a)(1) shall
12 be made in a payment which shall be pursuant to an
13 agreement between the Secretary and the Secretary of the
14 Interior containing such assurances and terms as the Sec-
15 retary determines will best achieve the purposes of this
16 title.

17 **SEC. 212. AVAILABILITY OF INFORMATION AND TRAINING.**

18 (a) INFORMATION AND TRAINING.—Proportionate to
19 the number of children in a State or in a local educational
20 agency who are enrolled in private elementary or second-
21 ary schools—

22 (1) a State educational agency or local edu-
23 cational agency which uses funds under this title to
24 develop goals, curricular frameworks, curricular ma-
25 terials, and assessments shall, upon request, make

1 information related to such goals, frameworks, mate-
2 rials, and assessments available to private schools;
3 and

4 (2) a State educational agency or local edu-
5 cational agency which uses funds under this title for
6 teacher and administrator training shall provide in
7 its plan for the training of teachers and administra-
8 tors of private schools located in the geographical
9 area served by such agency.

10 (b) WAIVER.—If, by reason of any provisions of law,
11 a State or local educational agency is prohibited from pro-
12 viding for the equitable participation of teachers and ad-
13 ministrators from private schools in training programs as-
14 sisted with Federal funds provided under this title, or if
15 the Secretary determines that a State or local educational
16 agency has substantially failed or is unwilling to provide
17 for such participation, the Secretary shall waive such re-
18 quirements and shall arrange for the provision of training
19 consistent with State goals and curricular frameworks for
20 such teachers and administrators. Such waivers shall be
21 subject to consultation, withholding, notice, and judicial
22 review in accordance with section 1017 of this Act.

1 **SEC. 213. ANNUAL PROGRESS REPORTS: TECHNICAL AS-**
2 **SISTANCE.**

3 A State which receives funds under this title shall
4 annually report to the Secretary—

5 (1) regarding such State's progress in meeting
6 its goals and plan; and

7 (2) describing proposed activities for the suc-
8 ceeding year.

9 **SEC. 214. EVALUATION AND DISSEMINATION.**

10 (a) EVALUATION.—The Secretary shall evaluate a
11 representative sample of such State and local reform ef-
12 forts over the course of the 10-year authorization in order
13 to assess the effectiveness of such plans and activities in
14 improving the education performance of all children. Such
15 evaluations shall specifically examine the effects of such
16 activities on disadvantaged students. The Secretary may
17 reserve up to $\frac{3}{4}$ of one percent of the appropriations for
18 this title to carry out this section provided that $\frac{1}{2}$ of one
19 percent of such appropriation shall be reserved for tech-
20 nical assistance under section 213(c) and for subsection
21 (c) of this section.

22 (b) DISSEMINATION.—The Secretary shall, annually
23 and upon request, disseminate to the States information
24 on approaches and materials developed under this title or
25 through related efforts.

1 **SEC. 215. REPORT TO CONGRESS.**

2 The Secretary shall submit annually to the chair-
3 person of the Committee on Education and Labor of the
4 House of Representatives and the Committee on Labor
5 and Human Resources of the Senate a report that con-
6 tains—

7 (1) a description of the progress that States re-
8 ceiving funds under this title have made in develop-
9 ing and implementing their plans; and

10 (2) information from State and local reports re-
11 garding requirements in Federal law or regulation
12 which have been identified by States and local edu-
13 cational agencies as impeding the system-wide re-
14 form schools under this title.

15 **SEC. 216. GENERAL PROVISIONS.**

16 Nothing in this title shall—

17 (1) supersede State law; or

18 (2) be construed to authorize any department,
19 agency, officer, or employee of the Federal Govern-
20 ment to—

21 (A) exercise any control over the curricu-
22 lum, program of instruction, administration or
23 personnel of any educational institution or
24 school system; or

25 (B) prescribe the use of a particular exam-
26 ination or standards.

1 **SEC. 217. DEFINITIONS.**

2 For purposes of this title:

3 (1) The term “assessment system” means a
4 system for measuring the abilities and academic
5 achievement of students that is based upon a set of
6 curricular frameworks and the expected outcomes
7 embodied therein.

8 (2) The term “curricular framework” means a
9 description, in a particular subject area, of the
10 knowledge and skills children should acquire at each
11 grade level.

12 (3) The term “Pacific outlying area” means
13 American Samoa, Guam, the Commonwealth of the
14 Northern Mariana Islands, and the Republic of
15 Palau (until such time as the compact of Free
16 Association is ratified).

17 **TITLE III—FREEDOM TO IM-**
18 **PROVE EDUCATIONAL**
19 **ACHIEVEMENT**

20 **SEC. 301. PURPOSE.**

21 It is the purpose of this title to allow States, local
22 educational agencies, and schools the flexibility to use and
23 combine Federal, State, and local funds to improve the
24 educational achievement of all elementary and secondary
25 school students, including students with disabilities, stu-
26 dents who are disadvantaged, and students who are lim-

1 ited English proficient, and to help schools and students
2 meet the National Education Goals by waiving certain
3 statutory and regulatory requirements. Such waivers shall
4 maintain appropriate protections with respect to civil
5 rights, discrimination, and safety.

6 **SEC. 302. PROGRAM AUTHORIZED.**

7 (a) EDUCATION PROGRAMS.—The Secretary of Edu-
8 cation is authorized to waive certain Federal statutory and
9 regulatory requirements (except as provided in section
10 304) for States, local educational agencies, and schools
11 that can demonstrate that such waivers are part of efforts
12 to achieve education reform and meet the National Edu-
13 cation Goals for all students, where such waivers are part
14 of a State or local systemic reform plan, and where such
15 States and local educational agencies have implemented
16 similar waiver plans.

17 (b) ADDITIONAL PROGRAMS.—Waivers may also be
18 requested for requirements regarding the following pro-
19 grams:

- 20 (1) The Head Start Act.
- 21 (2) The Runaway and Homeless Youth Act.
- 22 (3) The Juvenile Justice and Delinquency Pre-
23 vention Act.
- 24 (4) The National School Lunch Act.
- 25 (5) The School Breakfast Program.

1 (6) The Child and Adult Care Food Program.

2 (7) The Special School Milk Program.

3 (8) The Summer Food Service Program.

4 (9) The Community Services Block Grant Pro-
5 gram.

6 If such waivers are requested, the Secretary shall consult
7 with the heads of other appropriate Federal agencies, if
8 any, in determining whether to approve a project. The
9 Secretary shall obtain the approval of such agency head
10 as part of final approval of such project.

11 **SEC. 303. APPLICATIONS.**

12 (a) GENERAL REQUIREMENTS.—A school, local edu-
13 cational agency, or State that desires to receive a waiver
14 under this part shall—

15 (1) indicate which Federal requirements are to
16 be waived and how waiving such requirements will
17 improve educational achievement among all students;

18 (2) describe educational programs and goals
19 being proposed and how such programs will meet the
20 needs of all students;

21 (3) identify the Federal programs to be in-
22 cluded in the project;

23 (4) indicate which State and local requirements
24 to be waived;

1 (5) describe specific, measurable educational
2 improvement goals and expected outcomes for all af-
3 fected students;

4 (6) describe methods to be used to measure
5 progress toward meeting such goals;

6 (7) describe how programs will continue to
7 focus on the same populations served by programs
8 for which waivers are requested;

9 (8) describe how students not now eligible for
10 programs for which waivers are granted can be
11 served without weakening the program benefits for
12 eligible populations; and

13 (9) describe the student population at proposed
14 schools, including—

15 (A) current data regarding the achieve-
16 ment levels of students, particularly disadvan-
17 tagged students;

18 (B) the number of students who—

19 (i) are of limited English proficiency,
20 as defined in section 7003(a)(1) of the Bi-
21 lingual Education Act;

22 (ii) are children with disabilities, as
23 defined in section 602(a)(1) of the Individ-
24 uals with Disabilities Education Act;

1 (iii) are currently or were, within the
2 past 5 years, migratory;

3 (iv) are educationally disadvantaged
4 for the purposes of chapter 1 of title I of
5 the Elementary and Secondary Education
6 Act of 1965; and

7 (v) are eligible for a free or reduced-
8 price lunch.

9 (b) ADDITIONAL REQUIREMENTS.—The Secretary of
10 Education may include additional requirements as may
11 reasonably be required.

12 (c) INDIVIDUAL SCHOOL APPLICATIONS.—A local
13 school that desires to receive a waiver under this title shall
14 submit an application to the local educational agency,
15 which, after review, shall submit such application to the
16 State educational agency.

17 (d) LOCAL APPLICATIONS.—(1) A local educational
18 agency that desires to receive a waiver under this title
19 shall submit an application to the State educational
20 agency for review.

21 (2) A State educational agency that approves an ap-
22 plication submitted by a local educational agency shall for-
23 ward such application to the Secretary of Education for
24 consideration, unless such application requires waivers for
25 programs other than education programs.

1 (3) An application that requests a waiver for a pro-
2 gram other than an education program shall be submitted
3 to the chief executive of the State and such executive shall
4 forward such application to the Secretary of Education.

5 (e) STATE APPLICATIONS.—(1) A State educational
6 agency that desires to receive a waiver under this title
7 shall submit an application to the Secretary of Education
8 for consideration, unless such application requires waivers
9 for other than education programs.

10 (2) Such application shall be submitted to the chief
11 executive of the State for review before forwarding such
12 application to the Secretary of Education.

13 **SEC. 304. WAIVER RESTRICTIONS.**

14 Nothing in this section shall be construed to author-
15 ize any changes in, substitutions for, or lessening of the
16 protections of Federal laws and regulations regarding civil
17 rights, discrimination, and safety or to affect regulations
18 and prohibitions concerning the diversion of Federal funds
19 for private use. Requirements which shall not be waived
20 include—

21 (1) requirements governing fund allocations;

22 (2) requirements governing privacy of pupil
23 records;

24 (3) requirements under title VI of the Civil
25 Rights Act of 1964;

1 (4) provisions of section 504 of the Rehabilita-
2 tion Act of 1973;

3 (5) provisions of title II of the Americans with
4 Disabilities Act;

5 (6) requirements of title IX of the Education
6 Amendments of 1972;

7 (7) requirements of parts A, B, and H under
8 the Individuals with Disabilities Education Act;

9 (8) requirements governing—

10 (A) maintenance of effort;

11 (B) comparability; or

12 (C) the equitable participation of students
13 attending private schools; and

14 (9) requirements on parental participation and
15 involvement.

16 **SEC. 305. EVALUATIONS AND TECHNICAL ASSISTANCE.**

17 (a) **WAIVERS.**—Three years after a waiver is provided
18 to a school or local educational agency, the Secretary of
19 Education shall evaluate the effectiveness of such waiver,
20 based on reports and evaluations conducted by the State
21 educational agency, in meeting the goals outlined in their
22 application, in achieving educational reform, in raising
23 student achievement for all students, including students
24 with disabilities, students who are disadvantaged, and stu-

1 dents who are limited English proficient, and in meeting
2 the National Education Goals.

3 (b) TECHNICAL ASSISTANCE.—If the Secretary de-
4 termines that progress in achieving education reform is
5 not satisfactory, the Secretary may provide technical as-
6 sistance to a school or local educational agency.

7 (c) TERMINATION.—If the Secretary determines that
8 the technical assistance does not improve education reform
9 efforts, the Secretary may immediately terminate any
10 waivers previously granted.

11 (d) NATIONAL EVALUATION.—Three years after the
12 flexibility program is implemented and at the end of every
13 succeeding 3-year period, the Secretary shall evaluate the
14 effectiveness of the flexibility program nationwide. The
15 findings of such evaluation shall be submitted to the Con-
16 gress not later than 120 days after such evaluation is
17 completed.

18 **SEC. 306. REPORTS.**

19 (a) LOCAL REPORTS.—A local educational agency or
20 school that participates in a flexibility project under this
21 title shall submit an annual report to the State educational
22 agency that—

23 (1) describes project activities;

24 (2) evaluates the progress in achieving the goals
25 stated in the application; and

1 (3) evaluates the effectiveness of coordinating
2 services for students and their families.

3 (b) STATE REPORTS.—(1) A State that participates
4 in a flexibility project under this title shall submit an an-
5 nual report to the Secretary of Education which evaluates
6 the progress in achieving goals stated in the application.

7 (2) The State Educational Agency, upon receipt of
8 reports of local educational agencies or schools participat-
9 ing in a flexibility project, shall review such documents
10 and evaluate the progress of such programs in elevating
11 academic achievement for all students, accomplishing edu-
12 cation reform and meeting the National Education Goals.
13 Such reports and evaluations shall be submitted to the
14 Secretary of Education on an annual basis.

15 (c) SECRETARY REPORTS.—The Secretary of Edu-
16 cation shall submit to the Congress a biennial report,
17 based on State reports, regarding the national progress
18 of flexibility programs and the effect of such programs on
19 improving educational achievement for all students and
20 meeting the National Education Goals. The Secretary
21 shall disseminate information on exemplary practices
22 through the National Diffusion Network.

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