

106TH CONGRESS
1ST SESSION

S. 852

To award grants for school construction.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 1999

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

A BILL

To award grants for school construction.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Excellence in Edu-
5 cation Act of 1999”.

6 **SEC. 2. DEFINITIONS**

7 In this Act:

8 (1) **CORE CURRICULUM.**—The term “core cur-
9 riculum” means curriculum in subjects such as read-
10 ing and writing, language arts, mathematics, social
11 sciences (including history), and science.

1 (2) ELEMENTARY SCHOOL; LOCAL EDU-
2 CATIONAL AGENCY; SECONDARY SCHOOL; SEC-
3 RETARY.—The terms “elementary school”, “local
4 educational agency”, “secondary school” and “Sec-
5 retary” have the meanings given the terms in section
6 14101 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 8801).

8 (3) PRACTICE OF SOCIAL PROMOTION.—The
9 term “practice of social promotion” means a formal
10 or informal practice of promoting a student from the
11 grade for which the determination is made to the
12 next grade when the student fails to meet State
13 achievement standards in the core academic cur-
14 riculum, unless the practice is consistent with the
15 student’s individualized education program under
16 section 614(d) of the Individuals with Disabilities
17 Education Act (20 U.S.C. 1414(d)).

18 (4) CONSTRUCTION.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), the term “construction” means—

21 (i) preparation of drawings and speci-
22 fications for school facilities;

23 (ii) building new school facilities, or
24 acquiring, remodeling, demolishing, ren-

1 ovating, improving, or repairing facilities
2 to establish new school facilities; and

3 (iii) inspection and supervision of the
4 construction of new school facilities.

5 (B) RULE.—An activity described in sub-
6 paragraph (A) shall be considered to be con-
7 struction only if the labor standards described
8 in section 439 of the General Education Provi-
9 sions Act (20 U.S.C. 1232b) are applied with
10 respect to such activity.

11 (5) SCHOOL FACILITY.—The term “school facil-
12 ity” means a public structure suitable for use as a
13 classroom, laboratory, library, media center, or re-
14 lated facility the primary purpose of which is the in-
15 struction of public elementary school or secondary
16 school students. The term does not include an ath-
17 letic stadium or any other structure or facility in-
18 tended primarily for athletic exhibitions, contests, or
19 games for which admission is charged to the general
20 public.

21 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
23 this Act \$5,000,000,000 for each of the fiscal years 2000
24 through 2004.

1 **SEC. 4. PROGRAM AUTHORIZED.**

2 The Secretary is authorized to award grants to local
3 educational agencies to enable the local educational agen-
4 cies to carry out the construction of new public elementary
5 school and secondary school facilities.

6 **SEC. 5. CONDITIONS FOR RECEIVING FUNDS.**

7 In order to receive funds under this Act a local edu-
8 cational agency shall meet the following requirements:

9 (1) Reduce class and school sizes for public
10 schools served by the local educational agency as fol-
11 lows:

12 (A) Limit class size to an average student-
13 to-teacher ratio of 20 to 1, in classes serving
14 kindergarten through grade 6 students, in the
15 schools served by the agency.

16 (B) Limit class size to an average student-
17 to-teacher ratio of 28 to 1, in classes serving
18 grade 7 through grade 12 students, in the
19 schools served by the agency.

20 (C) Limit the size of public elementary
21 schools and secondary schools served by the
22 agency to—

23 (i) not more than 500 students in the
24 case of a school serving kindergarten
25 through grade 5 students;

1 (ii) not more than 750 students in the
2 case of a school serving grade 6 through
3 grade 8 students; and

4 (iii) not more than 1,500 students in
5 the case of a school serving grade 9
6 through grade 12 students.

7 (2) Terminate the practice of social promotion
8 in the public schools served by the agency.

9 (3) Require that students be subject to State
10 achievement standards in the core curriculum at key
11 transition points, to be determined by the State, for
12 all kindergarten through grade 12 students.

13 (4) Use tests and other indicators, such as
14 grades and teacher evaluations, to assess student
15 performance in meeting the State achievement
16 standards, which tests shall be valid for the purpose
17 of such assessment.

18 (5) Provide remedial education for students
19 who fail to meet the State achievement standards,
20 including tutoring, mentoring, summer programs,
21 before-school programs, and after-school programs.

22 (6) Provide matching funds, with respect to the
23 cost to be incurred in carrying out the activities for
24 which the grant is awarded, from non-Federal

1 sources in an amount equal to the Federal funds
2 provided under the grant.

3 **SEC. 6. APPLICATIONS.**

4 (a) IN GENERAL.—Each local educational agency de-
5 siring to receive a grant under this Act shall submit an
6 application to the Secretary at such time and in such man-
7 ner as the Secretary may require.

8 (b) CONTENTS.—Each application shall contain—

9 (1) an assurance that the grant funds will be
10 used in accordance with this Act;

11 (2) a brief description of the construction to be
12 conducted;

13 (3) a cost estimate of the activities to be con-
14 ducted; and

15 (4) a description of available non-Federal
16 matching funds.

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