

105TH CONGRESS  
2D SESSION

# S. 2044

To assist urban and rural local education agencies to raise the academic achievement of all of their students.

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## IN THE SENATE OF THE UNITED STATES

MAY 7, 1998

Mr. KENNEDY (for himself, Mrs. MURRAY, Mr. LEVIN, Mr. INOUE, Mr. DODD, Mr. KERRY, Mr. DASCHLE, Mr. BINGAMAN, Mr. GLENN, Ms. MOSELEY-BRAUN, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To assist urban and rural local education agencies to raise the academic achievement of all of their students.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the “Education Opportunity  
4       Zones Act of 1998”.

### 5       **SEC. 2. FINDINGS.**

6       The Congress finds as follows:

7               (1) Students in schools that have high con-  
8       centrations of poor children begin school academi-  
9       cally behind their peers in other schools and are

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1 often unable to close the gap as they progress  
2 through school. In later years, these students are  
3 less likely than other students to attend a college or  
4 university and more likely to experience unemploy-  
5 ment.

6 (2) Many children who attend these high-pov-  
7 erty schools lack access to the challenging curricula,  
8 well-prepared teachers, and high expectations that  
9 make better achievement possible. More specifically,  
10 they are often educated in over-crowded classrooms  
11 and by teachers who are assigned to teach in subject  
12 areas outside their areas of certification.

13 (3) Data from the National Assessment of Edu-  
14 cational Progress consistently show large gaps be-  
15 tween the achievement of students in high-poverty  
16 schools and those in other schools. High-poverty  
17 schools will face special challenges in preparing their  
18 students to reach high standards of performance on  
19 national and State assessments, such as voluntary  
20 national tests and the assessments States are devel-  
21 oping under the Goals 2000 and ESEA, Title I pro-  
22 grams.

23 (4) Recent reports have found that students in  
24 urban districts are more likely to attend high-pov-  
25 erty schools; more frequently taught by teachers pos-

1       sessing only an emergency or temporary license; and  
2       less likely to score above the basic level on achieve-  
3       ment tests than are nonurban students.

4           (5) High-poverty rural schools, because of their  
5       isolation, small size, and low levels of resources, also  
6       face particular challenges. For example, teachers in  
7       rural districts are nearly twice as likely as other  
8       teachers to provide instruction in three or more sub-  
9       jects.

10          (6) Notwithstanding these general trends, some  
11       high-poverty school districts have shown that they  
12       can increase student achievement, if they adopt chal-  
13       lenging standards for all children, focus on improv-  
14       ing curriculum and instruction, expand educational  
15       choice among public schools for parents and stu-  
16       dents, adopt other components of systemic edu-  
17       cational reform, and hold schools, staff, and stu-  
18       dents accountable for results.

19          (7) Districts that have already established the  
20       policies needed to attain widespread student achieve-  
21       ment gains, and have attained those gains in some  
22       of their schools, can serve as models for other dis-  
23       tricts desiring to improve the academic achievements  
24       of their students. The Federal Government can spur  
25       more districts in this direction by providing targeted

1 resources for urban and rural districts willing to  
2 carry out solid plans for improving the educational  
3 achievements of all their children.

4 **SEC. 3. PURPOSE.**

5 The purpose of this Act is to assist urban and rural  
6 educational agencies that—

7 (1) have high concentrations of children from  
8 low-income families;

9 (2) have a record of achieving high educational  
10 outcomes, in at least some of their schools;

11 (3) are implementing standards-based systemic  
12 reform strategies; and

13 (4) are keeping their schools safe and drug-free,  
14 to pursue further reforms and raise the academic  
15 achievement of all their students.

16 **SEC. 4. DEFINITIONS.**

17 As used in this Act, the following terms have the fol-  
18 lowing meanings:

19 (1) The term “central city” has the meaning  
20 given that term by the Office of Management and  
21 Budget.

22 (2) The term “high-poverty local educational  
23 agency” means a local educational agency in which  
24 the percentage of children, ages 5 through 17, from  
25 families with incomes below the poverty level is 20

1       percent or greater or the number of such children  
2       exceeds 10,000.

3           (3) The term “local educational agency”—

4               (A) has the meaning given that term in  
5       section 14101(18) (A) and (B) of the Elemen-  
6       tary and Secondary Education Act of 1965; and

7               (B) includes elementary and secondary  
8       schools operated or supported by the Bureau of  
9       Indian Affairs.

10          (4) The term “metropolitan statistical area”  
11       has the meaning given that term by the Office of  
12       Management and Budget.

13          (5) The term “rural locality” means a locality  
14       that is not within a metropolitan statistical area and  
15       has a population of less than 25,000.

16          (6) The term “urban locality” means a locality  
17       that is—

18               (A) a central city of a metropolitan statis-  
19       tical area; or

20               (B) any other locality within a metropoli-  
21       tan statistical area, if that area has a popu-  
22       lation of at least 400,000 or a population den-  
23       sity of at least 6,000 persons per square mile.

1 **SEC. 5. ELIGIBILITY.**

2 (a) ELIGIBLE LEAS.—(1) A local educational agency  
3 is eligible to receive a grant under this Act if it is—

4 (A) a high-poverty local educational agency; and

5 (B) located in, or serves, either an urban local-  
6 ity or a rural locality.

7 (2) Two or more local educational agencies described  
8 in paragraph (1) may apply for, and receive a grant under  
9 this Act as a consortium.

10 (b) DETERMINATION OF ELIGIBILITY.—The Sec-  
11 retary shall determine which local educational agencies  
12 meet the eligibility requirements of subsection (a) on the  
13 basis of the most recent data that are satisfactory to the  
14 Secretary.

15 **SEC. 6. APPLICATIONS.**

16 (a) APPLICATIONS REQUIRED.—In order to receive a  
17 grant under this Act, an eligible local educational agency  
18 shall submit an application to the Secretary at such time,  
19 in such form, and containing such information as the Sec-  
20 retary may require.

21 (b) CONTENTS.—Each application shall include evi-  
22 dence that the local educational agency meets each of the  
23 following conditions:

24 (1) It has begun to raise student achievement,  
25 as measured by State assessments under title III of  
26 the Goals 2000: Educate America Act, title I of the

1       Elementary and Secondary Education Act of 1965,  
2       or comparably rigorous State or local assessments;  
3       or it has shown significant progress on other meas-  
4       ures of educational performance, including school at-  
5       tendance, high school completion, and school safety.  
6       Student achievement evidence shall include data  
7       disaggregated to show the achievement of students  
8       separately by race and by gender, as well as for stu-  
9       dents with disabilities, students with limited English  
10      proficiency, and students who are economically dis-  
11      advantaged (compared to students who are not eco-  
12      nomicallly disadvantaged), throughout the district or,  
13      at a minimum, in schools that have implemented a  
14      comprehensive school improvement strategy.

15           (2) It expects all students to achieve to chal-  
16      lenging State or local content standards, it has  
17      adopted or is developing or adopting assessments  
18      aligned with those standards, and it has imple-  
19      mented or is implementing comprehensive reform  
20      policies designed to assist all children to achieve to  
21      the standards.

22           (3) It has entered into a partnership that in-  
23      cludes the active involvement of representatives of  
24      local organizations and agencies and other members  
25      of the community, including parents, and is designed

1 to guide the implementation of the local educational  
2 agency's comprehensive reform strategy.

3 (4) It has put (or is putting) into place effective  
4 educational reform policies, including policies that—

5 (A) hold schools accountable for helping all  
6 students, including students with limited  
7 English proficiency and students with disabil-  
8 ities, reach high academic standards. The appli-  
9 cation shall describe how the agency will reward  
10 schools that succeed and intervene in schools  
11 that fail to make progress;

12 (B) require all students, including students  
13 with disabilities and students with limited  
14 English proficiency, to meet academic standards  
15 before being promoted to the next grade level at  
16 key transition points in their careers or grad-  
17 uating from high school. The application shall  
18 describe the local educational agency's strategy  
19 for providing students with a rich curriculum  
20 tied to high standards, and with well-prepared  
21 teachers and class sizes conducive to high stu-  
22 dent achievement;

23 (C) identify, during the early stages of  
24 their academic careers, students who have dif-  
25 ficulty in achieving to high standards, and pro-



1           vide them with more effective educational inter-  
2           ventions or additional learning opportunities  
3           such as after-school programs, so that the stu-  
4           dents are able to meet the standards at key  
5           transition points in their academic careers;

6           (D) hold teachers, principals, and super-  
7           intendents accountable for quality, including a  
8           description of the local educational agency's  
9           strategies for ensuring quality through, among  
10          other things—

11                 (i) development of clearly articulated  
12                 standards for teachers and school adminis-  
13                 trators, and development, in cooperation  
14                 with teacher organizations, of procedures  
15                 for identifying, working with, and, if nec-  
16                 essary, quickly but fairly removing teach-  
17                 ers and administrators who fail to perform  
18                 at adequate levels, consistent with State  
19                 law and locally negotiated agreements;

20                 (ii) implementation of a comprehen-  
21                 sive professional development plan for  
22                 teachers and instructional leaders, such as  
23                 a plan developed under title II of the Ele-  
24                 mentary and Secondary Education Act of  
25                 1965; and

1 (iii) encouraging excellent teaching,  
2 such as by providing incentives for teach-  
3 ers to obtain certification by the National  
4 Board for Professional Teaching Stand-  
5 ards; and

6 (E) provide students and parents with ex-  
7 panded choice within public education.

8 (5) It is working effectively to keep its schools  
9 safe, disciplined, and drug-free.

10 (c) DESCRIPTION OF PROPOSED PROGRAM.—The ap-  
11 plication shall also include a description of how the local  
12 educational agency will use the grant made available under  
13 this Act, including descriptions of—

14 (1) how the district will use all available re-  
15 sources (Federal, State, local, and private) to carry  
16 out its reform strategy;

17 (2) the specific measures that the applicant  
18 proposes to use to provide evidence of future  
19 progress in improving student achievement, includ-  
20 ing the subject areas and grade levels in which it  
21 will measure that progress, and an assurance that  
22 the applicant will collect such student data in a  
23 manner that demonstrates the achievement of stu-  
24 dents separately by race and by gender, as well as  
25 for students with disabilities, students with limited

1 English proficiency, and students who are economi-  
2 cally disadvantaged (compared to students who are  
3 not economically disadvantaged); and

4 (3) how the applicant will continue the activities  
5 carried out under the grant after the grant has ex-  
6 pired.

7 **SEC. 7. SELECTION OF APPLICATIONS.**

8 (a) CRITERIA.—The Secretary shall, using a peer-re-  
9 view process, select applicants to receive funding based  
10 on—

11 (1) evidence that—

12 (A) the applicant has made progress in im-  
13 proving student achievement or the other meas-  
14 ures of educational performance described in  
15 section 6(b)(1), in at least some of its schools  
16 that enroll concentrations of children from low-  
17 income families;

18 (B) the applicant has put (or is putting)  
19 into place effective reform policies as described  
20 in section 6(b)(4); and

21 (C) the applicant is working effectively to  
22 keep its schools safe, disciplined, and drug-free;  
23 and

1           (2) the quality of the applicant’s plan for carry-  
2           ing out activities under the grant, as set forth in the  
3           application.

4           (b) **EQUITABLE DISTRIBUTION.**—In approving appli-  
5           cations, the Secretary shall seek to ensure that there is  
6           an equitable distribution of grants among geographic re-  
7           gions of the country, to varying sizes of urban local edu-  
8           cational agencies, and to rural local educational agencies,  
9           including rural local educational agencies serving con-  
10          centrations of Indian children.

11   **SEC. 8. PRESIDENTIAL DESIGNATION; TECHNICAL ASSIST-**  
12                                   **ANCE.**

13          (a) **DESIGNATION AS EDUCATION OPPORTUNITY**  
14          **ZONE.**—The President shall designate each local edu-  
15          cational agency selected by the Secretary to receive a  
16          grant under this Act as an “Educational Opportunity  
17          Zone”.

18          (b) **TECHNICAL ASSISTANCE.**—The President may  
19          instruct Federal agencies to provide grant recipients with  
20          such technical and other assistance as those agencies can  
21          make available to enable the grantees to carry out their  
22          activities under the program.

1 **SEC. 9. AMOUNT AND DURATION OF GRANTS; CONTINU-**  
2 **ATION AWARDS.**

3 (a) GRANT AMOUNTS.—In determining the amount  
4 of a grant, the Secretary shall consider such factors as—

5 (1) the scope of the activities proposed in the  
6 application;

7 (2) the number of students in the local edu-  
8 cational agency who are from low-income families;

9 (3) the number of low-performing schools in the  
10 local educational agency; and

11 (4) the number of children in the local edu-  
12 cational agency who are not reaching State or local  
13 standards.

14 (b) DURATION OF GRANTS.—(1) Each grant shall be  
15 for three years, but may be continued for up to two addi-  
16 tional years if the Secretary determines that the grantee  
17 is achieving agreed-upon measures of progress by the third  
18 year of the grant.

19 (2) The Secretary may increase the amount of a  
20 grant in the second year, in order to permit full implemen-  
21 tation of grant activities, except that—

22 (A) the amount of a second-year award shall be  
23 no more than 140 percent of the award for the first  
24 year;

25 (B) the amount of a third-year award shall be  
26 no more than 80 percent of the second-year award;

1 (C) the amount of a fourth-year award shall be  
 2 no more than 70 percent of the second-year award;  
 3 and

4 (D) the amount of a fifth-year award shall be  
 5 no more than 50 percent of the second-year award.

6 (c) EXPECTED ACHIEVEMENT LEVELS AND CON-  
 7 TINUATION AWARDS.—(1) Before receiving its award,  
 8 each grantee shall develop and adopt, with the approval  
 9 of the Secretary, specific, ambitious levels of achievement  
 10 that exceed typical achievement levels for comparable local  
 11 educational agencies and that the local educational agency  
 12 commits to attaining during the period of the grant.

13 (2) the agreed-upon levels shall—

14 (A) reflect progress in the areas of—

15 (i) student academic achievement;

16 (ii) dropout rates;

17 (iii) attendance; and

18 (iv) such other areas as may be proposed  
 19 by the local educational agency or the Sec-  
 20 retary; and

21 (B) provide for the disaggregation of data sepa-  
 22 rately by race and by gender, as well as for students  
 23 with disabilities, students with limited English pro-  
 24 ficiency, and students who are economically dis-

1        advantaged students (compared to students who are  
2        not economically disadvantaged).

3    **SEC. 10. USES OF FUNDS.**

4        (a) IN GENERAL.—Each grantee shall use its award  
5        only for activities that support the comprehensive reform  
6        efforts described in its application or that are otherwise  
7        consistent with the purpose of this Act.

8        (b) AUTHORIZED ACTIVITIES.—Activities that may  
9        be carried out with funds under this Act include—

10            (1) implementing school-performance-informa-  
11            tion systems to measure the performance of schools  
12            in educating their students to high standards, main-  
13            taining a safe school environment, and achieving the  
14            anticipated school-attendance and graduation rates;

15            (2) implementing district accountability systems  
16            that reward schools that raise student achievement  
17            and provide assistance to, and ultimately result in  
18            intervention in, schools that fail to do so, including  
19            such intervention strategies as technical assistance  
20            on school management and leadership, intensive pro-  
21            fessional development for school staff, institution of  
22            new instructional programs that are based on reli-  
23            able research, and the reconstitution of the school;

24            (3) providing students with expanded choice  
25            and increased curriculum options within public edu-

1 cation, through such means as open-enrollment poli-  
2 cies, schools within schools, magnet schools, charter  
3 schools, distance-learning programs, and opportuni-  
4 ties for secondary school students to take post-  
5 secondary courses;

6 (4) implementing financial incentives for  
7 schools to make progress against the goals and  
8 benchmarks the district has established for the pro-  
9 gram;

10 (5) providing additional learning opportunities,  
11 such as after-school, weekend, and summer pro-  
12 grams, to students who are failing, or are at risk of  
13 failing, to achieve to high standards;

14 (6) providing ongoing professional development  
15 opportunities to teachers, principals, and other  
16 school staff that are tailored to the needs of individ-  
17 ual schools, and aligned with the State or local aca-  
18 demic standards and with the objectives of the pro-  
19 gram carried out under the grant;

20 (7) implementing programs, designed in co-  
21 operation with teacher organizations, to provide rec-  
22 ognition and rewards to teachers who demonstrate  
23 outstanding capability at educating students to high  
24 standards, including monetary rewards for teachers



1 who earn certification from the National Board for  
2 Professional Teaching Standards;

3 (8) implementing procedures, developed in co-  
4 operation with teacher organizations, for identifying  
5 ineffective teachers and administrators, providing  
6 them with assistance to improve their skills and, if  
7 there is inadequate improvement, quickly but fairly  
8 removing them from the classroom or school, con-  
9 sistent with State law and locally negotiated agree-  
10 ments;

11 (9) establishing programs to improve the re-  
12 cruitment and retention of well-prepared teachers,  
13 including the use of incentives to encourage well-pre-  
14 pared individuals to teach in areas of the district  
15 with high needs;

16 (10) designing and implementing procedures for  
17 selecting and retaining principals who have the abil-  
18 ity to provide the school leadership needed to raise  
19 student achievement;

20 (11) strengthening the management of the local  
21 educational agency so that all components of man-  
22 agement are focused on improving student achieve-  
23 ment;

1           (12) carrying out activities to build stronger  
2       partnerships between schools and parents, busi-  
3       nesses, and communities; and

4           (13) assessing activities carried out under the  
5       grant, including the extent to which the grant is  
6       achieving its objectives.

7   **SEC. 11. FLEXIBILITY.**

8       (a) ELIGIBILITY FOR SCHOOLWIDE PROGRAMS  
9   UNDER ESEA, TITLE I.—Each school operated by a local  
10   educational agency receiving funding under this authority  
11   that is selected by the agency to receive funds under sec-  
12   tion 1113(c) of the Elementary and Secondary Education  
13   Act of 1965 shall be considered as meeting the criteria  
14   for eligibility to implement a schoolwide program as de-  
15   scribed in section 1114 of the Act.

16       (b) CARRYING OUT SCHOOLWIDE PROGRAMS.—All  
17   schools in the local educational agency that qualify for eli-  
18   gibility for a schoolwide program based solely on the agen-  
19   cy's receiving funding under this Act and that wish to  
20   carry out a schoolwide program shall—

21           (1) develop a plan that satisfies the require-  
22       ments of section 1114(b)(2) of the Elementary and  
23       Secondary Education Act of 1965; and

1           (2) develop a program that includes the compo-  
2           nents of a schoolwide program described in section  
3           1114(b)(1) of that Act.

4   **SEC. 12. PARTICIPATION OF PRIVATE SCHOOL STUDENTS**  
5                           **AND TEACHERS.**

6           (a) REQUIREMENTS.—(1)(A) If a local educational  
7           agency uses funds under this Act to provide for training  
8           of teachers or administrators, it shall provide for the par-  
9           ticipation of teachers or administrators from private non-  
10          profit elementary or secondary schools, in proportion to  
11          the number of children enrolled in those schools who reside  
12          in attendance areas served by the local educational agen-  
13          cy's program under this Act.

14          (B) A local educational agency may choose to comply  
15          with subparagraph (A) by providing services to teachers  
16          or administrators from private schools at the same time  
17          and location it provides those services to teachers and ad-  
18          ministrators from public schools.

19          (C) The local educational agency shall carry out sub-  
20          paragraph (A) after timely and meaningful consultation  
21          with appropriate private school officials.

22          (2) If the local educational agency uses funds under  
23          this Act to develop curricular materials, it shall make in-  
24          formation about those materials available to private  
25          schools.

1 (b) WAIVER.—If, by reason of any provision of law,  
 2 a local educational agency is prohibited from providing the  
 3 training for private school teachers or administrators re-  
 4 quired by subsection (a)(1)(A), or if the Secretary deter-  
 5 mines that the agency is unable to do so, the Secretary  
 6 shall waive the requirement of that subsection and shall  
 7 use a portion of the agency’s grant to arrange for the pro-  
 8 vision of the training.

9 **SEC. 13. EVALUATION.**

10 The Secretary shall carry out an evaluation of the  
 11 program supported under this Act, which shall address  
 12 such issues as the extent to which—

13 (1) student achievement in local educational  
 14 agencies receiving support increases;

15 (2) local educational agencies receiving support  
 16 expand the choices for students and parents within  
 17 public education; and

18 (3) local educational agencies receiving support  
 19 develop and implement systems to hold schools,  
 20 teachers, and principals accountable for student  
 21 achievement.

22 **SEC. 14. NATIONAL ACTIVITIES.**

23 The Secretary may reserve up to five percent of the  
 24 amount appropriated under section 15 for any fiscal year  
 25 for—

1           (1) peer review activities;

2           (2) evaluation of the program under section 13  
3       and measurement of its effectiveness in accordance  
4       with the Government Performance and Results Act  
5       of 1993;

6           (3) dissemination of research findings, evalua-  
7       tion data, and the experiences of districts imple-  
8       menting comprehensive school reform; and

9           (4) technical assistance to grantees.

10 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

11       For the purpose of carrying out this Act, there are  
12       authorized to be appropriated \$200 million for fiscal year  
13       1999, and such sums as may be necessary for each of the  
14       four succeeding fiscal years.

○