

103^D CONGRESS
1ST SESSION

H. R. 1804

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 American 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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. KILDEE (for himself, Mr. FORD of Michigan, Mr. SAWYER, Mr. OWENS, Mrs. UNSOELD, Mr. ROEMER, Mr. ENGEL, Mr. GREEN, Ms. WOOLSEY, Mr. STRICKLAND, Mr. PAYNE of New Jersey, Mr. ROMERO-BARCELÓ, Mr. MURPHY, Mr. MARTINEZ, Mr. BAESLER, and Mr. CLYBURN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

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 American 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.

1 (D) assisting in the development and cer-
2 tification of high-quality assessment measures
3 that reflect the internationally competitive con-
4 tent and student performance standards;

5 (5) supporting new initiatives at the Federal,
6 State, local, and school levels to provide equal edu-
7 cational opportunity for all students to meet high
8 standards;

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

11 (A) creating a vision of excellence and eq-
12 uity that will guide all Federal education and
13 related programs;

14 (B) providing for the establishment of
15 high-quality, internationally competitive content
16 and student performance standards that all stu-
17 dents, including disadvantaged students, stu-
18 dents with diverse racial, ethnic, and cultural
19 backgrounds, students with disabilities, stu-
20 dents with limited English proficiency, and aca-
21 demically talented students, will be expected to
22 achieve;

23 (C) providing for the establishment of high
24 quality, internationally competitive opportunity-

1 to-learn standards that all States, local edu-
2 cational agencies, and schools should achieve;

3 (D) encouraging and enabling all State
4 educational agencies and local educational agen-
5 cies to develop comprehensive improvement
6 plans that will provide a coherent framework
7 for the implementation of reauthorized Federal
8 education and related programs in an inte-
9 grated fashion that effectively educates all chil-
10 dren; and

11 (E) providing resources to help individual
12 schools, including those serving students with
13 high needs, develop and implement comprehen-
14 sive improvement plans; and

15 (7) stimulating the development and adoption
16 of a voluntary national system of skill standards and
17 certification to serve as a cornerstone of the national
18 strategy to enhance workforce skills.

19 (b) DEFINITION.—As used in this Act, the term “all
20 students” means students from the broad range of back-
21 grounds and circumstances, including disadvantaged stu-
22 dents, students with diverse racial, ethnic, and cultural
23 backgrounds, students with disabilities, students with lim-
24 ited English proficiency, and academically talented stu-
25 dents.

1 TITLE I—NATIONAL EDUCATION GOALS

2 PURPOSE

3 SEC. 101. It is the purpose of this title to establish
4 national education goals.

5 NATIONAL EDUCATION GOALS

6 SEC. 102. The Congress declares the national edu-
7 cation goals are that—

8 (1)(A) SCHOOL READINESS.—By the year
9 2000, all children in America will start school ready
10 to learn.

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

12 (i) all disadvantaged and disabled children
13 will have access to high-quality and developmen-
14 tally appropriate preschool programs that help
15 prepare children for school;

16 (ii) every parent in America will be a
17 child's first teacher and devote time each day to
18 helping his or her preschool child learn, and
19 parents will have access to the training and
20 support they need; and

21 (iii) children will receive the nutrition and
22 health care needed to arrive at school with
23 healthy minds and bodies, and the number of
24 low-birthweight babies will be significantly re-
25 duced through enhanced prenatal health sys-
26 tems.

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

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

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

9 (ii) the gap in high school graduation rates
10 between American students from minority back-
11 grounds and their non-minority counterparts
12 will be eliminated.

13 (3)(A) STUDENT ACHIEVEMENT AND CITIZEN-
14 SHIP.—By the year 2000, American students will
15 leave grades 4, 8, and 12 having demonstrated com-
16 petency over challenging subject matter including
17 English, mathematics, science, foreign languages,
18 arts, history, and geography, and every school in
19 America will ensure that all students learn to use
20 their minds well, so they may be prepared for re-
21 sponsible citizenship, further learning, and produc-
22 tive employment in our modern economy.

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

24 (i) the academic performance of elemen-
25 tary and secondary students will increase sig-

1 significantly in every quartile, and the distribution
2 of minority students in each level will more
3 closely reflect the student population as a
4 whole;

5 (ii) the percentage of students who dem-
6 onstrate the ability to reason, solve problems,
7 apply knowledge, and write and communicate
8 effectively will increase substantially;

9 (iii) all students will be involved in activi-
10 ties that promote and demonstrate good citizen-
11 ship, community service, and personal respon-
12 sibility;

13 (iv) the percentage of students who are
14 competent in more than one language will sub-
15 stantially increase; and

16 (v) all students will be knowledgeable
17 about the diverse cultural heritage of this Na-
18 tion and about the world community.

19 (4)(A) MATHEMATICS AND SCIENCE.—By the
20 year 2000, United States students will be first in the
21 world in mathematics and science achievement.

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

23 (i) math and science education will be
24 strengthened throughout the system, especially
25 in the early grades;

1 (ii) the number of teachers with a sub-
2 stantive background in mathematics and science
3 will increase by 50 percent; and

4 (iii) the number of United States under-
5 graduate and graduate students, especially
6 women and minorities, who complete degrees in
7 mathematics, science, and engineering will in-
8 crease significantly.

9 (5)(A) ADULT LITERACY AND LIFELONG
10 LEARNING.—By the year 2000, every adult Amer-
11 ican will be literate and will possess the knowledge
12 and skills necessary to compete in a global economy
13 and exercise the rights and responsibilities of citizen-
14 ship.

15 (B) The objectives for this Goal are that—

16 (i) every major American business will be
17 involved in strengthening the connection be-
18 tween education and work;

19 (ii) all workers will have the opportunity to
20 acquire the knowledge and skills, from basic to
21 highly technical, needed to adapt to emerging
22 new technologies, work methods, and markets
23 through public and private educational, voca-
24 tional, technical, workplace, or other programs;

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

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

11 (v) the proportion of college graduates who
12 demonstrate an advanced ability to think criti-
13 cally, communicate effectively, and solve prob-
14 lems will increase substantially.

15 (6)(A) SAFE, DISCIPLINED, AND DRUG-FREE
16 SCHOOLS.—By the year 2000, every school in Amer-
17 ica will be free of drugs and violence and will offer
18 a disciplined environment conducive to learning.

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

20 (i) every school will implement a firm and
21 fair policy on use, possession, and distribution
22 of drugs and alcohol;

23 (ii) parents, businesses, and community or-
24 ganizations will work together to ensure that
25 schools are a safe haven for all children; and

1 (iii) every school district will develop a
2 comprehensive K–12 drug and alcohol preven-
3 tion education program. Drug and alcohol cur-
4 riculum should be taught as an integral part of
5 health education. In addition, community-based
6 teams should be organized to provide students
7 and teachers with needed support.

8 TITLE II—NATIONAL EDUCATION REFORM
9 LEADERSHIP, STANDARDS, AND ASSESSMENTS

10 PART A—NATIONAL EDUCATION GOALS PANEL

11 PURPOSE

12 SEC. 201. It is the purpose of this part to establish
13 a bipartisan mechanism for—

14 (1) building a national consensus for education
15 improvement;

16 (2) reporting on progress toward achieving the
17 national education goals; and

18 (3) reviewing and approving the voluntary na-
19 tional content and student performance standards
20 and opportunity-to-learn standards certified by the
21 National Education Standards and Improvement
22 Council, as well as the criteria for their certification,
23 and the criteria for the certification of State assess-
24 ments by the National Education Standards and Im-
25 provement Council.

1 NATIONAL EDUCATION GOALS PANEL

2 SEC. 202. (a) ESTABLISHMENT.—There is estab-
3 lished in the executive branch a National Education Goals
4 Panel (hereafter referred to as the “Goals Panel”).

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

8 (1) two members appointed by the President;

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

17 (3) four Members of Congress appointed as fol-
18 lows—

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

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

1 (C) one member appointed by the majority
2 leader of the House of Representatives from
3 among the Members of the House of Represent-
4 atives; and

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

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

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

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

22 (B) If the Chairperson of the National Gov-
23 ernors' Association is from the opposite political
24 party as the President, the Chairperson shall ap-

1 point five individuals and the Vice Chairperson shall
2 appoint three individuals.

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

11 (d) TERMS.—The terms of service of members shall
12 be as follows—

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

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

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

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

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

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

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

13 (i) CHAIR.—The members of the Goals Panel shall
14 select a Chair from among the Governors who are mem-
15 bers. The Chair shall serve a one-year term and shall al-
16 ternate between political parties.

17 DUTIES

18 SEC. 203. (a) DUTIES.—The Goals Panel shall—

19 (1) report on the progress the Nation and the
20 States are making toward achieving the national
21 education goals established under title I of this Act,
22 including issuing an annual national report card;

23 (2) submit to the President nominations for ap-
24 pointment to the National Education Standards and
25 Improvement Council, in accordance with sections
26 212(b) and (c);

1 (3) review and approve (or explain why ap-
2 proval is withheld) the—

3 (A) criteria developed by the National
4 Education Standards and Improvement Council
5 for the certification of content and student per-
6 formance standards, assessments, and oppor-
7 tunity-to-learn standards; and

8 (B) voluntary national content and student
9 performance standards and opportunity-to-learn
10 standards certified by the National Education
11 Standards and Improvement Council;

12 (4) report on promising or effective actions
13 being taken at the national, State, and local levels,
14 in the public and private sectors, to achieve the na-
15 tional education goals; and

16 (5) help build a nationwide, bipartisan consen-
17 sus for the reforms necessary to achieve the national
18 education goals.

19 (b) NATIONAL REPORT CARD.—(1) The Goals Panel
20 shall annually prepare and submit to the President, the
21 Secretary, the appropriate committees of Congress, and
22 the Governor of each State a national report card that
23 shall—

24 (A) report on the progress of the United States
25 toward achieving the national education goals; and

1 (B) identify actions that should be taken by
2 Federal, State, and local governments to enhance
3 progress toward achieving the national education
4 goals.

5 (2) National report cards shall be presented in a
6 form, and include data, that is understandable to parents
7 and the general public.

8 POWERS OF THE GOALS PANEL

9 SEC. 204. (a) HEARINGS.—(1) The Goals Panel
10 shall, for the purpose of carrying out this part, conduct
11 such hearings, sit and act at such times and places, take
12 such testimony, and receive such evidence, as the Goals
13 Panel considers appropriate.

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

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

1 (c) POSTAL SERVICES.—The Goals Panel may use
2 the United States mail in the same manner and under the
3 same conditions as other departments and agencies of the
4 United States.

5 (d) GIFTS; USE OF FACILITIES.—The Goals Panel
6 may—

7 (1) accept, administer, and utilize gifts or dona-
8 tions of services, money, or property, whether real or
9 personal, tangible or intangible; and

10 (2) with their consent, use the research, equip-
11 ment, services, and facilities of any agency or instru-
12 mentality of the United States, or of any State or
13 political subdivision thereof.

14 (e) ADMINISTRATIVE ARRANGEMENTS AND SUP-
15 PORT.—(1) The Secretary shall provide to the Goals
16 Panel, on a reimbursable basis, such administrative sup-
17 port services as the Goals panel may request.

18 (2) The Secretary shall, to the extent appropriate,
19 and on a reimbursable basis, make contracts and other
20 arrangements that are requested by the Goals Panel to
21 help it compile and analyze data or carry out other func-
22 tions necessary to the performance of this responsibilities.

23 ADMINISTRATIVE PROVISIONS

24 SEC. 205. (a) MEETINGS.—The Goals Panel shall
25 meet on a regular basis, as necessary, at the call of the

1 Chairperson of the Goals Panel or a majority of its mem-
2 bers.

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

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

7 (d) PUBLIC ACCESS.—The Goals Panel shall ensure
8 public access to its proceedings (other than proceedings,
9 or portions of proceedings, relating to internal personnel
10 and management matters) and make available to the pub-
11 lic, at reasonable cost, transcripts of such proceedings.

12 DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

13 SEC. 206. (a) DIRECTOR.—The Chairperson of the
14 Goals Panel shall, without regard to the provisions of title
15 5, United States Code, relating to the appointment and
16 compensation of officers or employees of the United
17 States, appoint a Director to be paid at a rate not to ex-
18 ceed the rate of basic pay payable for level V of the Execu-
19 tive Schedule.

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

25 (B) The employees appointed under paragraph (1)(A)
26 may be paid without regard to the provisions of chapter

1 51 and subchapter III of chapter 53 of that title relating
2 to classification and General Schedule pay rates, but shall
3 not be paid a rate that exceeds the maximum rate of basic
4 pay payable for GS-15 of the General Schedule.

5 (2) The Director may appoint additional employees
6 to serve as staff to the Goals panel consistent with title
7 5, United States Code.

8 (c) EXPERTS AND CONSULTANTS.—The Goals Panel
9 may procure temporary and intermittent services of ex-
10 perts and consultants under section 3019(b) of title 5,
11 United States Code.

12 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
13 quest of the Goals Panel, the head of any department or
14 agency of the United States may detail any of the person-
15 nel of that agency to the Goals Panel to assist the Goals
16 Panel in its duties under this part.

17 PART B—NATIONAL EDUCATION STANDARDS AND

18 IMPROVEMENT COUNCIL

19 PURPOSE; DEFINITION

20 SEC. 211. (a) PURPOSE.—It is the purpose of this
21 part to establish a mechanism to—

22 (1) certify voluntary national content and stu-
23 dent performance standards that define what Amer-
24 ican students should know and be able to do;

1 (2) certify content and student performance
2 standards submitted by States on a voluntary basis,
3 if such standards are comparable in rigor and qual-
4 ity to the voluntary national content and student
5 performance standards certified by the Council;

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

14 (4) certify opportunity-to-learn standards sub-
15 mitted by States on a voluntary basis, if they are
16 consistent with the voluntary national opportunity-
17 to-learn standards; and

18 (5) certify systems of assessments submitted by
19 States on a voluntary basis, if they are aligned with
20 State content standards certified by the Council and
21 if they are valid, reliable, and fair when used for
22 their intended purposes.

23 (b) DEFINITION.—As used in this Act, the term “op-
24 portunity-to-learn standards” includes ways of measuring
25 the extent to which such standards are being met.

1 NATIONAL EDUCATION STANDARDS AND IMPROVEMENT
2 COUNCIL

3 SEC. 212. (a) ESTABLISHMENT.—There is estab-
4 lished in the executive branch a National Education
5 Standards and Improvement Council (hereafter in this
6 part referred to as the “Council”).

7 (b) COMPOSITION.—The Council shall be composed
8 of twenty members (hereafter in this part referred to as
9 “members”) appointed by the President from nominations
10 submitted by the Goals Panel.

11 (c) QUALIFICATIONS.—(1) The members of the
12 Council shall include—

13 (A) five professional educators, including ele-
14 mentary and secondary classroom teachers, pre-
15 school educators and other school-based profes-
16 sionals, local district or State administrators, and
17 other educators;

18 (B) five representatives of business and indus-
19 try and postsecondary educational institutions, in-
20 cluding at least one representative of business and
21 industry who is also a member of the National Skill
22 Standards Board established pursuant to title IV of
23 this Act;

24 (C) five representatives of the public, including
25 representatives of advocacy and civil rights groups,

1 parents, civic leaders, and local and State education
2 policymakers (including State or local school
3 boards); and

4 (D) five education experts, including experts in
5 measurement and assessment, curriculum, school fi-
6 nance and equity, and school reform.

7 (2) The Goals Panel shall submit to the President
8 at least fifteen nominations for each of the four categories
9 of appointment described in paragraph (1).

10 (3) To the extent feasible, the membership of the
11 Council shall be geographically representative of the Unit-
12 ed States and reflect the racial and ethnic diversity of the
13 United States.

14 (d) TERMS.—(1) Members shall be appointed for
15 three-year terms, with no member serving more than two
16 consecutive terms.

17 (2) The President shall establish initial terms for in-
18 dividuals of one, two, or three years in order to establish
19 a rotation in which one third of the members are selected
20 each year.

21 (e) DATE OF APPOINTMENT.—The initial members
22 shall be appointed not later than one hundred and twenty
23 days after the date of enactment of this Act.

1 (f) INITIATION.—The Council shall begin to carry out
2 the duties of the Council under this part when all twenty
3 members have been appointed.

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

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

10 (i) COMPENSATION.—Members of the Council who
11 are not regular full-time employees of the United States
12 may, while attending meetings or hearings of the Council,
13 be provided compensation at a rate fixed by the Secretary,
14 but not exceeding the maximum rate of basic pay payable
15 for GS–15 of the General Schedule.

16 (j) TRAVEL.—Each member of the Council may be
17 allowed travel expenses, including per diem in lieu of sub-
18 sistence, as authorized by section 5703 of title 5, United
19 States Code, for each day the member is engaged in the
20 performance of duties away from the home or regular
21 place of business of the member.

22 (k) OFFICERS.—The members of the Council shall se-
23 lect officers from among its members. The officers of the
24 Council shall serve for one-year terms.

DUTIES

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SEC. 213. (a) VOLUNTARY NATIONAL CONTENT

STANDARDS.—(1) The Council shall—

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

(B) certify voluntary national content and student performance standards that define what American students should know and be able to do; and

(C) forward such voluntary national content and student performance standards to the Goals Panel for approval.

(2)(A) The Council shall—

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

(ii) before applying such criteria, forward them to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

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

(ii) the extent to which the proposed content and student performance standards reflect the best available knowledge about how all students learn and

1 about how the content area can be most effectively
2 taught;

3 (iii) the extent to which the proposed content
4 and student performance standards have been devel-
5 oped through an open and public process that pro-
6 vides for input and involvement of all relevant par-
7 ties, including teachers and other professional edu-
8 cators, employers and postsecondary education insti-
9 tutions, curriculum and subject matter specialists,
10 and the public; and

11 (iv) other factors that the Council deems appro-
12 priate.

13 (C) In developing the criteria, the Council shall work
14 with entities that are developing, or have already devel-
15 oped, content standards, and any other entities that the
16 Council deems appropriate, to identify appropriate certifi-
17 cation criteria.

18 (b) VOLUNTARY STATE CONTENT STANDARDS.—The
19 Council may certify content and student performance
20 standards presented on a voluntary basis by States, if such
21 standards are comparable in rigor and quality to the vol-
22 untary national content and student performance stand-
23 ards certified by the Council.

24 (c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN
25 STANDARDS.—(1) The Council shall certify exemplary,

1 voluntary national opportunity-to-learn standards that will
2 establish a basis for providing all students a fair oppor-
3 tunity to achieve the knowledge and skills set out in the
4 voluntary national content standards certified by the
5 Council.

6 (2) The voluntary national opportunity-to-learn
7 standards shall be sufficiently general to be used by any
8 State without unduly restricting State and local preroga-
9 tives regarding instructional methods to be employed.

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

12 (A) the quality and availability of curricula, in-
13 structional materials, and technologies;

14 (B) the capability of teachers to provide high-
15 quality instruction in each content area;

16 (C) the extent to which teachers and adminis-
17 trators have ready and continuing access to profes-
18 sional development, including the best knowledge
19 about teaching, learning, and school improvement;

20 (D) the extent to which curriculum, instruc-
21 tional practices, and assessments are aligned to con-
22 tent standards; and

23 (E) other factors that the Council deems appro-
24 priate to ensure that every student receives a fair
25 opportunity to achieve the knowledge and skills de-

1 scribed in the voluntary content and student per-
2 formance standards certified by the Council.

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

5 (A) identify what countries with rigorous con-
6 tent standards do to—

7 (i) provide their children with opportunities
8 to learn;

9 (ii) prepare their teachers; and

10 (iii) provide continuing professional devel-
11 opment opportunities for their teachers; and

12 (B) develop criteria to be used for certifying the
13 voluntary national opportunity-to-learn standards
14 and, before applying such criteria, forward them to
15 the Goals Panel for approval.

16 (5) The Council shall assist in the development of the
17 voluntary national opportunity-to-learn standards by—

18 (A) making recommendations to the Secretary
19 regarding priorities and selection criteria for the
20 award made under section 218; and

21 (B) coordinating with the consortium receiving
22 an award under section 218 to ensure that the op-
23 portunity-to-learn standards the consortium develops
24 are of high quality and are consistent with the cri-

1 teria developed by the Council for the certification of
2 such standards.

3 (6) The Council shall forward the voluntary national
4 opportunity-to-learn standards it certifies to the Goals
5 Panel for approval.

6 (d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN
7 STANDARDS.—The Council may certify opportunity-to-
8 learn standards presented on a voluntary basis by a State,
9 if they are consistent with the voluntary national oppor-
10 tunity-to-learn standards.

11 (e) ASSESSMENTS.—(1)(A) The Council shall certify
12 a system of assessments that is presented on a voluntary
13 basis by a State if such system is aligned with the State’s
14 content standards certified by the Council.

15 (B) Systems of assessments shall be certified by the
16 Council for the purpose of—

17 (i) exemplifying for students, parents, and
18 teachers the kinds and levels of achievement that
19 should be expected, including the identification of
20 student performance standards;

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

23 (iii) informing students, parents, and teachers
24 about student progress toward the 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 a system of assessments
7 only if it will not be used to make decisions regarding
8 graduation, grade promotion, or retention of students for
9 a period of five years from the date of enactment of this
10 Act.

11 (2)(A) The Council shall develop and, no sooner than
12 three years or later than four years after the enactment
13 of this Act, begin utilizing criteria for the certification of
14 assessment systems for the purposes indicated in para-
15 graph (1)(B). Before using such criteria, the Council shall
16 forward the criteria to the Goals Panel for approval.

17 (B) The certification criteria developed by the Coun-
18 cil shall address the extent to which the assessment sys-
19 tem—

20 (i) is aligned with State content standards cer-
21 tified by the Council;

22 (ii) is to be used for a purpose for which it is
23 valid, reliable, fair, and free of discrimination; and

24 (iii) includes all students, especially students
25 with disabilities or with limited English proficiency.

1 (C) In determining appropriate certification criteria,
2 the Council shall—

3 (i) consider standards and criteria being devel-
4 oped by other national organizations and recent re-
5 search on assessment;

6 (ii) recommend needed research;

7 (iii) encourage the development and field testing
8 of systems of assessments; and

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

12 (D) Prior to determining the certification criteria, the
13 Council shall take public comment on its proposed criteria.

14 (f) PERFORMANCE OF DUTIES.—In carrying out its
15 responsibilities under this title, the Council shall—

16 (1) work with Federal and non-Federal agencies
17 and organizations that are conducting research,
18 studies, or demonstration projects to determine
19 internationally competitive education standards and
20 assessments, and may establish subject matter and
21 other panels to advise it on particular content, stu-
22 dent performance, and opportunity-to-learn stand-
23 ards and on assessments;

24 (2) shall establish cooperative arrangements
25 with the National Skill Standards Board to promote

1 the coordination of the development of content and
2 student performance standards under this title with
3 the development of skill standards under title IV of
4 this Act;

5 (3) recommend studies to the Secretary that
6 are necessary to carry out the Council's responsibil-
7 ities;

8 (4) inform the public about what constitutes
9 high quality, internationally competitive, content,
10 student performance, and opportunity-to-learn
11 standards, and assessment systems;

12 (5) on a regular basis, review and update cri-
13 teria for certifying content, student performance,
14 and opportunity-to-learn standards, and assessment
15 systems; and

16 (6) periodically recertify, as appropriate, the
17 voluntary national content and student performance
18 standards, and the voluntary national opportunity-
19 to-learn standards that it certifies under this sec-
20 tion.

21 ANNUAL REPORTS

22 SEC. 214. Not later than one year after the date the
23 Council concludes its first meeting, and in each succeeding
24 year, the Council shall prepare and submit a report to the
25 President, the Secretary, the appropriate committees of

1 Congress, the Governor of each State, and the Goals Panel
2 regarding its work.

3 POWERS OF THE COUNCIL

4 SEC. 215. (a) HEARINGS.—(1) The Council shall, for
5 the purpose of carrying out its responsibilities, conduct
6 such hearings, sit and act at such times and places, take
7 such testimony, and receive such evidence, as the Council
8 considers appropriate.

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

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

22 (c) POSTAL SERVICES.—The Council may use the
23 United States mail in the same manner and under the
24 same conditions as other departments and agencies of the
25 United States.

26 (d) GIFTS; USE OF FACILITIES.—The Council may—

1 views. No individual may vote or exercise any of the pow-
2 ers of a member by proxy.

3 (d) PUBLIC ACCESS.—The Council shall ensure pub-
4 lic access to its proceedings (other than proceedings, or
5 portions of proceedings, relating to internal personnel and
6 management matters) and make available to the public,
7 at reasonable cost, transcripts of such proceedings.

8 DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

9 SEC. 217. (a) DIRECTOR.—The Chairperson of the
10 Council shall, without regard to the provisions of title 5,
11 United States Code, relating to the appointment and com-
12 pensation of officers or employees of the United States,
13 appoint a Director to be paid at a rate not to exceed the
14 rate of basic pay payable for level V of the Executive
15 Schedule.

16 (b) APPOINTMENT AND PAY OF EMPLOYEES.—
17 (1)(A) The Director may appoint not more than four addi-
18 tional employees to serve as staff to the Council without
19 regard to the provisions of title 5, United States Code,
20 governing appointments in the competitive service.

21 (B) The employees appointed under subparagraph
22 (A) may be paid without regard to the provisions of chap-
23 ter 51 and subchapter III of chapter 53 of that title relat-
24 ing to classification and General Schedule pay rates, but
25 shall not be paid a rate that exceeds the maximum rate
26 of basic pay payable for GS–15 of the General Schedule.

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

4 (c) EXPERTS AND CONSULTANTS.—The Council may
5 procure temporary and intermittent services under section
6 3019(b) of title 5, United States Code.

7 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
8 quest of the Council, the head of any department or agen-
9 cy of the United States may detail any of the personnel
10 of that department or agency to the Council to assist the
11 Council in its duties under this part.

12 OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT

13 SEC. 218. (a) OPPORTUNITY-TO-LEARN DEVELOP-
14 MENT GRANT.—(1) The Secretary is authorized to make
15 a grant, on a competitive basis, to a consortium of individ-
16 uals and organizations to develop voluntary national op-
17 portunity-to-learn standards.

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

20 (A) Governors (other than Governors serving on
21 the Goals Panel);

22 (B) chief State school officers;

23 (C) teachers (especially teachers involved in the
24 development of content standards);

25 (D) principals;

26 (E) superintendents;

- 1 (F) State and local school board members;
- 2 (G) curriculum and school reform experts;
- 3 (H) parents;
- 4 (I) State legislators;
- 5 (J) representatives of businesses;
- 6 (K) representatives of higher education;
- 7 (L) representatives of regional accrediting asso-
- 8 ciations; and
- 9 (M) advocacy groups.

10 (b) APPLICATIONS.—(1) Any consortium that desires
11 to receive a grant under this subsection shall submit an
12 application to the Secretary at such time, in such manner,
13 and containing such information and assurances as the
14 Secretary may require.

15 (2) In establishing priorities and selection criteria for
16 such grant, the Secretary shall give serious consideration
17 to the recommendations made by the Council pursuant to
18 section 213(c)(5)(A).

19 ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS

20 SEC. 219. (a) GENERAL.—The Secretary is author-
21 ized to make grants to States and local educational agen-
22 cies to help defray the cost of developing, field testing,
23 and evaluating systems of assessments, to be used for
24 some or all of the purposes indicated in section
25 213(e)(1)(B), that are aligned to State content standards
26 certified by the Council.

1 (b) APPLICATIONS.—A State or local educational
2 agency that desires to receive a grant under this section
3 shall submit an application to the Secretary at such time,
4 in such manner, and containing such information and as-
5 surances as the Secretary may require.

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

8 (A) examine the validity, reliability, and fair-
9 ness of an assessment, or system of assessments, for
10 the particular purposes for which such assessment
11 was developed; and

12 (B) devote special attention to how an assess-
13 ment, or system of assessments, treats all students,
14 especially with regard to the race, gender, ethnicity,
15 and language proficiency of such students.

16 (2) An assessment, or system of assessments, devel-
17 oped and evaluated with funds under this section may not
18 be used for decisions about individual students relating to
19 program placement, promotion, or retention, graduation,
20 or employment for a period of five years from the date
21 of enactment of this Act.

22 PART C—AUTHORIZATION OF APPROPRIATIONS

23 AUTHORIZATION OF APPROPRIATIONS

24 SEC. 221. (a) NATIONAL EDUCATION GOALS
25 PANEL.—There are authorized to be appropriated

1 \$3,000,000 for fiscal year 1994 and such sums as may
2 be necessary for each of the four succeeding fiscal years
3 to carry out part A of this title.

4 (b) NATIONAL EDUCATION STANDARDS AND IM-
5 PROVEMENT COUNCIL.—There are authorized to be ap-
6 propriated \$3,000,000 for fiscal year 1994 and such sums
7 as may be necessary for each of the four succeeding fiscal
8 years to carry out part B of this title.

9 (c) OPPORTUNITY-TO-LEARN DEVELOPMENT
10 GRANT.—There are authorized to be appropriated
11 \$1,000,000 for fiscal year 1994 and such sums as may
12 be necessary for fiscal year 1995 to carry out the Oppor-
13 tunity-to-Learn Development Grant Program established
14 under section 218 of this title.

15 (d) ASSESSMENT DEVELOPMENT AND EVALUATION
16 GRANTS.—There are authorized to be appropriated
17 \$5,000,000 for fiscal year 1994 and such sums as may
18 be necessary for each of the four succeeding fiscal years
19 to carry out the Assessment Development and Evaluation
20 Grants Program established under section 218 of this
21 title.

22 TITLE III—STATE AND LOCAL EDUCATION
23 SYSTEMIC IMPROVEMENT
24 CONGRESSIONAL FINDINGS

25 SEC. 301. The Congress finds that—

1 (1) all students can learn to high standards and
2 must realize their potential if the United States is
3 to prosper;

4 (2) the reforms in education of the last fifteen
5 years have achieved some good results, but these ef-
6 forts often have been limited to a few schools or to
7 a single part of the educational system;

8 (3) leadership must come both from teachers,
9 related services personnel, principals, and parents in
10 individual schools and from policymakers at the
11 local, State, tribal, and national levels, in order for
12 lasting improvements in student performance to
13 occur;

14 (4) simultaneous top-down and bottom-up edu-
15 cation reform is necessary to spur creative and inno-
16 vative approaches by individual schools to help all
17 students achieve internationally competitive stand-
18 ards;

19 (5) strategies must be developed by commu-
20 nities and States to support the revitalization of all
21 local public schools by fundamentally changing the
22 entire system of public education through com-
23 prehensive, coherent, and coordinated improvement;

24 (6) parents, teachers and other local educators,
25 and business, community, and tribal leaders must be

1 involved in developing systemwide improvement
2 strategies that reflect the needs of their individual
3 communities;

4 (7) State and local education improvement ef-
5 forts must incorporate strategies for providing stu-
6 dents and families with coordinated access to appro-
7 priate social services, health care, nutrition, and
8 child care to remove preventable barriers to learning
9 and enhance school readiness for all students;

10 (8) States and local educational agencies, work-
11 ing together, must immediately set about developing
12 and implementing such systemwide improvement
13 strategies if the Nation is to educate all children to
14 meet their full potential and achieve the national
15 education goals listed in title I of this Act;

16 (9) State and local systemic improvement strat-
17 egies must provide all students with effective mecha-
18 nisms and appropriate paths to the workforce as well
19 as to higher education;

20 (10) business should be encouraged to enter
21 into partnerships with schools, provide information
22 and guidance to schools on the needs of area busi-
23 ness for properly educated graduates in general and
24 on the need for particular workplace skills that the
25 schools may provide, provide necessary material and

1 support, and continue the lifelong learning process
2 throughout the employment years of an individual;

3 (11) the appropriate and innovative use of tech-
4 nology can be very effective in helping to bring all
5 students the opportunity to learn and meet high
6 standards; and

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

11 PURPOSE

12 SEC. 302. It is the purpose of this title to improve
13 the quality of education for all students by supporting a
14 long-term, broad-based effort to promote coherent and co-
15 ordinated improvements in the system of education
16 throughout the Nation at the local and State levels. This
17 title provides new authorities and funding for the Nation's
18 school systems. It does not replace or reduce funding for
19 existing Federal education programs. It is the intention
20 of the Congress that no State or local educational agency
21 will reduce its funding for education or for education re-
22 form on account of receiving any funds under this title.

23 AUTHORIZATION OF APPROPRIATIONS

24 SEC. 303. For the purpose of carrying out this title,
25 there are authorized to be appropriated \$393,000,000 for

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

3 ALLOTMENT OF FUNDS

4 SEC. 304. (a) RESERVATIONS OF FUNDS.—From
5 funds appropriated 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; and

13 (2) may reserve a total of up to 6 per centum
14 for—

15 (A) national leadership activities under
16 section 312; and

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

20 (b) STATE ALLOTMENTS.—The Secretary shall allot
21 the remaining amount appropriated under section 303 for
22 each fiscal year to the States as follows:

23 (1) 50 per centum of such remaining amount
24 shall be allocated in accordance with the relative
25 amounts such State received under chapter 1 of title

1 I of the Elementary and Secondary Education Act
2 of 1965 for the preceding fiscal year.

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

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

14 STATE APPLICATIONS

15 SEC. 305. (a) GENERAL.—(1) If a State desires to
16 receive a grant under this title, the State educational
17 agency shall submit an application to the Secretary at
18 such time and in such manner as the Secretary may deter-
19 mine.

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

22 (A) an assurance that the State educational
23 agency will cooperate with the Secretary in carrying
24 out the Secretary’s responsibilities under section
25 312, and will comply with reasonable requests of the
26 Secretary for data related to the State’s progress in

1 developing and implementing its State improvement
2 plan under this title;

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

8 (C) such other assurances and information as
9 the Secretary may require.

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

12 (1) describe the process by which the State will
13 develop a school improvement plan that meets the
14 requirements of section 306; and

15 (2) describe how the State educational agency
16 will use funds received under this title for such year,
17 including how the State educational agency will
18 make subgrants to local educational agencies and for
19 teacher training.

20 (c) SUBSEQUENT YEARS.—A State's second applica-
21 tion under this title shall—

22 (1) cover the second through fifth years of its
23 participation—

24 (2) include a copy of the State's improvement
25 plan that meets the requirements of section 306 or,

1 if the State plan is not complete, a statement of the
2 steps it will take to complete the plan and a schedule
3 for doing so; and

4 (3) include an explanation of how the State will
5 use funds received under this title, including how it
6 will make subgrants to local educational agencies
7 and for teacher training under section 308(b)(1).

8 STATE IMPROVEMENT PLANS

9 SEC. 306. (a) BASIC SCOPE OF PLAN.—Any
10 State educational agency that wishes to receive a
11 grant under this title after its first year of participa-
12 tion shall develop and implement a plan for the fun-
13 damental restructuring and improvement of elemen-
14 tary and secondary education in the State. This plan
15 must address—

16 (1) in accordance with subsection (c), the estab-
17 lishment or adoption of challenging content and stu-
18 dent performance standards for all students and the
19 use of curricula, instructional practices, assessments,
20 technology, and professional preparation and devel-
21 opment approaches appropriate to help all students
22 reach those standards;

23 (2) in accordance with subsection (d), the es-
24 tablishment or adoption of opportunity-to-learn
25 standards that will define the conditions of teaching
26 and learning that provide all students the oppor-

1 tunity to meet the challenging content and student
2 performance standards;

3 (3) in accordance with subsection (e), needed
4 changes in the governance and management of the
5 education system in order to effectively focus schools
6 on, and assist them in, preparing all students to
7 meet the challenging State standards;

8 (4) in accordance with subsection (f), com-
9 prehensive strategies to involve communities, includ-
10 ing parents, businesses, libraries, museums, employ-
11 ment and training agencies, health and human serv-
12 ice agencies, and other public and private agencies
13 that provide social services, health care, child care,
14 and nutrition to students, in helping all students
15 meet the challenging State standards;

16 (5) in accordance with subsection (g), strategies
17 for ensuring that all local educational agencies and
18 schools within the State are involved in developing
19 and implementing needed improvements within a
20 specified period of time; and

21 (6) in accordance with subsection (h), strategies
22 for ensuring that comprehensive, systemic reform is
23 promoted from the bottom up in communities, local
24 educational agencies, and schools.

1 (b) PLAN DEVELOPMENT.—(1) A State improvement
2 plan under this title must be developed by a broad-based
3 panel in cooperation with the State educational agency
4 and the Governor. The panel shall include—

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

7 (B) the chairman of the State board of edu-
8 cation and the chairmen of the appropriate authoriz-
9 ing committees of the State legislature, or their des-
10 ignees;

11 (C) teachers, principals, and administrators
12 who have successfully improved student perform-
13 ance;

14 (D) representatives of teachers' organizations,
15 parents, business and labor leaders, community-
16 based organizations, local boards of education, State
17 and local officials responsible for health, social serv-
18 ices, and other related services, and others, as ap-
19 propriate; and

20 (E) representatives from rural and urban local
21 educational agencies in the State.

22 (2) The Governor and the chief State school officer
23 shall each appoint half the members of the State panel
24 and shall jointly select the Chairperson of the panel.

1 (3) The membership of the panel shall be geographi-
2 cally representative of the State and reflect the racial and
3 ethnic diversity of the population of the State.

4 (4) The panel shall consult the Governor, the chief
5 State school officer, the State board of education, and rel-
6 evant committees of the State legislature in developing the
7 plan.

8 (5) The panel shall be responsible for conducting a
9 statewide, grassroots outreach process, including conduct-
10 ing public hearings, to involve educators, parents, local of-
11 ficials, community and business leaders, citizens, chil-
12 dren's advocates, and others with a stake in the success
13 of students and their education system, and who are rep-
14 resentative of the diversity of the State and its student
15 population, in the development of the State plan and in
16 a continuing dialog regarding the need for and nature of
17 challenging standards for students and local and State re-
18 sponsibilities for helping all students achieve them.

19 (6) The panel shall develop a continuing process for
20 interacting with local educational agencies and individual
21 schools engaged in systemic reform, especially including
22 those local educational agencies and schools receiving
23 subgrants under section 309 of this Act, to ensure that
24 the development and implementation of the State plan re-
25 flects their needs and experiences.

1 (7) The panel shall develop a State plan, provide op-
2 portunity for public comment, and submit the State plan
3 to the State educational agency for approval.

4 (8) The State educational agency shall submit the
5 State’s plan, together with an explanation of any changes
6 made by such agency to the plan developed by the panel,
7 to the Secretary for approval.

8 (9) If any portion of the State’s plan addresses mat-
9 ters that, under State or other applicable law, are not
10 under the authority of the State educational agency, the
11 State educational agency shall obtain the approval of, or
12 changes to, such portion, with an explanation therefor,
13 from the Governor or other official responsible for that
14 portion before submitting the plan to the Secretary.

15 (10) After approval of the State plan by the Sec-
16 retary, the panel, in close consultation with teachers, prin-
17 cipals, administrators, and parents in local educational
18 agencies and schools receiving funds under this title, shall
19 monitor the implementation and effectiveness of the State
20 plan to determine if revisions are appropriate, and shall
21 periodically report its findings to the public.

22 (c) TEACHING, LEARNING, STANDARDS, AND AS-
23 SESSMENTS.—Each State plan shall establish strategies
24 for improving teaching and learning, including—

1 (1) a process for developing or adopting chal-
2 lenging content and student performance standards
3 for all students;

4 (2) a process for providing assistance and sup-
5 port to local educational agencies and schools to give
6 them the capacity and responsibility to provide all of
7 their students the opportunity to meet challenging
8 State content and student performance standards;

9 (3) a process for developing, adopting, or rec-
10 ommending instructional materials and technology to
11 support and assist local educational agencies and
12 schools to provide all of their students the oppor-
13 tunity to meet the challenging State content and
14 student performance standards;

15 (4) a process for developing and implementing
16 a valid and nondiscriminatory assessment system or
17 set of locally-based assessment systems that is capa-
18 ble of providing coherent information about student
19 attainments relative to the State content standards.
20 The process shall also provide for monitoring the im-
21 plementation of such system or systems and the im-
22 pact on improved instruction for all students;

23 (5) a process for improving the State's system
24 of teacher and school administrator preparation, li-
25 censure, and continuing professional development so

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

5 (6) a process for providing appropriate and ef-
6 fective professional development, including the use of
7 technology, necessary for teachers, school adminis-
8 trators, and others to help all students meet the
9 challenging standards under paragraph (1); and

10 (7) a process to ensure widespread participation
11 of classroom teachers in developing the portions of
12 the plan described in this subsection.

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

15 (1) adopting or establishing opportunity-to-
16 learn standards;

17 (2) ensuring that every school in the State
18 achieves the State’s opportunity-to-learn standards;

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

21 (4) periodically reporting to the public on the
22 extent of the State’s improvement in achieving such
23 standards and providing all students with a fair op-
24 portunity to achieve the knowledge and skill levels

1 that meet the State's content and student perform-
2 ance standards.

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

6 (1) aligning responsibility, authority, and ac-
7 countability throughout the education system, so
8 that decisions regarding content and student per-
9 formance standards are coordinated and decisions
10 regarding the means for achieving them are made
11 closest to the learners;

12 (2) creating an integrated and coherent ap-
13 proach to attracting, recruiting, preparing and li-
14 censing, appraising, rewarding, retaining, and sup-
15 porting the continued professional development of
16 teachers, administrators, and other educators, in-
17 cluding bilingual educators, so that there is a highly
18 talented workforce of professional educators capable
19 of preparing all students to reach challenging stand-
20 ards, with special attention to the recruitment, train-
21 ing, and retention of qualified minorities into the
22 education profession within the State to ensure that
23 it reflects the racial and ethnic diversity of the stu-
24 dent population;

1 (3) providing incentives for high performance,
2 such as—

3 (A) working with employers and institu-
4 tions of higher education to devise strategies to
5 reward student achievement;

6 (B) incentives for classroom teachers and
7 other professional educators to participate in
8 professional development activities; and

9 (C) school-based incentives for schools and
10 local educational agencies to improve student
11 performance;

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

14 (5) increasing flexibility for local districts and
15 schools by, for example—

16 (A) waiving State regulations and other re-
17 quirements that impede educational improve-
18 ment;

19 (B) focusing accountability on educational
20 outcomes rather than monitoring compliance
21 with input requirements; and

22 (C) fostering conditions that allow teach-
23 ers, principals, and parents in the school com-
24 munity to be creative in helping their students
25 meet challenging standards.

1 (f) PARENTAL AND COMMUNITY SUPPORT AND IN-
2 VOLVEMENT.—Each State plan shall describe strategies
3 for how the State will develop support for, and help imple-
4 ment its plan, such as—

5 (1) educating the public about the need for
6 higher standards and systemic improvement;

7 (2) involving parents and communities in the
8 State’s standard-setting and improvement process;

9 (3) reporting, on an ongoing basis, to parents,
10 educators, and the public on the State’s progress in
11 implementing the plan and improving student per-
12 formance;

13 (4) focusing public and private community re-
14 sources and public school resources on prevention
15 and early intervention to address the needs of all
16 students by—

17 (A) identifying and removing unnecessary
18 regulations and obstacles to coordination;

19 (B) improving communication and infor-
20 mation exchange; and

21 (C) providing appropriate training to agen-
22 cy personnel; and

23 (5) increasing the access of all students to so-
24 cial services, health care, nutrition, and child care
25 services, and locating such services in schools, co-

1 operating service agencies, community-based centers,
2 or other convenient sites designed to provide “one-
3 stop shopping” for parents and students.

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

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

18 (2) developing partnerships among preschools,
19 elementary and secondary schools, institutions of
20 higher education, health and social service providers,
21 and employers to improve teaching and learning at
22 all levels of the education system and to foster col-
23 laboration and continuous improvement;

24 (3) strategies to provide for the close coordina-
25 tion of standards development and improvement ef-

1 forts among institutions of higher education and sec-
2 ondary, middle, and elementary schools;

3 (4) conducting outreach programs aimed at
4 parents whose language is a language other than
5 English, and other special populations, including
6 Native Americans, to involve all segments of the
7 community in the development of the State plan;

8 (5) developing partnerships with tribes and
9 BIA-funded schools, where appropriate, to improve
10 consistency and compatibility in curriculum among
11 public and BIA-funded schools at all grade levels;

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

14 (7) providing for the development of objective
15 criteria and measures against which the success of
16 local plans will be evaluated;

17 (8) providing for the availability of curricular
18 materials, learning technologies, and professional de-
19 velopment in a manner ensuring equal access by all
20 local educational agencies in the State;

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

1 (10) providing remedial assistance to students,
2 teachers, schools, and local educational agencies that
3 are identified through the assessment system devel-
4 oped under subsection (c)(4) as needing such assist-
5 ance.

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

12 (1) ensuring that the State plan is responsive to
13 the needs and experiences of local educational agen-
14 cies, schools, teachers, and community leaders;

15 (2) establishing mechanisms for continuous
16 input from local schools, communities, colleges, and
17 school districts into, and feedback on, the implemen-
18 tation of the State plan;

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

1 (4) establishing collaborative networks of teach-
2 ers centered on content standards and assessments
3 for the purpose of improving teaching and learning;

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

9 (6) facilitating the provision of waivers from
10 State rules and regulations that local educational
11 agencies or schools believe would promote innovation
12 and enhance school performance; and

13 (7) facilitating communication among educators
14 within and between districts for the purpose of shar-
15 ing innovative and effective practices, including
16 through the use of telecommunications, site visits,
17 and other means.

18 (i) BENCHMARKS AND TIMELINES.—Each State plan
19 shall include specific benchmarks of improved student per-
20 formance and of progress in implementing the improve-
21 ment plan, and timelines against which the progress of
22 the State in carrying out its plan, including the elements
23 described in subsections (c) through (h), can be measured.

24 (j) PEER REVIEW AND SECRETARIAL APPROVAL.—
25 (1) The Secretary shall review each State improvement

1 plan prepared under this section, and each application
2 submitted under section 305, with the assistance and ad-
3 vice of State and local education policymakers, educators,
4 classroom teachers, experts on educational innovation and
5 improvement, and other appropriate individuals. The peer
6 review process shall be representative of the geographic,
7 racial, and cultural diversity of the United States. The re-
8 view process shall include at least one site visit to each
9 State.

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

13 (A) reflects a widespread commitment within
14 the State; and

15 (B) holds reasonable promise of helping all stu-
16 dents.

17 (3) The Secretary shall not decline to approve a
18 State's plan, or any State application submitted under sec-
19 tion 305, before offering the State—

20 (A) an opportunity to revise its plan or applica-
21 tion; and

22 (B) a hearing.

23 (k) AMENDMENTS TO PLAN.—(1) Each State shall
24 periodically review its plan and revise it, as appropriate,
25 in accordance with the process described in subsection (b).

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

4 (l) PREEXISTING STATE PLANS AND PANELS.—(1) If
5 a State has developed a comprehensive and systemic im-
6 provement plan to help all students meet challenging
7 standards, or any component of such a plan, that other-
8 wise meets the requirements of this section, the Secretary
9 may approve such plan or component notwithstanding that
10 it was not developed in accordance with subsection (b),
11 if the Secretary determines that such approval would fur-
12 ther the purposes of the State systemic education improve-
13 ment.

14 (2) If, before the enactment of this Act, a State has
15 made substantial progress in developing a plan that other-
16 wise meets, or is likely to meet, the requirements of this
17 section, but was developed by a panel that does not meet
18 the requirements of subsection (b)(1)–(3), the Secretary
19 may, at the request of the Governor and the State edu-
20 cational agency, treat that panel as meeting those require-
21 ments for all purposes of this title if the Secretary deter-
22 mines that there has been substantial public involvement
23 in the development of the plan.

24 SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS

25 SEC. 307. (a) FIRST YEAR.—The Secretary shall ap-
26 prove the State educational agency's initial year applica-

1 tion under section 305(b) if the Secretary determines
2 that—

3 (1) it meets the requirements of this title; and

4 (2) there is a substantial likelihood that the
5 State will be able to develop and implement an edu-
6 cation improvement plan that complies with section
7 306.

8 (b) SECOND THROUGH FIFTH YEARS.—The Sec-
9 retary shall approve the State educational agency's re-
10 newal application under section 305(c)(1) for years two
11 through five only if—

12 (1)(A) the Secretary has approved the State's
13 improvement plan under section 306(j); or

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

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

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

23 STATE USE OF FUNDS

24 SEC. 308. (a) FIRST YEAR.—In the first year for
25 which a State educational agency receives a grant under
26 this title, the State—

1 (1) shall use at least 50 per centum of such
2 funds 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 \$100,000,000. The State may use such funds for
11 such subgrants if such amount is less than
12 \$100,000,000; 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 85 per centum of such assist-
20 ance 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) shall use the remainder of such assistance
6 for State activities designed to implement its im-
7 provement 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 assessment tools linked to the standards,
12 including through consortia of States and in
13 conjunction with the National Education Stand-
14 ards and Improvement Council established
15 under 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 and female students, includ-
5 ing instructional programs and activities that
6 encourage such students in elementary and sec-
7 ondary schools to aspire to enter and complete
8 higher education;

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

12 (F) outreach to parents, tribal officials,
13 classroom teachers and other educators, and the
14 public related to education improvement;

15 (G) providing technical assistance and
16 other services to increase the capacity of local
17 educational agencies and schools to develop and
18 implement local systemic improvement plans,
19 implement new assessments, and develop curric-
20 ula consistent with the State's content and stu-
21 dent performance standards;

22 (H) promoting public magnet schools, pub-
23 lic "charter schools", and other mechanisms for
24 increasing choice among public schools; and

25 (I) Collecting and analyzing data.

1 (c) LIMIT ON ADMINISTRATIVE COSTS.—In each
2 year, a State may use not more than four per centum of
3 its annual allotment under this title, or \$100,000, which-
4 ever is greater, for administrative expenses, not including
5 the activities of the panel established under section
6 306(b)(1).

7 SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL
8 DEVELOPMENT

9 SEC. 309. (a) SUBGRANTS TO LOCAL EDUCATIONAL
10 AGENCIES.—(1)(A) Each State educational agency shall
11 make subgrants to local educational agencies under sec-
12 tion 308(a)(1) and (b)(1)(A) through a competitive proc-
13 ess.

14 (B) Each subgrant shall be for a project of sufficient
15 duration and of sufficient size, scope, and quality to carry
16 out the purpose of this title effectively.

17 (2) Each local educational agency wishing to receive
18 a subgrant under this subsection shall submit an applica-
19 tion to the State educational agency that—

20 (A) is developed by a broad-based panel, ap-
21 pointed by the local educational agency, that is rep-
22 resentative of the racial, language, ethnic, and socio-
23 economic diversity of the students and community
24 and includes teachers, parents, school administra-
25 tors, business representatives, and others, as appro-
26 priate, and is approved by the local educational

1 agency, with any modifications the local educational
2 agency deems appropriate;

3 (B) includes, not later than the beginning of
4 the second year for which assistance is sought, a
5 comprehensive local plan for districtwide education
6 improvement, directed at enabling all students to
7 meet the State's challenging content and student
8 performance standards, including specific goals and
9 benchmarks, that is consistent with the State's im-
10 provement plan (either approved or under develop-
11 ment) and includes a strategy for—

12 (i) ensuring that all students have a fair
13 opportunity to learn;

14 (ii) improving teaching and learning;

15 (iii) improving governance and manage-
16 ment;

17 (iv) generating and maintaining parental
18 and community involvement; and

19 (v) expanding improvements throughout
20 the local educational agency;

21 (C) describes how the local educational agency
22 will encourage and assist schools to develop com-
23 prehensive school improvement plans that focus on
24 helping all students reach challenging content and
25 student performance standards and that address

1 each element of the local educational agency's im-
2 provement plan identified in subparagraph (B);

3 (D) describes how the local educational agency
4 will implement specific programs aimed at ensuring
5 improvements in school readiness and the ability of
6 students to learn effectively at all grade levels by
7 identifying the most pressing needs facing students
8 and their families with regard to social services,
9 health care, nutrition, and child care, and entering
10 into partnerships with public and private agencies to
11 increase the access of students and families to co-
12 ordinated services in a school setting or at a nearby
13 site;

14 (E) describes how the subgrant funds would be
15 used by the local educational agency, and the proce-
16 dures to be used to make funds available to schools
17 in accordance with paragraph (4)(A);

18 (F) identifies, with an explanation, any State or
19 Federal requirements that the local educational
20 agency believes impede educational improvement and
21 that it requests be waived in accordance with section
22 310, which requests shall promptly be transmitted to
23 the Secretary by the State educational agency; and

24 (G) contains such other information as the
25 State educational agency may reasonably require.

1 (3) The panel appointed under paragraph (2)(A)
2 shall, after approval of the local educational agency's ap-
3 plication by the State educational agency, monitor the im-
4 plementation and effectiveness of the local improvement
5 plan in close consultation with teachers, principals, admin-
6 istrators, and parents from schools receiving funds under
7 this title, to determine if revisions to the local plan should
8 be recommended to the local educational agency. The
9 panel shall make public its findings.

10 (4)(A) A local educational agency that receives a
11 subgrant under this subsection shall—

12 (i) in the first year, use no more than 25 per-
13 cent of those funds to develop a local improvement
14 plan or for any local district activities approved by
15 the State educational agency that are reasonably re-
16 lated to carrying out the State or local improvement
17 plans, and not less than 75 per centum of such
18 funds to support individual school improvement ini-
19 tiatives directly related to providing all students in
20 the school the opportunity to meet challenging State
21 content and student performance standards; and

22 (ii) in subsequent years, use those funds for any
23 activities approved by the State educational agency
24 that are reasonably related to carrying out the State
25 or local improvement plans, except that at least 85

1 per centum of such funds shall be made available to
2 individual schools to develop and implement com-
3 prehensive school improvement plans designed to
4 help all students meet challenging State content
5 standards.

6 (B) At least 50 per centum of the funds made avail-
7 able by a local educational agency to individual schools
8 under this section in any fiscal year shall be made avail-
9 able to schools with a special need for such assistance,
10 as indicated by a high number or percentage of students
11 from low-income families, low student achievement, or
12 other similar criteria developed by the local educational
13 agency.

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, under section 308(a)(1)
20 and (b)(1) through a competitive, peer-reviewed process
21 to—

22 (i) improve preservice teacher education pro-
23 grams consistent with the State plan; and

1 (ii) support continuing, sustained professional
2 development activities for educators consistent with
3 the State plan.

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

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

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

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

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

23 (C) contains any other information that the
24 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 (c) SPECIAL AWARD RULE.—(1) Each State edu-
17 cational agency shall award at least at 50 per centum of
18 subgrant funds under subsection (a) in each fiscal year
19 to local educational agencies that have a greater percent-
20 age or number of disadvantaged children than the state-
21 wide average percentage or number for all local edu-
22 cational agencies in the State.

23 (2) The State educational agency may waive the re-
24 quirement of paragraph (1) if it does not receive a suffi-

1 cient number of applications to comply with such require-
2 ment.

3 WAIVERS OF STATUTORY AND REGULATORY

4 REQUIREMENTS

5 SEC. 310. (a) GENERAL.—(1) Except as provided in
6 subsection (c), the Secretary may waive any requirement
7 of any statute listed in subsection (b) or of the regulations
8 issued under such statute for a State educational agency,
9 local educational agency, or school that requests such a
10 waiver—

11 (A) if, and only to the extent that, the Sec-
12 retary determines that such requirement impedes the
13 ability of the State, or of a local educational agency
14 or school in the State, to carry out the State or local
15 education improvement plan;

16 (B) if the State educational agency has waived,
17 or agrees to waive, similar requirements of State
18 law; and

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

21 (i) provides all local educational agencies
22 in the State with notice and an opportunity to
23 comment on the State educational agency's pro-
24 posal to seek a waiver; and

25 (ii) submits the local educational agencies'
26 comments to the Secretary.

1 (2) The Secretary shall act promptly on any such re-
2 quest.

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

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

10 (1) Chapter 1 of title I of the Elementary and
11 Secondary Education Act of 1965, including the
12 Even Start Act.

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

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

18 (4) The Emergency Immigrant Education Act
19 of 1984 (title IV, part D of the Elementary and Sec-
20 ondary Education Act of 1965).

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

24 (6) The Carl D. Perkins Vocational and Applied
25 Technology Education Act.

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

4 (1) maintenance of effort;

5 (2) comparability of services;

6 (3) the equitable participation of students at-
7 tending private schools;

8 (4) parental participation and involvement; or

9 (5) the distribution of funds to State or to local
10 educational agencies.

11 (d) TERMINATION OF WAIVERS.—The Secretary
12 shall periodically review the performance of any State,
13 local educational agency, or school for which the Secretary
14 has granted a waiver and shall terminate the waiver if he
15 or she determines that the performance of the State, the
16 local educational agency, or the school in the area affected
17 by the waiver has been inadequate to justify a continu-
18 ation of the waiver.

19 PROGRESS REPORTS

20 SEC. 311. (a) STATE REPORTS TO THE SEC-
21 RETARY.—Each State educational agency that receives
22 funds under this title shall annually report to the Sec-
23 retary—

24 (1) on the State's progress in meeting its goals
25 and plans;

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

3 (3) in summary form, on the progress of local
4 educational agencies in meeting local goals and
5 plans.

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 219 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 students, par-
18 ticularly those of different racial, gender, eth-
19 nic, or language groups; and

20 (2) this title, including a description of the ef-
21 fect of waivers granted under section 310.

22 NATIONAL LEADERSHIP

23 SEC. 312. (a) ACTIVITIES AUTHORIZED.—From
24 funds reserved each year under section 304(a)(2)(A), the
25 Secretary may, directly or through grants or contracts—

1 (1) by the Nation, to ensure the development of
2 a high skills, high quality, high performance
3 workforce, including the most skilled front-line
4 workforce in the world, and that will result in in-
5 creased productivity, economic growth and American
6 economic competitiveness;

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

10 (3) by employers, to assist in evaluating the
11 skill levels of prospective employees and to assist in
12 the training of current employees;

13 (4) by labor organizations, to enhance the em-
14 ployment security of workers by providing portable
15 credentials and skills;

16 (5) by workers, to obtain certifications of their
17 skills to protect against dislocation, to pursue career
18 advancement, and to enhance their ability to reenter
19 the workforce;

20 (6) by students and entry level workers, to de-
21 termine the skill levels and competencies needed to
22 be obtained in order to compete effectively for high
23 wage jobs;

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

1 (8) by Government, to protect the integrity of
2 public expenditures by ensuring that publicly-funded,
3 employment-related training meets industry stand-
4 ards where they exist; and

5 (9) to facilitate linkages between other compo-
6 nents of the workforce investment strategy, includ-
7 ing school-to-work transition and job training pro-
8 grams.

9 ESTABLISHMENT OF NATIONAL BOARD

10 SEC. 402. (a) IN GENERAL.—There is established a
11 National Skill Standards Board (hereafter referred to in
12 this title as the “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 (2), 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-
25 provement Council established pursuant to title
26 II of this Act;

1 (E) eight members shall be representatives
2 of business and industry selected from among
3 individuals recommended by business organiza-
4 tions and trade associations;

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

9 (G) eight members shall be representatives
10 of educational institutions, technical associa-
11 tions, community-based organizations and State
12 governments who have expertise in the area of
13 education and training and who have expertise
14 that reflects a broad cross-section of occupa-
15 tions and industries.

16 (2) APPOINTMENT.—The membership of the
17 National Board shall be appointed as follows:

18 (A) Twelve members (four from each class
19 of members described in subparagraphs (E),
20 (F), and (G) of paragraph (1)) shall be ap-
21 pointed by the President.

22 (B) Six members (two from each class of
23 members described in subparagraphs (E), (F),
24 and (G) of paragraph (1)) shall be appointed by
25 the Speaker of the House of Representatives,

1 upon the recommendations of the Majority and
2 Minority Leaders of the House, respectively.

3 (C) Six members (two from each class of
4 members described in subparagraphs (E), (F),
5 and (G) of paragraph (1)) shall be appointed by
6 the President pro tempore of the Senate, upon
7 the recommendations of the Majority and Mi-
8 nority Leaders of the Senate, respectively.

9 (3) TERM.—Each member of the National
10 Board appointed under subparagraphs (E), (F), and
11 (G) of paragraph (1) shall be appointed for a term
12 of four years, except that of the initial members of
13 the Board appointed under such paragraph, twelve
14 members shall be appointed for a term of three
15 years (four from each class of members described in
16 subparagraphs (E), (F), and (G) of paragraph (1),
17 of whom two from each class shall be appointed in
18 accordance with paragraph (2)(A), one from each
19 class shall be appointed in accordance with para-
20 graph (2)(B), and one from each class shall be ap-
21 pointed in accordance with paragraph (2)(C)), and
22 twelve members shall be appointed for a term of
23 four years (four from each class of members de-
24 scribed in subparagraphs (E), (F), and (G) of para-
25 graph (1), of whom two from each class shall be ap-

1 pointed in accordance with paragraph (2)(A), one
2 from each class shall be appointed in accordance
3 with paragraph (2)(B), and one from each class
4 shall be appointed in accordance with paragraph
5 (2)(C).

6 (c) CHAIRPERSON AND VICE CHAIRPERSONS.—

7 (1) CHAIRPERSON.—The Chairperson of the
8 National Board shall be elected biennially from
9 among the members of the National Board by a ma-
10 jority vote of such members.

11 (2) VICE CHAIRPERSONS.—The National Board
12 shall annually elect three Vice Chairpersons (each
13 representing a different one of the classes of mem-
14 bers described in subparagraphs (E), (F), and (G)
15 of paragraph (1)) from among its members ap-
16 pointed under paragraph (2), each of whom shall
17 serve for a term of one year.

18 (d) COMPENSATION AND EXPENSES.—

19 (1) COMPENSATION.—Members of the National
20 Board who are not regular full-time employees of the
21 United States Government shall serve without com-
22 pensation.

23 (2) EXPENSES.—While away from their homes
24 or regular places of business on the business of the
25 National Board, members of such Board shall re-

1 ceive payment for necessary travel expenses in ac-
2 cordance with subchapter I of chapter 57, title 5,
3 United States Code.

4 (e) EXECUTIVE DIRECTOR AND STAFF.—The Chair-
5 person of the National Board shall appoint an Executive
6 Director, who shall be compensated at a rate determined
7 by the National Board that shall not exceed the rate of
8 pay for level V of the Executive Schedule under section
9 5316 of title 5, United States Code, and who may appoint
10 such staff as is necessary in accordance with title 5, Unit-
11 ed States Code.

12 (f) GIFTS.—The National Board is authorized, in
13 carrying out this title, to accept, purchase, or lease, and
14 employ or dispose of in furtherance of the purposes of this
15 title, any money or property, real, personal, or mixed, tan-
16 gible or intangible, received by gift, devise, bequest, or oth-
17 erwise, and to accept voluntary and uncompensated serv-
18 ices notwithstanding the provisions of section 1342 of title
19 31, United States Code.

20 (g) AGENCY SUPPORT.—

21 (1) USE OF FACILITIES.—The National Board
22 may use the research, equipment, services and facili-
23 ties of any agency or instrumentality of the United
24 States with the consent of such agency or instru-
25 mentality.

1 (2) STAFF OF FEDERAL AGENCIES.—Upon the
2 request of the National Board, the head of any de-
3 partment or agency of the United States may detail
4 to the National Board, on a reimbursable basis, any
5 of the personnel of such department or agency to as-
6 sist the National Board in carrying out this title.

7 FUNCTIONS OF THE NATIONAL BOARD

8 SEC. 403. (a) IDENTIFICATION OF OCCUPATIONS.—
9 The National Board shall identify broad clusters of major
10 occupations that involve one or more than one industry
11 in the United States.

12 (b) DEVELOPMENT OF SKILL STANDARDS.—With re-
13 spect to each broadly based occupational cluster identified
14 pursuant to subsection (a), the National Board shall en-
15 courage, promote, and assist in the voluntary development
16 and adoption by the groups described in subsection (c)
17 of—

18 (1) skill standards, which at a minimum—

19 (A) take into account, to the extent prac-
20 ticable, standards used in other countries and
21 international standards;

22 (B) take into account content and perform-
23 ance standards certified pursuant to title II of
24 this Act;

25 (C) take into account the requirements of
26 high performance work organizations;

1 (D) are in a form that allows for regular
2 updating to take into account advances in tech-
3 nology or other developments within the occupa-
4 tional cluster;

5 (E) are formulated in such a manner that
6 the attainment of such standards is likely to
7 meet the requirements for transferable credit
8 and enable a student, trainee, or employee to
9 continue education and training, with a special
10 emphasis on transferability among firms and
11 labor markets; and

12 (F) are not discriminatory with respect to
13 race, gender, age, ethnicity, disability or na-
14 tional origin;

15 (2) a system of assessment and certification of
16 the attainment of skill standards developed pursuant
17 to paragraph (1), which at a minimum shall—

18 (A) take into account, to the extent prac-
19 ticable, methods of assessment and certification
20 used in other countries;

21 (B) utilize a variety of evaluation tech-
22 niques, such as oral and written evaluations,
23 portfolio assessments and, where appropriate,
24 performance tests;

1 (C) include methods for validating the fair-
2 ness and effectiveness of the assessment and
3 certification system; and

4 (D) utilize certification techniques that are
5 designed to avoid disparate impacts (which, for
6 the the purposes of this subparagraph, means
7 substantially different rates of certification)
8 against individuals based on race, gender, age,
9 ethnicity, disability or national origin;

10 (3) a system to evaluate the implementation of
11 the skill standards, and assessment and certification
12 systems developed pursuant to this subsection;

13 (4) a system to promote the use of and dissemi-
14 nate information relating to skill standards, and as-
15 sessment and certification systems developed pursu-
16 ant to this subsection; and

17 (5) a system to periodically revise and update
18 the skill standards, and assessment and certification
19 systems developed pursuant to this subsection, which
20 will take into account changes in standards in other
21 countries.

22 (c) PARTICIPATION OF REPRESENTATIVES.—(1) In
23 order to carry out subsection (b), the National Board shall
24 invite and obtain the full and balanced participation of—

1 (A) representatives of business and industry
2 who have expertise in the area of workforce skill re-
3 quirements, including representatives of large and
4 small employers, recommended by national business
5 organizations and trade associations representing
6 employers in the occupation or industry for which a
7 standard is being developed, and representatives of
8 trade associations that have received demonstration
9 grants from the Department of Labor or the De-
10 partment of Education to establish skill standards
11 prior to the enactment of this title;

12 (B) employee representatives who have exper-
13 tise in the area of workforce skill requirements and
14 who shall be—

15 (i) individuals recommended by recognized
16 national labor organizations representing em-
17 ployees in the occupation or industry for which
18 a standard is being developed; and

19 (ii) such other individuals who are
20 nonmanagerial employees with significant expe-
21 rience and tenure in such occupation or indus-
22 try as are appropriate given the nature and
23 structure of employment in the occupation or
24 industry; and

1 (C) representatives of educational institutions,
2 including representatives of high schools, technical
3 and trade schools, junior and community colleges,
4 and four-year postsecondary institutions, and rep-
5 resentatives of technical associations, community-
6 based organizations, State governments, State agen-
7 cies with jurisdiction over education, employment
8 and training, and other policy development organiza-
9 tions with expertise in the area of workforce skill re-
10 quirements.

11 (2) The National Board may supplement the invita-
12 tions and participation provided for in paragraph (1) by
13 inviting and soliciting the participation of such other indi-
14 viduals as the National Board deems to be independent,
15 qualified experts in their fields.

16 (d) ENDORSEMENT OF STANDARDS.—The National
17 Board shall endorse those skill standards, assessment and
18 certification systems and systems for evaluating, dissemi-
19 nating and updating such standards and assessment and
20 certification systems described in subsection (b), that the
21 National Board determines, after public review and com-
22 ment, meet the requirements of this section and are appro-
23 priate for the industry or occupation.

24 (e) LIMITATIONS.—The National Board shall not
25 carry out the requirements of subsections (b), (c) or (d)

1 with respect to any occupation or trade within the con-
2 struction industry for which recognized apprenticeship
3 standards have been jointly developed by labor and man-
4 agement representatives and are being actively used for
5 training workers in such occupation or trade unless labor
6 and management representatives of such occupation or
7 trade and representatives of certified apprenticeship pro-
8 grams within such occupation or trade jointly request the
9 assistance of the National Board.

10 (f) COORDINATION.—The National Board shall es-
11 tablish cooperative arrangements with the National Edu-
12 cation Standards and Improvement Council to promote
13 the coordination of the development of skill standards
14 under this title with the development of content and per-
15 formance standards under title II of this Act.

16 (g) ADDITIONAL DUTIES.—In order to support the
17 activities described in subsection (b), the National Board
18 shall—

19 (1) conduct workforce research relating to skill
20 standards and make such research available to the
21 public, including the representatives described in
22 subsection (c);

23 (2) identify and maintain a catalog of skill
24 standards used by other countries and by States and
25 leading firms and industries in the United States;

1 (3) serve as a clearinghouse to facilitate the
2 sharing of information on the development of skill
3 standards and other relevant information among
4 representatives of occupations and industries identi-
5 fied pursuant to subsection (a);

6 (4) develop a common nomenclature relating to
7 skill standards;

8 (5) encourage the development and adoption, in
9 accordance with the participation requirements of
10 subsection (c), of curricula and training materials,
11 for attaining the skill standards developed pursuant
12 to subsection (b), that include structured work expe-
13 riences and related study programs leading to pro-
14 gressive levels of professional and technical certifi-
15 cation;

16 (6) provide appropriate technical assistance;
17 and

18 (7) develop long-term strategic plans relating to
19 the development and utilization of skill standards.

20 (h) FINANCIAL ASSISTANCE.—From funds appro-
21 priated pursuant to section 406, the Secretary of Labor
22 may award grants and enter into contracts and coopera-
23 tive arrangements that are requested by the National
24 Board for the purposes of carrying out this title.

DEADLINES

1
2 SEC. 404. No later than December 31, 1995, the Na-
3 tional Board shall—

4 (1) identify occupational clusters pursuant to
5 section 403(a) representing a substantial portion of
6 the workforce; and

7 (2) ensure the development of an initial set of
8 skill standards in accordance with section 403(b) for
9 such clusters, to be updated as appropriate.

REPORTS

10
11 SEC. 405. The National Board shall submit to the
12 President and the Congress in each fiscal year a report
13 on the activities conducted under this title, including the
14 extent to which skill standards have been adopted by em-
15 ployers, training providers, and other entities and the ef-
16 fectiveness of such standards in accomplishing the pur-
17 poses described in section 401.

AUTHORIZATION OF APPROPRIATIONS

18
19 SEC. 406. (a) IN GENERAL.—There are authorized
20 to be appropriated \$15,000,000 for fiscal year 1994 and
21 such sums as may be necessary for each of fiscal years
22 1995 through 1999 to carry out this title.

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

TITLE V—MISCELLANEOUS

DEFINITIONS

SEC. 501. As used in this Act—

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

(2) the term “Governor” means the chief executive of the State;

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

(4) the term “outlying areas” means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau);

(5) the term “performance standards” means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that they are proficient in the skills and knowledge framed by content standards;

(6) the term “school” means a school that is under the authority of the State educational agency and a local educational agency or, for the purpose of

1 carrying out section 313(b), a school that is oper-
 2 ated or funded by the Bureau of Indian Affairs;

3 (7) the term “Secretary”, except where used in
 4 title IV, means the Secretary of Education; and

5 (8) the term “State” means each of the fifty
 6 States, the District of Columbia, and the Common-
 7 wealth of Puerto Rico.

8 LIMITATION

9 SEC. 502. No funds provided under titles II or III
 10 of this Act shall be used to undertake assessments that
 11 will be used to make decisions regarding the graduation,
 12 grade promotion, or retention of students for five years
 13 from the date of enactment of this Act.

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HR 1804 IH—2

HR 1804 IH—3

HR 1804 IH—4

HR 1804 IH—5

HR 1804 IH—6