

106TH CONGRESS
2D SESSION

S. 2159

To provide flexibility when merited and accountability when warranted in the Nation’s elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2000

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide flexibility when merited and accountability when warranted in the Nation’s elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Excellent Schools for All Our Children Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

Sec. 101. Findings; purposes.

Sec. 102. Definitions.

Sec. 103. Direct awards to local educational agencies.

Sec. 104. Requirements for failing local educational agencies.

Sec. 105. Audit.

Sec. 106. Authorization of appropriations.

Sec. 107. Repeals.

TITLE II—GOOD STUDENT SCHOLARSHIPS

Sec. 201. Good student scholarships.

3 **TITLE I— FUNDING FOR ELE-** 4 **MENTARY AND SECONDARY** 5 **EDUCATION**

6 **SEC. 101. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) education should be a national priority, but
 9 must remain a local responsibility;

10 (2) elementary schools and secondary schools
 11 perform best when controlled by parents, teachers,
 12 local school boards, and communities;

13 (3) only through initiatives led by parents,
 14 teachers, and local communities with the power to
 15 act can the United States elevate the educational
 16 performance of its students toward excellence;

1 (4) parental involvement, high-quality teacher
2 performance, and teaching basic skills are funda-
3 mental to improving student achievement;

4 (5) educational resources are most effective
5 when deployed in the classroom and unencumbered
6 by burdensome regulations;

7 (6) schools and education professionals must be
8 accountable to the people and children they serve;

9 (7) flexibility when merited and accountability
10 when warranted should be the Federal Government's
11 approach to the use of Federal education resources;
12 and

13 (8) the Federal Government should encourage
14 better, smarter uses of Federal funds where the need
15 is greatest, specifically, in failing school districts, so
16 that children in those districts will have a real op-
17 portunity to achieve academic excellence and create
18 a brighter future for themselves.

19 (b) PURPOSES.—The purposes of this title are—

20 (1) to promote excellence in elementary and sec-
21 ondary education programs in the Nation;

22 (2) to increase parental involvement in the edu-
23 cation of their children;

24 (3) to boost student achievement in academic
25 subjects to high levels;

1 (4) to improve basic skills instruction, and to
2 increase teacher performance and accountability;

3 (5) to return the responsibility and control for
4 education to parents, teachers, schools, and local
5 communities;

6 (6) to improve the academic achievement of all
7 students, and to focus the resources of the Federal
8 Government upon such achievement, especially in
9 failing school districts; and

10 (7) to give States and communities maximum
11 freedom in determining how to boost academic
12 achievement and implement education reforms.

13 **SEC. 102. DEFINITIONS.**

14 In this title:

15 (1) **FAILING LOCAL EDUCATIONAL AGENCY.**—

16 The term “failing local educational agency” means
17 a local educational agency that has been classified as
18 unaccredited or failing (or would be so classified if
19 not for a court order or pending court settlement
20 agreement involving the local educational agency)
21 under its State’s performance-based accreditation or
22 categorization standards.

23 (2) **LOCAL EDUCATIONAL AGENCY.**—The term
24 “local educational agency” has the meaning given

1 the term in section 14101 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 8801).

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Education.

5 (4) STATE.—The term “State” means each of
6 the several States of the United States, the District
7 of Columbia, the Commonwealth of Puerto Rico,
8 Guam, American Samoa, the Commonwealth of the
9 Northern Mariana Islands, the United States Virgin
10 Islands, the Republic of the Marshall Islands, the
11 Federated States of Micronesia, and the Republic of
12 Palau.

13 **SEC. 103. DIRECT AWARDS TO LOCAL EDUCATIONAL AGEN-**
14 **CIES.**

15 (a) DIRECT AWARDS.—Except as provided in section
16 104, from amounts appropriated under section 106(a) and
17 not used to carry out section 106(b), the Secretary shall
18 make direct awards to local educational agencies in
19 amounts determined under subsection (b) to enable the
20 local educational agencies to support programs or activi-
21 ties, for kindergarten through grade 12 students, that the
22 local educational agencies deem appropriate.

23 (b) DETERMINATION OF AWARD AMOUNT.—

24 (1) PER CHILD AMOUNT.—The Secretary, using
25 the information provided under subsection (c), shall

determine a per child amount for a year by dividing the total amount appropriated under section 106(a) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(2) LOCAL EDUCATIONAL AGENCY AWARD.—

The Secretary, using the information provided under subsection (c), shall determine the amount to be provided to each local educational agency under this section for a year by multiplying—

(A) the per child amount determined under paragraph (1) for the year; by

(B) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(c) CENSUS DETERMINATION.—

(1) IN GENERAL.—Not later than December 1 of each year, each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through grade 12 students served by the local educational agency.

(2) SUBMISSION.—Not later than March 1 of each year, each local educational agency shall submit

1 the number described in paragraph (1) to the Sec-
 2 retary.

3 (3) PENALTY.—If the Secretary determines
 4 that a local educational agency has knowingly sub-
 5 mitted false information under paragraph (1) for the
 6 purpose of gaining additional funds under this sec-
 7 tion, then the local educational agency shall be fined
 8 an amount equal to twice the difference between the
 9 amount the local educational agency received under
 10 this section, and the correct amount the local edu-
 11 cational agency would have received under this sec-
 12 tion if the agency had submitted accurate informa-
 13 tion under paragraph (1).

14 **SEC. 104. REQUIREMENTS FOR FAILING LOCAL EDU-**
 15 **CATIONAL AGENCIES.**

16 (a) IN GENERAL.—In the case of a failing local edu-
 17 cational agency receiving an award under section 103(a)
 18 for a fiscal year, such failing local educational agency shall
 19 use such award only for purposes directly related to im-
 20 proving elementary school and secondary school students'
 21 academic performance consistent with subsection (d).

22 (b) TITLE I FUNDING.—

23 (1) IN GENERAL.—Notwithstanding any other
 24 provision of law, funds provided to a failing local
 25 educational agency under title I of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 6301 et seq.) shall be spent in accordance with this
3 section.

4 (2) APPLICABILITY PROVISION.—The provisions
5 of parts A, B, C, and D of title I of the Elementary
6 and Secondary Education Act of 1965 shall not
7 apply to a failing local educational agency other than
8 the allocation and allotment provisions under part A
9 of such title.

10 (c) FAILING LOCAL AGENCY PLAN.—

11 (1) PLAN REQUIRED.—Each failing local edu-
12 cational agency shall submit a plan to the Secretary
13 at such time and in such manner as the Secretary
14 may require. A plan submitted under this
15 subsection—

16 (A) shall describe the activities to be fund-
17 ed by the failing local educational agency under
18 subsections (a) and (b) consistent with sub-
19 section (d); and

20 (B) may request an exemption from the
21 uses of funds restrictions under subsection (d)
22 for elementary schools and secondary schools
23 served by the failing local educational agency
24 that met the State’s performance-based accredi-

1 tation or categorization standards for the pre-
2 vious fiscal year.

3 (2) PLAN APPROVAL.—The Secretary shall ap-
4 prove a plan submitted under paragraph (1) if the
5 plan meets the requirements described in paragraph
6 (1).

7 (3) PLAN DISSEMINATION.—Each failing local
8 educational agency having a plan approved under
9 paragraph (2) shall widely disseminate such plan,
10 throughout the area served by such agency, and post
11 the plan on the Internet.

12 (d) USES OF FUNDS.—Each failing local educational
13 agency having a plan approved under subsection (c)(2) for
14 a fiscal year may use the award provided under section
15 103(a) and funds provided under title I of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C. 6301
17 et seq.) for such fiscal year only for the following activi-
18 ties:

19 (1) To recruit, retain, and reward high-quality
20 teachers.

21 (2) To focus on teaching basic educational
22 skills.

23 (3) To provide remedial instruction in core aca-
24 demic subjects that are assessed by standards set by

1 the State educational agency or local educational
2 agency.

3 (4) To fund mentoring programs for elementary
4 school and secondary school students who need as-
5 sistance in reading, writing, or arithmetic.

6 (5) To use proven methods of instruction, such
7 as phonics, that are based upon reliable research.

8 (6) To provide for extended day learning.

9 (7) To ensure that parents of elementary school
10 and secondary school students realize that parents
11 play a significant role in their child's educational
12 success, and to encourage parents to become active
13 in their child's education.

14 (8) To provide any other activity that a local
15 educational agency proposes, and the Secretary ap-
16 proves, as an activity that relates directly to improv-
17 ing students' academic performance.

18 (e) ANNUAL REPORT.—

19 (1) REPORT.—A failing local educational agen-
20 cy shall annually submit a report to the Secretary
21 describing—

22 (A) the use of funds under this section;
23 and

24 (B) the annual performance of all children
25 served by the failing local educational agency as

1 measured by its State's performance-based ac-
2 creditation or categorization standards.

3 (2) PRIVACY.—The report required under this
4 section shall not contain any information, such as
5 names, addresses, or grades, that might be used to
6 identify the children whose performance is described
7 in the report.

8 (3) DISSEMINATION.—A failing local edu-
9 cational agency shall widely disseminate the report
10 submitted under paragraph (1) throughout the area
11 served by such agency, and post the report on the
12 Internet, so that parents and others in the commu-
13 nity can account for Federal education funding
14 under this title.

15 (f) MEETING STANDARDS.—

16 (1) IN GENERAL.—If, for 2 consecutive fiscal
17 years after a failing local educational agency is re-
18 quired to use funds in accordance with subsection
19 (d), such local educational agency succeeds in meet-
20 ing its State's performance-based accreditation or
21 categorization standards, then the provisions of this
22 section shall cease to apply to such local educational
23 agency.

24 (2) BONUS AWARDS.—

1 (A) IN GENERAL.—A local educational
2 agency described in paragraph (1) may receive
3 a bonus award from amounts appropriated
4 under subparagraph (C), to use for purposes
5 such as rewarding elementary school and sec-
6 ondary school teachers and principals who im-
7 proved student performance, and for profes-
8 sional development opportunities for such teach-
9 ers and principals.

10 (B) DISTRIBUTION.—A local educational
11 agency receiving a bonus award under this
12 paragraph shall determine how to distribute the
13 award to individual elementary schools and sec-
14 ondary schools. An elementary school or a sec-
15 ondary school receiving such an award shall de-
16 termine how such award shall be spent.

17 (C) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There are authorized to be appro-
19 priated to carry out this paragraph
20 \$10,000,000 for each of fiscal years 2003
21 through 2007.

22 (g) PENALTY.—If a failing local educational agency
23 spends funds subject to the use of funds restrictions de-
24 scribed in subsection (d) in a manner inconsistent with
25 subsection (d) for a fiscal year, then the Secretary shall

1 reduce the funds such agency receives under section
2 103(a) for the succeeding fiscal year by an amount equal
3 to the amount spent improperly by such agency.

4 **SEC. 105. AUDIT.**

5 (a) IN GENERAL.—The Secretary may conduct audits
6 of the expenditures of local educational agencies to ensure
7 that the funds made available under this title are used
8 in accordance with this title.

9 (b) SANCTIONS AND PENALTIES.—If the Secretary
10 determines that the funds made available under this title
11 were not used in accordance with the title, the Secretary
12 may use the enforcement provisions available to the Sec-
13 retary under part D of the General Education Provisions
14 Act (20 U.S.C. 1234 et seq.).

15 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this title
18 \$3,100,000,000 for fiscal year 2001 and such sums as
19 may be necessary for each of the 4 succeeding fiscal years.

20 (b) MULTIYEAR AWARDS.—The Secretary shall use
21 funds appropriated under subsection (a) for each fiscal
22 year to continue to make payments to eligible recipients
23 pursuant to any multiyear award made prior to the date
24 of enactment of this Act under the provisions of law re-

1 pealed under section 103(b). The payments shall be made
 2 for the duration of the multiyear award.

3 (c) DISBURSAL.—The Secretary shall disburse the
 4 amount awarded to a local educational agency under this
 5 title for a fiscal year not later than July 1 of each year.

6 **SEC. 107. REPEALS.**

7 The following provisions of law are repealed:

8 (1) Section 1502 of the Elementary and Sec-
 9 ondary Education Act of 1965 (20 U.S.C. 6492).

10 (2) Section 3132 of the Elementary and Sec-
 11 ondary Education Act of 1965 (20 U.S.C. et seq.).

12 (3) Title VI of the Elementary and Secondary
 13 Education Act of 1965 (20 U.S.C. 7301).

14 (4) Part C of title VII of the Elementary and
 15 Secondary Education Act of 1965 (20 U.S.C. 7541).

16 (5) Part A of title X of the Elementary and
 17 Secondary Education Act of 1965 (20 U.S.C. 8001
 18 et seq.).

19 (6) Title III of The Goals 2000: Educate Amer-
 20 ica Act (20 U.S.C. 5881 et seq.).

21 (7) Title IV of The Goals 2000: Educate Amer-
 22 ica Act (20 U.S.C. 5911 et seq.).

23 (8) The School-to-Work Opportunities Act of
 24 1994 (20 U.S.C. 6101 et seq.).

1 (9) Subtitle B of title VII of the Stewart B.
 2 McKinney Homeless Assistance Act (42 U.S.C.
 3 11431 et seq.).

4 (10) Section 307 of the Department of Edu-
 5 cation Appropriations Act of 1999.

6 **TITLE II—GOOD STUDENT**
 7 **SCHOLARSHIPS**

8 **SEC. 201. GOOD STUDENT SCHOLARSHIPS.**

9 Part A of title IV of the Higher Education Act of
 10 1965 (20 U.S.C. 1070 et seq.) is amended by adding at
 11 the end the following:

12 **“Subpart 9—Good Student Scholarships**

13 **“SEC. 420N. GOOD STUDENT SCHOLARSHIPS.**

14 “(a) PURPOSE.—The purpose of this section is to
 15 provide achievement-based scholarships for undergraduate
 16 education to eligible students graduating from schools or
 17 school districts that are failing or unaccredited.

18 “(b) DEFINITION OF ELIGIBLE STUDENT.—In this
 19 section, the term ‘eligible student’ means a secondary
 20 school student—

21 “(1) who graduates from a public secondary
 22 school or a public or private secondary school in a
 23 school district that is failing or unaccredited, as de-
 24 termined by the State educational agency serving the

1 State in which the secondary school or school dis-
2 trict is located;

3 “(2) who has been in attendance at the school
4 referred to in paragraph (1) for not less than 2
5 years;

6 “(3) who ranks in the top 10 percent academi-
7 cally in such student’s class;

8 “(4) who has an average ACT or SAT score
9 that is equal to or greater than the national average
10 such score; and

11 “(5) whose family income is not more than
12 \$100,000.

13 “(c) DESIGNATION.—Scholarships made under this
14 section shall be referred to as ‘Good Student Scholar-
15 ships’.

16 “(d) SCHOLARSHIPS AUTHORIZED.—

17 “(1) IN GENERAL.—From amounts appro-
18 priated under subsection (f) for a fiscal year, the
19 Secretary shall award scholarships to each eligible
20 student submitting an application consistent with
21 paragraph (2) to enable the eligible student to pay
22 the cost of attendance at an institution of higher
23 education during the eligible student’s first 4 aca-
24 demic years of undergraduate education.

1 “(2) APPLICATION REQUIRED.—Each eligible
2 student desiring a scholarship under this section for
3 year shall submit for each such year an application
4 to the Secretary at such time, in such manner, and
5 containing such information as the Secretary may
6 reasonably require.

7 “(3) AMOUNT OF AWARD.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the amount of a scholarship
10 awarded under this section for an academic
11 year shall be equal to the maximum appro-
12 priated Federal Pell Grant for such year.

13 “(B) ADJUSTMENT FOR INSUFFICIENT AP-
14 PROPRIATIONS.—If, after the Secretary deter-
15 mines the total number of eligible applicants for
16 an academic year, funds available to carry out
17 this section are insufficient to fully fund all
18 scholarship awards under subparagraph (A) for
19 such academic year, the amount of the scholar-
20 ship paid to each eligible student shall be re-
21 duced proportionately.

22 “(C) ASSISTANCE NOT TO EXCEED COST
23 OF ATTENDANCE.—The amount of a scholar-
24 ship awarded under this paragraph to an eligi-
25 ble student, in combination with Federal Pell

1 Grant assistance and any other student finan-
 2 cial assistance the eligible student receives, may
 3 not exceed the eligible student's cost of attend-
 4 ance.

5 “(e) LISTS FROM STATE EDUCATIONAL AGEN-
 6 CIES.—Each State educational agency shall annually pro-
 7 vide a list to the Secretary identifying each public sec-
 8 ondary school and each public school district within the
 9 State that the State educational agency determines is fail-
 10 ing or unaccredited.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to carry out this
 13 section—

14 “(1) \$75,000,000 for fiscal year 2001;

15 “(2) \$150,000,000 for fiscal year 2002;

16 “(3) \$225,000,000 for fiscal year 2003; and

17 “(4) \$300,000,000 for fiscal year 2004.”.

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