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2D SESSION

# H. R. 3036

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 17), 2008

Received

OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

Read twice and referred to the Committee on Environment and Public Works

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## AN ACT

To reauthorize and enhance the National Environmental  
Education Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Child Left Inside  
3 Act of 2008”.

4 **SEC. 2. NATIONAL ENVIRONMENTAL EDUCATION ACT**5 **AMENDMENTS.**

6 (a) **DEFINITIONS.**—Section 3 of the National Envi-  
7 ronmental Education Act (20 U.S.C. 5502) is amended—  
8 (1) in paragraph (12), by striking “and” at the  
9 end;

10 (2) in paragraph (13), by striking the period at  
11 the end and inserting a semicolon; and

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

13 “(14) ‘principles of scientific research’ means  
14 principles of research that—

15 “(A) apply rigorous, systematic, and objec-  
16 tive methodology to obtain reliable and valid  
17 knowledge relevant to education activities and  
18 programs;

19 “(B) present findings and make claims  
20 that are appropriate to, and supported by, the  
21 methods that have been employed; and

22 “(C) include, appropriate to the research  
23 being conducted—

24 “(i) use of systematic, empirical meth-  
25 ods that draw on observation or experi-  
26 ment;

1                     “(ii) use of data analyses that are  
2                     adequate to support the general findings;  
3                     “(iii) reliance on measurements or ob-  
4                     servational methods that provide reliable  
5                     and generalizable findings;  
6                     “(iv) strong claims of causal relation-  
7                     ships, only with research designs that  
8                     eliminate plausible competing explanations  
9                     for observed results, such as, but not lim-  
10                     ited to, random-assignment experiments;  
11                     “(v) presentation of studies and meth-  
12                     ods in sufficient detail and clarity to allow  
13                     for replication or, at a minimum, to offer  
14                     the opportunity to build systematically on  
15                     the findings of the research;  
16                     “(vi) acceptance by a peer-reviewed  
17                     journal or critique by a panel of inde-  
18                     pendent experts through a comparably rig-  
19                     orous, objective, and scientific review; and  
20                     “(vii) consistency of findings across  
21                     multiple studies or sites to support the  
22                     generality of results and conclusions;  
23                     “(15) ‘scientifically valid research’ includes ap-  
24                     plied research, basic research, and field-initiated re-  
25                     search in which the rationale, design, and interpreta-

1       tion are soundly developed in accordance with prin-  
2       ciples of scientific research;

3           “(16) ‘State’ has the meaning given such term  
4       in section 9101 of the Elementary and Secondary  
5       Education Act of 1965; and

6           “(17) ‘State educational agency’ has the mean-  
7       ing given such term in section 9101 of the Elemen-  
8       tary and Secondary Education Act of 1965.”.

9       (b) ENVIRONMENTAL EDUCATION AND TRAINING  
10 PROGRAM.—Section 5 of the National Environmental  
11 Education Act (20 U.S.C. 5504) is amended—

12           (1) in subsection (b)—

13               (A) in paragraph (1)—

14                   (i) by inserting “creating opportuni-  
15       ties for enhanced and ongoing professional  
16       development and” before “classroom”; and

17                   (ii) by inserting “(including inte-  
18       grating scientifically valid research teach-  
19       ing methods and technology-based teaching  
20       methods into the curriculum)” after “prac-  
21       tices”;

22               (B) in paragraph (3)—

23                   (i) by striking “curriculum, including”  
24       and inserting “curriculum (including”;

1 (ii) by striking “groups;” and insert-  
2 ing “groups) which—”; and

3 (iii) by adding at the end the fol-  
4 lowing:

12 (C) in paragraph (7), by striking “and fo-  
13 rums;” and inserting “forums, and bringing  
14 teachers into contact with working professionals  
15 in environmental fields to expand such teachers’  
16 subject matter knowledge of, and research in,  
17 environmental issues;”;

18 (D) in paragraph (8), by striking “; and”  
19 and inserting “, including environmental edu-  
20 cation distance learning programs for teachers  
21 using curricula that are innovative, content-  
22 based, and based on scientifically valid research  
23 that is current as of the date of the program  
24 involved;”;

1 (E) by redesignating paragraph (9) as  
2 paragraph (13);

3 (F) by redesignating paragraphs (4)  
4 through (8) as paragraphs (5) through (9), re-  
5 spectively;

6 (G) by inserting after paragraph (3) the  
7 following:

8               “(4) encouraging individuals traditionally  
9       under-represented in environmental careers to pur-  
10      sue postsecondary degrees in majors leading to such  
11      careers;”; and

12 (H) by inserting after paragraph (9) (as so  
13 redesignated) the following:

14                   “(10) establishment of programs to prepare  
15                   teachers at a school to provide environmental edu-  
16                   cation professional development to other teachers at  
17                   the school and programs to promote outdoor envi-  
18                   ronmental education activities as part of the regular  
19                   school curriculum and schedule in order to further  
20                   the knowledge and development of teachers and stu-  
21                   dents;

1               “(12) encouraging mid-career environmental  
2        professionals to pursue careers in environmental  
3        education; and”;

4               (2) in subsection (c)(1), by inserting “, in con-  
5        sultation with the Secretary,” after “Administrator”.

6        (c) AUTHORIZATION.—Section 11(a) of the National  
7        Environmental Education Act (20 U.S.C. 5510(a)) is  
8        amended by striking “Act” and all that follows through  
9        the period at the end and inserting “Act, except for section  
10      11, \$14,000,000 for fiscal year 2009.”.

11        (d) NATIONAL CAPACITY ENVIRONMENTAL EDU-  
12        CATION GRANT PROGRAM; ACCOUNTABILITY.—The Na-  
13        tional Environmental Education Act (20 U.S.C. 5501 et  
14        seq.) is amended—

15               (1) by redesignating section 11 as section 13;  
16        and

17               (2) by inserting after section 10 the following:

18        **“SEC. 11. NATIONAL CAPACITY ENVIRONMENTAL EDU-**  
19               **CATION GRANT PROGRAM.**

20        “(a) GRANTS AUTHORIZED.—

21               “(1) IN GENERAL.—The Secretary is authorized  
22        to award grants, on a competitive basis, to nonprofit  
23        organizations, State educational agencies, local edu-  
24        cational agencies, municipalities, or institutions of  
25        higher education that have demonstrated expertise

1 and experience in the development of the institutional, financial, intellectual, or policy resources  
2 needed to help the field of environmental education  
3 become more effective and widely practiced. Not-  
4 withstanding any other provision of this section, a  
5 State educational agency, a local educational agency,  
6 an institution of higher education, a municipality, or  
7 a not-for-profit organization may use funds provided  
8 under this section to coordinate with any program or  
9 unit operated by a Federal Natural Resource Man-  
10 agement Agency to carry out environmental edu-  
11 cation programs based on the full range of the re-  
12 sources and mission of the Agency.

14 “(2) DURATION.—The Secretary shall award  
15 each grant under this section for a period of not less  
16 than 1 year and not more than 3 years.

17 “(b) USE OF FUNDS.—Grant funds made available  
18 under this section shall be used for 1 or more of the fol-  
19 lowing:

20 “(1) Developing and implementing challenging  
21 State academic content standards, student academic  
22 achievement standards, and State curriculum frame-  
23 works in environmental education, including the  
24 need to balance conservation of the environment

1 with the development of the Nation's energy re-  
2 sources.

3       “(2) Replicating or disseminating information  
4 about proven and tested model environmental edu-  
5 cation programs that—

6           “(A) use the environment as an integrating  
7 theme or content throughout the curriculum;

8           “(B) provide integrated, interdisciplinary  
9 instruction about natural, social, and economic  
10 systems along with field experience that pro-  
11 vides students with opportunities to directly ex-  
12 perience nature in ways designed to improve  
13 overall academic performance, self-esteem, per-  
14 sonal responsibility, community involvement,  
15 personal health (including addressing child obe-  
16 sity issues), or their understanding of nature;

17           “(C) provide integrated instruction on  
18 waste reduction, reuse, recycling, and  
19 composting programs and, when possible, pro-  
20 mote such activities within the school; or

21           “(D) address issues of environmental jus-  
22 tice, including policies and methods for elimi-  
23 nating disparate enforcement of environmental  
24 laws and regulations, including with respect to  
25 low-income communities.

1           “(3) Developing and implementing new policy  
2        approaches to environmental education, which shall  
3        include a discussion of—

4           “(A) the benefits and costs to the environ-  
5        ment and to consumers regarding increasing  
6        the supply of energy produced in the United  
7        States from—

8           “(i) oil and gas drilling;  
9           “(ii) nuclear power;  
10           “(iii) new coal technologies; and  
11           “(iv) clean renewable and alternative  
12        sources of energy, including wind, solar,  
13        geothermal, hydropower, and advanced  
14        biofuels; and

15           “(B) the best strategies for reducing en-  
16        ergy consumption through an enhanced em-  
17        phasis on efficiency and conservation.

18           “(4) Conducting studies of national significance  
19        that—

20           “(A) evaluate the effectiveness of teaching  
21        environmental education as a separate subject,  
22        and as an integrating concept or theme;

23           “(B) evaluate the effectiveness of using en-  
24        vironmental education in helping students im-  
25        prove their assessment scores in mathematics,

1 reading or language arts, science, and the other  
2 core academic subjects; or

3 “(C) evaluate ways to coordinate activities  
4 under this Act with existing Federal science  
5 teacher in-service training or professional devel-  
6 opment programs.

7 “(5) Executing projects that advance wide-  
8 spread State and local educational agency adoption  
9 and use of environmental education content stand-  
10 ards, including adoption and use of such standards  
11 in textbook selection criteria.

12 “(6) Developing a State environmental literacy  
13 plan that includes the following:

14 “(A) A description of how the State edu-  
15 cational agency will measure the environmental  
16 literacy of students, including—

17 “(i) relevant State academic content  
18 standards and content areas regarding en-  
19 vironmental education, and courses or sub-  
20 jects where environmental education in-  
21 struction will take place; and

22 “(ii) a description of the relationship  
23 of the plan to the secondary school gradu-  
24 ation requirements of the State.

1               “(B) A description of programs for profes-  
2               sional development for teachers to improve the  
3               teachers’—

4               “(i) environmental content knowledge;  
5               “(ii) skill in teaching about environ-  
6               mental issues; and  
7               “(iii) field-based pedagogical skills.

8               “(C) A description of how the State edu-  
9               cational agency will implement the plan, includ-  
10               ing securing funding and other necessary sup-  
11               port.

12               “(7) Developing evidence-based approaches to  
13               build capacity to increase the number of elementary  
14               and secondary environmental educators.

15               “(c) APPLICATIONS.—Each municipality, nonprofit  
16               organization, State educational agency, local educational  
17               agency, or institution of higher education desiring a grant  
18               under this section shall submit to the Secretary an appli-  
19               cation that contains a plan to initiate, expand, or improve  
20               environmental education programs in order to make  
21               progress toward meeting State standards for environ-  
22               mental learning (to the extent such standards exist) and  
23               environmental literacy and contains an evaluation and ac-  
24               countability plan for activities assisted under this section  
25               that includes rigorous objectives that measure the impact

1 of activities funded under this section. Such application  
2 may describe how the applicant has partnered, or intends  
3 to partner, with a State and local park and recreation de-  
4 partment.

5       “(d) REQUIREMENTS.—

6           “(1) ANNUAL REPORT.—In order to continue  
7 receiving grant funds under this section after the  
8 first year of a multi-year grant under this section,  
9 the grantee shall submit to the Secretary an annual  
10 report that—

11           “(A) describes the activities assisted under  
12 this section that were conducted during the pre-  
13 ceding year;

14           “(B) describes the results of the grantee’s  
15 evaluation and accountability plan; and

16           “(C) demonstrates that the grantee has  
17 undertaken activities to accomplish at least one  
18 of the following:

19           “(i) Responsibly preparing children to  
20 understand and address major challenges  
21 facing the United States, such as increas-  
22 ing the supply of clean energy, climate  
23 change, environmental health risks, and  
24 environmental disaster and emergency pre-  
25 paredness.

1                     “(ii) Supporting systemic education  
2                     reform by strengthening environmental  
3                     education as an integral part of the ele-  
4                     mentary school and secondary school cur-  
5                     riculum.

6                     “(iii) Helping ensure that all students  
7                     meet challenging State academic content  
8                     and student academic achievement stand-  
9                     ards in environmental learning.

10                   “(iv) Supporting efforts to enable stu-  
11                     dents to engage in environmental edu-  
12                     cation.

13                   “(v) Leveraging and expanding pri-  
14                     vate and public support for environmental  
15                     education partnerships at national, State,  
16                     and local levels.

17                   “(vi) Awarding grants to initiate, ex-  
18                     pand, or improve environmental education  
19                     programs for elementary and secondary  
20                     students.

21                   “(vii) Restoring and increasing field  
22                     experiences as part of the regular school  
23                     curriculum and schedule in order to im-  
24                     prove students’ overall academic perform-  
25                     ance, self-esteem, personal responsibility,

1 community involvement, personal health  
2 (including addressing child obesity issues),  
3 and understanding of nature.

4                   “(2) ADMINISTRATIVE EXPENSES.—Not more  
5                   than 5 percent of the grant funds made available to  
6                   a nonprofit organization, State educational agency,  
7                   local educational agency, or institution of higher  
8                   education under this section for any fiscal year may  
9                   be used for administrative expenses.

10               “(3)    STATE    ENVIRONMENTAL    LITERACY  
11               PLANS.—

12                   “(A) IN GENERAL.—A State educational  
13                   agency receiving a grant under this section  
14                   shall—

11                             “(C) OTHER GRANTEES.—An applicant for  
12 a grant under this section that is not a State  
13 educational agency and applies for funding to  
14 be used for the purpose described in subsection  
15 (b)(6) shall demonstrate in the application that  
16 the applicant has consulted with the State edu-  
17 cational agency about such use of funds.

18        "(e) ADMINISTRATIVE PROVISIONS.—

19                   “(1) FEDERAL SHARE.—The Federal share  
20                   under this section shall not exceed—

21                     “(A) 90 percent of the total cost of a pro-  
22                     gram assisted under this section for the first  
23                     year for which the program receives assistance  
24                     under this section;

1               “(B) 75 percent of such cost for the sec-  
2               ond; and

3               “(C) 50 percent of such cost for each sub-  
4               sequent such year.

5               “(2) REPORT TO CONGRESS.—Not later than  
6               one year after enactment of this bill, the Secretary  
7               shall submit to the Committee on Education and  
8               Labor of the House of Representatives and the Com-  
9               mittee on Health, Education, Labor, and Pensions  
10               of the Senate a report that—

11               “(A) describes the programs assisted under  
12               this section;

13               “(B) documents the success of such pro-  
14               grams in improving national and State environ-  
15               mental education capacity; and

16               “(C) makes such recommendations as the  
17               Secretary determines appropriate for the con-  
18               tinuation and improvement of the programs as-  
19               sisted under this section.

20               “(3) AVAILABILITY OF FUNDS.—Amounts made  
21               available to the Secretary to carry out this section  
22               shall remain available until expended.

23               “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made  
24               available under this section shall be used to supplement,

1 and not supplant, any other Federal, State, or local funds  
2 available for environmental education activities.

3       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this section  
5 such sums as may be necessary for fiscal year 2009.

6 **“SEC. 12. ACCOUNTABILITY.**

7       “(a) QUALITY INDICATORS.—The Administrator, the  
8 Secretary, and the Foundation each shall establish indica-  
9 tors of program quality for the programs and activities  
10 funded under this Act (other than fellowship awards fund-  
11 ed under section 7) that such official or entity administers.

12       “(b) MINIMUM INDICATORS.—Such indicators of pro-  
13 gram quality, at a minimum, shall—

14           “(1) enhance understanding of the natural and  
15 built environment;

16           “(2) foster a better appreciation of the inter-  
17 disciplinary nature of environmental issues and con-  
18 ditions;

19           “(3) increase achievement in related areas of  
20 national interest, such as mathematics and science;

21           “(4) increase understanding of the benefits of  
22 exposure to the natural environment;

23           “(5) improve understanding of how human and  
24 natural systems interact together;

1               “(6) broaden awareness of environmental  
2       issues; and

3               “(7) include such other indicators as the Ad-  
4       ministrator, Secretary, or Foundation may develop.

5               “(c) REPORT.—Each recipient receiving funds under  
6       this Act, other than fellowship recipients under section 7,  
7       shall report annually to the Administrator, the Secretary,  
8       or the Foundation regarding progress made in meeting the  
9       minimum indicators of program quality established under  
10      subsection (b). The Administrator, the Secretary, and the  
11      Foundation shall disseminate such information widely to  
12      the public through electronic and other means.”.

13               (e) RESTRICTIONS ON FEDERAL GOVERNMENT AND  
14      USE OF FEDERAL FUNDS.—The National Environmental  
15      Education Act (20 U.S.C. 5501 et seq.), as amended by  
16      subsection (d), is further amended by adding at the end  
17      the following:

18      **“SEC. 14. RESTRICTIONS ON FEDERAL GOVERNMENT AND**  
19               **USE OF FEDERAL FUNDS.**

20               “(a) GENERAL PROHIBITION.—Nothing in this Act  
21      shall be construed to authorize an officer or employee of  
22      the Federal Government to mandate, direct, or control a  
23      State, local educational agency, or school’s curriculum,  
24      program of instruction, specific instructional content, aca-  
25      demic achievement standards, assessments, or allocation

1 of State or local resources, or mandate a State or any sub-  
2 division thereof to spend any funds or incur any costs not  
3 paid for under this Act.

4       “(b) PROHIBITION ON ENDORSEMENT OF CUR-  
5 RICULUM.—No funds provided to the Administrator or  
6 Secretary under this Act may be used by the Agency or  
7 Department of Education to endorse, approve, or sanction  
8 any curriculum designed to be used in an elementary  
9 school or secondary school.

10       “(c) PROHIBITION ON REQUIRING FEDERAL AP-  
11 PROVAL OR CERTIFICATION OF STANDARDS.—No State  
12 shall be required to have academic content or student aca-  
13 demic achievement standards approved or certified by the  
14 Federal Government, in order to receive assistance under  
15 this Act.

16       “(d) RESTRICTIONS ON PARTISAN POLITICAL INFLU-  
17 ENCE.—

18           “(1) IN GENERAL.—In carrying out the activi-  
19 ties described in this Act, the Administrator and  
20 Secretary shall ensure that such activities—

21           “(A) conform to high standards of quality,  
22 integrity, and accuracy;

23           “(B) are objective, neutral, and nonideo-  
24 logical and are free of partisan political influ-  
25 ence; and

1                           “(C) do not advocate a particular political  
2                           viewpoint.

4 The Administrator and Secretary shall take such ac-  
5 tions as are necessary to ensure that the provisions  
6 of this section are vigorously implemented and en-  
7 forced.”.

8 (f) CONFORMING AMENDMENT.—The table of con-  
9 tents in section 1(b) of the National Environmental Edu-  
10 cation Act (20 U.S.C. 5501 note) is amended by striking  
11 the item relating to section 11 and inserting the following:

“Sec. 11. National capacity environmental education grant program.

## “Sec. 12. Accountability.

“Sec. 13. Authorization.

“Sec. 14. Restrictions on Federal Government and use of Federal funds.”.

Passed the House of Representatives September 18,  
2008.

Attest: **LORRAINE C. MILLER,**

*Clerk.*