

108TH CONGRESS  
1ST SESSION

# S. 1189

To ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001.

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 2003

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

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## A BILL

To ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001.

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 “Federal Fair Account-  
5        ability Includes Resources Act of 2003”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds as follows:

8                (1) The No Child Left Behind Act of 2001 was  
9        based on the belief that all of the Nation’s children,  
10        regardless of socioeconomic status, ethnicity, gender,

1 or state of origin, deserve a fair, equal, and high-  
2 quality education.

3 (2) In passing this bipartisan legislation, there  
4 was great hope that the Nation's educational system  
5 would be strengthened by implementing high stand-  
6 ards, ensuring that every classroom has a highly  
7 qualified teacher, and tracking schools' progress  
8 through comprehensive assessments and account-  
9 ability measures.

10 (3) Recognizing that schools would not be able  
11 to successfully implement new mandates and im-  
12 prove education without appropriate financial re-  
13 sources from the Federal Government, section  
14 1111(b)(3)(D) of the Elementary and Secondary  
15 Education Act of 1965 (20 U.S.C. 6311(b)(3)(D)),  
16 as amended by the No Child Left Behind Act of  
17 2001, allows States to defer the commencement of  
18 certain academic assessments without penalty in any  
19 year in which the Federal Government fails to pro-  
20 vide adequate resources to implement the new pro-  
21 gram.

22 (4) At its heart, the No Child Left Behind Act  
23 of 2001 is not merely a system created to track the  
24 success or failure of students and schools, but is in-

1 tended to facilitate the improvement of education in  
2 the Nation today.

3 (5) Sections 1111(b)(2) and 1119(a) of the Ele-  
4 mentary and Secondary Education Act (20 U.S.C.  
5 6311(b)(2) and 6319(a)), as amended by the No  
6 Child Left Behind Act of 2001, authorize critical re-  
7 sources to enable schools to make measurable  
8 progress on a yearly basis and work towards putting  
9 qualified teachers in every classroom.

10 (6) The yearly appropriations for these sections  
11 dedicated to helping schools make significant  
12 changes and improvements have fallen significantly  
13 below the levels that the No Child Left Behind Act  
14 of 2001 determined were necessary.

15 (7) Schools across the Nation are struggling to  
16 meet the new accountability and teacher quality  
17 standards without the resources that they were  
18 promised in the No Child Left Behind Act of 2001  
19 and without State resources necessary to make up  
20 any shortfall.

21 (8) Having imposed new requirements on  
22 States and school systems that necessitate the addi-  
23 tional expenditure of resources, it is fair to insist  
24 that the requirements be met only in years in which  
25 the necessary resources for improving student

1 achievement and attracting and retaining high-quality  
 2 teachers have been appropriated by the Federal  
 3 Government.

4 **SEC. 3. DEFERRAL OF FEDERAL MANDATES IF FEDERAL**  
 5 **GOVERNMENT FAILS TO MAKE MINIMUM AP-**  
 6 **PROPRIATIONS.**

7 (a) DEFERRAL OF CERTAIN REQUIREMENTS.—Sec-  
 8 tion 1116 of the Elementary and Secondary Education  
 9 Act of 1965 (20 U.S.C. 6316) is amended by adding at  
 10 the end the following:

11 “(i) DEFERRAL.—No school or local educational  
 12 agency may be identified for or subject to the require-  
 13 ments of school improvement, corrective action, or restruc-  
 14 turing under this section for any year for which the  
 15 amounts appropriated for the purpose of carrying out this  
 16 part are less than 95 percent of the following amounts:

17 “(1) \$16,000,000,000 for fiscal year 2003.

18 “(2) \$18,500,000,000 for fiscal year 2004.

19 “(3) \$20,500,000,000 for fiscal year 2005.

20 “(4) \$22,750,000,000 for fiscal year 2006.

21 “(5) \$25,000,000,000 for fiscal year 2007.”.

22 (b) DEFERRAL OF REQUIREMENTS FOR TEACHERS  
 23 AND PARAPROFESSIONALS.—Section 1119 of the Elemen-  
 24 tary and Secondary Education Act of 1965 (20 U.S.C.  
 25 6319) is amended by adding at the end the following:

1       “(m) DEFERRAL.—A State educational agency may  
2 defer the commencement, suspend the implementation, or  
3 modify but not cease the development, of the requirements  
4 of this section (for the State educational agency and local  
5 educational agencies within the State) for 1 year for each  
6 year for which the amounts appropriated to carry out sub-  
7 parts 1 through 4 of part A of title II are less than the  
8 following amounts:

9           “(1) For fiscal year 2002, the amount of  
10       \$2,850,000,000.

11           “(2) For each subsequent fiscal year, the  
12       amount described in paragraph (1) adjusted for in-  
13       flation.”.

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