

110TH CONGRESS
1ST SESSION

H. R. 1939

To amend the Elementary and Secondary Education Act of 1965 to improve the Reading First program.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2007

Mr. McKEON (for himself and Mr. CASTLE) introduced the following bill;
which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve the Reading First program.

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 “Reading First Im-
5 provement Act”.

6 **SEC. 2. PROGRESS REPORT.**

7 Section 1202(e)(2) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6362(e)(5)) is amended
9 by striking “peer review panel” and inserting “Com-
10 mittee”.

1 **SEC. 3. PEER REVIEW.**

2 Section 1203(c)(2) of that Act (20 U.S.C.
3 6363(c)(2)) is amended—

4 (1) in subparagraph (A)—

5 (A) in the first sentence, by striking “a
6 panel” and inserting “a Reading First Advisory
7 Committee”; and

8 (B) in the second sentence, by striking
9 “panel” and inserting “Committee”;

10 (2) by redesignating subparagraphs (B) and
11 (C) as subparagraphs (C) and (D), respectively;

12 (3) by inserting after subparagraph (A) the fol-
13 lowing:

14 “(B) LIMITATION.—The Committee shall
15 not be comprised of a majority of members se-
16 lected by one individual or entity described in
17 subparagraph (A).”;

18 (4) in subparagraph (C) (as redesignated by
19 paragraph (2)) by striking “panel” and inserting
20 “Committee”;

21 (5) in subparagraph (D) (as redesignated by
22 paragraph (2)) by striking “panel” and inserting
23 “Committee”; and

24 (6) by adding at the end the following:

25 “(E) SUBCOMMITTEES.—

1 “(i) IN GENERAL.—At its sole discre-
2 tion, the Committee may form one or more
3 subcommittees to assist the Committee
4 with the functions described in this para-
5 graph.

6 “(ii) REPRESENTATION.—If the Com-
7 mittee chooses to form such subcommit-
8 tees, each subcommittee shall include at
9 least one member selected by each indi-
10 vidual or entity described in subparagraph
11 (A), and in no case shall be comprised of
12 a majority of members selected by one
13 such entity. Members of the Committee
14 may serve on one or more subcommittees.

15 “(iii) COMMITTEE REVIEW.—The
16 Committee shall review the recommenda-
17 tions of each subcommittee, and, following
18 such review, make a final recommendation
19 to the Secretary in accordance with sub-
20 paragraph (D).

21 “(F) GOVERNANCE.—The Federal Advi-
22 sory Committee Act (5 U.S.C. App.) shall gov-
23 ern the activities of the Committee.

24 “(G) CONFLICTS OF INTEREST.—

1 “(i) IN GENERAL.—The Secretary
2 shall establish a process through which
3 members of the Committee or any sub-
4 committees will be screened for potential
5 conflicts of interest.

6 “(ii) SCREENING.—Such screening
7 process shall—

8 “(I) be reviewed and approved by
9 the Office of General Counsel of the
10 Department;

11 “(II) include, at a minimum, a
12 review of each potential Committee or
13 subcommittee member’s connection to
14 any State’s program under this sub-
15 part, each potential Committee or
16 subcommittee member’s potential fi-
17 nancial interest in products that
18 might be purchased by a State edu-
19 cational agency or local educational
20 agency in the course of such agency’s
21 implementation of the program under
22 this subpart, and each potential Com-
23 mittee or subcommittee member’s pro-
24 fessional connections to teaching

1 methodologies that might require the
2 use of specific products; and

3 “(III) be designed to prevent, to
4 the extent possible, bias or the ap-
5 pearance thereof in the Committee’s
6 performance of its responsibilities
7 under this paragraph.

8 “(H) GUIDANCE.—

9 “(i) IN GENERAL.—The Secretary
10 shall develop guidance for how the Com-
11 mittee and any subcommittees created in
12 accordance with subparagraph (E) will re-
13 view applications submitted under this sec-
14 tion and provide feedback to State edu-
15 cational agencies and recommendations to
16 the Secretary. The Secretary shall also de-
17 velop guidance for how the Secretary will
18 review the recommendations of the Com-
19 mittee and any subcommittees and make
20 final determinations of approval or dis-
21 approval of an application submitted under
22 this section.

23 “(ii) REQUIREMENTS.—Such guidance
24 shall, at a minimum—

1 “(I) create a transparent process
2 through which the Committee and
3 subcommittees provide clear, con-
4 sistent, and publicly available docu-
5 mentation in support of all rec-
6 ommendations;

7 “(II) ensure that the Committee
8 reviews any subcommittee feedback
9 prior to that feedback being submitted
10 to a State educational agency;

11 “(III) ensure that State edu-
12 cational agencies have the opportunity
13 for direct interaction with the Com-
14 mittee and any subcommittee, as ap-
15 propriate, when revising an applica-
16 tion under this section as a result of
17 feedback submitted by the Committee
18 or a subcommittee;

19 “(IV) require that the Com-
20 mittee, any subcommittee, and the
21 Secretary clearly and consistently doc-
22 ument that all criteria contained in
23 subsection (b) are met before an ap-
24 plication submitted under this section
25 is approved; and

1 “(V) create a transparent process
2 through which the Secretary clearly,
3 consistently, and publicly documents
4 decisions to approve or disapprove an
5 application submitted under this sec-
6 tion and the reasons for such deci-
7 sions.”.

8 **SEC. 4. TARGETED ASSISTANCE GRANTS.**

9 Section 1204(c)(2) of such Act (20 U.S.C.
10 6364(c)(2)) is amended—

11 (1) in the first sentence, by striking “peer re-
12 view panel” and inserting “Committee”; and

13 (2) in the second sentence, by striking “panel”
14 and inserting “Committee”.

15 **SEC. 5. EXTERNAL EVALUATION.**

16 Section 1205 of such Act (20 U.S.C. 6365) is amend-
17 ed by adding at the end the following:

18 “(e) LIMITATION.—

19 “(1) IN GENERAL.—The Secretary shall ensure
20 that the independent organization described in sub-
21 section (a) does not hold a contract or subcontract
22 to implement any aspect of the program under this
23 subpart.

24 “(2) SUBCONTRACTORS.—The contract entered
25 into under subsection (a) shall prohibit the inde-

1 pendent organization conducting the evaluation from
 2 subcontracting with any entity that holds a contract
 3 or subcontract for any aspect of the implementation
 4 of this subpart.”.

5 **SEC. 6. NATIONAL ACTIVITIES.**

6 Section 1206 of that Act (20 U.S.C. 6366) is amend-
 7 ed—

8 (1) by inserting before “From funds” the fol-
 9 lowing:

10 “(a) **TECHNICAL ASSISTANCE AND EVALUATION.—**”;
 11 and

12 (2) by adding at the end the following:

13 “(b) **CONTRACTS FOR TECHNICAL ASSISTANCE.—**

14 “(1) **IN GENERAL.—**The Secretary may enter
 15 into contracts with independent entities to perform
 16 the activities described in subsection (a)(1).

17 “(2) **CONFLICTS OF INTEREST.—**

18 “(A) **IN GENERAL.—**If the Secretary en-
 19 ters into such contracts, the Secretary shall—

20 “(i) ensure that such contracts re-
 21 quire the contracted entity to screen for
 22 conflicts of interest when hiring individuals
 23 to carry out the responsibilities under the
 24 contract;

1 “(ii) ensure that such contracts re-
2 quire the contracted entity to include the
3 requirement in clause (i) in any sub-
4 contracts such entity enters into to fulfill
5 the responsibilities described in paragraph
6 (1).

7 “(B) SCREENING PROCESS.—The screen-
8 ing process described in subparagraph (A)
9 shall—

10 “(i) include, at a minimum, a review
11 of each individual performing duties under
12 the contract or subcontract for connections
13 to any State’s program under this subpart,
14 potential financial interests in, or other
15 connection to, products that might be pur-
16 chased by a State educational agency or
17 local educational agency in the course of
18 such agency’s implementation of the pro-
19 gram under this subpart, and connections
20 to teaching methodologies that might re-
21 quire the use of specific products; and

22 “(ii) be designed to prevent, to the ex-
23 tent possible, bias or the appearance there-
24 of in the performance of the responsibil-

1 ities outlined in the contract or sub-
2 contract.

3 “(3) INFORMATION DISSEMINATION.—If the
4 Secretary enters into such contracts, and if a con-
5 tracted entity enters into such subcontracts, those
6 contracts and subcontracts shall require the tech-
7 nical assistance providers to clearly separate tech-
8 nical assistance provided under such contract or sub-
9 contract from information provided, or activities en-
10 gaged in, as part of the normal operations of the
11 contractor or subcontractor. Efforts to comply with
12 this paragraph may include, but are not limited to,
13 the creation of separate web pages for the purpose
14 of fulfilling a contract or subcontract entered into
15 under this subsection.”.

16 **SEC. 7. PROHIBITION ON FEDERAL GOVERNMENT.**

17 Subpart 1 of part B of title I of that Act is amended
18 by adding after section 1208 (20 U.S.C. 6368) the fol-
19 lowing:

20 **“SEC. 1209. PROHIBITION ON FEDERAL GOVERNMENT.**

21 “(a) IN GENERAL.—Nothing in this subpart shall be
22 construed to alter or lessen the prohibition contained in
23 section 9527(b) of this Act or section 103(b) of the De-
24 partment of Education Organization Act (20 U.S.C.
25 3403(b)).

1 “(b) GUIDANCE.—

2 “(1) IN GENERAL.—The Secretary shall develop
3 guidance for Department employees responsible for
4 the implementation of this subpart that will assist
5 those employees in complying with the prohibitions
6 included in subsection (a).

7 “(2) CONSULTATION.—Such guidance shall em-
8 phasize the importance of consultation with the Of-
9 fice of General Counsel of the Department on issues
10 related to such prohibitions.

11 “(3) TECHNICAL ASSISTANCE.—Such guidance
12 shall stress that any information disseminated, or
13 technical assistance provided, related to this subpart,
14 shall represent multiple perspectives and not in any
15 way endorse or appear to endorse any particular
16 product or service that might be purchased by a
17 State educational agency or local educational agency
18 in the course of such agency’s implementation of the
19 program under this subpart.”.

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