

110TH CONGRESS
1ST SESSION

S. 2189

To provide for educational opportunities for all students in State public school systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2007

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

A BILL

To provide for educational opportunities for all students in State public school systems, 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.**

4 This Act may be cited as the “Student Bill of
5 Rights”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings and purposes.

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

- Sec. 101. State public school systems.
 Sec. 102. Fundamentals of educational opportunity.

TITLE II—STATE ACCOUNTABILITY

- Sec. 201. State accountability plan.
 Sec. 202. Consequences of failure to meet requirements.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

- Sec. 301. Annual report on State public school systems.

TITLE IV—REMEDY

- Sec. 401. Civil action for enforcement.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Definitions.
 Sec. 502. Rulemaking.
 Sec. 503. Construction.

1 **SEC. 3. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) A high-quality, highly competitive education
 4 for all students is imperative for the economic
 5 growth and productivity of the United States, for its
 6 effective national defense, and to achieve the histor-
 7 ical aspiration to be one Nation of equal citizens. It
 8 is therefore necessary and proper to overcome the
 9 nationwide phenomenon of State public school sys-
 10 tems that do not meet the requirements of section
 11 101(a), in which high-quality public schools typically
 12 serve high-income communities and poor-quality
 13 schools typically serve low-income, urban, rural, and
 14 minority communities.

15 (2) In 2005, the National Academies found in
 16 their report “Rising Above the Gathering Storm:

1 Energizing and Employing America for a Brighter
2 Economic Future” that the inadequate preparation
3 of kindergarten through grade 12 students in science
4 and mathematics, including the significant lack of
5 teachers qualified to teach these subjects, threatens
6 the economic prosperity of the United States. When
7 students do not receive quality mathematics and
8 science preparation in kindergarten through grade
9 12, they are not prepared to take advanced courses
10 in these subjects at the postsecondary level, leaving
11 the United States with a critical shortage of sci-
12 entists and engineers—a shortfall being filled by
13 professionals from other countries.

14 (3) There exists in the States a significant edu-
15 cational opportunity gap for low-income, urban,
16 rural, and minority students characterized by the
17 following:

18 (A) Continuing disparities within States in
19 students’ access to the fundamentals of edu-
20 cational opportunity described in section 102.

21 (B) Highly differential educational expend-
22 itures (adjusted for cost and need) among
23 school districts within States.

1 (C) Radically differential educational
2 achievement among students in school districts
3 within States as measured by the following:

4 (i) Achievement in mathematics, read-
5 ing or language arts, and science on State
6 academic assessments required under sec-
7 tion 1111(b)(3) of the Elementary and
8 Secondary Education Act of 1965 (20
9 U.S.C. 6311(b)(3)) and on the National
10 Assessment of Educational Progress.

11 (ii) Advanced placement courses
12 taken.

13 (iii) SAT and ACT test scores.

14 (iv) Dropout rates and graduation
15 rates.

16 (v) College-going and college-comple-
17 tion rates.

18 (4) As a consequence of this educational oppor-
19 tunity gap, the quality of a child's education depends
20 largely upon where the child's family can afford to
21 live, and the detriments of lower quality education
22 are imposed particularly on—

23 (A) children from low-income families;

24 (B) children living in urban and rural
25 areas; and

1 (C) minority children.

2 (5) Since 1785, Congress, exercising the power
3 to admit new States under section 3 of article IV of
4 the Constitution (and previously, the Congress of the
5 Confederation of States under the Articles of Con-
6 federation), has imposed upon every State, as a fun-
7 damental condition of the State's admission, that
8 the State provide for the establishment and mainte-
9 nance of systems of public schools open to all chil-
10 dren in such State.

11 (6) Over the years since the landmark ruling in
12 *Brown v. Board of Education*, 347 U.S. 483, 493
13 (1954), when a unanimous Supreme Court held that
14 "the opportunity of an education ... , where the
15 State has undertaken to provide it, is a right which
16 must be made available to all on equal terms",
17 courts in 44 States have heard challenges to the es-
18 tablishment, maintenance, and operation of State
19 public school systems that are separate and not edu-
20 cationally adequate.

21 (7) In 1970, the Presidential Commission on
22 School Finance found that significant disparities in
23 the distribution of educational resources existed
24 among school districts within States because the
25 States relied too significantly on local district financ-

1 ing for educational revenues, and that reforms in
2 systems of school financing would increase the Na-
3 tion’s ability to serve the educational needs of all
4 children.

5 (8) In 1999, the National Research Council of
6 the National Academy of Sciences published a report
7 entitled “Making Money Matter, Financing Amer-
8 ica’s Schools”, which found that the concept of fund-
9 ing adequacy, which moves beyond the more tradi-
10 tional concepts of finance equity to focus attention
11 on the sufficiency of funding for desired educational
12 outcomes, is an important step in developing a fair
13 and productive educational system.

14 (9) In 2001, the Executive Order establishing
15 the President’s Commission on Educational Re-
16 source Equity declared, “A quality education is es-
17 sential to the success of every child in the 21st cen-
18 tury and to the continued strength and prosperity of
19 our Nation. . . . [L]ong-standing gaps in access to
20 educational resources exist, including disparities
21 based on race and ethnicity.” (Exec. Order No.
22 13190, 66 Fed. Reg. 5424 (2001)).

23 (10) According to the Secretary of Education,
24 as stated in a letter (with enclosures) from the Sec-
25 retary to States dated January 19, 2001—

1 (A) racial and ethnic minorities continue to
2 suffer from lack of access to educational re-
3 sources, including “experienced and qualified
4 teachers, adequate facilities, and instructional
5 programs and support, including technology, as
6 well as . . . the funding necessary to secure these
7 resources”; and

8 (B) these inadequacies are “particularly
9 acute in high-poverty schools, including urban
10 schools, where many students of color are iso-
11 lated and where the effect of the resource gaps
12 may be cumulative. In other words, students
13 who need the most may often receive the least,
14 and these students often are students of color.”.

15 (11) In the amendments made by the No Child
16 Left Behind Act of 2001, Congress—

17 (A)(i) required each State to establish
18 standards and assessments in mathematics,
19 reading or language arts, and science; and

20 (ii) required schools to ensure that all stu-
21 dents are proficient in mathematics, reading or
22 language arts, and science not later than 12
23 years after the end of the 2001–2002 school
24 year, and held schools accountable for the stu-
25 dents’ progress; and

1 (B) required each State to describe how
2 the State will help local educational agencies
3 and schools to develop the capacity to improve
4 student academic achievement.

5 (12) The standards and accountability move-
6 ment will succeed only if, in addition to standards
7 and accountability, all schools have access to the
8 educational resources necessary to enable students to
9 achieve.

10 (13) Raising standards without ensuring access
11 to educational resources may in fact exacerbate
12 achievement gaps and set children up for failure.

13 (14) According to the World Economic Forum's
14 Global Competitiveness Report 2001–2002, the
15 United States ranks last among developed countries
16 in the difference in the quality of schools available
17 to rich and poor children.

18 (15) The persistence of pervasive inadequacies
19 in the quality of education provided by State public
20 school systems effectively deprives millions of chil-
21 dren throughout the United States of the oppor-
22 tunity for an education adequate to enable the chil-
23 dren to—

24 (A) acquire the knowledge and skills nec-
25 essary for responsible citizenship in a diverse

1 democracy, including the ability to participate
2 fully in the political process through informed
3 electoral choice;

4 (B) meet challenging student academic
5 achievement standards; and

6 (C) be able to compete and succeed in a
7 global economy.

8 (16) Each State government has ultimate au-
9 thority to determine every important aspect and pri-
10 ority of the public school system that provides ele-
11 mentary and secondary education to children in the
12 State, including whether students throughout the
13 State have access to the fundamentals of educational
14 opportunity described in section 102.

15 (17) Because a well educated populace is crit-
16 ical to the Nation's political and economic well-being
17 and national security, the Federal Government has
18 a substantial interest in ensuring that States provide
19 a high-quality education by ensuring that all stu-
20 dents have access to the fundamentals of educational
21 opportunity described in section 102 to enable the
22 students to succeed academically and in life.

23 (b) PURPOSES.—The purposes of this Act are the fol-
24 lowing:

1 (1) To further the goals of the Elementary and
2 Secondary Education Act of 1965 (as amended by
3 the No Child Left Behind Act of 2001), by holding
4 States accountable for providing all students with
5 access to the fundamentals of educational oppor-
6 tunity described in section 102.

7 (2) To ensure that all students in public ele-
8 mentary schools and secondary schools receive edu-
9 cational opportunities that enable such students to—

10 (A) acquire the knowledge and skills nec-
11 essary for responsible citizenship in a diverse
12 democracy, including the ability to participate
13 fully in the political process through informed
14 electoral choice;

15 (B) meet challenging student academic
16 achievement standards; and

17 (C) be able to compete and succeed in a
18 global economy.

19 (3) To end the pervasive pattern of States
20 maintaining public school systems that do not meet
21 the requirements of section 101(a).

1 **TITLE I—ACCESS TO**
2 **EDUCATIONAL OPPORTUNITY**

3 **SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.**

4 (a) **REQUIREMENTS.**—Each State receiving Federal
5 financial assistance for elementary or secondary education
6 shall ensure that the State’s public school system provides
7 all students within the State with an education that en-
8 ables the students to acquire the knowledge and skills nec-
9 essary for responsible citizenship in a diverse democracy,
10 including the ability to participate fully in the political
11 process through informed electoral choice, to meet chal-
12 lenging student academic achievement standards, and to
13 be able to compete and succeed in a global economy,
14 through—

15 (1) the provision of fundamentals of educational
16 opportunity described in section 102, at adequate or
17 ideal levels as defined by the State under section
18 201(a)(1)(A) to students at each public elementary
19 school and secondary school in the State;

20 (2) the provision of educational services in
21 school districts that receive funds under part A of
22 title I of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken
24 as a whole, at least comparable to educational serv-

1 ices provided in school districts not receiving such
2 funds; and

3 (3) compliance with any final Federal or State
4 court order in any matter concerning the adequacy
5 or equitableness of the State's public school system.

6 (b) DETERMINATIONS CONCERNING STATE PUBLIC
7 SCHOOL SYSTEMS.—Not later than October 1 of each
8 year, the Secretary shall determine whether each State
9 maintains a public school system that meets the require-
10 ments of subsection (a). The Secretary may make a deter-
11 mination that a State public school system does not meet
12 such requirements only after providing notice and an op-
13 portunity for a hearing.

14 (c) PUBLICATION.—The Secretary shall publish and
15 make available to the general public (including by means
16 of the Internet) the determinations made under subsection
17 (b).

18 **SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPOR-**
19 **TUNITY.**

20 The fundamentals of educational opportunity are the
21 following:

22 (1) HIGHLY QUALIFIED TEACHERS, PRIN-
23 CIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

1 (A) HIGHLY QUALIFIED TEACHERS.—In-
 2 struction from highly qualified teachers in core
 3 academic subjects.

4 (B) HIGHLY QUALIFIED PRINCIPALS.—
 5 Leadership, management, and guidance from
 6 principals who meet State certification stand-
 7 ards.

8 (C) HIGHLY QUALIFIED ACADEMIC SUP-
 9 PORT PERSONNEL.—Necessary additional aca-
 10 demic support in reading or language arts,
 11 mathematics, and other core academic subjects
 12 from personnel who meet applicable State
 13 standards.

14 (2) RIGOROUS ACADEMIC STANDARDS, CUR-
 15 RICULA, AND METHODS OF INSTRUCTION.—Rigorous
 16 academic standards, curricula, and methods of in-
 17 struction, as measured by the extent to which each
 18 school district succeeds in providing high-quality
 19 academic standards, curricula, and methods of in-
 20 struction to students in each public elementary
 21 school and secondary school within the district.

22 (3) SMALL CLASS SIZES.—Small class sizes, as
 23 measured by—

24 (A) the average class size and the range of
 25 class sizes; and

1 (B) the percentage of elementary school
2 classes with 17 or fewer students.

3 (4) TEXTBOOKS, INSTRUCTIONAL MATERIALS,
4 AND SUPPLIES.—Textbooks, instructional materials,
5 and supplies, as measured by—

6 (A) the average age and quality of text-
7 books, instructional materials, and supplies
8 used in core academic subjects; and

9 (B) the percentage of students who begin
10 the school year with school-issued textbooks, in-
11 structional materials, and supplies.

12 (5) LIBRARY RESOURCES.—Library resources,
13 as measured by—

14 (A) the size and qualifications of the li-
15 brary's staff, including whether the library is
16 staffed by a full-time librarian certified under
17 applicable State standards;

18 (B) the size (relative to the number of stu-
19 dents) and quality (including age) of the li-
20 brary's collection of books and periodicals; and

21 (C) the library's hours of operation.

22 (6) SCHOOL FACILITIES AND COMPUTER TECH-
23 NOLOGY.—

24 (A) QUALITY SCHOOL FACILITIES.—Qual-
25 ity school facilities, as measured by—

1 (i) the physical condition of school
2 buildings and major school building fea-
3 tures;

4 (ii) environmental conditions in school
5 buildings; and

6 (iii) the quality of instructional space.

7 (B) COMPUTER TECHNOLOGY.—Computer
8 technology, as measured by—

9 (i) the ratio of computers to students;

10 (ii) the quality of computers and soft-
11 ware available to students;

12 (iii) Internet access;

13 (iv) the quality of system maintenance
14 and technical assistance for the computers;
15 and

16 (v) the number of computer labora-
17 tory courses taught by qualified computer
18 instructors.

19 (7) QUALITY GUIDANCE COUNSELING.—Quali-
20 fied guidance counselors, as measured by the ratio
21 of students to qualified guidance counselors who
22 have been certified under an applicable State or na-
23 tional program.

1 **TITLE II—STATE**
2 **ACCOUNTABILITY**

3 **SEC. 201. STATE ACCOUNTABILITY PLAN.**

4 (a) GENERAL PLAN.—

5 (1) CONTENTS.—Each State receiving Federal
6 financial assistance for elementary and secondary
7 education shall annually submit to the Secretary a
8 plan, developed by the State educational agency, in
9 consultation with local educational agencies, teach-
10 ers, principals, pupil services personnel, administra-
11 tors, other staff, and parents, that contains the fol-
12 lowing:

13 (A) A description of 2 levels of high access
14 (adequate and ideal) to each of the fundamen-
15 tals of educational opportunity described in sec-
16 tion 102 that measure how well the State,
17 through school districts, public elementary
18 schools, and public secondary schools, is achiev-
19 ing the purposes of this Act by providing chil-
20 dren with the resources they need to succeed
21 academically and in life.

22 (B) A description of a third level of access
23 (basic) to each of the fundamentals of edu-
24 cational opportunity described in section 102
25 that measures how well the State, through

1 school districts, public elementary schools, and
2 public secondary schools, is achieving the pur-
3 poses of this Act by providing children with the
4 resources they need to succeed academically and
5 in life.

6 (C) A description of the level of access of
7 each school district, public elementary school,
8 and public secondary school in the State to each
9 of the fundamentals of educational opportunity
10 described in section 102, including identifica-
11 tion of any such schools that lack high access
12 (as described in subparagraph (A)) to any of
13 the fundamentals.

14 (D) An estimate of the additional cost, if
15 any, of ensuring that the system meets the re-
16 quirements of section 101(a).

17 (E) Information stating the percentage of
18 students in each school district, public elemen-
19 tary school, and public secondary school in the
20 State that are proficient in mathematics, read-
21 ing or language arts, and science, as measured
22 through assessments administered as described
23 in section 1111(b)(3)(C)(v) of the Elementary
24 and Secondary Education Act of 1965 (20
25 U.S.C. 6311(b)(3)(C)(v)).

1 (F) Information stating whether each
2 school district, public elementary school, and
3 public secondary school in the State is making
4 adequate yearly progress, as defined under sec-
5 tion 1111(b)(2) of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C.
7 6311(b)(2)).

8 (G)(i) For each school district, public ele-
9 mentary school, and public secondary school in
10 the State, information stating—

11 (I) the number and percentage of chil-
12 dren counted under section 1124(e) of the
13 Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6333(c)); and

15 (II) the number and percentage of
16 students described in section
17 1111(b)(3)(C)(xiii) of the Elementary and
18 Secondary Education Act of 1965 (20
19 U.S.C. 6311(b)(3)(C)(xiii)).

20 (ii) For each such school district, informa-
21 tion stating whether the district is an urban,
22 mixed, or rural district (as defined by the Na-
23 tional Center for Education Statistics).

24 (2) LEVELS OF ACCESS.—For purposes of the
25 plan submitted under paragraph (1)—

1 (A) in defining basic, adequate, and ideal
2 levels of access to each of the fundamentals of
3 educational opportunity, each State shall con-
4 sider, in addition to the factors described in
5 section 102, the access available to students in
6 the highest-achieving decile of public elementary
7 schools and secondary schools, the unique needs
8 of low-income, urban and rural, and minority
9 students, and other educationally appropriate
10 factors; and

11 (B) the levels of access described in sub-
12 paragraphs (A) and (B) of paragraph (1) shall
13 be aligned with the challenging academic con-
14 tent standards, challenging student academic
15 achievement standards, and high-quality aca-
16 demic assessments required under the Elemen-
17 tary and Secondary Education Act of 1965 (20
18 U.S.C. 6301 et seq.).

19 (3) INFORMATION.—The State shall annually
20 disseminate to parents, in an understandable and
21 uniform format, the descriptions, estimate, and in-
22 formation described in paragraph (1).

23 (b) ACCOUNTABILITY AND REMEDIATION.—

24 (1) ACCOUNTABILITY.—If the Secretary deter-
25 mines under section 101(b) that a State maintains

1 a public school system that fails to meet the require-
2 ments of section 101(a)(1), the plan submitted
3 under subsection (a)(1) shall—

4 (A) demonstrate that the State has devel-
5 oped and is implementing a single, statewide
6 State accountability system that will be effective
7 in ensuring that the State makes adequate
8 yearly progress under this Act (as defined by
9 the State in a manner that annually reduces the
10 number of public elementary schools and sec-
11 ondary schools in the State without high access
12 (as described in subsection (a)(1)(A)) to each of
13 fundamentals of educational opportunity de-
14 scribed in section 102);

15 (B) demonstrate, based on the levels of ac-
16 cess described in paragraph (1) what con-
17 stitutes adequate yearly progress of the State
18 under this Act toward providing all students
19 with high access to the fundamentals of edu-
20 cational opportunity described in section 102;
21 and

22 (C) ensure—

23 (i) the establishment of a timeline for
24 that adequate yearly progress that includes
25 interim yearly goals for the reduction of

1 the number of public elementary schools
2 and secondary schools in the State without
3 high access to each of the fundamentals of
4 educational opportunity described in sec-
5 tion 102; and

6 (ii) that not later than 12 years after
7 the end of the 2005–2006 school year,
8 each public elementary school in the State
9 shall have access to each of the fundamen-
10 tals of educational opportunity described in
11 section 102.

12 (2) REMEDIATION.—If the Secretary deter-
13 mines under section 101(b) that a State maintains
14 a public school system that fails to meet the require-
15 ments of section 101(a)(2), not later than 1 year
16 after the Secretary makes the determination, the
17 State shall include in the plan submitted under sub-
18 section (a)(1) a strategy to remediate the conditions
19 that caused the Secretary to make such determina-
20 tion, not later than the end of the second school year
21 beginning after submission of the plan.

22 (c) AMENDMENTS.—A State may amend the plan
23 submitted under subsection (a)(1) to improve the plan or
24 to take into account significantly changed circumstances.

1 (d) DISAPPROVAL.—The Secretary may disapprove
2 the plan submitted under subsection (a)(1) (or an amend-
3 ment to such a plan) if the Secretary determines, after
4 notice and opportunity for hearing, that the plan (or
5 amendment) is inadequate to meet the requirements de-
6 scribed in subsections (a) and (b).

7 (e) WAIVER.—

8 (1) IN GENERAL.—A State may request, and
9 the Secretary may grant, a waiver of the require-
10 ments of subsections (a) and (b) for 1 year for ex-
11 ceptional circumstances, such as a precipitous de-
12 crease in State revenues, or another circumstance
13 that the Secretary determines to be exceptional, that
14 prevents a State from complying with the require-
15 ments of subsections (a) and (b).

16 (2) CONTENTS OF WAIVER REQUEST.—A State
17 that requests a waiver under paragraph (1) shall in-
18 clude in the request—

19 (A) a description of the exceptional cir-
20 cumstance that prevents the State from com-
21 plying with the requirements of subsections (a)
22 and (b); and

23 (B) a plan that details the manner in
24 which the State will comply with such require-
25 ments by the end of the waiver period.

1 **SEC. 202. CONSEQUENCES OF FAILURE TO MEET REQUIRE-**
2 **MENTS.**

3 (a) INTERIM YEARLY GOALS.—

4 (1) IN GENERAL.—For a fiscal year and a
5 State described in section 201(b)(1), the Secretary
6 shall withhold from the State 2.75 percent of funds
7 otherwise available to the State for the administra-
8 tion of Federal elementary and secondary education
9 programs, for each covered goal that the Secretary
10 determines the State is not meeting during that
11 year.

12 (2) DEFINITION.—In this subsection, the term
13 “covered goal”, used with respect to a fiscal year,
14 means an interim yearly goal described in section
15 201(b)(1)(C)(i) that is applicable to that year or a
16 prior fiscal year.

17 (b) CONSEQUENCES OF NONREMEDATION.—Not-
18 withstanding any other provision of law, if the Secretary
19 determines that a State required to include a strategy
20 under section 201(b)(2) continues to maintain a public
21 school system that does not meet the requirements of sec-
22 tion 101(a)(2) at the end of the second school year de-
23 scribed in section 201(b)(2), the Secretary shall withhold
24 from the State not more than 33 $\frac{1}{3}$ percent of funds other-
25 wise available to the State for the administration of pro-
26 grams authorized under the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 6301 et seq.) until the
2 Secretary determines that the State maintains a public
3 school system that meets the requirements of section
4 101(a)(2).

5 (c) CONSEQUENCES OF NONCOMPLIANCE WITH
6 COURT ORDERS.—If the Secretary determines under sec-
7 tion 101(b) that a State maintains a public school system
8 that fails to meet the requirements of section 101(a)(3),
9 the Secretary shall withhold from the State not more than
10 $33\frac{1}{3}$ percent of funds otherwise available to the State for
11 the administration of programs authorized under the Ele-
12 mentary and Secondary Education Act of 1965 (20 U.S.C.
13 6301 et seq.).

14 (d) DISPOSITION OF FUNDS WITHHELD.—

15 (1) DETERMINATION.—Not later than 1 year
16 after the Secretary withholds funds from a State
17 under this section, the Secretary shall determine
18 whether the State has corrected the condition that
19 led to the withholding.

20 (2) DISPOSITION.—

21 (A) CORRECTION.—If the Secretary deter-
22 mines under paragraph (1), that the State has
23 corrected the condition that led to the with-
24 holding, the Secretary shall make the withheld
25 funds available to the State to use for the origi-

1 nal purpose of the funds during 1 or more fiscal
2 years specified by the Secretary.

3 (B) NONCORRECTION.—If the Secretary
4 determines under paragraph (1), that the State
5 has not corrected the condition that led to the
6 withholding, the Secretary shall allocate the
7 withheld funds to public school districts, public
8 elementary schools, or public secondary schools
9 in the State that are most adversely affected by
10 the condition that led to the withholding, to en-
11 able the districts or schools to correct the condi-
12 tion during 1 or more fiscal years specified by
13 the Secretary.

14 (3) AVAILABILITY.—Amounts made available or
15 allocated under subparagraph (A) or (B) of para-
16 graph (2) shall remain available during the fiscal
17 years specified by the Secretary under that subpara-
18 graph.

19 **TITLE III—REPORT TO** 20 **CONGRESS AND THE PUBLIC**

21 **SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYS-** 22 **TEMS.**

23 (a) ANNUAL REPORT TO CONGRESS.—Not later than
24 October 1 of each year, beginning the year after comple-
25 tion of the first full school year after the date of enactment

1 of this Act, the Secretary shall submit to Congress a re-
2 port that includes a full and complete analysis of the pub-
3 lic school system of each State.

4 (b) CONTENTS OF REPORT.—The analysis conducted
5 under subsection (a) shall include the following:

6 (1) PUBLIC SCHOOL SYSTEM INFORMATION.—

7 The following information related to the public
8 school system of each State:

9 (A) The number of school districts, public
10 elementary schools, public secondary schools,
11 and students in the system.

12 (B)(i) For each such school district and
13 school—

14 (I) information stating the number
15 and percentage of children counted under
16 section 1124(c) of the Elementary and
17 Secondary Education Act of 1965 (20
18 U.S.C. 6333(c)); and

19 (II) the number and percentage of
20 students, disaggregated by groups de-
21 scribed in section 1111(b)(3)(C)(xiii) of
22 the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C.
24 6311(b)(3)(C)(xiii)).

1 (ii) For each such district, information
2 stating whether the district is an urban, mixed,
3 or rural district (as defined by the National
4 Center for Education Statistics).

5 (C) The average per-pupil expenditure
6 (both in actual dollars and adjusted for cost
7 and need) for the State and for each school dis-
8 trict in the State.

9 (D) Each school district's decile ranking as
10 measured by achievement in mathematics, read-
11 ing or language arts, and science on State aca-
12 demic assessments required under section
13 1111(b)(3) of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6311(b)(3))
15 and on the National Assessment of Educational
16 Progress.

17 (E) For each school district, public elemen-
18 tary school, and public secondary school—

19 (i) the level of access (as described in
20 section 201(a)(1)) to each of the fun-
21 damentals of educational opportunity de-
22 scribed in section 102;

23 (ii) the percentage of students that
24 are proficient in mathematics, reading or
25 language arts, and science, as measured

1 through assessments administered as de-
2 scribed in section 1111(b)(3)(C)(v) of the
3 Elementary and Secondary Education Act
4 of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

5 (iii) whether the school district or
6 school is making adequate yearly
7 progress—

8 (I) as defined under section
9 1111(b)(2) of the Elementary and
10 Secondary Education Act of 1965 (20
11 U.S.C. 6311(b)(2)); and

12 (II) as defined by the State
13 under section 201(b)(1)(A).

14 (F) For each State, the number of public
15 elementary schools and secondary schools that
16 lack, and names of each such school that lacks,
17 high access (as described in section
18 201(a)(1)(A)) to any of the fundamentals of
19 educational opportunity described in section
20 102.

21 (G) For the year covered by the report, a
22 summary of any changes in the data required
23 in subparagraphs (A) through (F) for each of
24 the preceding 3 years (which may be based on

1 such data as are available, for the first 3 re-
2 ports submitted under subsection (a)).

3 (H) Such other information as the Sec-
4 retary considers useful and appropriate.

5 (2) STATE ACTIONS.—For each State that the
6 Secretary determines under section 101(b) maintains
7 a public school system that fails to meet the require-
8 ments of section 101(a), a detailed description and
9 evaluation of the success of any actions taken by the
10 State, and measures proposed to be taken by the
11 State, to meet the requirements.

12 (3) STATE PLANS.—A copy of each State's
13 most recent plan submitted under section 201(a)(1).

14 (4) RELATIONSHIP BETWEEN COMPLIANCE AND
15 ACHIEVEMENT.—An analysis of the relationship be-
16 tween meeting the requirements of section 101(a)
17 and improving student academic achievement, as
18 measured on State academic assessments required
19 under section 1111(b)(3) of the Elementary and
20 Secondary Education Act of 1965 (20 U.S.C.
21 6311(b)(3)).

22 (c) SCOPE OF REPORT.—The report required under
23 subsection (a) shall cover the school year ending in the
24 calendar year in which the report is required to be sub-
25 mitted.

1 (d) SUBMISSION OF DATA TO SECRETARY.—Each
2 State receiving Federal financial assistance for elementary
3 and secondary education shall submit to the Secretary, at
4 such time and in such manner as the Secretary may rea-
5 sonably require, such data as the Secretary determines to
6 be necessary to make a determination under section
7 101(b) and to submit the report under this section. Such
8 data shall include the information used to measure the
9 State’s success in providing the fundamentals of edu-
10 cational opportunity described in section 102.

11 (e) FAILURE TO SUBMIT DATA.—If a State fails to
12 submit the data that the Secretary determines to be nec-
13 essary to make a determination under section 101(b) re-
14 garding whether the State maintains a public school sys-
15 tem that meets the requirements of section 101(a)—

16 (1) such State’s public school system shall be
17 deemed not to have met the applicable requirements
18 until the State submits such data and the Secretary
19 is able to make such determination under section
20 101(b); and

21 (2) the Secretary shall provide, to the extent
22 practicable, the analysis required in subsection (a)
23 for the State based on the best data available to the
24 Secretary.

1 (f) PUBLICATION.—The Secretary shall publish and
 2 make available to the general public (including by means
 3 of the Internet) the report required under subsection (a).

4 **TITLE IV—REMEDY**

5 **SEC. 401. CIVIL ACTION FOR ENFORCEMENT.**

6 A student or parent of a student aggrieved by a viola-
 7 tion of this Act may bring a civil action against the appro-
 8 priate official in an appropriate Federal district court
 9 seeking declaratory or injunctive relief to enforce the re-
 10 quirements of this Act, together with reasonable attorney’s
 11 fees and the costs of the action.

12 **TITLE V—GENERAL PROVISIONS**

13 **SEC. 501. DEFINITIONS.**

14 In this Act:

15 (1) REFERENCED TERMS.—The terms “elemen-
 16 tary school”, “secondary school”, “local educational
 17 agency”, “highly qualified”, “core academic sub-
 18 jects”, “parent”, and “average per-pupil expendi-
 19 ture” have the meanings given those terms in sec-
 20 tion 9101 of the Elementary and Secondary Edu-
 21 cation Act of 1965 (20 U.S.C. 7801).

22 (2) FEDERAL ELEMENTARY AND SECONDARY
 23 EDUCATION PROGRAMS.—The term “Federal ele-
 24 mentary and secondary education programs” means
 25 programs providing Federal financial assistance for

1 elementary or secondary education, other than pro-
2 grams under the following provisions of law:

3 (A) The Individuals with Disabilities Edu-
4 cation Act (20 U.S.C. 1400 et seq.).

5 (B) Title III of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 6801
7 et seq.).

8 (C) The Richard B. Russell National
9 School Lunch Act (42 U.S.C. 1751 et seq.).

10 (D) The Child Nutrition Act of 1966 (42
11 U.S.C. 1771 et seq.).

12 (3) PUBLIC SCHOOL SYSTEM.—The term “pub-
13 lic school system” means a State’s system of public
14 elementary and secondary education.

15 (4) STATE.—The term “State” means each of
16 the several States, the District of Columbia, and the
17 Commonwealth of Puerto Rico.

18 **SEC. 502. RULEMAKING.**

19 The Secretary may prescribe regulations to carry out
20 this Act.

21 **SEC. 503. CONSTRUCTION.**

22 Nothing in this Act shall be construed to require a
23 jurisdiction to increase its property tax or other tax rates
24 or to redistribute revenues from such taxes.

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