

103D CONGRESS
1ST SESSION

H. R. 1804

AN ACT

To improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

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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 “Goals 2000: Educate
5 America Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to provide a framework
8 for meeting the National Education Goals established by
9 title I of this Act by—

10 (1) promoting coherent, nationwide, systemic
11 education reform;

1 (2) improving the quality of learning and teach-
2 ing in the classroom and in the workplace;

3 (3) defining appropriate and coherent Federal,
4 State, and local roles and responsibilities for edu-
5 cation reform and lifelong learning;

6 (4) establishing valid, reliable, and fair mecha-
7 nisms for—

8 (A) building a broad national consensus on
9 American education reform;

10 (B) assisting in the development and cer-
11 tification of high-quality, internationally com-
12 petitive content and student performance stand-
13 ards;

14 (C) assisting in the development and cer-
15 tification of opportunity-to-learn standards; and

16 (D) assisting in the development and cer-
17 tification of high-quality assessment measures
18 that reflect the internationally competitive con-
19 tent and student performance standards;

20 (5) supporting new initiatives at the Federal,
21 State, local, and school levels to provide equal edu-
22 cational opportunity for all students to meet high
23 standards and to succeed in the world of employ-
24 ment and civic participation;

1 (6) providing a framework for the reauthoriza-
2 tion of all Federal education programs by—

3 (A) creating a vision of excellence and eq-
4 uity that will guide all Federal education and
5 related programs;

6 (B) providing for the establishment of
7 high-quality, internationally competitive content
8 and student performance standards that all stu-
9 dents will be expected to achieve;

10 (C) providing for the establishment of high
11 quality, internationally competitive opportunity-
12 to-learn standards that all States, local edu-
13 cational agencies, and schools should achieve;

14 (D) encouraging and enabling all State
15 educational agencies and local educational agen-
16 cies to develop comprehensive improvement
17 plans that will provide a coherent framework
18 for the implementation of reauthorized Federal
19 education and related programs in an inte-
20 grated fashion that effectively educates all chil-
21 dren enabling them to participate fully as work-
22 ers, parents, and citizens; and

23 (E) providing resources to help individual
24 schools, including those serving students with

1 high needs, develop and implement comprehen-
2 sive improvement plans;

3 (7) stimulating the development and adoption
4 of a voluntary national system of skill standards and
5 certification to serve as a cornerstone of the national
6 strategy to enhance workforce skills; and

7 (8) assisting every elementary and secondary
8 school that receives funds under this Act to actively
9 involve parents and families in supporting the aca-
10 demic work of their children at home and in provid-
11 ing parents with skills to advocate for their children
12 at school.

13 **TITLE I—NATIONAL EDUCATION** 14 **GOALS**

15 **SEC. 101. PURPOSE.**

16 The purpose of this title is to establish national edu-
17 cation goals.

18 **SEC. 102. NATIONAL EDUCATION GOALS.**

19 The Congress declares that the National Education
20 Goals are the following:

21 (1) SCHOOL READINESS.—(A) By the year
22 2000, all children in America will start school ready
23 to learn.

24 (B) The objectives for this goal are that—

1 (i) all children will have access to high-
2 quality and developmentally appropriate pre-
3 school programs that help prepare children for
4 school;

5 (ii) every parent in America will be a
6 child's first teacher and devote time each day to
7 helping his or her preschool child learn, and
8 parents will have access to the training and
9 support they need; and

10 (iii) all children will receive the nutrition
11 and health care needed to arrive at school with
12 healthy minds and bodies, and to maintain the
13 mental alertness necessary to be prepared to
14 learn, and the number of low-birthweight babies
15 will be significantly reduced through enhanced
16 prenatal health systems.

17 (2) SCHOOL COMPLETION.—(A) By the year
18 2000, the high school graduation rate will increase
19 to at least 90 percent.

20 (B) The objectives for this goal are that—

21 (i) the Nation must dramatically reduce its
22 dropout rate, and 75 percent of those students
23 who do drop out will successfully complete a
24 high school degree or its equivalent; and

1 (ii) the gap in high school graduation rates
2 between American students from minority back-
3 grounds and their non-minority counterparts
4 will be eliminated.

5 (3) STUDENT ACHIEVEMENT AND CITIZEN-
6 SHIP.—(A) By the year 2000, all students will leave
7 grades 4, 8, and 12 having demonstrated com-
8 petency over challenging subject matter including
9 English, mathematics, science, foreign languages,
10 civics and government, arts, history, and geography,
11 and every school in America will ensure that all stu-
12 dents learn to use their minds well, so they may be
13 prepared for responsible citizenship, further learn-
14 ing, and productive employment in our modern econ-
15 omy.

16 (B) The objectives for this goal are that—

17 (i) the academic performance of all stu-
18 dents at the elementary and secondary level will
19 increase significantly in every quartile, and the
20 distribution of minority students in each level
21 will more closely reflect the student population
22 as a whole;

23 (ii) the percentage of all students who
24 demonstrate the ability to reason, solve prob-

1 lems, apply knowledge, and write and commu-
2 nicate effectively will increase substantially;

3 (iii) all students will be involved in activi-
4 ties that promote and demonstrate good citizen-
5 ship, community service, and personal respon-
6 sibility;

7 (iv) all students will have access to phys-
8 ical education and health education to ensure
9 they are healthy and fit;

10 (v) the percentage of all students who are
11 competent in more than one language will sub-
12 stantially increase; and

13 (vi) all students will be knowledgeable
14 about the diverse cultural heritage of this Na-
15 tion and about the world community.

16 (4) TEACHER EDUCATION AND PROFESSIONAL
17 DEVELOPMENT.—(A) By the year 2000, the Na-
18 tion's teaching force will have access to programs for
19 the continued improvement of their professional
20 skills and the opportunity to acquire the knowledge
21 and skills needed to instruct and prepare all Amer-
22 ican students for the next century.

23 (B) The objectives of this goal are that—

24 (i) every State will establish opportunity-
25 to-learn standards and create an integrated

1 strategy to attract, recruit, prepare, retrain,
2 and support the continued professional develop-
3 ment of teachers, administrators, and other
4 educators, so that there is a highly talented
5 workforce of professional educators to teach
6 challenging standards;

7 (ii) subgrants for preservice teacher edu-
8 cation and professional development activity will
9 be made to local educational agencies, institu-
10 tions of higher education, private nonprofit or-
11 ganizations, or consortia of such organizations,
12 to support continuing, sustained, professional
13 development activities for all educators; and

14 (iii) partnerships shall be established,
15 whenever possible, between local educational
16 agencies, institutions of higher education, local
17 labor, business, and professional associations to
18 provide and support programs for the profes-
19 sional development of educators, particularly in
20 the area of emerging new technologies in edu-
21 cation.

22 (5) MATHEMATICS AND SCIENCE.—(A) By the
23 year 2000, United States students will be first in the
24 world in mathematics and science achievement.

25 (B) The objectives for this goal are that—

1 (i) math and science education, including
2 the metric system of measurement, will be
3 strengthened throughout the system, especially
4 in the early grades;

5 (ii) the number of teachers with a sub-
6 stantive background in mathematics and
7 science, including the metric system of meas-
8 urement, will increase by 50 percent; and

9 (iii) the number of United States under-
10 graduate and graduate students, especially
11 women and minorities, who complete degrees in
12 mathematics, science, and engineering will in-
13 crease significantly.

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

19 (B) The objectives for this goal are that—

20 (i) every major American business will be
21 involved in strengthening the connection be-
22 tween education and work;

23 (ii) all workers will have the opportunity to
24 acquire the knowledge and skills, from basic to
25 highly technical, needed to adapt to emerging

1 new technologies, work methods, and markets
2 through public and private educational, voca-
3 tional, technical, workplace, or other programs;

4 (iii) the number of quality programs, in-
5 cluding those at libraries, that are designed to
6 serve more effectively the needs of the growing
7 number of part-time and midcareer students
8 will increase substantially;

9 (iv) the proportion of those qualified stu-
10 dents, especially minorities, who enter college,
11 who complete at least two years, and who com-
12 plete their degree programs will increase sub-
13 stantially;

14 (v) the proportion of college graduates who
15 demonstrate an advanced ability to think criti-
16 cally, communicate effectively, and solve prob-
17 lems will increase substantially; and

18 (vi) schools, in implementing comprehen-
19 sive parent involvement programs, will offer
20 more adult literacy, parent training and life-
21 long learning opportunities to improve the ties
22 between home and school, and enhance parents'
23 work and home lives.

24 (7) SAFE, DISCIPLINED, AND DRUG-FREE
25 SCHOOLS.—(A) By the year 2000, every school in

1 America will be free of drugs and violence and will
2 offer a disciplined environment conducive to learn-
3 ing.

4 (B) The objectives for this goal are that—

5 (i) every school will implement a firm and
6 fair policy on use, possession, and distribution
7 of drugs and alcohol;

8 (ii) parents, businesses, and community or-
9 ganizations will work together to ensure the
10 rights of students to study in a safe and secure
11 environment that is free of drugs and crime;

12 (iii) every school district will develop a
13 comprehensive K–12 drug and alcohol preven-
14 tion education program. Drug and alcohol cur-
15 ricula should be taught as an integral part of
16 health education. In addition, community-based
17 teams should be organized to provide all stu-
18 dents and teachers with needed support; and

19 (iv) every school district will develop and
20 implement a policy to ensure that all schools
21 are free of weapons and violence.

22 (8) SCHOOL AND HOME PARTNERSHIP.—(A) By
23 the year 2000, every school and home will engage in
24 partnerships that will increase parental involvement

1 and participation in promoting the social, emotional,
2 and academic growth of children.

3 (B) The objectives for this goal are that—

4 (i) every State will develop policies to as-
5 sist local schools and local educational agencies
6 to establish programs for increasing partner-
7 ships that respond to the varying needs of par-
8 ents and the home, including parents of chil-
9 dren who are disadvantaged, bilingual, or dis-
10 abled;

11 (ii) every school will actively engage par-
12 ents and families in a partnership which sup-
13 ports the academic work of children at home
14 and shared educational decision making at
15 school;

16 (iii) every home will be responsible for cre-
17 ating an environment of respect for education
18 and providing the physical and emotional sup-
19 port needed for learning; and

20 (iv) parents and families will help to en-
21 sure that schools are adequately supported and
22 will hold schools and teachers to high standards
23 of accountability.

1 **TITLE II—NATIONAL EDUCATION**
2 **REFORM, LEADERSHIP,**
3 **STANDARDS, AND ASSESS-**
4 **MENTS**

5 **PART A—NATIONAL EDUCATION GOALS PANEL**

6 **SEC. 201. PURPOSE.**

7 It is the purpose of this part to establish a bipartisan
8 mechanism for—

9 (1) building a national consensus for education
10 improvement;

11 (2) reporting on progress toward achieving the
12 National Education Goals; and

13 (3) reviewing the voluntary national content
14 and student performance standards and opportunity-
15 to-learn standards certified by the National Edu-
16 cation Standards and Improvement Council, as well
17 as the criteria for their certification, and the criteria
18 for the certification of State assessments by the Na-
19 tional Education Standards and Improvement Coun-
20 cil with the option of disapproving such standards
21 and criteria not later than 60 days after receipt
22 from such Council.

23 **SEC. 202. NATIONAL EDUCATION GOALS PANEL.**

24 (a) ESTABLISHMENT.—There is established in the ex-
25 ecutive branch a National Education Goals Panel (referred

1 to in this Act as the “Goals Panel”) to advise the Presi-
2 dent, the Secretary, and the Congress.

3 (b) COMPOSITION.—The Goals Panel shall be com-
4 posed of eighteen members (referred to in this part as
5 “members”), including—

6 (1) two members appointed by the President;

7 (2) eight members who are Governors, three of
8 whom shall be from the same political party as the
9 President and five of whom shall be of the opposite
10 political party of the President, appointed by the
11 Chairperson and Vice Chairperson of the National
12 Governors’ Association, with each appointing rep-
13 resentatives of his or her respective political party,
14 in consultation with each other;

15 (3) four Members of Congress appointed as fol-
16 lows—

17 (A) one member appointed by the majority
18 leader of the Senate from among the Members
19 of the Senate;

20 (B) one member appointed by the minority
21 leader of the Senate from among the Members
22 of the Senate;

23 (C) one member appointed by the majority
24 leader of the House of Representatives from

1 among the Members of the House of Represent-
2 atives; and

3 (D) one member appointed by the minority
4 leader of the House of Representatives from
5 among the Members of the House of Represent-
6 atives; and

7 (4) four members of State legislatures ap-
8 pointed by the President of the National Conference
9 of State Legislatures, of whom not more than two
10 may be of the same political party as the President
11 of the United States.

12 (c) SPECIAL APPOINTMENT RULES.—(1) The mem-
13 bers appointed pursuant to subsection (b)(2) shall be ap-
14 pointed as follows:

15 (A) If the Chairperson of the National Gov-
16 ernors' Association is from the same political party
17 as the President, the Chairperson shall appoint three
18 individuals and the Vice Chairperson shall appoint
19 five individuals.

20 (B) If the Chairperson of the National Gov-
21 ernors' Association is from the opposite political
22 party as the President, the Chairperson shall ap-
23 point five individuals and the Vice Chairperson shall
24 appoint three individuals.

1 (2) If the National Governors' Association has ap-
2 pointed a panel that meets the requirements of subsections
3 (b) and (c), except for the requirements of subsection
4 (b)(4), prior to the date of enactment of this title, then
5 the members serving on such panel shall be deemed to be
6 in compliance with subsections (b) and (c) and shall not
7 be required to be reappointed pursuant to such sub-
8 sections.

9 (3) To the extent feasible, the membership of the
10 Goals Panel shall be geographically representative and re-
11 flect the racial, ethnic, and gender diversity of the United
12 States.

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

15 (1) Members appointed under subsection (b)(1)
16 shall serve at the pleasure of the President.

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

22 (3) Members appointed under subsection (b) (3)
23 and (4) shall serve a term of two years.

1 (e) DATE OF APPOINTMENT.—The initial members
2 shall be appointed not later than sixty days after the date
3 of enactment of this Act.

4 (f) INITIATION.—The Goals Panel may begin to carry
5 out its duties under this part when ten members of the
6 Goals Panel have been appointed.

7 (g) VACANCIES.—A vacancy on the Goals Panel shall
8 not affect the powers of the Goals Panel, but shall be filled
9 in the same manner as the original appointment.

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

16 (i) CHAIRPERSON.—From among the members, the
17 President shall appoint the Chairperson who shall serve
18 a one-year term and shall alternate between political par-
19 ties.

20 (j) CONFLICT OF INTEREST.—A member of the Goals
21 Panel who is an elected official of a State which has devel-
22 oped content, student performance, or opportunity-to-
23 learn standards may not participate in Goals Panel consid-
24 eration of such standards.

1 (k) EX OFFICIO MEMBER.—If the President has not
2 appointed the Secretary of Education as 1 of the 2 mem-
3 bers he appoints pursuant to subsection (b)(1), then the
4 Secretary shall serve as a nonvoting ex officio member of
5 the Goals Panel.

6 **SEC. 203. DUTIES.**

7 (a) DUTIES.—The Goals Panel shall—

8 (1) report to the President, the Secretary, and
9 the Congress regarding the progress the Nation and
10 the States are making toward achieving the National
11 Education Goals established under title I of this Act,
12 including issuing an annual report;

13 (2) report on State opportunity-to-learn stand-
14 ards and the progress of States in meeting such
15 standards;

16 (3) review, after taking into consideration the
17 public comments received pursuant to section 216,
18 with the option of disapproving by a two-thirds ma-
19 jority vote of the full membership not later than 60
20 days after receipt of the—

21 (A) criteria developed by the National
22 Education Standards and Improvement Council
23 for the certification of content and student per-
24 formance standards, assessments, and oppor-
25 tunity-to-learn standards; and

1 (B) voluntary national content and student
2 performance standards and opportunity-to-learn
3 standards certified by the National Education
4 Standards and Improvement Council;

5 (4) report on promising or effective actions
6 being taken at the national, State, and local levels,
7 in the public and private sectors, to achieve the Na-
8 tional Education Goals; and

9 (5) help build a nationwide, bipartisan consen-
10 sus for the reforms necessary to achieve the Na-
11 tional Education Goals.

12 (b) REPORT.—(1) The Goals Panel shall annually
13 prepare and submit to the President, the Secretary, the
14 appropriate committees of Congress, and the Governor of
15 each State a report that shall—

16 (A) report on the progress of the United States
17 toward achieving the National Education Goals;

18 (B) identify actions that should be taken by
19 Federal, State, and local governments to enhance
20 progress toward achieving the National Education
21 Goals and State opportunity-to-learn standards; and

22 (C) report on State opportunity-to-learn stand-
23 ards and the progress of States in meeting such
24 standards.

1 (2) Reports shall be presented in a form, and include
2 data, that is understandable to parents and the general
3 public.

4 **SEC. 204. POWERS OF THE GOALS PANEL.**

5 (a) HEARINGS.—(1) The Goals Panel shall, for the
6 purpose of carrying out this part, conduct such hearings,
7 sit and act at such times and places, take such testimony,
8 and receive such evidence, as the Goals Panel considers
9 appropriate.

10 (2) In carrying out this part, the Goals Panel shall
11 conduct hearings to receive reports, views, and analyses
12 of a broad spectrum of experts and the public on the es-
13 tablishment of voluntary national content and student per-
14 formance standards, assessments, and opportunity-to-
15 learn standards.

16 (b) INFORMATION.—The Goals Panel may secure di-
17 rectly from any department or agency of the United States
18 information necessary to enable the Goals Panel to carry
19 out this part. Upon request of the Chairperson of the
20 Goals Panel, the head of a department or agency shall
21 furnish such information to the Goals Panel to the extent
22 permitted by law.

23 (c) POSTAL SERVICES.—The Goals Panel may use
24 the United States mail in the same manner and under the

1 same conditions as other departments and agencies of the
2 United States.

3 (d) USE OF FACILITIES.—The Goals Panel may, with
4 consent, use the research, equipment, services, and facili-
5 ties of any agency or instrumentality of the United States,
6 or of any State or political subdivision thereof.

7 (e) ADMINISTRATIVE ARRANGEMENTS AND SUP-
8 PORT.—(1) The Secretary shall provide to the Goals
9 Panel, on a reimbursable basis, such administrative sup-
10 port services as the Goals Panel may request.

11 (2) The Secretary shall, to the extent appropriate,
12 and on a reimbursable basis, make contracts and other
13 arrangements that are requested by the Goals Panel to
14 help it compile and analyze data or carry out other func-
15 tions necessary to the performance of such responsibilities.

16 **SEC. 205. ADMINISTRATIVE PROVISIONS.**

17 (a) MEETINGS.—The Goals Panel shall meet on a
18 regular basis, as necessary, at the call of the Chairperson
19 of the Goals Panel or a majority of its members.

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

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

24 (d) PUBLIC ACCESS.—The Goals Panel shall ensure
25 public access to its proceedings (other than proceedings,

1 or portions of proceedings, relating to internal personnel
2 and management matters) and make available to the pub-
3 lic, at reasonable cost, transcripts of such proceedings.

4 **SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
5 **ANTS.**

6 (a) DIRECTOR.—The Chairperson of the Goals Panel
7 shall, without regard to the provisions of title 5, United
8 States Code, relating to the appointment and compensa-
9 tion of officers or employees of the United States, appoint
10 a Director to be paid at a rate not to exceed the rate of
11 basic pay payable for level V of the Executive Schedule.

12 (b) APPOINTMENT AND PAY OF EMPLOYEES.—
13 (1)(A) The Director may appoint not more than four addi-
14 tional employees to serve as staff to the Goals Panel with-
15 out regard to the provisions of title 5, United States Code,
16 governing appointments in the competitive service.

17 (B) The employees appointed under paragraph (1)(A)
18 may be paid without regard to the provisions of chapter
19 51 and subchapter III of chapter 53 of that title relating
20 to classification and General Schedule pay rates, but shall
21 not be paid a rate that exceeds the maximum rate of basic
22 pay payable for GS–15 of the General Schedule.

23 (2) The Director may appoint additional employees
24 to serve as staff to the Goals Panel consistent with title
25 5, United States Code.

1 (c) EXPERTS AND CONSULTANTS.—The Goals Panel
2 may procure temporary and intermittent services of ex-
3 perts and consultants under section 3109(b) of title 5,
4 United States Code.

5 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
6 quest of the Goals Panel, the head of any department or
7 agency of the United States may detail any of the person-
8 nel of such agency to the Goals Panel to assist the Goals
9 Panel in its duties under this part.

10 **SEC. 207. EARLY CHILDHOOD ASSESSMENT.**

11 (a) GENERAL.—(1) The Goals Panel shall support
12 the work of its Resource and Technical Planning Groups
13 on School Readiness (referred to in this section as the
14 Groups) to improve the methods of assessing the readiness
15 of children for school that would lead to alternatives to
16 currently used norm-referenced early childhood assess-
17 ments.

18 (2) The Groups shall—

19 (A) create clear guidelines regarding the na-
20 ture, functions, and uses of early childhood assess-
21 ments, including a model of school readiness that
22 addresses a broad range of early childhood devel-
23 opmental needs;

24 (B) monitor and evaluate early childhood as-
25 sessments, including the ability of existing assess-

1 ments to provide valid information on the readiness
2 of children for school; and

3 (C) monitor and report on the long-term collec-
4 tion of data on the status of young children to im-
5 prove policy and practice, including the need for new
6 sources of data necessary to assess the broad range
7 of early childhood developmental needs.

8 (b) ADVICE.—The Groups shall advise and assist the
9 Congress, the Secretary, the Goals Panel, and others re-
10 garding how to improve the assessment of young children
11 and how such assessments can improve services to chil-
12 dren.

13 (c) REPORT.—The Goals Panel shall provide reports
14 on the work of the Groups to the Congress, the Secretary,
15 and the public.

16 **PART B—NATIONAL EDUCATION STANDARDS**
17 **AND IMPROVEMENT COUNCIL**

18 **SEC. 211. PURPOSE.**

19 The purpose of this part is to establish a mechanism
20 to—

21 (1) certify and regularly review voluntary na-
22 tional content and student performance standards
23 that define what all students should know and be
24 able to do;

1 (2) certify content and student performance
2 standards submitted by States on a voluntary basis,
3 if such standards are of equal or higher quality to
4 the voluntary national content and student perform-
5 ance standards certified by the National Education
6 Standards and Improvement Council;

7 (3) certify and regularly review voluntary na-
8 tional opportunity-to-learn standards that describe
9 the conditions of teaching and learning necessary for
10 all students to have a fair opportunity to achieve the
11 knowledge and skills described in the voluntary na-
12 tional content and student performance standards
13 certified by the National Education Standards and
14 Improvement Council;

15 (4) certify opportunity-to-learn standards sub-
16 mitted by States on a voluntary basis, if such stand-
17 ards are of equal or higher quality as compared with
18 the voluntary national opportunity-to-learn stand-
19 ards; and

20 (5) certify assessment systems submitted by
21 States on a voluntary basis, if such systems are
22 aligned with State content standards certified by the
23 National Education Standards and Improvement
24 Council and if such systems are valid, reliable, and
25 consistent with relevant, nationally recognized, pro-

1 professional and technical standards for assessment
2 when used for their intended purposes.

3 **SEC. 212. NATIONAL EDUCATION STANDARDS AND IM-**
4 **PROVEMENT COUNCIL.**

5 (a) ESTABLISHMENT.—There is established in the ex-
6 ecutive branch a National Education Standards and Im-
7 provement Council (referred to in this title as the
8 “Council”).

9 (b) COMPOSITION.—The Council shall be composed
10 of twenty members (referred to in this part as “mem-
11 bers”) who shall be appointed as follows:

12 (1) 8 members (2 from each of subparagraphs
13 (A) through (D) of subsection (c)(1)) shall be ap-
14 pointed by the President;

15 (2) 4 members (1 from each of subparagraphs
16 (A) through (D) of subsection (c)(1)) shall be ap-
17 pointed by the Speaker of the House of Representa-
18 tives, in consultation with the majority and minority
19 leaders of the House;

20 (3) 4 members (1 from each of subparagraphs
21 (A) through (D) of subsection (c)(1)) shall be ap-
22 pointed by the majority leader of the Senate, in con-
23 sultation with the minority leader of the Senate; and

1 (4) 4 members (1 from each of subparagraphs
2 (A) through (D) of subsection (c)(1)) shall be ap-
3 pointed by the National Education Goals Panel.

4 (c) QUALIFICATIONS.—(1) The members of the
5 Council shall include—

6 (A) 5 professional educators, including elemen-
7 tary and secondary classroom teachers, preschool
8 educators and other school-based professionals, local
9 district or State administrators, related service per-
10 sonnel, and other educators;

11 (B) 5 representatives of business and industry,
12 organized labor, and postsecondary educational insti-
13 tutions, including at least 1 representative of post-
14 secondary educational institutions, at least 1 rep-
15 resentative of organized labor, and at least 1 rep-
16 resentative of business who is also a member of the
17 National Skill Standards Board;

18 (C) 5 representatives of the public, including
19 representatives of advocacy, civil rights and disabil-
20 ity groups, parents, civic leaders, and local and State
21 education policymakers (including State, local, or
22 tribal school boards); and

23 (D) 5 education experts, including experts in
24 measurement and assessment, curriculum, school fi-
25 nance and equity, and school reform.

1 (2) To the extent feasible, the membership of the
2 Council shall be geographically representative of the
3 United States and reflect the diversity of the United
4 States with regard to race, ethnicity, gender, and disability
5 characteristics.

6 (3) One-third of the Council shall consist of individ-
7 uals with expertise in the educational needs of children
8 who are from low-income families, minority backgrounds,
9 have limited-English proficiency, or have disabilities.

10 (d) TERMS.—(1) Members shall be appointed for 3-
11 year terms, with no member serving more than 2 consecu-
12 tive terms.

13 (2) The Council shall establish by lot initial terms
14 for individuals of one, two, or three years in order to es-
15 tablish a rotation in which one-third of the members are
16 selected each year.

17 (e) DATE OF APPOINTMENT.—The initial members
18 shall be appointed not later than 120 days after the date
19 of enactment of this Act.

20 (f) INITIATION.—The Council shall begin to carry out
21 the duties of the Council under this part when all 20 mem-
22 bers have been appointed.

23 (g) RETENTION.—In order to retain an appointment
24 to the Council, a member must attend at least two-thirds
25 of the scheduled meetings of the Council in any given year.

1 (h) VACANCY.—A vacancy on the Council shall not
2 affect the powers of the Council, but shall be filled in the
3 same manner as the original appointment.

4 (i) COMPENSATION.—Members of the Council who
5 are not regular full-time employees of the United States
6 may, while attending meetings or hearings of the Council,
7 be provided compensation at a rate fixed by the Secretary,
8 but not exceeding the maximum rate of basic pay payable
9 for GS-15 of the General Schedule.

10 (j) CONFLICT OF INTEREST.—(1) A member of the
11 Council may not concurrently serve as a member of the
12 Goals Panel.

13 (2) Section 208 of title 18 of the United States Code
14 shall apply to members of the Council except that, for the
15 purposes of making written determinations under sub-
16 section (b)(1), the Government official responsible for the
17 appointment of any member of the Council is deemed to
18 be the Director of the Office of Government Ethics.

19 (3) A member of the Council who resides in a State
20 which has developed standards and assessments may not
21 participate in Council consideration of such standards and
22 assessments.

23 (k) TRAVEL.—Each member of the Council may be
24 allowed travel expenses, including per diem in lieu of sub-
25 sistence, as authorized by section 5703 of title 5, United

1 States Code, for each day the member is engaged in the
2 performance of duties away from the home or regular
3 place of business of the member.

4 (l) OFFICERS.—The members of the Council shall se-
5 lect officers from among its members. The officers of the
6 Council shall serve for one-year terms.

7 **SEC. 213. DUTIES.**

8 (a) VOLUNTARY NATIONAL CONTENT STANDARDS.—

9 (1) The Council shall—

10 (A) identify areas in which voluntary national
11 content standards need to be developed;

12 (B) certify voluntary national content and stu-
13 dent performance standards using the criteria devel-
14 oped under paragraph (2)(A)(i), that define what all
15 students should know and be able to do;

16 (C) forward such voluntary national content
17 and student performance standards to the Goals
18 Panel for review, except that the Goals Panel shall
19 have the option of disapproving such standards by a
20 two-thirds majority vote of the full membership not
21 later than 60 days after receipt of such standards;
22 and

23 (D) develop a process for regularly reviewing
24 any national voluntary content, student perform-

1 ance, and opportunity-to-learn standards that have
2 been certified.

3 (2)(A) The Council shall—

4 (i) identify and develop criteria to be used for
5 certifying the voluntary national content and student
6 performance standards; and

7 (ii) before applying such criteria, forward them
8 to the Goals Panel for review, except that the Goals
9 Panel shall have the option of disapproving such cri-
10 teria by a two-thirds majority vote of the full mem-
11 bership not later than 60 days after receipt of such
12 criteria.

13 (B) The criteria developed by the Council shall ad-
14 dress—

15 (i) the extent to which the proposed standards
16 are internationally competitive and comparable to
17 the best in the world;

18 (ii) the extent to which the proposed content
19 and student performance standards reflect the best
20 available knowledge about how all students learn and
21 about how the content area can be most effectively
22 taught;

23 (iii) the extent to which the proposed content
24 and student performance standards have been devel-
25 oped through an open and public process that pro-

1 provides for input and involvement of all relevant par-
2 ties, including teachers, related services personnel,
3 and other professional educators, employers and
4 postsecondary education institutions, curriculum and
5 subject matter specialists, parents, advocacy groups,
6 and the public; and

7 (iv) other factors that the Council deems appro-
8 priate.

9 (C) In developing the criteria, the Council shall work
10 with entities that are developing, or have already devel-
11 oped, content and student performance standards, and
12 any other entities that the Council deems appropriate, to
13 identify appropriate certification criteria.

14 (b) VOLUNTARY STATE CONTENT STANDARDS.—The
15 Council may certify content and student performance
16 standards presented on a voluntary basis by States, using
17 the criteria developed under subsection (a)(2)(A)(i), if
18 such standards are of equal or higher quality to the vol-
19 untary national content and student performance stand-
20 ards certified by the Council.

21 (c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN
22 STANDARDS.—(1) The Council shall certify exemplary,
23 voluntary national opportunity-to-learn standards that will
24 establish a basis for providing all students a fair oppor-
25 tunity to achieve the knowledge and skills set out in the

1 voluntary national content standards certified by the
2 Council.

3 (2) The voluntary national opportunity-to-learn
4 standards certified by the Council shall address—

5 (A) the quality and availability of curricula, in-
6 structional materials, and technologies, including
7 distance learning, to all students;

8 (B) the capability of teachers to provide high-
9 quality instruction to meet diverse learning needs in
10 each content area to all students;

11 (C) the extent to which teachers, principals,
12 and administrators have ready and continuing access
13 to professional development, including the best
14 knowledge about teaching, learning, and school im-
15 provement;

16 (D) the extent to which curriculum, instruc-
17 tional practices, and assessments are aligned to con-
18 tent standards;

19 (E) the extent to which school facilities provide
20 a safe and secure environment for learning and in-
21 struction and have the requisite libraries, labora-
22 tories, and other resources necessary to provide an
23 opportunity to learn;

1 (F) the extent to which schools utilize policies,
2 curricula, and instructional practices which ensure
3 nondiscrimination on the basis of gender; and

4 (G) other factors that the Council deems appro-
5 priate to ensure the students receive a fair oppor-
6 tunity to achieve the knowledge and skills described
7 in the voluntary content and student performance
8 standards certified by the Council.

9 (3) In carrying out this subsection, the Council
10 shall—

11 (A) identify what countries with rigorous con-
12 tent standards do to—

13 (i) provide their children with opportunities
14 to learn;

15 (ii) prepare their teachers; and

16 (iii) provide continuing professional devel-
17 opment opportunities for their teachers; and

18 (B) develop criteria to be used for certifying the
19 voluntary national and State opportunity-to-learn
20 standards and, before applying such criteria, for-
21 ward them to the Goals Panel for review, except that
22 the Goals Panel shall have the option of disapprov-
23 ing such standards by a two-thirds majority vote of
24 the full membership not later than 60 days after re-
25 ceipt of such criteria.

1 (4) The Council shall assist in the development of the
2 voluntary national opportunity-to-learn standards devel-
3 oped by the consortium under section 219 by—

4 (A) making recommendations to the Secretary
5 regarding priorities and selection criteria for the
6 award made under section 219; and

7 (B) coordinating with the consortium receiving
8 an award under section 219 to ensure that the op-
9 portunity-to-learn standards the consortium develops
10 are appropriate for the needs of all students, are of
11 high quality, and are consistent with the criteria de-
12 veloped by the Council for the certification of such
13 standards.

14 (5) The Council shall forward the voluntary national
15 opportunity-to-learn standards it certifies to the Goals
16 Panel for review, except that the Goals Panel shall have
17 the option of disapproving such standards by a two-thirds
18 majority vote of the full membership not later than 60
19 days after receipt of such standards.

20 (d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN
21 STANDARDS.—The Council may certify opportunity-to-
22 learn standards submitted voluntarily by a State, using
23 the criteria developed under subsection (c)(3)(B), if such
24 standards are of equal or higher quality as compared to
25 the voluntary national opportunity-to-learn standards.

1 (e) GENERAL PROVISION REGARDING VOLUNTARY
2 NATIONAL STANDARDS.—The Council may certify vol-
3 untary national content, student performance, and oppor-
4 tunity-to-learn standards if such standards are sufficiently
5 general to be used by any State without restricting State
6 and local control of curriculum and prerogatives regarding
7 instructional methods to be employed.

8 (f) ASSESSMENTS.—(1)(A) The Council may certify
9 an assessment system that is submitted voluntarily by a
10 State, using the criteria developed under paragraph
11 (2)(A), if such system is aligned with the State’s content
12 standards certified by the Council.

13 (B) Assessment systems shall be certified by the
14 Council for the purposes of—

15 (i) informing students, parents, teachers, and
16 related services personnel about the progress of all
17 students toward the standards;

18 (ii) improving classroom instruction and im-
19 proving the learning outcomes for all students;

20 (iii) exemplifying for students, parents, and
21 teachers the kinds and levels of achievement that
22 should be expected of all students, including the
23 identification of student performance standards;

1 (iv) measuring and motivating individual stu-
2 dents, schools, districts, States, and the Nation to
3 improve educational performance; and

4 (v) assisting education policymakers in making
5 decisions about education programs.

6 (C) The Council shall certify an assessment system
7 only if—

8 (i) the State has established or adopted oppor-
9 tunity-to-learn standards;

10 (ii) such system will not be used to make deci-
11 sions regarding graduation, grade promotion, or re-
12 tention of students for a period of five years from
13 the date of enactment of this Act; and

14 (iii) the State has submitted—

15 (I) a description of the purposes for which
16 the assessment system has been designed;

17 (II) the methodologies and process used to
18 develop, select, validate, and use such assess-
19 ment systems;

20 (III) a copy of the test instrument and, as
21 appropriate, other measures that will make up
22 the system; and

23 (IV) evidence that the test or tests which
24 are part of the assessment system are valid, re-
25 liable measures of their intended purposes, are

1 aligned with the State content standards, are
2 capable of assessing the progress of all students
3 toward learning the material in the State con-
4 tent standards, and are consistent with relevant
5 nationally recognized professional and technical
6 standards.

7 (D) The Council shall, at the request of a State prior
8 to developing an assessment system for a proposed use,
9 review and provide guidance to such State on a proposed
10 package of measures, including tests that would be in-
11 cluded in such a system.

12 (2)(A) The Council shall develop and, no sooner than
13 three years or later than four years after the enactment
14 of this Act, begin utilizing criteria for the certification of
15 assessment systems for the purposes indicated in para-
16 graph (1)(B). Before using such criteria, the Council shall
17 forward the criteria to the Goals Panel for review, except
18 that the Goals Panel shall have the option of disapproving
19 such criteria by a two-thirds majority vote of the full mem-
20 bership not later than 60 days after receipt of such cri-
21 teria.

22 (B) The certification criteria developed by the Coun-
23 cil shall address the extent to which the assessment sys-
24 tem—

1 (i) is aligned with State content standards cer-
2 tified by the Council; and

3 (ii) is to be used for a purpose for which it is
4 valid, reliable, free of discrimination, and is consist-
5 ent with relevant, nationally recognized professional
6 and technical standards for assessment.

7 (C) In determining appropriate certification criteria,
8 the Council shall—

9 (i) consider standards and criteria being devel-
10 oped by other national organizations, research on as-
11 sessment, and emerging new State and local assess-
12 ments;

13 (ii) recommend needed research;

14 (iii) encourage the development and field testing
15 of assessment systems; and

16 (iv) provide a public forum for discussing, de-
17 bating, and building consensus for the criteria to be
18 used for the certification of assessment systems.

19 (D) Prior to determining the certification criteria, the
20 Council shall seek public comment regarding the proposed
21 criteria.

22 (E) The Council shall certify an assessment system
23 only if such system includes all students.

24 (g) PERFORMANCE OF DUTIES.—In carrying out its
25 responsibilities under this title, the Council shall—

1 (1) provide for a process of broad public input
2 as part of the process of developing criteria for
3 standards and assessments;

4 (2) work with Federal and non-Federal agencies
5 and organizations which are conducting research,
6 studies, or demonstration projects to determine
7 internationally competitive standards and assess-
8 ments, and may establish subject matter and other
9 panels to advise it on particular content, student
10 performance, and opportunity-to-learn standards and
11 on assessments;

12 (3) establish cooperative arrangements with the
13 National Skill Standards Board to promote the co-
14 ordination of the development of content and stu-
15 dent performance standards under this title with the
16 development of skill standards under title IV of this
17 Act;

18 (4) recommend studies to the Secretary that
19 are necessary to carry out the Council's responsibil-
20 ities;

21 (5) inform the public about what constitutes
22 high quality, internationally competitive, content,
23 student performance, and opportunity-to-learn
24 standards, and assessment systems;

1 (6) on a regular basis, review and update cri-
2 teria for certifying content, student performance,
3 and opportunity-to-learn standards, and assessment
4 systems; and

5 (7) periodically recertify, as appropriate, the
6 voluntary national content and student performance
7 standards, and the voluntary national opportunity-
8 to-learn standards and the assessments that it cer-
9 tifies under this section.

10 (h) UNCONDITIONED STATE PARTICIPATION.—No
11 State shall be required to obtain certification of standards
12 or assessments developed under subsection (b), (d), or (f)
13 of this section or to participate in programs under title
14 III of this Act, as a condition of participating in any Fed-
15 eral education program under this or any other Act.

16 **SEC. 214. ANNUAL REPORTS.**

17 Not later than one year after the date the Council
18 concludes its first meeting, and in each succeeding year,
19 the Council shall prepare and submit a report to the Presi-
20 dent, the Secretary, the appropriate committees of Con-
21 gress, the Governor of each State, and the Goals Panel
22 regarding its work.

23 **SEC. 215. POWERS OF THE COUNCIL.**

24 (a) HEARINGS.—(1) The Council shall, for the pur-
25 pose of carrying out its responsibilities, conduct such hear-

1 ings, sit and act at such times and places, take such testi-
2 mony, and receive such evidence, as the Council considers
3 appropriate.

4 (2) In carrying out this part, the Council shall con-
5 duct public hearings in different geographic areas of the
6 United States, both urban and rural, to receive the re-
7 ports, views, and analyses of a broad spectrum of experts
8 and the public on the establishment of voluntary national
9 content, student performance, and opportunity-to-learn
10 standards, and assessment systems.

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) USE OF FACILITIES.—The Council may, with
22 their consent, use the research, equipment, services, and
23 facilities of any agency or instrumentality of the United
24 States, or of any State or political subdivision thereof.

1 (e) ADMINISTRATIVE ARRANGEMENTS AND SUP-
2 PORT.—(1) The Secretary shall provide to the Council, on
3 a reimbursable basis, such administrative support services
4 as the Council may request.

5 (2) The Secretary shall, to the extent appropriate,
6 and on a reimbursable basis, make contracts and other
7 arrangements that are requested by the Council to help
8 it compile and analyze data or carry out other functions
9 necessary to the performance of its responsibilities.

10 **SEC. 216. PUBLICATION FOR PUBLIC COMMENT.**

11 (a) TRANSMITTAL.—For the purpose of obtaining
12 public comment through publication in the Federal Reg-
13 ister, the Council shall transmit to the Secretary—

14 (1) proposed criteria for certifying national and
15 State content and performance standards;

16 (2) proposed criteria for certifying national and
17 State opportunity-to-learn standards;

18 (3) proposed criteria for certifying State assess-
19 ment systems; and

20 (4) proposed national content, performance, and
21 opportunity-to-learn standards.

22 (b) PUBLICATION.—The Secretary shall publish such
23 proposed procedures, standards, and criteria in the Fed-
24 eral Register.

1 **SEC. 217. 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 majority vote of the total membership of the
9 Council, ensuring the right of the minority to issue written
10 views. No individual may vote or exercise any of the pow-
11 ers of a member by proxy.

12 (d) PUBLIC ACCESS.—The Council shall ensure pub-
13 lic access to its proceedings (other than proceedings, or
14 portions of proceedings, relating to internal personnel and
15 management matters) and make available to the public,
16 at reasonable cost, transcripts of such proceedings.

17 **SEC. 218. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
18 **ANTS.**

19 (a) DIRECTOR.—The Chairperson of the Council
20 shall, without regard to the provisions of title 5, United
21 States Code, relating to the appointment and compensa-
22 tion of officers or employees of the United States, appoint
23 a Director to be paid at a rate not to exceed the rate of
24 basic pay payable for level V of the Executive Schedule.

25 (b) APPOINTMENT AND PAY OF EMPLOYEES.—
26 (1)(A) The Director may appoint not more than four addi-

1 tional employees to serve as staff to the Council without
2 regard to the provisions of title 5, United States Code,
3 governing appointments in the competitive service.

4 (B) The employees appointed under subparagraph
5 (A) may be paid without regard to the provisions of chap-
6 ter 51 and subchapter III of chapter 53 of that title relat-
7 ing to classification and General Schedule pay rates, but
8 shall not be paid a rate that exceeds the maximum rate
9 of basic pay payable for GS-15 of the General Schedule.

10 (2) The Director may appoint additional employees
11 to serve as staff of the Council consistent with title 5,
12 United States Code.

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

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 may detail any of the personnel
19 of such department or agency to the Council to assist the
20 Council in its duties under this part.

21 **SEC. 219. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.**

22 (a) OPPORTUNITY-TO-LEARN DEVELOPMENT
23 GRANT.—(1) The Secretary is authorized to make a grant,
24 on a competitive basis, to a consortium of individuals and
25 organizations to develop voluntary national opportunity-

1 to-learn standards consistent with the provisions of section
2 213(c).

3 (2) To the extent possible, such consortium shall in-
4 clude the participation of—

5 (A) State-level policymakers, such as Governors,
6 State legislators, chief State school officers, and
7 State school board members;

8 (B) local policymakers and administrators, such
9 as local school board members, superintendents, and
10 principals;

11 (C) teachers (especially teachers involved in the
12 development of content standards);

13 (D) parents and individuals with experience in
14 promoting parental involvement in education;

15 (E) representatives of business;

16 (F) experts in vocational-technical education;

17 (G) representatives of regional accrediting asso-
18 ciations;

19 (H) individuals with expertise in school finance
20 and equity, the education of at-risk students, and
21 the preparation and training of teachers and school
22 administrators;

23 (I) curriculum and school reform experts;

24 (J) student and civil rights advocacy groups;

25 (K) representatives of higher education; and

1 (L) secondary school students.

2 (3) In developing voluntary national opportunity-to-
3 learn standards, such consortium shall—

4 (A) draw upon current research about student
5 achievement and the necessary conditions for effec-
6 tive teaching and learning; and

7 (B) provide for the development of several con-
8 secutive drafts of standards which incorporate the
9 comments and recommendations of educators and
10 other knowledgeable individuals across the Nation.

11 (4) One-third of the consortium shall consist of indi-
12 viduals with expertise in the educational needs and assess-
13 ment of children who are from low-income families, minor-
14 ity backgrounds, have limited-English proficiency, or have
15 disabilities.

16 (5) The membership of the consortium shall be geo-
17 graphically representative and reflect the racial, ethnic,
18 and gender diversity of the United States.

19 (b) APPLICATIONS.—(1) Any consortium that desires
20 to receive a grant under this subsection shall submit an
21 application to the Secretary at such time, in such manner,
22 and containing such information and assurances as the
23 Secretary may require.

24 (2) In awarding such grant, the Secretary shall give
25 priority to applications from consortia which involve indi-

1 viduals and organizations with the greatest diversity of
2 perspectives and points of view.

3 (3) In establishing additional priorities and selection
4 criteria for such grant, the Secretary shall give serious
5 consideration to the recommendations made by the Coun-
6 cil pursuant to section 213(c)(4)(A).

7 (c) REPORT.—After the development of the voluntary
8 national opportunity-to-learn standards, the consortium
9 funded under this section shall submit a report to the Sec-
10 retary which discusses the background, important issues,
11 and rationale regarding such standards.

12 **SEC. 220. ASSESSMENT DEVELOPMENT AND EVALUATION**
13 **GRANTS.**

14 (a) GENERAL.—(1) The Secretary is authorized to
15 make grants to States and local educational agencies or
16 consortia of such agencies to help defray the cost of devel-
17 oping, field testing, and evaluating assessment systems, to
18 be used for some or all of the purposes indicated in section
19 213(f)(1)(B), that are aligned to State content standards
20 certified by the Council.

21 (2) The Secretary shall reserve a portion of the funds
22 authorized under section 231(d) for grants to State edu-
23 cational agencies and local educational agencies for pur-
24 poses of developing such assessments in languages other
25 than English.

1 (b) APPLICATIONS.—A State, local educational agen-
2 cy, or consortium of such agencies that desires to receive
3 a grant under subsection (a)(1) shall submit an applica-
4 tion to the Secretary at such time, in such manner, and
5 containing such information and assurances as the Sec-
6 retary may require.

7 (c) REQUIREMENTS.—(1) A recipient of a grant
8 under this section shall—

9 (A) examine the validity and reliability of an as-
10 sessment system for the particular purposes for
11 which such assessment system was developed;

12 (B) ensure that an assessment system is con-
13 sistent with relevant, nationally recognized profes-
14 sional and technical standards for assessments; and

15 (C) devote special attention to how an assess-
16 ment system, treats all students, especially with re-
17 gard to the race, gender, ethnicity, disability, and
18 language proficiency.

19 (2) An assessment system developed and evaluated
20 with funds under this section may not be used for deci-
21 sions about individual students relating to program place-
22 ment, promotion, or retention, graduation, or employment
23 for a period of five years from the date of enactment of
24 this Act.

1 **SEC. 221. EVALUATION.**

2 (a) GRANT.—From funds reserved under section
3 304(a)(2), the Secretary annually shall make a grant, in
4 an amount not to exceed \$500,000, to the Commission on
5 Behavioral and Social Sciences and Education of the Na-
6 tional Academy of Sciences or to the National Academy
7 of Education to—

8 (1) evaluate—

9 (A) the technical quality of the work per-
10 formed by the Goals Panel and the Council;

11 (B) the process the Council uses to develop
12 criteria for certification of standards and as-
13 sessments;

14 (C) the process the Council uses to certify
15 voluntary national standards as well as stand-
16 ards and assessments voluntarily submitted by
17 States; and

18 (D) the process the Goals Panel uses to
19 approve certification criteria and voluntary na-
20 tional standards;

21 (2) periodically provide to the Goals Panel and
22 the Council, as appropriate, information from the
23 evaluation under paragraph (1); and

24 (3) report on the activities authorized under
25 sections 219 and 220.

1 (b) REPORT.—The grant recipient shall periodically
2 report to the Congress, the Secretary, and the public re-
3 garding findings and shall make a final report not later
4 than January 1, 1998.

5 **PART C—AUTHORIZATION OF APPROPRIATIONS**

6 **SEC. 231. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) NATIONAL EDUCATION GOALS PANEL.—There
8 are authorized to be appropriated \$3,000,000 for fiscal
9 year 1994 and such sums as may be necessary for each
10 of the four succeeding fiscal years to carry out part A of
11 this title.

12 (b) NATIONAL EDUCATION STANDARDS AND IM-
13 PROVEMENT COUNCIL.—There are authorized to be ap-
14 propriated \$3,000,000 for fiscal year 1994 and such sums
15 as may be necessary for each of the fiscal years 1995
16 through 1998 to carry out part B of this title.

17 (c) OPPORTUNITY-TO-LEARN DEVELOPMENT
18 GRANT.—There are authorized to be appropriated
19 \$3,000,000 for fiscal year 1994 and such sums as may
20 be necessary for fiscal year 1995 to carry out the Oppor-
21 tunity-to-Learn Development Grant Program established
22 under section 219 of this title.

23 (d) ASSESSMENT DEVELOPMENT AND EVALUATION
24 GRANTS.—There are authorized to be appropriated
25 \$5,000,000 for fiscal year 1994 and such sums as may

1 be necessary for each of the fiscal years 1995 through
2 1998 to carry out the Assessment Development and Eval-
3 uation Grants Program established under section 220 of
4 this title.

5 **TITLE III—STATE AND LOCAL**
6 **EDUCATION SYSTEMIC IM-**
7 **PROVEMENT**

8 **SEC. 301. CONGRESSIONAL FINDINGS.**

9 The Congress finds that—

10 (1) all students can learn and achieve high
11 standards and must realize their potential if the
12 United States is to prosper;

13 (2) the reforms in education of the last 15
14 years have achieved some good results, but these ef-
15 forts often have been limited to a few schools or to
16 a single part of the educational system;

17 (3) leadership must come both from teachers,
18 related services personnel, principals, and parents in
19 individual schools and from policymakers at the
20 local, State, tribal, and national levels, in order for
21 lasting improvements in student performance to
22 occur;

23 (4) simultaneous top-down and bottom-up edu-
24 cation reform is necessary to spur creative and inno-
25 vative approaches by individual schools to help all

1 students achieve internationally competitive stand-
2 ards;

3 (5) strategies must be developed by commu-
4 nities and States to support the revitalization of all
5 local public schools by fundamentally changing the
6 entire system of public education through com-
7 prehensive, coherent, and coordinated improvement
8 in order to increase student learning;

9 (6) parents, teachers, and other local educators,
10 and business, community, and tribal leaders must be
11 involved in developing systemwide improvement
12 strategies that reflect the needs of their individual
13 communities;

14 (7) State and local education improvement ef-
15 forts must incorporate strategies for providing all
16 students and families with coordinated access to ap-
17 propriate social services, health care, nutrition, and
18 child care to remove preventable barriers to learning
19 and enhance school readiness for all students;

20 (8) States and local educational agencies, work-
21 ing together, must immediately set about developing
22 and implementing such systemwide improvement
23 strategies if the Nation is to educate all children to
24 meet their full potential and achieve the National
25 Education Goals listed in title I of this Act;

1 (9) State and local systemic improvement strat-
2 egies must provide all students with effective mecha-
3 nisms and appropriate paths to the workforce as well
4 as to higher education;

5 (10) business should be encouraged to enter
6 into partnerships with schools, provide information
7 and guidance to schools on the needs of area busi-
8 ness for properly educated graduates in general and
9 on the need for particular workplace skills, that the
10 schools may provide necessary material and support,
11 and continue the lifelong learning process through-
12 out the employment years of an individual, and
13 schools should provide information to business re-
14 garding how the business community can assist
15 schools in meeting the goals of this Act;

16 (11) institutions of higher education should be
17 encouraged to enter into partnerships with schools
18 to provide information and guidance to schools on
19 the skills and knowledge graduates need in order to
20 enter and successfully complete postsecondary edu-
21 cation, and schools should provide information and
22 guidance to institutions of higher education on the
23 skills, knowledge, and preservice training teachers
24 need, and the types of professional development edu-
25 cators need in order to meet the goals of this Act;

1 (12) the appropriate and innovative use of tech-
2 nology, including distance learning, can be very ef-
3 fective in helping to bring all students the oppor-
4 tunity to learn and meet high standards; and

5 (13) Federal funds should be targeted to sup-
6 port local and State initiatives, and to leverage State
7 and local resources for designing and implementing
8 system-wide improvement plans.

9 **SEC. 302. PURPOSE.**

10 The purpose of this title is to improve the quality of
11 education for all students by improving student learning
12 through a long-term, broad-based effort to promote coher-
13 ent and coordinated improvements in the system of edu-
14 cation throughout the Nation at the local and State levels.
15 This title provides new authorities and funding for the Na-
16 tion's school systems without replacing or reducing fund-
17 ing for existing Federal education programs. It is the in-
18 tention of the Congress that no State or local educational
19 agency will reduce its funding for education or for edu-
20 cation reform on account of receiving any funds under this
21 title.

22 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

23 For the purpose of carrying out this title, there are
24 authorized to be appropriated \$393,000,000 for the fiscal

1 year 1994, and such sums as may be necessary for each
2 of the fiscal years 1995 through 1998.

3 **SEC. 304. ALLOTMENT OF FUNDS.**

4 (a) RESERVATIONS OF FUNDS.—From funds appro-
5 priated under section 303, the Secretary—

6 (1) shall reserve a total of one percent to pro-
7 vide assistance, in amounts determined by the Sec-
8 retary—

9 (A) to the outlying areas; and

10 (B) to the Secretary of the Interior to ben-
11 efit Indian students in schools operated or
12 funded by the Bureau of Indian Affairs (re-
13 ferred to in this Act as the “Bureau”); and

14 (2) may reserve a total of up to 6 percent for—

15 (A) national leadership activities under
16 section 313;

17 (B) the costs of peer review of State im-
18 provement plans and applications under this
19 title; and

20 (C) evaluation activities under section 221.

21 (b) STATE ALLOTMENTS.—The Secretary shall allot
22 the remaining amount appropriated under section 303 for
23 each fiscal year to the States (which for the purposes of
24 this subsection does not include the outlying areas) as fol-
25 lows:

1 (1) 50 percent of such remaining amount shall
2 be allocated in accordance with the relative amounts
3 such State received under chapter 1 of title I of the
4 Elementary and Secondary Education Act of 1965
5 for the preceding fiscal year.

6 (2) 50 percent of such remaining amount shall
7 be allocated in accordance with the relative amounts
8 each such State received under part A of chapter 2
9 of title I of the Elementary and Secondary Edu-
10 cation Act of 1965 for the preceding fiscal year.

11 (c) REALLOTMENTS.—If the Secretary determines
12 that any amount of a State’s allotment for any fiscal year
13 under subsection (b) will not be needed for such fiscal year
14 by the State, the Secretary shall reallocate such amount to
15 other States that need additional funds, in such manner
16 as the Secretary determines is appropriate.

17 **SEC. 305. STATE APPLICATIONS.**

18 (a) GENERAL.—(1) If a State desires to receive a
19 grant under this title, the State educational agency shall
20 submit an application to the Secretary at such time and
21 in such manner as the Secretary may determine.

22 (2) In addition to the information described in sub-
23 sections (b) and (c), each such application shall include—

24 (A) an assurance that the State educational
25 agency will cooperate with the Secretary in carrying

1 out the Secretary's responsibilities under section
2 312, and will comply with reasonable requests of the
3 Secretary for data related to the State's progress in
4 developing and implementing its State improvement
5 plan under this title;

6 (B) an assurance that State law provides ade-
7 quate authority to carry out each component of the
8 State's improvement plan developed, or to be devel-
9 oped under section 306, or that such authority will
10 be sought;

11 (C) an assurance that the standards developed
12 for student achievement are not less rigorous than
13 student achievement standards used prior to the
14 date of enactment of this Act;

15 (D) an assurance that the State will provide for
16 broad public participation in the planning process;
17 and

18 (E) such other assurances and information as
19 the Secretary may require.

20 (b) FIRST YEAR.—A State's application for the first
21 year of assistance under this title shall—

22 (1) describe the process by which the State will
23 develop a school improvement plan that meets the
24 requirements of section 306; and

1 (2) describe how the State educational agency
2 will use funds received under this title for such year,
3 including how the State educational agency will
4 make subgrants to local educational agencies and for
5 teacher training.

6 (c) SUBSEQUENT YEARS.—A State’s second applica-
7 tion under this title shall—

8 (1) cover the second through fifth years of its
9 participation;

10 (2) include a copy of the State’s improvement
11 plan that meets the requirements of section 306 or,
12 if the State plan is not complete, a statement of the
13 steps it will take to complete the plan and a schedule
14 for doing so; and

15 (3) include an explanation of how the State will
16 use funds received under this title, including how it
17 will make subgrants to local educational agencies
18 and for teacher training under section 309(b)(1).

19 **SEC. 306. STATE IMPROVEMENT PLANS.**

20 (a) BASIC SCOPE OF PLAN.—Any State educational
21 agency that wishes to receive a grant under this title after
22 its first year of participation shall develop and implement
23 a plan for the fundamental restructuring and improvement
24 of elementary and secondary education in the State. This
25 plan must address—

1 (1) in accordance with subsection (c), the estab-
2 lishment or adoption of challenging content and stu-
3 dent performance standards for all students and the
4 use of curricula, instructional practices, assessments,
5 technology, parental involvement programs, and pro-
6 fessional preparation and development approaches
7 appropriate to help all students reach such stand-
8 ards;

9 (2) in accordance with subsection (d), the es-
10 tablishment or adoption of opportunity-to-learn
11 standards that will define the conditions of teaching
12 and learning that provide all students the oppor-
13 tunity to meet the challenging content and student
14 performance standards;

15 (3) in accordance with subsection (e), needed
16 changes in the governance and management of the
17 education system in order to effectively focus schools
18 on, and assist them in, preparing all students to
19 meet the challenging State standards;

20 (4) in accordance with subsection (f), com-
21 prehensive strategies to involve communities, includ-
22 ing parents, businesses, libraries, institutions of
23 higher education, employment and training agencies,
24 health and human service agencies, advocacy groups,
25 cultural institutions, and other public and private

1 agencies that provide social services, health care,
2 child care, early childhood education, and nutrition
3 to students, in helping all students meet the chal-
4 lenging State standards;

5 (5) in accordance with subsection (g), strategies
6 for ensuring that all local educational agencies and
7 schools within the State are involved in developing
8 and implementing needed improvements within a
9 specified period of time;

10 (6) in accordance with subsection (h), strategies
11 for ensuring that comprehensive, systemic reform is
12 promoted from the bottom up in communities, local
13 educational agencies, and schools; and

14 (7) the needs of the children, ages 5 through
15 18, who are out of school and the extent to which
16 such children can be brought back into the education
17 system and meet the standards set forth in this Act.

18 (b) PLAN DEVELOPMENT.—(1) A State improvement
19 plan under this title must be developed by a broad-based
20 panel (referred to in this title as the “panel”) in coopera-
21 tion with the State educational agency and the Governor.
22 The panel shall include—

23 (A) the Governor and the chief State school of-
24 ficer, or their designees;

1 (B) the chairman of the State board of edu-
2 cation and the chairmen of the appropriate authoriz-
3 ing committees of the State legislature, or their des-
4 ignees;

5 (C) teachers, principals, and administrators
6 who have successfully improved student performance
7 and deans of colleges of education;

8 (D) representatives of teacher organizations,
9 parents, institutions of higher education, business
10 and labor leaders, community-based organizations,
11 Indian tribes, local boards of education, State and
12 local officials responsible for health, social services,
13 and other related services, and others, as appro-
14 priate;

15 (E) representatives from rural and urban local
16 educational agencies in the State; and

17 (F) experts in educational measurement and as-
18 sessment.

19 (2) The Governor and the chief State school officer
20 shall each appoint half the members of the State panel.
21 The full panel shall establish the procedures regarding the
22 operation of the panel, including the designation of the
23 panel chairperson.

24 (3) To the extent feasible, the membership of the
25 panel shall be geographically representative of the State

1 and reflect the diversity of the population of the State with
2 regard to race, ethnicity, gender, and disability character-
3 istics.

4 (4) One-third of the panel members shall be individ-
5 uals with expertise in the educational needs and assess-
6 ments of children who are from low-income families, mi-
7 nority group backgrounds, have limited-English pro-
8 ficiency, or have disabilities.

9 (5) The panel shall consult the Governor, the chief
10 State school officer, the State board of education, and rel-
11 evant committees of the State legislature in developing the
12 plan.

13 (6) The panel shall be responsible for conducting a
14 statewide, grassroots outreach process, including conduct-
15 ing public hearings, to involve educators, related services
16 personnel, parents, secondary school students, local offi-
17 cials, private nonprofit elementary and secondary schools,
18 community and business leaders, Indian tribes, citizens,
19 children's advocates, and others with a stake in the suc-
20 cess of students and their education system, and who are
21 representative of the diversity of the State and its student
22 population, in the development of the State plan and in
23 a continuing dialog regarding the need for and nature of
24 challenging standards for all students and local and State
25 responsibilities for helping all students achieve them.

1 (7) The panel shall develop a continuing process for
2 interacting with local educational agencies and individual
3 schools engaged in systemic reform, especially including
4 local educational agencies and schools which receive
5 subgrants under section 309 of this Act, to ensure that
6 the development and implementation of the State plan re-
7 flects their needs and experiences.

8 (8) The panel shall develop a State plan, provide op-
9 portunity for public comment, and submit the State plan
10 to the State educational agency for approval.

11 (9) The State educational agency shall submit the
12 original State improvement plan developed by the panel
13 and the State improvement plan if modified by such agen-
14 cy, together with an explanation of any changes made by
15 such agency to the plan developed by the panel, to the
16 Secretary for approval.

17 (10) If any portion of the State plan addresses mat-
18 ters that, under State or other applicable law, are not
19 under the authority of the State educational agency, the
20 State educational agency shall obtain the approval of, or
21 changes to, such portion, with an explanation from the
22 Governor or other official responsible for that portion be-
23 fore submitting the plan to the Secretary.

24 (11) After approval of the State plan by the Sec-
25 retary, the panel, in close consultation with teachers, prin-

1 cipals, administrators, school boards, advocacy groups, ad-
2 vocates of children with disabilities and parents in local
3 educational agencies and schools receiving funds under
4 this title, shall monitor the implementation and effective-
5 ness of the State plan to determine if revisions are appro-
6 priate, and shall periodically report its findings to the pub-
7 lic.

8 (c) TEACHING, LEARNING, STANDARDS, AND AS-
9 SESSMENTS.—Each State plan shall establish strategies
10 and a timetable for improving teaching and learning, in-
11 cluding—

12 (1) a process for developing or adopting chal-
13 lenging content and student performance standards
14 for all students which includes coordinating the
15 standards developed pursuant to section 115 of the
16 Carl D. Perkins Vocational and Applied Technology
17 Education Act of 1990;

18 (2) a process for providing assistance and sup-
19 port to local educational agencies and schools to give
20 them the capacity and responsibility to provide all
21 students the opportunity to increase education
22 achievement and meet challenging State content and
23 student performance standards;

24 (3) assessing the effectiveness and equity of the
25 school finance program of the State to identify dis-

1 parities in the resources available to each local edu-
2 cational agency and school in such State and how
3 such disparities affect the ability of the State edu-
4 cational agency and local educational agencies to de-
5 velop and implement plans under this title;

6 (4) a process for developing, adopting, or rec-
7 ommending instructional materials, including gender
8 equitable and multicultural materials, and tech-
9 nology to support and assist local educational agen-
10 cies and schools to provide all students the oppor-
11 tunity to meet the challenging State content and
12 student performance standards;

13 (5) a process for developing and implementing
14 a valid and nondiscriminatory assessment system or
15 set of locally-based assessment systems which are
16 consistent with relevant, nationally recognized, pro-
17 fessional and technical standards for assessment,
18 and are capable of providing coherent information
19 about student attainments relative to the State con-
20 tent standards;

21 (6) a process for monitoring the implementation
22 of such system or systems and the impact on im-
23 proved instruction for all students;

24 (7) a process for improving the State's system
25 of teacher and school administrator preparation, li-

1 censure, and continuing professional development so
2 that all teachers, related services personnel, and ad-
3 ministrators develop the subject matter and peda-
4 gogical expertise needed to prepare all students to
5 meet the challenging standards under paragraph (1);

6 (8) a process for providing appropriate and ef-
7 fective professional development, including the use of
8 technology, distance learning, and gender-equitable
9 methods, necessary for teachers, school administra-
10 tors, and others to help all students meet the chal-
11 lenging standards under paragraph (1); and

12 (9) a process to ensure widespread participation
13 of classroom teachers in developing the portions of
14 the plan described in this subsection.

15 (d) OPPORTUNITY-TO-LEARN STANDARDS.—Each
16 State plan shall establish a strategy and timetable for—

17 (1) adopting or establishing opportunity-to-
18 learn standards that are consistent with the chal-
19 lenging content and student performance standards
20 that have been adopted or established;

21 (2) ensuring that every school in the State is
22 making demonstrable progress toward meeting the
23 State’s opportunity-to-learn standards;

24 (3) ensuring that the State’s opportunity-to-
25 learn standards address the need of all students;

1 (4) providing for periodic assessments of the ex-
2 tent to which opportunity-to-learn standards are
3 being met throughout the State; and

4 (5) periodically reporting to the public on the
5 extent of the State's improvement in achieving such
6 standards and providing all students with a fair op-
7 portunity to achieve the knowledge and skill levels
8 that meet the State's content and student perform-
9 ance standards.

10 (e) GOVERNANCE AND MANAGEMENT.—Each State
11 plan shall establish strategies for improved governance
12 and management of its education system, such as—

13 (1) aligning responsibility, authority, and ac-
14 countability throughout the education system, so
15 that decisions regarding content and student per-
16 formance standards are coordinated and decisions
17 regarding the means for achieving such standards
18 are made closest to the learners;

19 (2) creating an integrated and coherent ap-
20 proach to attracting, recruiting, preparing and li-
21 censing, appraising, rewarding, retaining, and sup-
22 porting the continued professional development of
23 teachers (including vocational teachers), administra-
24 tors, and other educators, including bilingual edu-
25 cators and special education providers, so that there

1 is a highly talented workforce of professional edu-
2 cators capable of preparing all students to reach
3 challenging standards, with special attention to the
4 recruitment, training, and retention of qualified mi-
5 norities into the education profession within the
6 State to ensure that the profession reflects the racial
7 and ethnic diversity of the student population;

8 (3) providing incentives for high performance,
9 such as—

10 (A) working with employers and institu-
11 tions of higher education to devise strategies to
12 reward student achievement;

13 (B) incentives for classroom teachers, prin-
14 cipals, and other professional educators to par-
15 ticipate in professional development activities;
16 and

17 (C) school-based incentives for schools and
18 local educational agencies to improve student
19 performance;

20 (4) increasing the proportion of State and local
21 funds allocated to direct instructional purposes; and

22 (5) increasing flexibility for local educational
23 agencies and schools by, for example—

1 (A) waiving State regulations and other re-
2 quirements that impede educational improve-
3 ment;

4 (B) focusing accountability on educational
5 outcomes rather than monitoring compliance
6 with input requirements; and

7 (C) fostering conditions that allow teach-
8 ers, principals, and parents in the school com-
9 munity to be creative in helping all students
10 meet challenging standards.

11 (f) PARENTAL AND COMMUNITY SUPPORT AND IN-
12 VOLVEMENT.—Each State plan shall describe strategies
13 for how the State will involve parents and other commu-
14 nity members in planning, designing, and implementing
15 its plan, including such strategies as—

16 (1) educating the public about the need for
17 higher standards, systemic improvement, and aware-
18 ness of diverse learning needs;

19 (2) involving parents, communities, and advo-
20 cacy groups in the standard-setting and improve-
21 ment process;

22 (3) linking the family and school in supporting
23 students to meet the challenging student content
24 and performance standards established;

1 (4) reporting, on an ongoing basis, to parents,
2 educators, and the public on the progress in imple-
3 menting the plan and improving student perform-
4 ance;

5 (5) focusing public and private community re-
6 sources and public school resources on prevention
7 and early intervention to address the needs of all
8 students by—

9 (A) identifying and removing unnecessary
10 regulations and obstacles to coordination;

11 (B) improving communication and infor-
12 mation exchange; and

13 (C) providing appropriate training to agen-
14 cy personnel; and

15 (6) increasing the access of all students to so-
16 cial services, health care, nutrition, related services,
17 and child care services, and locating such services in
18 schools, cooperating service agencies, community-
19 based centers, or other convenient sites designed to
20 provide “one-stop shopping” for parents and stu-
21 dents.

22 (g) MAKING THE IMPROVEMENTS SYSTEMWIDE.—To
23 help provide all students throughout the State the oppor-
24 tunity to meet challenging State standards, each State
25 plan shall describe strategies such as—

1 (1) ensuring that the improvement efforts ex-
2 pand from the initial local educational agencies,
3 schools, and educators involved to all local edu-
4 cational agencies, schools, and educators in the
5 State education system through such approaches as
6 teacher and administrator professional development,
7 technical assistance, whole school projects, intensive
8 summer training, and networking of teachers and
9 other educators, consortia of schools, and local edu-
10 cational agencies undertaking similar improvements;

11 (2) developing partnerships among preschools,
12 elementary and secondary schools, institutions of
13 higher education, cultural institutions, health and
14 social service providers, and employers to improve
15 teaching and learning at all levels of the education
16 system for all students and to foster collaboration
17 and continuous improvement;

18 (3) strategies to provide for the close coordina-
19 tion of standards development and improvement ef-
20 forts among institutions of higher education and sec-
21 ondary, and elementary schools;

22 (4) conducting parental involvement activities
23 and outreach programs aimed at parents whose lan-
24 guage is a language other than English, individuals
25 with disabilities, and other special populations, in-

1 including American Indians, Alaskan Natives, and Na-
2 tive Hawaiians, to involve all segments of the com-
3 munity in the development of the State plan;

4 (5) developing partnerships with Indian tribes
5 and schools funded by the Bureau, where appro-
6 priate, to improve consistency and compatibility in
7 curriculum among public and such schools funded by
8 the Bureau at all grade levels;

9 (6) allocating all available local, State, and Fed-
10 eral resources to achieve system-wide improvement;

11 (7) providing for the development of objective
12 criteria and measures against which the success of
13 local plans will be evaluated;

14 (8) providing for the availability of curricular
15 materials, learning technologies, including distance
16 learning, and professional development in a manner
17 ensuring equal access by all local educational agen-
18 cies in the State;

19 (9) taking steps to ensure that all local edu-
20 cational agencies, schools, and educators in the
21 State benefit from successful programs and practices
22 supported by funds made available to local edu-
23 cational agencies and schools under this title; and

24 (10) providing assistance to students, teachers,
25 schools, and local educational agencies that are iden-

1 tified through the assessment system developed
2 under subsection (c)(5) as needing such assistance.

3 (h) PROMOTING BOTTOM-UP REFORM.—Each State
4 plan shall include strategies for ensuring that comprehen-
5 sive, systemic reform is promoted from the bottom up in
6 communities, local educational agencies, and schools, as
7 well as guided by coordination and facilitation from State
8 leaders, including strategies such as—

9 (1) ensuring that the State plan is responsive to
10 the needs and experiences of local educational agen-
11 cies, schools, teachers, the community, and parents;

12 (2) establishing mechanisms for continuous
13 input from local schools, communities, advocacy
14 groups, institutions of higher education, and local
15 educational agencies into, and feedback on, the im-
16 plementation of the State plan;

17 (3) providing discretionary resources that en-
18 able teachers and schools to purchase needed profes-
19 sional development and other forms of assistance
20 consistent with their improvement plan from high-
21 quality providers of their choice;

22 (4) establishing collaborative networks of teach-
23 ers centered on content standards and assessments
24 for the purpose of improving teaching and learning;

1 (5) providing flexibility to individual schools
2 and local educational agencies to enable them to
3 adapt and integrate State content standards into
4 courses of study appropriate for individual schools
5 and communities;

6 (6) facilitating the provision of waivers from
7 State rules and regulations that impede the ability
8 of local educational agencies or schools to carry out
9 local education improvement plans; and

10 (7) facilitating communication among educators
11 within and between local educational agencies for the
12 purpose of sharing innovative and effective practices,
13 including, through the use of telecommunications,
14 distance learning, site visits, and other means.

15 (i) COORDINATION WITH SCHOOL-TO-WORK PRO-
16 GRAMS.—If a State has received Federal assistance for the
17 purpose of planing for, expanding, or establishing a
18 school-to-work program, then a State shall include in the
19 State plan a description of how such school-to-work pro-
20 gram will be incorporated into the school reform efforts
21 of the State. In particular, the State plan shall include
22 a description of how secondary schools will be modified
23 in order to provide career guidance, the integration of aca-
24 demic and vocational education, and work-based learning,

1 if such programs are proposed in the State's school-to-
2 work plan.

3 (j) BENCHMARKS AND TIMELINES.—Each State plan
4 shall include specific benchmarks of improved student per-
5 formance and of progress in implementing the improve-
6 ment plan, and timelines against which the progress of
7 the State in carrying out its plan, including the elements
8 described in subsections (c) through (h), can be measured.

9 (k) COORDINATING STRATEGIES.—Each State plan
10 shall include strategies for coordinating the integration of
11 academic and vocational instruction pursuant to the Carl
12 D. Perkins Vocational and Applied Technology Education
13 Act.

14 (l) PROGRAM IMPROVEMENT AND ACCOUNTABIL-
15 ITY.—Each State shall describe—

16 (1) how the State will monitor progress towards
17 implementing the State and local plans; and

18 (2) procedures the State will use to ensure
19 schools and school districts meet State opportunity-
20 to-learn and content standards within the estab-
21 lished time lines.

22 (m) PROHIBITION ON FEDERAL MANDATES, DIREC-
23 TION, AND CONTROL.—Nothing in this section shall be
24 construed to authorize an officer or employee of the Fed-
25 eral Government to mandate, direct, or control a State,

1 local educational agency, or school's curriculum, program
2 of instruction, or allocation of State and local resources.

3 (n) PEER REVIEW AND SECRETARIAL APPROVAL.—

4 (1) The Secretary shall review each State improvement
5 plan prepared under this section, and each application
6 submitted under section 305, with the assistance and ad-
7 vice of State and local education policymakers, educators,
8 classroom teachers, related services personnel, experts on
9 educational innovation and improvement, parents, advo-
10 cates for children with disabilities, representatives of other
11 advocacy groups, and other appropriate individuals. The
12 peer review process shall be performed by individuals rep-
13 resentative of the diversity of the United States with re-
14 gard to geography, race, ethnicity, gender, and disability.
15 The review of each State plan shall include at least one
16 site visit to each State.

17 (2) The Secretary shall approve a State's plan when
18 the Secretary determines, after considering the peer re-
19 viewers' comment, that it—

20 (A) reflects a widespread commitment within
21 the State;

22 (B) holds reasonable promise of enabling all
23 students to achieve at the high levels called for by
24 this Act;

1 (C) meets the requirements of subsections (a)
2 through (k); and

3 (D) allows local schools, local educational agen-
4 cies and communities the flexibility to implement
5 local improvement plans in a manner which reflects
6 local needs and requirements in order to promote a
7 ‘bottom up’ system of school reform.

8 (3) The Secretary shall not decline to approve a
9 State’s plan, or any State application submitted under sec-
10 tion 305, before offering the State—

11 (A) an opportunity to revise its plan or applica-
12 tion; and

13 (B) a hearing.

14 (o) REGULAR REVIEW.—Each State plan shall in-
15 clude a process for regularly reviewing and updating any
16 State content, student performance, and opportunity-to-
17 learn standards and assessment systems.

18 (p) AMENDMENTS TO PLAN.—(1) Each State shall
19 periodically review its plan and revise it, as appropriate,
20 in accordance with the process described in subsection (b).

21 (2) The Secretary shall review major amendments to
22 a State’s plan through the same process, described in sub-
23 section (j), used to review the original plan.

24 (q) PREEXISTING STATE PLANS AND PANELS.—(1)
25 If a State has developed a comprehensive and systemic

1 improvement plan to help all students meet challenging
2 standards, or any component of such a plan, that other-
3 wise meets the requirements of this section, the Secretary
4 may approve such plan or component notwithstanding that
5 it was not developed in accordance with subsection (b),
6 if the Secretary determines that such approval would fur-
7 ther the purposes of State systemic education improve-
8 ment.

9 (2) If, before the enactment of this Act, a State has
10 made substantial progress in developing a plan that other-
11 wise meets, or is likely to meet, the requirements of this
12 section, but was developed by a panel that does not meet
13 the requirements of paragraphs (1), (2), and (3) of sub-
14 section (b), the Secretary may, at the request of the Gov-
15 ernor and the State educational agency, treat such panel
16 as meeting the requirements of this title if the Secretary
17 determines that there has been statewide involvement of
18 educators, parents, students, advocacy groups, other inter-
19 ested members of the public in the development of the
20 plan.

21 **SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAY-**
22 **MENTS.**

23 (a) **FIRST YEAR.**—The Secretary shall approve the
24 initial year application of a State educational agency
25 under section 305(b) if the Secretary determines that—

1 (1) such application meets the requirements of
2 this title; and

3 (2) there is a substantial likelihood that the re-
4 newal application of the State will be able to develop
5 and implement an education improvement plan that
6 complies with section 306.

7 (b) SECOND THROUGH FIFTH YEARS.—The Sec-
8 retary shall approve a renewal application of a State edu-
9 cational agency under section 305(c) for the second
10 through fifth years only if—

11 (1)(A) the Secretary has approved the State’s
12 improvement plan under section 306(l); or

13 (B) the Secretary determines that the State has
14 made substantial progress in developing such plan;
15 and

16 (2) such application meets the other require-
17 ments of this title.

18 (c) PAYMENTS.—For any fiscal year for which a
19 State has an approved application under this title, the Sec-
20 retary shall make a grant to the State educational agency
21 in the amount determined under section 304(b).

22 **SEC. 308. STATE USE OF FUNDS.**

23 (a) FIRST YEAR.—In the first year for which a State
24 educational agency receives a grant under this title, the
25 State—

1 (1) shall use at least 75 percent of such funds
2 to make subgrants, in accordance with section
3 309(a), to local educational agencies for the develop-
4 ment or implementation of local improvement plans
5 and to make subgrants, in accordance with section
6 309(b), to improve educator preservice programs
7 and for professional development activities consistent
8 with the State plan, if the amount allocated to
9 States under section 304(b) for such year is at least
10 \$50,000,000. The State may use such funds for
11 such subgrants if such amount is less than
12 \$50,000,000; and

13 (2) shall use the remainder of such funds to de-
14 velop, revise, expand, or implement an education im-
15 provement plan described in section 306.

16 (b) SUCCEEDING YEARS.—A State that receives as-
17 sistance under this title for any year after the first year
18 of participation shall—

19 (1) use at least 90 percent of such assistance
20 in each succeeding year to make subgrants—

21 (A) to local educational agencies, in ac-
22 cordance with section 309(a), for the implemen-
23 tation of the State improvement plan and of
24 local improvement plans; and

1 (B) in accordance with section 309(b), to
2 improve educator preservice programs and for
3 professional development activities that are con-
4 sistent with the State improvement plan; and

5 (2) use the remainder of such assistance for
6 State activities designed to implement its improve-
7 ment plan, such as—

8 (A) supporting the development or adop-
9 tion of State content and student performance
10 standards, State opportunity-to-learn standards,
11 and assessments linked to the standards, in-
12 cluding through consortia of States, and in con-
13 junction with the National Education Standards
14 and Improvement Council established under
15 part B of title II of this Act;

16 (B) supporting the implementation of high-
17 performance management and organizational
18 strategies, such as site-based management,
19 shared decisionmaking, or quality management
20 principles, to promote effective implementation
21 of such plan;

22 (C) supporting the development and imple-
23 mentation, at the local educational agency and
24 school building level, of improved human re-
25 source development systems for recruiting, se-

1 lecting, mentoring, supporting, evaluating, and
2 rewarding educators;

3 (D) providing special attention to the
4 needs of minority, limited-English proficient,
5 disabled, and female students, including in-
6 structional programs and activities that encour-
7 age such students in elementary and secondary
8 schools to aspire to enter post secondary edu-
9 cation or training;

10 (E) supporting the development, at the
11 State or local level, of performance-based ac-
12 countability and incentive systems for schools;

13 (F) outreach related to education improve-
14 ment to parents, Indian tribal officials, class-
15 room teachers, related services personnel, and
16 other educators, and the public;

17 (G) providing technical assistance and
18 other services to increase the capacity of local
19 educational agencies and schools to develop and
20 implement local systemic improvement plans,
21 implement new assessments, and develop curric-
22 ula consistent with the content and student per-
23 formance standards of the State;

1 (H) promoting public magnet schools, pub-
2 lic “charter schools”, and other mechanisms for
3 increasing choice among public schools; and

4 (I) collecting and analyzing data.

5 (c) LIMIT ON ADMINISTRATIVE COSTS.—In each
6 year, a State may use not more than four percent of its
7 annual allotment under this title, or \$100,000, whichever
8 is greater, for administrative expenses, not including the
9 activities of the panel established under section 306(b)(1).

10 **SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFES-**
11 **SIONAL DEVELOPMENT.**

12 (a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
13 CIES.—(1)(A) Each State educational agency shall make
14 subgrants to local educational agencies (or consortia of
15 such agencies) consistent with subsections (a)(1) and
16 (b)(1)(A) of section 308 through a competitive process.

17 (B) In making such subgrants, the State educational
18 agency shall award not less than 1 subgrant in each fiscal
19 year to an urban local educational agency and not less
20 than 1 subgrant in each fiscal year to a rural local edu-
21 cational agency, except that this provision shall not apply
22 to the District of Columbia. Rural local educational agen-
23 cies may include or be represented as a fiscal agent by
24 an education service agency.

1 (C) Each subgrant shall be for a project of sufficient
2 duration and of sufficient size, scope, and quality to carry
3 out the purpose of this title effectively.

4 (2) A local educational agency wishing to receive a
5 subgrant under this title for the purpose of developing a
6 comprehensive local plan shall submit an application to the
7 State educational agency. Such application shall contain
8 assurances that the local educational agency intends to de-
9 velop a plan that meets the requirements of this section.

10 (3) Each local educational agency wishing to receive
11 a subgrant for the purpose of implementing a plan under
12 this subsection shall submit a local plan to the State edu-
13 cational agency which—

14 (A) is developed by a broad-based panel that—

15 (i) is appointed by the local educational
16 agency and is representative of the diversity of
17 students and community with regard to race,
18 language, ethnicity, gender, disability, and so-
19 cioeconomic characteristics and includes teach-
20 ers, parents, advocacy groups, school adminis-
21 trators, business representatives, and others, as
22 appropriate; and

23 (ii) shall, following the selection of its
24 members, establish the procedures regarding

1 the operation of the panel, including the des-
2 ignation of the chairperson;

3 (B) includes a comprehensive local plan for dis-
4 trictwide education improvement, directed at ena-
5 bling all students to meet the challenging content
6 and student performance standards of the State, in-
7 cluding specific goals and benchmarks, consistent
8 with the State improvement plan (either approved or
9 under development) and includes a strategy for—

10 (i) implementing opportunity-to-learn
11 standards;

12 (ii) improving teaching and learning;

13 (iii) improving governance and manage-
14 ment;

15 (iv) generating and strengthening parental
16 and community involvement; and

17 (v) expanding improvements throughout
18 the local educational agency;

19 (C) promotes the flexibility of local schools in
20 developing plans which address the particular needs
21 of their school and community and are consistent
22 with the local plan;

23 (D) describes a process of broad-based commu-
24 nity participation in the development, implementa-
25 tion, and evaluation of the local plan;

1 (E) describes how the local educational agency
2 will encourage and assist schools to develop com-
3 prehensive school improvement plans that focus on
4 helping all students reach challenging content and
5 student performance standards and that address rel-
6 evant elements of the improvement plan of the local
7 educational agency identified in subparagraph (B);

8 (F) describes how the local educational agency
9 will implement specific programs aimed at ensuring
10 improvements in school readiness and the ability of
11 students to learn effectively at all grade levels by
12 identifying the most pressing needs facing students
13 and their families with regard to social services,
14 health care, nutrition, and child care, and by enter-
15 ing into partnerships with public and private agen-
16 cies to increase the access of students and families
17 to coordinated services in a school setting or at a
18 nearby site;

19 (G) describes how the subgrant will be used by
20 the local educational agency, and the procedures to
21 be used to make funds available to schools in accord-
22 ance with paragraph (6)(A);

23 (H) identifies, with an explanation, any State
24 or Federal requirements that the local educational
25 agency believes impede educational improvement and

1 that such local educational agency requests be
2 waived in accordance with section 311 (such re-
3 quests shall promptly be transmitted to the Sec-
4 retary by the State educational agency); and

5 (I) contains such other information as the State
6 educational agency may reasonably require.

7 (4) A local educational agency which has approved
8 a local plan shall submit such plan to the State for ap-
9 proval together with a description of modifications to such
10 plan and any comments from the local panel regarding
11 such plan.

12 (5) The panel appointed under paragraph (3)(A)
13 shall, after approval by the State educational agency of
14 the application of the local educational agency, monitor
15 the implementation and effectiveness of the local improve-
16 ment plan in close consultation with teachers, related serv-
17 ices personnel, principals, administrators, community
18 members, and parents from schools receiving funds under
19 this title, to determine if revisions to the local plan should
20 be recommended to the local educational agency. The
21 panel shall make public its findings.

22 (6)(A) A local educational agency that receives a
23 subgrant under this subsection shall—

24 (i) in the first year, use not more than 25 per-
25 cent of subgrant funds to develop a local improve-

1 ment plan or to implement any local educational ac-
2 tivities approved by the State educational agency
3 which are reasonably related to carrying out the
4 State or local improvement plans, and not less than
5 75 percent of such funds to support individual
6 school improvement initiatives directly related to
7 providing all students in the school the opportunity
8 to meet challenging State content and student per-
9 formance standards; and

10 (ii) in subsequent years, use subgrant funds for
11 any activities approved by the State educational
12 agency which are reasonably related to carrying out
13 the State or local improvement plans, except that at
14 least 85 percent of such funds shall be made avail-
15 able to individual schools to develop and implement
16 comprehensive school improvement plans which are
17 tailored to meet the needs of their particular student
18 populations and are designed to help all students
19 meet challenging State content standards.

20 (B) At least 50 percent of the funds made available
21 by a local educational agency to individual schools under
22 this section in any fiscal year shall be made available to
23 schools with a special need for such assistance, as indi-
24 cated by a high number or percentage of students from

1 low-income families, low student achievement, or other
2 similar criteria developed by the local educational agency.

3 (C) A local educational agency may not use more
4 than five percent of its annual allotment under this Act
5 for administrative expenses.

6 (7) The State educational agency shall give priority
7 in awarding a subgrant to—

8 (A) a consortium of local educational agencies;
9 or

10 (B) a local educational agency that makes as-
11 surances that funds will be used to assist a consor-
12 tium of schools that has developed a plan for school
13 improvement.

14 (b) SUBGRANTS FOR PRESERVICE TEACHER EDU-
15 CATION AND PROFESSIONAL DEVELOPMENT ACTIVI-
16 TIES.—(1)(A) Each State educational agency shall make
17 subgrants to consortia of local educational agencies, insti-
18 tutions of higher education, private nonprofit organiza-
19 tions, or combinations thereof, consistent with subsections
20 (a)(1) and (b)(1) of section 308 through a competitive,
21 peer-reviewed process to—

22 (i) improve preservice teacher education pro-
23 grams consistent with the State plan, including how
24 to work effectively with parents and the community;
25 and

1 (ii) support continuing, sustained professional
2 development activities for educators which will in-
3 crease student learning and are consistent with the
4 State plan.

5 (B)(i) In order to apply for a subgrant described in
6 subparagraph (A)(i), a consortium must include at least
7 one local educational agency and at least one institution
8 of higher education.

9 (ii) In order to apply for a subgrant described in sub-
10 paragraph (A)(ii), a consortium must include at least one
11 local educational agency.

12 (2) A consortium that wishes to receive a subgrant
13 under this subsection shall submit an application to the
14 State educational agency which—

15 (A) describes how the applicant will use the
16 subgrant to improve teacher preservice and school
17 administrator education programs or to implement
18 educator professional development activities consist-
19 ent with the State plan;

20 (B) identifies the criteria to be used by the ap-
21 plicant to judge improvements in preservice edu-
22 cation or the effects of professional development ac-
23 tivities consistent with the State plan; and

24 (C) contains any other information that the
25 State educational agency determines is appropriate.

1 (3) A recipient of a subgrant under this subsection
2 shall use the subgrant funds for activities supporting—

3 (A) the improvement of preservice teacher edu-
4 cation and school administrator programs so that
5 such programs equip educators with the subject
6 matter and pedagogical expertise necessary for pre-
7 paring all students to meet challenging standards; or

8 (B) the development and implementation of new
9 and improved forms of continuing and sustained
10 professional development opportunities for teachers,
11 principals, and other educators at the school or dis-
12 trict level that equip educators with such expertise,
13 and with other knowledge and skills necessary for
14 leading and participating in continuous education
15 improvement.

16 (4) A recipient may use the subgrant funds under
17 this subsection for costs related to release time for teach-
18 ers to participate in professional development activities.

19 (5) Professional development shall include related
20 services personnel as appropriate.

21 (6) In awarding subgrants under this subsection, the
22 State educational agency shall give priority to local edu-
23 cational agencies that form partnerships with collegiate
24 educators to establish professional development school
25 sites.

1 (c) SPECIAL AWARD RULE.—(1) Each State edu-
2 cational agency shall award at least 50 percent of
3 subgrant funds under subsection (a) in each fiscal year
4 to local educational agencies that have a greater percent-
5 age or number of disadvantaged children than the state-
6 wide average percentage or number for all local edu-
7 cational agencies in the State.

8 (2) The State educational agency may waive the re-
9 quirement of paragraph (1) if such State does not receive
10 a sufficient number of applications to comply with such
11 requirement.

12 **SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.**

13 (a) INFORMATION AND TRAINING.—Proportionate to
14 the number of children in a State or in a local educational
15 agency who are enrolled in private elementary or second-
16 ary schools—

17 (1) a State educational agency or local edu-
18 cational agency which uses funds under this title to
19 develop goals, content standards, curricular mate-
20 rials, and assessments shall, upon request, make in-
21 formation related to such goals, standards, mate-
22 rials, and assessments available to private schools;
23 and

24 (2) a State educational agency or local edu-
25 cational agency which uses funds under this title for

1 teacher and administrator training shall provide in
2 its plan for the training of teachers and administra-
3 tors in private schools located in the geographical
4 area served by such agency.

5 (b) **WAIVER.**—If, by reason of any provision of law,
6 a State or local educational agency is prohibited from pro-
7 viding for the equitable participation of teachers and ad-
8 ministrators from private schools in training programs as-
9 sisted with Federal funds provided under this title, or if
10 the Secretary determines that a State or local educational
11 agency has substantially failed or is unwilling to provide
12 for such participation, the Secretary shall waive such re-
13 quirements and shall arrange for the provision of training
14 consistent with State goals and content standards for such
15 teachers and administrators. Such waivers shall be subject
16 to consultation, withholding, notice, and judicial review in
17 accordance with section 1017 of the Elementary and
18 Secondary Education Act of 1965.

19 **SEC. 311. WAIVERS OF STATUTORY AND REGULATORY RE-**
20 **QUIREMENTS.**

21 (a) **GENERAL.**—(1) Except as provided in subsection
22 (c), the Secretary may waive any requirement of any stat-
23 ute listed in subsection (b) or of the regulations issued
24 under such statute for a State educational agency, local

1 educational agency, or school that requests such a waiver—
2 er—

3 (A) if, and only to the extent that, the Secretary
4 determines that such requirement impedes the
5 ability of the State, or of a local educational agency
6 or school in the State, to carry out the State or local
7 education improvement plan;

8 (B) if the State educational agency has waived,
9 or agrees to waive, similar requirements of State
10 law; and

11 (C) if, in the case of a Statewide waiver, the
12 State educational agency—

13 (i) provides all local educational agencies
14 and parent organizations in the State with notice
15 and an opportunity to comment on the proposal
16 of the State educational agency to seek a
17 waiver; and

18 (ii) submits the comments of such agencies
19 to the Secretary.

20 (2) To request a waiver, a State educational agency,
21 local educational agency, or school that receives funds
22 under this Act or a local educational agency that does not
23 receive funds under this Act but is undertaking school reform
24 efforts that meet the objectives of the State plan,

1 shall submit an application to the Secretary that in-
2 cludes—

3 (A) the identification of statutory or regulatory
4 requirements that are requested to be waived and
5 the goals that the State local educational agency or
6 school intends to achieve;

7 (B) a description of the action that the State
8 has undertaken to remove State statutory or regu-
9 latory barriers identified in the applications of local
10 educational agencies;

11 (C) a description of the goals of the waiver and
12 the expected programmatic outcomes if the request
13 is granted;

14 (D) the numbers and types of students to be
15 impacted by such waiver;

16 (E) a timetable for implementing a waiver; and

17 (F) the process the State will use to monitor,
18 on a biannual basis, the progress in implementing a
19 waiver.

20 (3) The Secretary shall act promptly on a waiver re-
21 quest and state in writing the reasons for granting or de-
22 nying such request. If a waiver is granted, the Secretary
23 must also include the expected outcome of granting such
24 waiver.

25 (4) The Secretary's decision shall be—

1 (A) published in the Federal Register; and

2 (B) disseminated by the State educational agen-
3 cy to interested parties, including educators, par-
4 ents, students, advocacy and civil rights organiza-
5 tions, other interested parties, and the public.

6 (5) Each such waiver shall be for a period not to ex-
7 ceed three years. The Secretary may extend such period
8 if the Secretary determines that the waiver has been effec-
9 tive in enabling the State or affected local educational
10 agencies to carry out reform plans.

11 (b) INCLUDED PROGRAMS.—The statutes subject to
12 the waiver authority of this section are as follows:

13 (1) Chapter 1 of title I of the Elementary and
14 Secondary Education Act of 1965.

15 (2) Part A of chapter 2 of title I of the Elemen-
16 tary and Secondary Education Act of 1965.

17 (3) The Dwight D. Eisenhower Mathematics
18 and Science Education Act (part A of title II of the
19 Elementary and Secondary Education Act of 1965).

20 (4) The Emergency Immigrant Education Act
21 of 1984 (part D of title IV of the Elementary and
22 Secondary Education Act of 1965).

23 (5) The Drug-Free Schools and Communities
24 Act of 1986 (title V of the Elementary and Second-
25 ary Education Act of 1965).

1 (6) The Carl D. Perkins Vocational and Applied
2 Technology Education Act.

3 (c) WAIVERS NOT AUTHORIZED.—The Secretary
4 may not waive any statutory or regulatory requirement of
5 the programs listed in subsection (b) relating to—

6 (1) maintenance of effort;

7 (2) comparability of services;

8 (3) the equitable participation of students and
9 professional staff in private schools;

10 (4) parental participation and involvement; or

11 (5) the distribution of funds to State or to local
12 educational agencies.

13 (d) TERMINATION OF WAIVERS.—The Secretary
14 shall periodically review the performance of any State,
15 local educational agency, or school for which the Secretary
16 has granted a waiver and shall terminate the waiver if the
17 performance of the State, the local educational agency, or
18 the school in the area affected by the waiver has been in-
19 adequate to justify a continuation of the waiver.

20 **SEC. 312. PROGRESS REPORTS.**

21 (a) STATE REPORTS TO THE SECRETARY.—Each
22 State educational agency that receives funds under this
23 title shall annually report to the Secretary regarding—

24 (1) progress in meeting State goals and plans;

1 (2) proposed State activities for the succeeding
2 year; and

3 (3) in summary form, the progress of local edu-
4 cational agencies in meeting local goals and plans
5 and increasing student learning.

6 (b) SECRETARY'S REPORTS TO CONGRESS.—By
7 April 30, 1996, and every two years thereafter, the Sec-
8 retary shall submit a report to the Committee on Edu-
9 cation and Labor of the House of Representatives and the
10 Committee on Labor and Human Resources of the Senate
11 describing the activities and outcomes of grants under—

12 (1) section 220 of this Act, including—

13 (A) a description of the purpose, uses, and
14 technical merit of assessments evaluated with
15 funds under such section; and

16 (B) an analysis of the impact of such as-
17 sessments on the performance of all students,
18 particularly students of different racial, gender,
19 ethnic, language groups, or individuals with dis-
20 abilities; and

21 (2) this title, including a description of the ef-
22 fect of waivers granted under section 311.

23 **SEC. 313. NATIONAL LEADERSHIP.**

24 (a) ACTIVITIES AUTHORIZED.—From funds reserved
25 each year under section 304(a)(2)(A), the Secretary shall,

1 through the Office of Educational Research and Improve-
2 ment in accordance with the provisions of sections 405 and
3 406 of the General Education Provisions Act, directly or
4 through grants or contracts—

5 (1) provide technical assistance to States and
6 local educational agencies developing or implement-
7 ing school improvement plans, in a manner that en-
8 sures that each such State has access to such assist-
9 ance;

10 (2) gather data on, conduct research on, and
11 evaluate systemic education improvement, including
12 the programs authorized by this title;

13 (3) disseminate research findings and other in-
14 formation on systemic education improvement and
15 how it affects student learning;

16 (4) provide grants to tribal divisions of edu-
17 cation for coordination efforts between school reform
18 plans developed for schools funded by the Bureau of
19 Indian Affairs and public schools described in sec-
20 tion 306(g)(5), including tribal activities in support
21 of plans; and

22 (5) support national demonstration projects
23 that unite local and State educational agencies, in-
24 stitutions of higher education, government, business,

1 and labor in collaborative arrangements in order to
2 make educational improvements systemwide.

3 (b) RESERVATION OF FUNDS.—(1) The Secretary
4 shall use at least 50 percent of the funds reserved each
5 year under section 304(a)(2)(A) to make grants, consist-
6 ent with the provisions of section 309(a) that the Sec-
7 retary finds appropriate, and provide technical and other
8 assistance to urban and rural local educational agencies
9 with large numbers or concentrations of students who are
10 economically disadvantaged or who have limited English
11 proficiency, to assist such agencies in developing and im-
12 plementing local school improvement plans.

13 (2) The Secretary shall use not less than \$1,000,000
14 of the funds reserved the first year under section
15 304(a)(2)(A) to survey coordinated services programs that
16 have been found to be successful in helping students and
17 families and improving student outcomes, and shall dis-
18 seminate information about such programs to schools that
19 plan to develop coordinated services programs.

20 **SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO**
21 **THE SECRETARY OF THE INTERIOR.**

22 (a) OUTLYING AREAS.—(1) Funds reserved for outly-
23 ing areas under section 304(a)(1)(A) shall be distributed
24 among such areas by the Secretary according to relative
25 need.

1 (2) The provisions of Public Law 95–134, permitting
2 the consolidation of grants to the insular areas, shall not
3 apply to funds received by such areas under this title.

4 (b) SECRETARY OF THE INTERIOR.—

5 (1) IN GENERAL.—The funds reserved to the
6 Secretary of the Interior under section 304 shall be
7 made in a payment which shall be pursuant to an
8 agreement between the Secretary and the Secretary
9 of the Interior containing such assurances and terms
10 as the Secretary determines shall best achieve the
11 provisions of this section and this Act. The agree-
12 ment shall, at a minimum, contain assurances
13 that—

14 (A) a panel, as set forth in paragraph (4)
15 of this subsection, shall be established;

16 (B) a reform and improvement plan, de-
17 signed to increase student learning and assist
18 students in meeting the National Education
19 Goals, meeting the requirements pertaining to
20 State improvement plans required in section
21 306 and providing for the fundamental restruc-
22 turing and improvement of elementary and sec-
23 ondary education in schools funded by the Bu-
24 reau, shall be developed by such panel; and

1 (C) the provisions and activities required
2 under State improvement plans, including the
3 requirements for timetables for opportunity-to-
4 learn standards, shall be carried out in the
5 same time frames and under the same condi-
6 tions stipulated for the States in sections 305
7 and 306, provided that for these purposes, the
8 term “local educational agencies” shall be inter-
9 preted to mean “schools funded by the Bu-
10 reau”.

11 (2) VOLUNTARY SUBMISSION.—The provisions
12 applicable to the States in section 213 of this Act
13 shall apply to the Bureau plan with regard to vol-
14 untary submission of standards and assessment sys-
15 tems to the National Education Standards and
16 Improvement Council for review and certification.

17 (3) PLAN SPECIFICS.—The reform and im-
18 provement plan shall include, in addition to the re-
19 quirements referenced above, specific provisions
20 for—

21 (A) opportunity to learn standards pertain-
22 ing to residential programs and transportation
23 costs associated with programs located on or
24 near reservations or serving students in off-res-
25 ervation residential boarding schools;

1 (B) review and incorporation of the Na-
2 tional Education Goals and the voluntary na-
3 tional content, student performance, and oppor-
4 tunity-to-learn standards developed under part
5 B of title II of this Act, provided that such re-
6 view shall include the issues of cultural and lan-
7 guage differences; and

8 (C) provision for coordination of the efforts
9 of the Bureau with the efforts for school im-
10 provement of the States and local educational
11 agencies in which the schools funded by the Bu-
12 reau are located, to include, but not be limited
13 to, the development of the partnerships outlined
14 in section 306(g)(5) of the Act.

15 (4) PANEL.—To carry out the provisions of this
16 section, and to develop the plan for system-wide re-
17 form and improvement required under the agree-
18 ment required under paragraph (1), the Secretary of
19 the Interior shall establish a panel coordinated by
20 the Assistant Secretary of the Interior for Indian
21 Affairs. Such panel shall consist of—

22 (A) the Director of the Office of Indian
23 Education Programs of the Bureau of Indian
24 Affairs and two heads of other divisions of such

1 Bureau as the Assistant Secretary shall des-
2 ignate;

3 (B) a designee of the Secretary of Edu-
4 cation; and

5 (C) a representative nominated by each of
6 the following:

7 (i) The organization representing the
8 majority of teachers and professional per-
9 sonnel in schools operated by the Bureau.

10 (ii) The organization representing the
11 majority of nonteaching personnel in
12 schools operated by the Bureau, if not the
13 same organization as in clause (i).

14 (iii) School administrators of schools
15 operated by the Bureau.

16 (iv) Education line officers located in
17 Bureau area or agency offices serving
18 schools funded by the Bureau.

19 (v) The organization representing the
20 majority of contract or grant schools fund-
21 ed by the Bureau not serving students on
22 the Navajo reservation.

23 (vi) The organization representing the
24 majority of contract or grant schools fund-

1 ed by the Bureau serving students on the
2 Navajo reservation.

3 (vii) The organization representing
4 the school boards required by statute for
5 schools operated by the Bureau not serving
6 students on the Navajo reservation.

7 (viii) The organization representing
8 the school boards required by statute for
9 schools funded by the Bureau serving stu-
10 dents on the Navajo reservation.

11 Including the additional members required by para-
12 graph (5), a majority of the members of such panel
13 shall be from the entities designated under subpara-
14 graph (C).

15 (5) ADDITIONAL MEMBERS.—In addition, the
16 members of the panel stipulated above shall des-
17 ignate for full membership four additional mem-
18 bers—

19 (A) one of whom shall be a representative
20 of a national organization which represents pri-
21 marily national Indian education concerns; and

22 (B) three of whom shall be chairpersons
23 (or their designees) of Indian tribes with
24 schools funded by the Bureau on their reserva-
25 tions (other than those specifically represented

1 by organizations referred to in paragraph (4)),
2 provided that preference for no less than two of
3 these members shall be given to Indian tribes
4 with a significant number of schools funded by
5 the Bureau on their reservations, or with a sig-
6 nificant percentage of their children enrolled in
7 schools funded by the Bureau.

8 (c) BIA COST ANALYSIS.—

9 (1) IN GENERAL.—(A) The Secretary of the In-
10 terior shall reserve from the first allotment made to
11 the Department of the Interior pursuant to section
12 304 an amount not to exceed \$500,000 to provide,
13 through the National Academy of Sciences, for an
14 analysis of the costs associated with meeting the
15 academic and home-living/residential standards of
16 the Bureau of Indian Affairs for each school funded
17 by such Bureau. The purpose of such analysis shall
18 be to provide the Bureau and the Panel with base-
19 line data regarding the current state of operations
20 funded by the Bureau and to provide a framework
21 for addressing the implementation of opportunity-to-
22 learn standards.

23 (B) The results of such analysis shall be re-
24 ported, in aggregate and school specific form, to the
25 chairpersons and ranking minority members of the

1 Committees on Education and Labor and Appropria-
2 tions of the House of Representatives and the Select
3 Committee on Indian Affairs and the Committee on
4 Appropriations of the Senate, and to the Secretary
5 of the Interior, the Secretary of Education (who
6 shall transmit the report to the proper entities under
7 this Act), and the Assistant Secretary of the Interior
8 for Indian Affairs, not later than 6 months after the
9 date of enactment of this Act.

10 (2) CONTENT.—Such analysis shall evaluate the
11 costs of providing a program in each school for the
12 next succeeding academic year and shall be based
13 on—

14 (A) the standards either published in the
15 Federal Register as having effect in schools op-
16 erated by the Bureau on the date of enactment
17 of this Act or the standards incorporated into
18 each grant or contract in effect on such date
19 with a tribally controlled school funded under
20 section 1128 of Public Law 95–561 (as amend-
21 ed);

22 (B) the best projections of student counts
23 and demographics, as provided by the Bureau
24 and as independently reviewed by the Academy;
25 and

1 (C) the pay and benefit schedules and
2 other personnel requirements for each school
3 operated by the Bureau, as existing on the date
4 of enactment.

5 (d) SECRETARY OF DEFENSE.—The Secretary shall
6 consult with the Secretary of Defense to ensure that, to
7 the extent practicable, the purposes of this title are applied
8 to the Department of Defense schools.

9 **TITLE IV—NATIONAL SKILL**
10 **STANDARDS BOARD**

11 **SEC. 401. PURPOSE.**

12 It is the purpose of this title to establish a National
13 Board to serve as a catalyst in stimulating the develop-
14 ment and adoption of a voluntary national system of skill
15 standards and certification that will serve as a cornerstone
16 of the national strategy to enhance workforce skills, and
17 that can be used, consistent with Federal civil rights
18 laws—

19 (1) by the Nation, to ensure the development of
20 a high skills, high quality, high performance
21 workforce, including the most skilled front-line
22 workforce in the world, and that will result in in-
23 creased productivity, economic growth and American
24 economic competitiveness;

1 (2) by industries, as a vehicle for informing
2 training providers and prospective employees of
3 skills necessary for employment;

4 (3) by employers, to assist in evaluating the
5 skill levels of prospective employees and to assist in
6 the training of current employees;

7 (4) by labor organizations, to enhance the em-
8 ployment security of workers by providing portable
9 credentials and skills;

10 (5) by workers, to obtain certifications of their
11 skills to protect against dislocation, to pursue career
12 advancement, and to enhance their ability to reenter
13 the workforce;

14 (6) by students and entry level workers, to de-
15 termine the skill levels and competencies needed to
16 be obtained in order to compete effectively for high
17 wage jobs;

18 (7) by training providers and educators, to de-
19 termine appropriate training services to offer;

20 (8) by Government, to evaluate whether pub-
21 licly-funded training assists participants to meet
22 skill standards where they exist and thereby protect
23 the integrity of public expenditures;

24 (9) to facilitate the transition to high perform-
25 ance work organizations;

1 (10) to increase opportunities for minorities
2 and women, including removing barriers to the entry
3 of women in non-traditional employment; and

4 (11) to facilitate linkages between other compo-
5 nents of the workforce investment strategy, includ-
6 ing school-to-work transition, secondary and post-
7 secondary vocational-technical education, and job
8 training programs.

9 **SEC. 402. ESTABLISHMENT OF NATIONAL BOARD.**

10 (a) IN GENERAL.—There is established a National
11 Skill Standards Board (in this title referred to as the
12 “National Board”).

13 (b) COMPOSITION.—

14 (1) IN GENERAL.—The National Board shall be
15 composed of 28 members, appointed in accordance
16 with paragraph (3), of whom—

17 (A) one member shall be the Secretary of
18 Labor;

19 (B) one member shall be the Secretary of
20 Education;

21 (C) one member shall be the Secretary of
22 Commerce;

23 (D) one member shall be the Chairperson
24 of the National Education Standards and Im-

1 provement Council established pursuant to sec-
2 tion 212(a);

3 (E) eight members shall be representatives
4 of small and large business and industry se-
5 lected from among individuals recommended by
6 recognized national business organizations and
7 trade associations;

8 (F) eight members shall be representatives
9 of organized labor selected from among individ-
10 uals recommended by recognized national labor
11 federations; and

12 (G) eight members shall be representatives
13 from the following groups, with at least one
14 member from each group:

15 (i) Educational institutions.

16 (ii) Community-based organizations.

17 (iii) State and local governments.

18 (iv) Nongovernmental organizations
19 with a demonstrated history of successfully
20 protecting the rights of racial, ethnic and
21 religious minorities, women, persons with
22 disabilities or older persons.

23 (2) DIVERSITY REQUIREMENTS.—The members
24 described in subparagraph (G) of paragraph (1)
25 shall have expertise in the area of education and

1 training. The members described in subparagraphs
2 (E), (F), and (G) of paragraph (1) shall—

3 (A) in the aggregate, represent a broad
4 cross-section of occupations and industries; and

5 (B) to the extent feasible, be geographi-
6 cally representative of the United States and re-
7 flect the racial, ethnic and gender diversity of
8 the United States.

9 (3) APPOINTMENT.—The membership of the
10 National Board shall be appointed as follows:

11 (A) Twelve members (four from each class
12 of members described in subparagraphs (E),
13 (F), and (G) of paragraph (1)) shall be ap-
14 pointed by the President.

15 (B) Six members (two from each class of
16 members described in subparagraphs (E), (F),
17 and (G) of paragraph (1)) shall be appointed by
18 the Speaker of the House of Representatives, of
19 whom three members (one from each class of
20 members described in subparagraphs (E), (F),
21 and (G) of paragraph (1)) shall be selected
22 from recommendations made by the Majority
23 Leader of the House of Representatives and
24 three members (one from each class of members
25 described in subparagraphs (E), (F), and (G) of

1 paragraph (1)) shall be selected from rec-
2 ommendations made by the Minority Leader of
3 the House of Representatives.

4 (C) Six members (two from each class of
5 members described in subparagraphs (E), (F),
6 and (G) of paragraph (1)) shall be appointed by
7 the President pro tempore of the Senate, of
8 whom three members (one from each class of
9 members described in subparagraphs (E), (F),
10 and (G) of paragraph (1)) shall be selected
11 from recommendations made by the Majority
12 Leader of the Senate and three members (one
13 from each class of members described in sub-
14 subparagraphs (E), (F), and (G) of paragraph (1))
15 shall be selected from recommendations made
16 by the Minority Leader of the Senate.

17 (4) TERM.—Each member of the National
18 Board appointed under subparagraphs (E), (F), and
19 (G) of paragraph (1) shall be appointed for a term
20 of 4 years, except that of the initial members of the
21 Board appointed under such paragraph—

22 (A) twelve members shall be appointed for
23 a term of 3 years (four from each class of mem-
24 bers described in subparagraphs (E), (F), and
25 (G) of paragraph (1)), of whom—

1 (i) two from each class shall be ap-
2 pointed in accordance with paragraph
3 (3)(A);

4 (ii) one from each such class shall be
5 appointed in accordance with paragraph
6 (3)(B); and

7 (iii) one from each such class shall be
8 appointed in accordance with paragraph
9 (3)(C); and

10 (B) twelve members shall be appointed for
11 a term of 4 years (four from each class of mem-
12 bers described in subparagraphs (E), (F), and
13 (G) of paragraph (1)), of whom—

14 (i) two from each such class shall be
15 appointed in accordance with paragraph
16 (3)(A);

17 (ii) one from each such class shall be
18 appointed in accordance with paragraph
19 (3)(B); and

20 (iii) one from each such class shall be
21 appointed in accordance with paragraph
22 (3)(C).

23 (c) CHAIRPERSON AND VICE CHAIRPERSONS.—

24 (1) CHAIRPERSON.—The National Board shall
25 biennially elect a Chairperson from among the mem-

1 bers of the National Board by a majority vote of
2 such members.

3 (2) VICE CHAIRPERSONS.—The National Board
4 shall annually elect 3 Vice Chairpersons (each rep-
5 resenting a different class of the classes of members
6 described in subparagraphs (E), (F), and (G) of
7 subsection (b)(1)) from among its members ap-
8 pointed under subsection (b)(3) by a majority vote
9 of such members, each of whom shall serve for a
10 term of 1 year.

11 (d) COMPENSATION AND EXPENSES.—

12 (1) COMPENSATION.—Members of the National
13 Board who are not regular full-time employees or of-
14 ficers of the Federal Government shall serve without
15 compensation.

16 (2) EXPENSES.—The members of the National
17 Board shall receive travel expenses, including per
18 diem in lieu of subsistence, in accordance with sub-
19 chapter I of chapter 57, title 5, United States Code,
20 while away from their homes or regular places of
21 business in the performance of services for the Na-
22 tional Board.

23 (e) EXECUTIVE DIRECTOR AND STAFF.—The Chair-
24 person of the National Board shall appoint an Executive
25 Director, who shall be compensated at a rate determined

1 by the National Board that shall not exceed the rate of
2 pay for level V of the Executive Schedule under section
3 5316 of title 5, United States Code, and who shall appoint
4 such staff as is necessary in accordance with title 5, Unit-
5 ed States Code. Such staff shall include at least one indi-
6 vidual with expertise in measurement and assessment.

7 (f) AGENCY SUPPORT.—

8 (1) USE OF FACILITIES.—The National Board
9 may use the research, equipment, services and facili-
10 ties of any agency or instrumentality of the United
11 States with the consent of such agency or instru-
12 mentality.

13 (2) STAFF OF FEDERAL AGENCIES.—Upon the
14 request of the National Board, the head of any de-
15 partment or agency of the United States may detail
16 to the National Board, on a reimbursable basis, any
17 of the personnel of such department or agency to as-
18 sist the National Board in carrying out this title.

19 (g) CONFLICT OF INTEREST.—An individual who has
20 served as a member of the National Board may not have
21 any financial interest in an assessment and certification
22 system developed or endorsed under this title for a period
23 of three years after the termination of service of such indi-
24 vidual from the National Board.

1 **SEC. 403. FUNCTIONS OF THE NATIONAL BOARD.**

2 (a) IDENTIFICATION OF OCCUPATIONAL CLUS-
3 TERS.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the National Board, after extensive public review
6 and comment and study of the national labor mar-
7 ket, shall identify broad clusters of major occupa-
8 tions that involve one or more than one industry in
9 the United States.

10 (2) PROCEDURES FOR IDENTIFICATION.—Prior
11 to identifying broad clusters of major occupations
12 under paragraph (1), the National Board shall—

13 (A) develop procedures for the identifica-
14 tion of such clusters;

15 (B) publish such procedures in the Federal
16 Register; and

17 (C) allow for extensive public review of and
18 comment on such procedures.

19 (b) VOLUNTARY PARTNERSHIPS TO DEVELOP
20 STANDARDS.—

21 (1) IN GENERAL.—For each of the occupational
22 clusters identified pursuant to subsection (a), the
23 National Board shall encourage and facilitate the es-
24 tablishment of voluntary partnerships to develop a
25 skill standards system in accordance with subsection
26 (d).

1 (2) REPRESENTATIVES.—Such voluntary part-
2 nerships shall include the full and balanced partici-
3 pation of—

4 (A) representatives of business and indus-
5 try who have expertise in the area of workforce
6 skill requirements, including representatives of
7 large and small employers, recommended by na-
8 tional business organizations and trade associa-
9 tions representing employers in the occupation
10 or industry for which a standard is being devel-
11 oped, and representatives of trade associations
12 that have received demonstration grants from
13 the Department of Labor or the Department of
14 Education to establish skill standards prior to
15 the enactment of this title;

16 (B) employee representatives who have ex-
17 pertise in the area of workforce skill require-
18 ments and who shall be—

19 (i) individuals recommended by recog-
20 nized national labor organizations rep-
21 resenting employees in the occupation or
22 industry for which a standard is being de-
23 veloped; and

24 (ii) such other individuals who are
25 nonmanagerial employees with significant

1 experience and tenure in such occupation
2 or industry as are appropriate given the
3 nature and structure of employment in the
4 occupation or industry;

5 (C) representatives of—

6 (i) educational institutions;

7 (ii) community-based organizations;

8 (iii) State and local agencies with ad-
9 ministrative control or direction over edu-
10 cation, vocational-technical education, or
11 employment and training;

12 (iv) other policy development organi-
13 zations with expertise in the area of
14 workforce skill requirements; and

15 (v) non-governmental organizations
16 with a demonstrated history of successfully
17 protecting the rights of racial, ethnic, and
18 religious minorities, women, individuals
19 with disabilities, and older persons; and

20 (D) individuals with expertise in measure-
21 ment and assessment, including relevant experi-
22 ence in designing unbiased assessments and
23 performance-based assessments.

24 (3) EXPERTS.—The partnerships described in
25 paragraph (1) may also include such other individ-

1 uals who are independent, qualified experts in their
2 fields.

3 (c) RESEARCH, DISSEMINATION, AND COORDINA-
4 TION.—In order to support the development of a skill
5 standards system in accordance with subsection (d), the
6 National Board shall—

7 (1) conduct workforce research relating to skill
8 standards (including research relating to how to use
9 skill standards in compliance with civil rights laws)
10 and make such research available to the public, in-
11 cluding the partnerships described in subsection (b);

12 (2) identify and maintain a catalog of skill
13 standards used by other countries and by States and
14 leading firms and industries in the United States;

15 (3) serve as a clearinghouse to facilitate the
16 sharing of information on the development of skill
17 standards and other relevant information among
18 representatives of occupations and industries identi-
19 fied pursuant to subsection (a), the voluntary part-
20 nerships recognized pursuant to subsection (b), and
21 among education and training providers through
22 such mechanisms as the Capacity Building and In-
23 formation and Dissemination Network established
24 under section 453(b) of the Job Training Partner-
25 ship Act;

1 (4) develop a common nomenclature relating to
2 skill standards;

3 (5) encourage the development and adoption of
4 curricula and training materials for attaining the
5 skill standards developed pursuant to subsection (d)
6 that include structured work experiences and related
7 study programs leading to progressive levels of pro-
8 fessional and technical certification and postsecond-
9 ary education;

10 (6) provide appropriate technical assistance;
11 and

12 (7) facilitate coordination among voluntary
13 partnerships that meet the requirements of sub-
14 section (b) to promote the development of a coherent
15 national system of voluntary skill standards.

16 (d) ENDORSEMENT OF SKILL STANDARDS SYS-
17 TEMS.—

18 (1) DEVELOPMENT OF ENDORSEMENT CRI-
19 TERIA.—

20 (A) IN GENERAL.—The National Board,
21 after extensive public consultation, shall develop
22 objective criteria for endorsing skills standards
23 systems relating to the occupational clusters
24 identified pursuant to subsection (a). Such cri-
25 teria shall, at a minimum, include the compo-

1 nents of a skill standards system described in
2 subparagraph (B). The endorsement criteria
3 shall be published in the Federal Register, and
4 updated as appropriate.

5 (B) COMPONENTS OF SYSTEM.—The com-
6 ponents of a skill standards systems shall in-
7 clude the following:

8 (i) Voluntary skill standards, which at
9 a minimum—

10 (I) meet or exceed, to the extent
11 practicable, the highest standards
12 used in other countries and the high-
13 est international standards;

14 (II) meet or exceed the highest
15 applicable standards used in the
16 United States, including apprentice-
17 ship standards registered under the
18 National Apprenticeship Act;

19 (III) take into account content
20 and performance standards certified
21 pursuant to title II;

22 (IV) take into account the re-
23 quirements of high performance work
24 organizations;

1 (V) are in a form that allows for
2 regular updating to take into account
3 advances in technology or other devel-
4 opments within the occupational clus-
5 ter;

6 (VI) are formulated in such a
7 manner that promotes the portability
8 of credentials and facilitates worker
9 mobility within an occupational clus-
10 ter or industry and among industries;
11 and

12 (VII) are not discriminatory with
13 respect to race, color, gender, age, re-
14 ligion, ethnicity, disability, or national
15 origin, consistent with Federal civil
16 rights laws.

17 (ii) A voluntary assessment system
18 and certification of the attainment of skill
19 standards developed pursuant to subpara-
20 graph (A), which at a minimum—

21 (I) takes into account, to the ex-
22 tent practicable, methods of assess-
23 ment and certification used in other
24 countries;

1 (II) utilizes a variety of evalua-
2 tion techniques, including, where ap-
3 propriate, oral and written evalua-
4 tions, portfolio assessments and per-
5 formance tests; and

6 (III) includes methods for estab-
7 lishing that the assessment and cer-
8 tification system is not discriminatory
9 with respect to race, color, gender,
10 age, religion, ethnicity, disability, or
11 national origin, consistent with Fed-
12 eral civil rights laws.

13 (iii) A system to promote the use of
14 and to disseminate information relating to
15 skill standards, and assessment and certifi-
16 cation systems developed pursuant to this
17 paragraph (including dissemination of in-
18 formation relating to civil rights laws rel-
19 evant to the use of such standards and sys-
20 tems) to entities such as institutions of
21 postsecondary education offering profes-
22 sional and technical education, labor orga-
23 nizations, trade associations, employers
24 providing formalized training and other or-

1 organizations likely to benefit from such sys-
2 tems.

3 (iv) A system to evaluate the imple-
4 mentation of the skill standards, and as-
5 sessment and certification systems devel-
6 oped pursuant to this paragraph, and the
7 effectiveness of the information dissemi-
8 nated pursuant to subparagraph (C) for
9 informing the users of such standards and
10 systems of the requirements of relevant
11 civil rights laws.

12 (v) A system to periodically revise and
13 update the skill standards, and assessment
14 and certification systems developed pursu-
15 ant to this paragraph, which will take into
16 account changes in standards in other
17 countries.

18 (2) ENDORSEMENT.—The National Board,
19 after extensive public review and comment, shall en-
20 dorse those skill standards systems relating to the
21 occupational clusters identified pursuant to sub-
22 section (a) that—

23 (A) meet the objective endorsement criteria
24 that are developed pursuant to paragraph (1);
25 and

1 (B) are submitted by partnerships that
2 meet the representation requirements of sub-
3 section (b)(2).

4 (e) RELATIONSHIP WITH ANTIDISCRIMINATION
5 LAWS.—

6 (1) IN GENERAL.—Nothing in this title shall be
7 construed to modify or affect any Federal or State
8 law prohibiting discrimination on the basis of race,
9 religion, color, ethnicity, national origin, gender, age,
10 or disability.

11 (2) EVIDENCE.—The endorsement or absence
12 of an endorsement by the Board of a skill standard
13 or assessment and certification system under sub-
14 section (d) shall not be used in any action or pro-
15 ceeding to establish that the skill standard or assess-
16 ment and certification system conforms or does not
17 conform to the requirements of civil rights laws.

18 (f) COORDINATION WITH EDUCATION STANDARDS.—
19 The National Board shall establish cooperative arrange-
20 ments with the National Education Standards and Im-
21 provement Council to promote the coordination of the de-
22 velopment of skill standards under this title with the devel-
23 opment of content and performance standards under title
24 II.

25 (g) FINANCIAL ASSISTANCE.—

1 (1) IN GENERAL.—From funds appropriated
2 pursuant to section 406(a), the Secretary of Labor
3 may award grants (including grants to the voluntary
4 partnerships in accordance with paragraph (2)) and
5 enter into contracts and cooperative arrangements
6 that are requested by the National Board for the
7 purposes of carrying out this title.

8 (2) GRANT PROGRAMS FOR VOLUNTARY PART-
9 NERSHIPS.—

10 (A) ELIGIBILITY AND APPLICATION.—Vol-
11 untary partnerships that meet the requirements
12 of subsection (b) shall be eligible to apply for a
13 grant under this subsection. Each such vol-
14 untary partnership desiring a grant shall sub-
15 mit an application to the National Board at
16 such time, in such manner, and accompanied by
17 such information as the National Board may
18 reasonably require.

19 (B) REVIEW AND RECOMMENDATION.—
20 The National Board shall review each applica-
21 tion submitted pursuant to subparagraph (A) in
22 accordance with the objective criteria published
23 pursuant to subparagraph (C) and shall for-
24 ward each such application to the Secretary of
25 Labor accompanied by a recommendation for

1 the approval or disapproval of each such appli-
2 cation by the Secretary.

3 (C) CRITERIA FOR REVIEW.—Prior to each
4 fiscal year, the National Board shall publish ob-
5 jective criteria to be used by the Board in re-
6 viewing applications under subparagraph (B).

7 (3) LIMITATION ON THE USE OF FUNDS.—

8 (A) IN GENERAL.—Not more than 20 per-
9 cent of the funds appropriated under section
10 406(a) for each fiscal year shall be used by the
11 National Board for the costs of administration.

12 (B) COSTS OF ADMINISTRATION DE-
13 FINED.—For purposes of this paragraph, the
14 term “costs of administration” means costs re-
15 lating to staff, supplies, equipment, space, trav-
16 el and per diem, costs of conducting meetings
17 and conferences, and other related costs.

18 **SEC. 404. DEADLINES.**

19 Not later than December 31, 1996, the National
20 Board shall—

21 (1) identify occupational clusters pursuant to
22 section 403(a) representing a substantial portion of
23 the workforce; and

1 (2) promote the development of an initial set of
2 skill standards in accordance with section 403(d) for
3 such clusters.

4 **SEC. 405. REPORTS.**

5 The National Board shall submit to the President
6 and the Congress in each fiscal year a report on the activi-
7 ties conducted under this title, including the extent to
8 which skill standards have been adopted by employers,
9 training providers, and other entities and the effectiveness
10 of such standards in accomplishing the purposes described
11 in section 401.

12 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There are authorized to be appro-
14 priated \$15,000,000 for fiscal year 1994 and such sums
15 as may be necessary for each of the fiscal years 1995
16 through 1998 to carry out this title.

17 (b) AVAILABILITY.—Amounts appropriated pursuant
18 to subsection (a) shall remain available until expended.

19 **SEC. 407. DEFINITIONS.**

20 For purposes of this title, the following definitions
21 apply:

22 (1) COMMUNITY-BASED ORGANIZATIONS.—The
23 term “community-based organizations” means such
24 organizations as defined in section 4(5) of the Job
25 Training Partnership Act.

1 (2) EDUCATIONAL INSTITUTION.—The term
2 “educational institution” means a high school, a vo-
3 cational school, and an institution of higher edu-
4 cation.

5 (3) SKILL STANDARD.—The term “skill stand-
6 ard” means the level of knowledge and competence
7 required to successfully perform work-related func-
8 tions within an occupational cluster.

9 **TITLE V—MISCELLANEOUS**

10 **SEC. 501. DEFINITIONS.**

11 As used in this Act—

12 (1) the terms “all students” and “all children”
13 mean students or children from a broad range of
14 backgrounds and circumstances, including disadvan-
15 taged students, students with diverse racial, ethnic,
16 and cultural backgrounds, American Indians, Alaska
17 Natives, Native Hawaiians, students with disabil-
18 ities, students with limited-English proficiency, mi-
19 grant children, school-aged children who have
20 dropped out, migrant children, and academically tal-
21 ented students;

22 (2) the term “assessment system” means meas-
23 ures of student performance which include at least
24 1 test, and may include other measures of student
25 performance, for a specific purpose and use which

1 are intended to evaluate the progress of all students
2 in the State toward learning the material in State
3 content standards in 1 or more subject areas;

4 (3) the terms “community”, “public”, and “ad-
5 vocacy group” are to be interpreted to include rep-
6 resentatives of organizations advocating for the edu-
7 cation of American Indian, Alaska Native, and Na-
8 tive Hawaiian children and Indian tribes;

9 (4) the term “content standards” means broad
10 descriptions of the knowledge and skills students
11 should acquire in a particular subject area;

12 (5) the term “Governor” means the chief execu-
13 tive of the State;

14 (6) the terms “local educational agency” and
15 “State educational agency” have the meaning given
16 those terms in section 1471 of the Elementary and
17 Secondary Education Act of 1965;

18 (7) the term “opportunity-to-learn standards”
19 means the criteria for, and the basis of, assessing
20 the sufficiency or quality of the resources, practices,
21 and conditions necessary at each level of the edu-
22 cation system (schools, local educational agencies,
23 and States) to provide all students with an oppor-
24 tunity to learn the material in national or State con-
25 tent standards;

1 (8) the term “outlying areas” means Guam,
2 American Samoa, the Virgin Islands, the Common-
3 wealth of the Northern Mariana Islands, and Palau
4 (until the effective date of the Compact of Free As-
5 sociation with the Government of Palau);

6 (9) the term “performance standards” means
7 concrete examples and explicit definitions of what
8 students have to know and be able to do to dem-
9 onstrate that they are proficient in the skills and
10 knowledge framed by content standards;

11 (10) the term “related services” has the same
12 meaning given such term under section 602(17) of
13 the Individuals with Disabilities Education Act;

14 (11) the term “school” means a school that is
15 under the authority of the State educational agency
16 and a local educational agency or, for the purpose of
17 carrying out section 314(b), a school that is oper-
18 ated or funded by the Bureau of Indian Affairs;

19 (12) the term “Secretary”, except where used
20 in title IV, means the Secretary of Education; and

21 (13) except as otherwise provided, the term
22 “State” means each of the 50 States, the District of
23 Columbia, the Commonwealth of Puerto Rico, and
24 each of the outlying areas.

1 **SEC. 502. LIMITATIONS.**

2 (a) ASSESSMENTS.—No funds provided under titles
3 II or III of this Act shall be used to undertake assess-
4 ments that will be used to make decisions regarding the
5 graduation, grade promotion, or retention of students for
6 five years after the date of enactment of this Act.

7 (b) PUBLIC SCHOOL.—Nothing in this Act shall be
8 construed to authorize the use of funds under title III (ex-
9 cept as provided in section 310) to directly or indirectly
10 benefit any school other than a public school.

11 **SEC. 503. ASSESSMENT OF EDUCATIONAL PROGRESS AC-**
12 **TIVITIES.**

13 Section 421(h) of the Carl D. Perkins Vocational and
14 Applied Technology Education Act (20 U.S.C. 2421(h))
15 is amended—

16 (1) by inserting “(1)” after “(h)”; and

17 (2) by inserting at the end the following:

18 “(2)(A) Notwithstanding any provision of section 406
19 of the General Education Provisions Act, the Commis-
20 sioner of Education Statistics may authorize a State edu-
21 cational agency or a consortium of such agencies to use
22 items and data from the National Assessment of Edu-
23 cational Progress for the purpose of evaluating a course
24 of study related to vocational education, if the Commis-
25 sioner has determined, in writing, that such use will not—

1 “(i) result in the identification of characteristics
2 or performance of individual students or schools;

3 “(ii) result in the ranking or comparing of
4 schools or local educational agencies;

5 “(iii) be used to evaluate the performance of
6 teachers, principals, or other local educators for the
7 purpose of dispensing rewards or punishments; or

8 “(iv) corrupt or harm the use and value of data
9 collected for the National Assessment of Educational
10 Progress.

11 “(B) Not later than 60 days after making an author-
12 ization under subsection (a), the Commissioner shall sub-
13 mit to the Committee on Education and Labor of the
14 House of Representatives and to the Committee on Labor
15 and Human Resources of the Senate, a report which con-
16 tains—

17 “(i) a copy of the request for such authoriza-
18 tion;

19 “(ii) a copy of the written determination under
20 subsection (a); and

21 “(iii) a description of the details and duration
22 of such authorization.

23 “(C) The Commissioner may not grant more than one
24 such authorization in any fiscal year and shall ensure that
25 the authorized use of items or data from the National As-

1 assessment is evaluated for technical merit and for its affect
2 on the National Assessment of Educational Progress. The
3 results of such evaluations shall be promptly reported to
4 the committees specified in subparagraph (B).”.

5 **SEC. 504. COMPLIANCE WITH BUY AMERICAN ACT.**

6 No funds appropriated pursuant to this Act may be
7 expended by an entity unless the entity agrees that in ex-
8 pending the assistance the entity will comply with sections
9 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-
10 10c, popularly known as the “Buy American Act”).

11 **SEC. 505. SENSE OF CONGRESS; REQUIREMENT REGARD-**
12 **ING NOTICE.**

13 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
14 AND PRODUCTS.—In the case of any equipment or prod-
15 ucts that may be authorized to be purchased with financial
16 assistance provided under this Act, it is the sense of the
17 Congress that entities receiving such assistance should, in
18 expending the assistance, purchase only American-made
19 equipment and products.

20 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
21 providing financial assistance under this Act, the head of
22 each Federal agency shall provide to each recipient of the
23 assistance a notice describing the statement made in sub-
24 section (a) by the Congress.

1 **SEC. 506. PROHIBITION OF CONTRACTS.**

2 If it has been finally determined by a court or Federal
3 agency that any person intentionally affixed a label bear-
4 ing a “Made in America” inscription, or any inscription
5 with the same meaning to any product sold in or shipped
6 to the United States that is not made in the United
7 States, such person shall be ineligible to receive any con-
8 tract or subcontract made with funds provided pursuant
9 to this Act, pursuant to the debarment, suspension, and
10 ineligibility procedures described in section 9.400 through
11 9.409 of title 48, Code of Federal Regulations.

12 **TITLE VI—PARENTAL**
13 **INFORMATION AND RESOURCES**

14 **SEC. 601. PARENTAL INFORMATION AND RESOURCES**

15 (a) AUTHORIZATION.—The Secretary of Education is
16 authorized to make grants each year to nonprofit organi-
17 zations for the purpose of providing training and informa-
18 tion to parents of children, aged birth to 5 years, and chil-
19 dren enrolled in participating schools and to individuals
20 who work with such parents to encourage a more effective
21 working relationship with professionals in meeting the
22 educational needs of children, aged birth to 5 years, and
23 children enrolled in participating schools.

24 (b) GRANTS.—Such grants shall—

25 (1) be designed to meet the unique training and
26 information needs of parents of children, aged birth

1 to 5 years, and children enrolled in participating
2 schools, particularly parents who are severely dis-
3 advantaged educationally or economically;

4 (2) be distributed geographically to the greatest
5 extent possible throughout all the States and give
6 priority to grants which serve areas with high con-
7 centrations of low-income families;

8 (3) be targeted to parents of children, aged
9 birth to 5 years, and children enrolled in participat-
10 ing schools in rural, suburban, and urban areas;

11 (4) serve parents of low-income and minority
12 children, aged birth to 5 years, and children enrolled
13 in participating schools, including limited-English-
14 proficient children;

15 (5) be funded at a sufficient size, scope, and
16 quality to ensure that the program is adequate to
17 serve the parents in the area; and

18 (6) include funds to establish, expand, and op-
19 erate Teachers as Parents programs.

20 **SEC. 602. ELIGIBILITY.**

21 (a) REPRESENTATION.—To receive a grant under
22 section 601, a nonprofit organization shall meet the fol-
23 lowing requirements:

24 (1) Be governed by a board of directors in
25 which the membership includes, or be an organiza-

1 tion that represents the interests of, parents and es-
2 tablish a special advisory committee in which the
3 membership includes—

4 (A) parents of children, aged birth to 5
5 years, and children enrolled in participating
6 schools; and

7 (B) representation of education profes-
8 sionals with expertise in improving services for
9 disadvantaged children.

10 (2) Provide that the parent and professional
11 membership of the board or special advisory commit-
12 tee is broadly representative of minority, low-income,
13 and other individuals and groups that have an inter-
14 est in compensatory education and family literacy.

15 (3) Demonstrate the capacity and expertise to
16 conduct effective training and information activities
17 for which a grant may be made.

18 (4) Network with clearinghouses, other organi-
19 zations and agencies, and with other established na-
20 tional, State, and local parent groups representing
21 the full range of parents of children, aged birth to
22 5 years, and children enrolled in participating
23 schools, especially parents of low-income and minor-
24 ity children.

1 (b) REQUIREMENTS.—The Board of Directors or spe-
2 cial governing committee of an organization receiving a
3 grant under this title shall meet at least once each cal-
4 endar quarter to review the parent training and informa-
5 tion activities for which the grant is made.

6 (c) GRANT RENEWAL.—Whenever an organization
7 requests the renewal of a grant under section 601 for a
8 fiscal year, the Board of Directors or the special advisory
9 committee shall submit to the Secretary a written review
10 of the parent training and information program conducted
11 by such organization during the preceding fiscal year.

12 **SEC. 603. USES OF FUNDS.**

13 Grants received under this title may be used—

14 (1) for parent training and information pro-
15 grams that assist parents to—

16 (A) better understand their children’s edu-
17 cational needs;

18 (B) provide follow up support for their
19 children’s educational achievement;

20 (C) communicate more effectively with
21 teachers, counselors, administrators, and other
22 professional educators and support staff;

23 (D) participate in the design and provision
24 of assistance to students who are not making
25 adequate progress;

1 (E) obtain information about the range of
2 options, programs, services, and resources avail-
3 able at the national, State, and local levels to
4 assist parents of children, aged birth to 5 years,
5 and children enrolled in participating schools
6 and their parents;

7 (F) seek technical assistance regarding
8 compliance with the requirements of this Act
9 and of other Federal programs relevant to
10 achieving the goals of this Act;

11 (G) participate in State and local decision-
12 making;

13 (H) train other parents; and

14 (I) plan, implement, and fund activities
15 that coordinate the education of their children
16 with other Federal programs that serve such
17 children or their families;

18 (2) to include State or local educational person-
19 nel where such participation would further an objec-
20 tive of the program assisted by the grant; and

21 (3) to establish a parent training and informa-
22 tion center to carry out the activities in paragraphs
23 (1) and (2) and to represent parent interests at the
24 State level, including participation in the design of
25 the public outreach process described in section

1 306(b)(6), submitting recommendations concerning
2 State standards and plans, and commenting on pro-
3 posed waivers under this Act.

4 **SEC. 604. TECHNICAL ASSISTANCE.**

5 The Secretary shall provide technical assistance, by
6 grant or contract, for the establishment, development, and
7 coordination of parent training and information programs
8 and centers.

9 **SEC. 605. EXPERIMENTAL CENTERS.**

10 After the establishment in each State of a parent
11 training and information center, the Secretary shall pro-
12 vide for the establishment of 5 additional experimental
13 centers, 3 to be located in urban areas and 2 in rural areas
14 where there are large concentrations of poverty.

15 **SEC. 606. REPORTS.**

16 Not later than June 30, 1995, and not later than
17 June 30 each succeeding year, the Secretary shall obtain
18 data concerning programs and centers assisted under this
19 title, including—

20 (1) the number of parents, including the num-
21 ber of minority and limited-English-proficient par-
22 ents, who receive information and training;

23 (2) the types and modes of information or
24 training provided; and

1 (3) the strategies used to reach and serve par-
 2 ents of minority and limited-English-proficient chil-
 3 dren and parents with limited literacy skills.

4 **SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated \$5,000,000
 6 for fiscal year 1994 and such sums as may be necessary
 7 for each of the fiscal years 1995 through 1998.

 Passed the House of Representatives October 13,
 1993

Attest:

Clerk.

HR 1804 EH—2

HR 1804 EH—3

HR 1804 EH—4

HR 1804 EH—5

HR 1804 EH—6

HR 1804 EH—7

HR 1804 EH—8

HR 1804 EH—9

HR 1804 EH—10