

103D CONGRESS
1ST SESSION

H. R. 1872

To provide flexibility in education.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1993

Mr. THOMAS of Wyoming introduced the following bill; which was referred to
the Committee on Education and Labor

A BILL

To provide flexibility in education.

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. FLEXIBILITY FOR SCHOOLS.**

4 The Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 2701 et seq.) is amended—

6 (1) by redesignating sections 8001 through
7 8005 as 10001 through 10005; and

8 (2) by inserting after title VII the following:

1 **“TITLE VIII—FLEXIBILITY TO IM-**
2 **PROVE EDUCATIONAL**
3 **ACHIEVEMENT**

4 **“SEC. 8001. PURPOSE.**

5 “It is the purpose of this title to allow States, local
6 educational agencies, and schools the flexibility to use and
7 combine Federal, State, and local funds as part of sys-
8 temic educational reform plans to improve the educational
9 achievement of elementary and secondary school students
10 by waiving certain statutory and regulatory requirements.

11 **“SEC. 8002. PROGRAM AUTHORIZED.**

12 “(a) EDUCATION PROGRAMS.—The Secretary of
13 Education is authorized to waive certain statutory and
14 regulatory requirements (except as provided in section
15 8004) for States that can demonstrate that such waivers
16 are part of a systemwide education reform plan and where
17 such States and local educational agencies have imple-
18 mented similar waiver plans.

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

22 “(1) The Head Start Act.

23 “(2) The Runaway and Homeless Youth Act.

24 “(3) The Juvenile Justice and Delinquency Pre-
25 vention Act.

1 “(4) The National School Lunch Act.

2 “(5) The School Breakfast Program.

3 “(6) The Child and Adult Care Food Program.

4 “(7) The Special School Milk Program.

5 “(8) The Summer Food Service Program.

6 “(9) The Community Services Block Grant Pro-
7 gram.

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

13 **“SEC. 8003. APPLICATIONS.**

14 “(a) GENERAL REQUIREMENTS.—A school, local edu-
15 cational agency, or State that desires to receive a waiver
16 under this title shall—

17 “(1) indicate which requirements are to be
18 waived and how waiving such requirements is an in-
19 tegral part of the systemic reform plan and will im-
20 prove educational achievement among students;

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

23 “(3) indicate which State and local require-
24 ments shall be waived;

1 “(4) describe specific, measurable educational
2 improvement goals and expected outcomes;

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

5 “(6) describe the student population at pro-
6 posed schools, including—

7 “(A) current data regarding the achieve-
8 ment levels of students, particularly disadvan-
9 tagged students;

10 “(B) the number of students who—

11 “(i) are of limited English proficiency,
12 as defined in section 7003(a)(1) of the Bi-
13 lingual Education Act;

14 “(ii) are children with disabilities, as
15 defined in section 602(a)(1) of the Individ-
16 uals with Disabilities Act;

17 “(iii) are currently or within the past
18 5 years were migratory;

19 “(iv) are educationally deprived for
20 the purposes of chapter 1 of title I of this
21 Act; and

22 “(v) are eligible for a free or reduced-
23 price lunch.

1 “(b) ADDITIONAL REQUIREMENTS.—The Secretary
2 of Education may include additional requirements as may
3 reasonably be required.

4 “(c) INDIVIDUAL SCHOOL APPLICATIONS.—A local
5 school that desires to receive a waiver under this title shall
6 submit an application to the local education agency, which
7 shall submit such application to the State education agen-
8 cy.

9 “(d) LOCAL APPLICATIONS.—(1) A local educational
10 agency that desires to receive a waiver under this title
11 shall submit an application to the State educational
12 agency.

13 “(2) A State educational agency that approves an ap-
14 plication submitted by a local education agency shall for-
15 ward such application to the Secretary of Education for
16 consideration, unless such application requires waivers for
17 programs other than education programs.

18 “(3) An application that requests a waiver for a pro-
19 gram other than an education program shall be submitted
20 to the chief executive of the State and such executive shall
21 forward such application to the Secretary.

22 “(e) STATE APPLICATIONS.—(1) A State educational
23 agency that desires to receive a waiver under this title
24 shall submit an application to the Secretary for consider-

1 ation, unless such application requires waivers for other
2 than education programs.

3 “(2) Such application shall be submitted to the chief
4 executive of the State for review before forwarding such
5 application to the Secretary.

6 **“SEC. 8004. WAIVER RESTRICTIONS.**

7 “Requirements which shall not be waived include—

8 “(1) requirements governing fund allocations;

9 “(2) requirements governing privacy of pupil
10 records;

11 “(3) requirements under title VI of the Civil
12 Rights Act of 1964;

13 “(4) provisions of section 504 of the Rehabilita-
14 tion Act of 1973;

15 “(5) provisions of title II of the Americans with
16 Disabilities Education Act;

17 “(6) requirements of title IX of the Education
18 Amendments of 1972;

19 “(7) requirements governing pupil rights under
20 the Individuals with Disabilities Act; and

21 “(8) requirements governing—

22 “(A) maintenance of effort;

23 “(B) comparability; or

24 “(C) the equitable participation of students
25 attending private schools.

1 **“SEC. 8005. EVALUATIONS AND TECHNICAL ASSISTANCE.**

2 “(a) LOCAL EVALUATION.—Three years after a waiv-
3 er is given to a local educational agency, the Secretary
4 of Education shall evaluate the effectiveness of such waiv-
5 er in achieving education reform and raising student
6 achievement.

7 “(b) TECHNICAL ASSISTANCE.—If the Secretary de-
8 termines that progress in achieving educational reform is
9 not satisfactory, the Secretary may provide technical as-
10 sistance to a local educational agency.

11 “(c) TERMINATION.—If the Secretary determines
12 that the technical assistance does not improve educational
13 reform efforts, the Secretary may terminate any waivers
14 previously granted.

15 “(d) NATIONAL EVALUATION.—Five years after the
16 flexibility program is implemented and at the end of every
17 succeeding five-year period, the Secretary shall evaluate
18 the effectiveness of the flexibility program nationwide. The
19 findings of such evaluation shall be submitted to the Con-
20 gress not later than 120 days after such evaluation is
21 completed.

22 **“SEC. 8006. REPORTS.**

23 “(a) LOCAL REPORTS.—A local educational agency
24 or school that participates in a flexibility project under
25 this title shall submit an annual report to the State edu-
26 cational agency that—

1 “(1) describes project activities;

2 “(2) evaluates the progress in achieving the
3 goals stated in the application; and

4 “(3) evaluates the effectiveness of coordinating
5 services for students and their families.

6 “(b) STATE REPORTS.—A State that participates in
7 a flexibility project under this title shall submit an annual
8 report to the Secretary of Education which evaluates the
9 progress in achieving goals stated in the application.

10 “(c) SECRETARY REPORTS.—The Secretary of Edu-
11 cation shall submit to the Congress a biennial report re-
12 garding the national progress of flexibility programs and
13 the effect of such programs on educational reform.”.

○