

111TH CONGRESS
1ST SESSION

H. R. 2451

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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2009

Mr. FATTAH introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To provide for adequate and equitable educational opportunities for 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.

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TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC
SCHOOL SYSTEMS

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- Sec. 112. State educational adequacy and equity requirements.
- Sec. 113. State-established standards for opportunity to learn.

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1 SEC. 3. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—The 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 for achievement of
- 7 the historical aspiration to be one Nation of equal
- 8 citizens. It is therefore necessary and proper to over-
- 9 come the nationwide phenomenon of educationally
- 10 inadequate or inequitable State public school sys-
- 11 tems, in which high-quality public schools serve

1 high-income communities and poor-quality schools
2 serve low-income, urban, rural, and minority commu-
3 nities.

4 (2) There exists in the States an ever-widening
5 educational opportunity gap for low-income, urban,
6 rural, and minority students characterized by the
7 following:

8 (A) Highly differential educational expend-
9 itures among local educational agencies within
10 States.

11 (B) Continuing disparities within the
12 States in students' access to the opportunity to
13 learn indicators described in section 112(a).

14 (C) Radically differential educational
15 achievement among local educational agencies
16 within the States, as measured by the following:

17 (i) Achievement in mathematics, read-
18 ing or language arts, and science on State
19 academic achievement tests and measures,
20 including the academic assessments de-
21 scribed in section 113(b)(1).

22 (ii) Advanced placement courses of-
23 fered and taken.

24 (iii) Scholastic Aptitude Test (SAT)
25 and ACT Assessment scores.

1 (iv) Dropout rates and graduation
2 rates.

3 (v) College-going and college-comple-
4 tion rates.

5 (vi) Job placement and retention rates
6 and indices of job quality.

7 (3) As a consequence of this educational oppor-
8 tunity gap, the quality of a child's education depends
9 largely upon where the child's family lives, and the
10 detriments of lower quality public education are im-
11 posed particularly on—

12 (A) children from low-income families;

13 (B) children living in urban and rural
14 areas; and

15 (C) minority children.

16 (4) Since 1785, the Congress of the United
17 States, exercising the power to admit new States
18 under article IV, section 3 of the Constitution (and
19 previously, the Congress of the Confederation of
20 States under the Articles of Confederation), has im-
21 posed upon every State, as a fundamental condition
22 of the State's admission, the following requirements:

23 (A) One, and sometimes two, square-mile
24 lots in every township were to be “granted and

1 . . . reserved for the maintenance and use of
2 public schools”.

3 (B) “[S]chools and the means of education
4 [are to] be forever encouraged”.

5 (C) “State conventions [were to] provide,
6 by ordinances irrevocable without the consent of
7 the United States and the people of said States
8 . . . that provision . . . be made for the estab-
9 lishment and maintenance of systems of public
10 schools which shall be open to all children of
11 said States”.

12 (See Ordinances of May 20, 1785, and July 13,
13 1787; Act of March 3, 1845, 28th Cong. 2d Sess.,
14 5 Stat. 789, Chap. 76 (admitting Iowa and Florida);
15 Act of February 22, 1889, 50th Cong., 2d Sess.,
16 Chap. 180 (admitting States created from the Da-
17 kota Territories); and the Acts of Congress per-
18 taining to the admission of each of the States.)

19 (5) Over the years since the landmark ruling in
20 *Brown v. Board of Education*, when a unanimous
21 United States Supreme Court held that “the oppor-
22 tunity of an education . . . , where the state has un-
23 dertaken to provide it, is a right which must be
24 made available to all on equal terms”, courts in 44
25 of the States have heard challenges to the establish-

1 ment, maintenance, and operation of educationally
2 inadequate or inequitable State public school sys-
3 tems. (347 U.S. 483, 493 (1954)).

4 (6) In 1970, the Presidential Commission on
5 School Finance found that significant disparities in
6 the distribution of educational resources existed
7 among local educational agencies within States be-
8 cause the States relied too significantly on local dis-
9 trict financing for educational revenues, and that re-
10 forms in systems of school financing would increase
11 the Nation’s ability to serve the educational needs of
12 all children.

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

22 (8) In 2001, the Executive order establishing
23 the President’s Commission on Educational Re-
24 source Equity declared, “A quality education is es-
25 sential to the success of every child in the 21st cen-

1 tury and to the continued strength and prosperity of
2 our Nation. . . . [L]ong-standing gaps in access to
3 educational resources exist, including disparities
4 based on race and ethnicity.” (Executive Order
5 13190, § 1 (January 15, 2001); 66 Fed. Reg. 5424.)

6 (9) According to the Secretary of Education, as
7 stated in a letter (with enclosures) dated January
8 19, 2002, from the Secretary to States—

9 (A) racial and ethnic minorities continue to
10 suffer from lack of access to educational re-
11 sources, including “experienced and qualified
12 teachers, adequate facilities, and instructional
13 programs and support, including technology, as
14 well as . . . the funding necessary to secure
15 these resources”; and

16 (B) these inadequacies are “particularly
17 acute in high-poverty schools, including urban
18 schools, where many students of color are iso-
19 lated and where the effect of the resource gaps
20 may be cumulative. In other words, students
21 who need the most may often receive the least,
22 and these students often are students of color”.

23 (10) The Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 6301 et seq.), as amended

1 by the No Child Left Behind Act of 2001 (Public
2 Law 107–110), provides that—

3 (A) States must establish standards and
4 assessments in mathematics, reading or lan-
5 guage arts, and science;

6 (B) elementary schools and secondary
7 schools must ensure that all students are pro-
8 ficient in such subjects within 12 years after
9 the end of the 2001–2002 school year; and

10 (C) elementary schools and secondary
11 schools will be held accountable for the stu-
12 dents' progress.

13 (11) The standards and accountability move-
14 ment will succeed only if, in addition to standards
15 and accountability, all schools have access to the
16 educational resources necessary to enable students to
17 achieve.

18 (12) Raising standards without ensuring ade-
19 quate and equitable access to educational resources
20 may, in fact, exacerbate achievement gaps and set
21 children up for failure.

22 (13) According to the World Economic Forum's
23 Global Competitiveness Report 2001–2002, the
24 United States ranks last among developed countries

1 in the difference in the quality of schools available
2 to rich and poor children.

3 (14) Each State Government has ultimate au-
4 thority in determining every important aspect and
5 priority of the public school system that provides ele-
6 mentary and secondary education to children in the
7 State, including whether children throughout the
8 State have high access to the opportunity to learn
9 indicators described in section 112(a).

10 (15) Since 1965, the Congress, in exercising its
11 spending authority, has provided substantial Federal
12 financial assistance to the States for the improve-
13 ment of their public school systems. In their expend-
14 iture and oversight of this assistance, the States
15 have failed systematically to achieve the purpose of
16 the Congress in providing the assistance, namely the
17 effective education of all the children of the United
18 States.

19 (16) Because a well-educated populace is crit-
20 ical to the Nation's political and economic well-being
21 and national security, the Federal Government has
22 a substantial interest in ensuring that States provide
23 a high-quality education by ensuring that all chil-
24 dren have access to the opportunity to learn indica-

1 tors described in section 112(a) to enable the chil-
2 dren to succeed academically and in life.

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

5 (1) To further the goals of the No Child Left
6 Behind Act of 2001 (Public Law 107–110) and the
7 Elementary and Secondary Education Act of 1965
8 (20 U.S.C. 6301 et seq.) by holding States account-
9 able for providing all students access to the oppor-
10 tunity to learn indicators described in section
11 112(a).

12 (2) To ensure that all students in public ele-
13 mentary schools and secondary schools receive edu-
14 cational opportunities that enable the students—

15 (A) to acquire the knowledge and skills
16 necessary for responsible citizenship, including
17 the ability to participate fully in the political
18 process through informed electoral choice;

19 (B) to meet challenging State student aca-
20 demic achievement standards; and

21 (C) to be able to compete and succeed in
22 a global economy.

23 (3) To end the pervasive pattern of education-
24 ally inadequate or inequitable State public school
25 systems.

1 **TITLE I—EDUCATIONAL OPPOR-**
2 **TUNITY IN STATE PUBLIC**
3 **SCHOOL SYSTEMS**

4 **Subtitle A—Access to Educational**
5 **Opportunity**

6 **SEC. 111. ADEQUATE AND EQUITABLE STATE PUBLIC**
7 **SCHOOL SYSTEMS.**

8 Each State receiving Federal financial assistance for
9 elementary or secondary education shall maintain a public
10 school system that meets the requirements of section 112
11 and provides all students in the State with—

12 (1) the educational resources needed to succeed
13 academically and in life; and

14 (2) an education that enables the students—

15 (A) to acquire the knowledge and skills
16 necessary for responsible citizenship;

17 (B) to participate fully in the political
18 process through informed electoral choice; and

19 (C) to be able to compete and succeed in
20 a global economy.

21 **SEC. 112. STATE EDUCATIONAL ADEQUACY AND EQUITY**
22 **REQUIREMENTS.**

23 (a) OPPORTUNITY TO LEARN.—A State shall provide
24 for all public schools in the State access, at levels defined

1 by the State under section 113 as ideal or adequate, to
2 each of the following opportunity to learn indicators:

- 3 (1) highly effective teachers;
- 4 (2) early childhood education;
- 5 (3) college preparatory curricula; and
- 6 (4) equitable instructional resources.

7 (b) COMPARABLE EDUCATIONAL SERVICES.—A
8 State shall provide educational services in local edu-
9 cational agencies that receive funds under part A of title
10 I of the Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at
12 least comparable to educational services provided in local
13 educational agencies not receiving such funds.

14 (c) COMPLIANCE WITH COURT ORDERS.—A State
15 shall comply with any substantive Federal or State court
16 order in any matter concerning the adequacy or equity of
17 the State’s public school system, to the extent required
18 in the order.

19 **SEC. 113. STATE-ESTABLISHED STANDARDS FOR OPPOR-**
20 **TUNITY TO LEARN.**

21 (a) ESTABLISHMENT.—In carrying out section
22 112(a), each State educational agency, in consultation
23 with local educational agencies, teachers, principals, pupil
24 services personnel, administrators, other staff, and par-
25 ents, shall develop standards to describe and measure the

1 extent to which the State provides to the students in each
2 public school and local educational agency in the State
3 each of the opportunity to learn indicators described in
4 section 112(a) in terms of ideal, adequate, and basic levels
5 of such access.

6 (b) FACTORS FOR CONSIDERATION.—In defining the
7 levels of access required under subsection (a), the State
8 shall consider, in addition to the factors described in sec-
9 tion 112(a)—

10 (1) the access available to students in schools in
11 the highest achieving decile of public elementary
12 schools and secondary schools in the State, as deter-
13 mined on the basis of student performance on state-
14 wide student academic assessments, including—

15 (A) student academic assessments in read-
16 ing or language arts, mathematics, and science
17 under section 1111(b)(3) of the Elementary
18 and Secondary Education Act of 1965 (20
19 U.S.C. 6311(b)(3));

20 (B) national student academic assessments
21 of reading and mathematics under the National
22 Assessment of Educational Progress carried out
23 under section 303(a) of the National Assess-
24 ment of Educational Progress Authorization
25 Act (20 U.S.C. 9622(a)); and

1 (C) State student academic assessments of
2 reading and mathematics under the National
3 Assessment of Educational Progress carried out
4 under section 303(b)(3) of the National Assess-
5 ment of Educational Progress Authorization
6 Act (20 U.S.C. 9622(b)(3));

7 (2) the unique needs of low-income, urban and
8 rural, and minority students; and

9 (3) other educationally appropriate factors.

10 (c) CHALLENGING STANDARDS.—The levels of access
11 required under subsection (a) shall be aligned with the
12 challenging State academic content and achievement
13 standards, and the high-quality academic assessments, re-
14 quired under the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 6301 et seq.).

16 (d) SUBMISSION TO SECRETARY.—A State edu-
17 cational agency shall submit to the Secretary—

18 (1) a description of each of the levels of access
19 required under subsection (a);

20 (2) a description of the level of access of each
21 local educational agency, elementary school, and sec-
22 ondary school in the State to each of the opportunity
23 to learn indicators described in section 112(a), in-
24 cluding identification of any such schools that do not

1 provide ideal or adequate levels of access (as defined
2 under subsection (a));

3 (3) an estimate of the additional cost, if any, of
4 ensuring that the public school system meets the re-
5 quirements of section 112; and

6 (4) the information required under subpara-
7 graphs (B) and (C) of paragraph (1) and paragraph
8 (2)(B) of section 131(b).

9 (e) PUBLICATION AND DISSEMINATION TO PAR-
10 ENTS.—The State annually shall publish the information
11 submitted under subsection (d) and shall disseminate the
12 information to the public and the parents of children at-
13 tending (or who may attend) public schools in the State,
14 in an understandable and uniform format and, to the ex-
15 tent practicable, in a language that the parents can under-
16 stand, through such means as the Internet, the media, and
17 public agencies.

18 **Subtitle B—State Accountability**

19 **SEC. 121. DETERMINATION OF EDUCATIONALLY ADEQUATE** 20 **AND INEQUITABLE STATE PUBLIC SCHOOL** 21 **SYSTEMS.**

22 (a) ANNUAL DETERMINATION BY SECRETARY.—Be-
23 ginning not later than October 1 of the first full school
24 year after the date of enactment of this Act, the Secretary

1 shall annually determine whether each State meets each
2 of the requirements of section 112.

3 (b) PUBLICATION BY SECRETARY.—The Secretary
4 shall publish and make available to the general public (in-
5 cluding by means of the Internet) the determinations
6 under subsection (a).

7 **SEC. 122. STATE ACCOUNTABILITY FOR IMPROVEMENT OF**
8 **EDUCATIONAL OPPORTUNITY.**

9 (a) STATE REMEDIATION PLAN.—A State deter-
10 mined under section 121 not to meet the requirements of
11 section 112 shall develop and submit to the Secretary, by
12 not later than 1 year after the determination, a remedi-
13 ation plan (which the State may amend to improve the
14 plan or to take into account significantly changed cir-
15 cumstances), as follows:

16 (1) LONG-TERM REMEDIATION FOR ACCESS TO
17 OPPORTUNITY TO LEARN INDICATORS.—If the State
18 is determined not to meet the requirements under
19 section 112(a) (relating to access to the opportunity
20 to learn indicators), the plan shall provide for the
21 following:

22 (A) A description of the actions the State
23 will take to meet the requirements of section
24 112(a), by not later than 12 years after the end
25 of the 2003–2004 school year, to provide ideal

1 or adequate access (as defined by the State
2 under section 113) to the opportunity to learn
3 indicators for each public school in the State.

4 (B) A timeline for improvement that in-
5 cludes annual interim goals for increasing the
6 number of public schools and local educational
7 agencies in the State that have ideal or ade-
8 quate levels of access (as defined by the State
9 under section 113) to each of the opportunity
10 to learn indicators, in order to achieve the re-
11 quired levels of access within the time described
12 in subparagraph (A).

13 (C) Implementation of a single, statewide
14 accountability system to ensure that the State
15 achieves the interim goals described in subpara-
16 graph (B).

17 (2) TWO-YEAR REMEDIATION FOR COMPARABLE
18 EDUCATIONAL SERVICES.—If the State is deter-
19 mined not to meet the requirements of section
20 112(b) (relating to comparable educational services),
21 the plan shall describe the actions the State will take
22 to meet the requirements of such section by not later
23 than 2 school years after submission of the plan.

24 (b) DISAPPROVAL OF PLAN.—The Secretary may dis-
25 approve a plan (or amendment) submitted under sub-

1 section (a) that the Secretary determines does not meet
2 the requirements of such subsection.

3 **SEC. 123. CONSEQUENCES OF NONREMEDIATION.**

4 (a) FAILURE TO MEET ANNUAL INTERIM ACCESS
5 GOALS.—Notwithstanding any other provision of law and
6 in addition to any other consequence under this section,
7 the Secretary shall withhold 2.75 percent of any funds
8 otherwise available to a State (or a State educational
9 agency) for administration of Federal elementary and sec-
10 ondary education programs for each annual interim goal
11 established under section 122(a)(1)(B) for a fiscal year,
12 or a prior fiscal year, that the Secretary determines the
13 State fails to meet.

14 (b) CONTINUING FAILURE TO PROVIDE COM-
15 PARABLE EDUCATIONAL SERVICES.—Notwithstanding
16 any other provision of law and in addition to any other
17 consequence under this section, the Secretary shall with-
18 hold from a State determined by the Secretary to continue
19 to fail to meet the requirements of section 112(b) (relating
20 to comparable educational services) at the end of the sec-
21 ond school year after a plan is required to be submitted
22 under section 122, up to 33 $\frac{1}{3}$ percent of funds otherwise
23 available to the State for administration of Federal ele-
24 mentary and secondary education programs.

1 (c) NONCOMPLIANCE WITH COURT ORDERS.—Not-
2 withstanding any other provision of law and in addition
3 to any other consequence under this section, the Secretary
4 shall withhold from a State determined by the Secretary
5 to fail to meet the requirements of section 112(c) (relating
6 to compliance with court orders) up to 33 $\frac{1}{3}$ percent of
7 funds otherwise available to the State for the administra-
8 tion of Federal elementary and secondary education pro-
9 grams.

10 (d) DISPOSITION OF WITHHELD FUNDS.—For each
11 State from which funds are withheld under this section,
12 the Secretary shall make a determination whether the
13 State, by not later than 1 year after a determination under
14 subsection (a), (b), or (c), has corrected the condition lead-
15 ing to a withholding of funds and shall distribute withheld
16 funds as follows:

17 (1) If the State corrects a condition leading to
18 a withholding of funds, the Secretary shall make the
19 applicable withheld funds available to the State (or
20 State educational agency).

21 (2) If the State fails to correct a condition lead-
22 ing to a withholding of funds, the Secretary shall al-
23 locate the applicable withheld funds to public schools
24 or local educational agencies affected by the State's
25 failure to make adequate remediation, for the pur-

1 pose of enabling the school or local educational agen-
 2 cy to correct such condition.

3 (e) TEMPORARY WAIVER.—The Secretary may grant
 4 a request by a State for a waiver of the withholding provi-
 5 sions of subsections (a) through (c) for a total period of
 6 not more than 1 year if—

7 (1) the Secretary is satisfied that exceptional
 8 circumstances (such as a precipitous decrease in
 9 State revenues) prevent a State from complying with
 10 the requirements of section 112; and

11 (2) the State’s request describes the manner in
 12 which the State will comply with the requirements of
 13 section 112 by the end of the waiver period.

14 **Subtitle C—Public Reporting and** 15 **Remedy**

16 **SEC. 131. ANNUAL REPORT BY SECRETARY ON ADEQUACY** 17 **AND EQUITY IN STATE PUBLIC SCHOOL SYS-** 18 **TEMS.**

19 (a) ANNUAL REPORT TO CONGRESS.—Not later than
 20 October 1 of the first full school year after the date of
 21 enactment of this Act, the Secretary shall transmit to the
 22 Congress a report that provides a detailed analysis of the
 23 public school system of each State.

1 (b) CONTENTS OF REPORT.—The analysis under
2 subsection (a) shall include the following information with
3 respect to each State’s public school system:

4 (1) BASIC PUBLIC SCHOOL SYSTEM INFORMA-
5 TION.—

6 (A) The number of students, elementary
7 schools, secondary schools, and local educational
8 agencies in the public school system.

9 (B) For each such school and local edu-
10 cational agency, the number and percentage
11 of—

12 (i) children counted under section
13 1124(c) of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C.
15 6333(c)); and

16 (ii) students, disaggregated by groups
17 described in section 1111(b)(3)(C)(xiii) of
18 the Elementary and Secondary Education
19 Act of 1965 (20 U.S.C.
20 6311(b)(3)(C)(xiii)).

21 (C) For each such school, a statement
22 whether the school is an urban, rural, or mixed
23 school (as defined by the Commissioner for
24 Education Statistics).

1 (D) The average per-pupil expenditure (in
2 actual dollars and adjusted for cost and need)
3 for the State and for each school and local edu-
4 cational agency.

5 (E) The decile ranking of each local edu-
6 cational agency, as measured by achievement in
7 mathematics, reading or language arts, and
8 science on the academic assessments described
9 in subparagraphs (A) and (C) of section
10 113(b)(1).

11 (2) SUCCESS IN PROVIDING OPPORTUNITY TO
12 LEARN INDICATORS.—

13 (A) A description of the ideal, adequate,
14 and basic levels of access established by the
15 State under section 113 to each of the oppor-
16 tunity to learn indicators described under sec-
17 tion 112(a).

18 (B) For each school and local educational
19 agency, the following information:

20 (i) The level of access (as established
21 under section 113) of the school or local
22 educational agency to each of the oppor-
23 tunity to learn indicators described in sec-
24 tion 112(a).

1 (ii) The percentage of students pro-
2 ficient in mathematics, reading or lan-
3 guage arts, and science, as measured
4 through assessments under section
5 1111(b)(3)(C)(v) of the Elementary and
6 Secondary Education Act of 1965 (20
7 U.S.C. 6311(b)(3)(C)(v)).

8 (iii) Whether the school or local edu-
9 cational agency is making adequate yearly
10 progress under section 1111(b)(2) of the
11 Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 6311(b)(2)).

13 (C) The number and names of each school
14 in the State that does not provide each of the
15 opportunity to learn indicators described in sec-
16 tion 112(a) at an ideal or adequate level (as es-
17 tablished under section 113).

18 (3) STATE REMEDIATION ACTIONS.—If the
19 State is determined under section 121 not to meet
20 the requirements of section 112—

21 (A) a detailed description and evaluation
22 of—

23 (i) the State’s success in carrying out
24 any remediation plan required to be sub-
25 mitted by the State under section 122; and

1 (ii) any other actions taken, or meas-
2 ures proposed to be taken, by the State to
3 meet the requirements of section 112; and

4 (B) a copy of any remediation plan re-
5 quired to be submitted by the State under sec-
6 tion 122 (including any amendments).

7 (4) EFFECTS ON ACADEMIC ACHIEVEMENT.—

8 An analysis of the effects of the average per-pupil
9 expenditure, and the level of access (as provided by
10 the State under section 113) to each of the oppor-
11 tunity to learn indicators described in section 112(a)
12 provided to students in each school and local edu-
13 cational agency on the outcomes of the academic as-
14 sessments identified in section 113(b)(1).

15 (5) OTHER INFORMATION.—

16 (A) The most recent information submitted
17 by the State under section 113(d).

18 (B) For the year covered by the report, a
19 summary of any changes in the data required
20 in paragraphs (1) and (2) for each of the pre-
21 ceding 3 years (which may be based on such
22 data as are available for the first 3 reports
23 under subsection (a)).

1 (C) Such other information as the Sec-
2 retary considers useful and appropriate to in-
3 clude.

4 (c) SCOPE OF REPORT.—The report required under
5 subsection (a) shall cover the school year ending in the
6 calendar year in which the report is required to be sub-
7 mitted.

8 (d) SUBMISSION OF DATA TO SECRETARY.—Each
9 State receiving Federal financial assistance for elementary
10 and secondary education shall submit to the Secretary, at
11 such time and in such manner as the Secretary may rea-
12 sonably require, such data as the Secretary deems nec-
13 essary to make a determination under section 121 and to
14 submit the report under this section. Such data shall in-
15 clude the information used to measure the State's success
16 in providing the opportunity to learn indicators described
17 in section 112(a).

18 (e) FAILURE TO SUBMIT DATA.—If a State fails to
19 submit the data required to make a determination under
20 section 121—

21 (1) the State shall be deemed to have been de-
22 termined under such section not to meet the applica-
23 ble requirements of section 112, until the State sub-
24 mits the data and the Secretary is able to make a

1 determination under such section based on such
2 data; and

3 (2) the Secretary shall—

4 (A) provide, to the extent practicable, the
5 analysis required in subsection (a) for the State
6 based on the best data available to the Sec-
7 retary; and

8 (B) update the analysis, as necessary, after
9 submission of the data by the State.

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

13 **SEC. 132. CIVIL ACTION FOR ENFORCEMENT.**

14 A student or parent of a student aggrieved by a viola-
15 tion of this Act may bring a civil action against an appro-
16 priate official in an appropriate United States district
17 court seeking declaratory and injunctive relief to enforce
18 the requirements of this Act, together with reasonable at-
19 torney fees and the costs of the action, without regard to
20 the citizenship of the parties or the amount in controversy.

1 **TITLE II—EFFECTS OF EDU-**
2 **CATIONAL DISPARITIES ON**
3 **ECONOMIC GROWTH AND NA-**
4 **TIONAL DEFENSE**

5 **SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUC-**
6 **TIVITY.**

7 (a) STUDY.—The Commissioner for Education Sta-
8 tistics, in consultation with the Secretaries of Commerce,
9 Labor, and the Treasury, shall conduct a comprehensive
10 study concerning the effects on economic growth and pro-
11 ductivity of eliminating disparities in public school systems
12 that do not meet the requirements of section 112. Such
13 study shall include the following:

14 (1) The economic costs to the Nation resulting
15 from the maintenance by States of public school sys-
16 tems that do not meet the requirements of section
17 112.

18 (2) The economic gains to be expected from the
19 elimination of disparities in public school systems
20 that do not meet the requirements of section 112.

21 (b) REPORT TO CONGRESS.—Not later than 1 year
22 after the date of enactment of this Act, the Commissioner
23 for Education Statistics shall submit to the Congress a
24 final report detailing the results of the study required
25 under subsection (a).

1 **SEC. 202. EFFECTS ON NATIONAL DEFENSE.**

2 (a) STUDY.—The Commissioner for Education Sta-
3 tistics, in consultation with the Secretary of Defense, shall
4 conduct a comprehensive study concerning the effects on
5 national defense of eliminating disparities in public school
6 systems that do not meet the requirements of section 112.
7 Such study shall include the following:

8 (1) The detriments to national defense resulting
9 from the maintenance by States of public school sys-
10 tems that do not meet the requirements of section
11 112, including the effects of education deficits aris-
12 ing from low-quality schools on—

13 (A) knowledge and skills necessary for the
14 effective functioning of the Armed Forces;

15 (B) the costs to the Armed Forces of
16 training; and

17 (C) efficiency resulting from the use of so-
18 phisticated equipment and information tech-
19 nology.

20 (2) The gains to national defense to be expected
21 from the elimination of disparities in public school
22 systems that do not meet the requirements of section
23 112.

24 (b) REPORT TO CONGRESS.—Not later than 1 year
25 after the date of enactment of this Act, the Commissioner
26 for Education Statistics shall submit to the Congress a

1 final report detailing the results of the study required
2 under subsection (a).

3 **TITLE III—GENERAL** 4 **PROVISIONS**

5 **SEC. 301. DEFINITIONS.**

6 In this Act:

7 (1) The terms “average per-pupil expenditure”,
8 “core academic subjects”, “elementary school”,
9 “highly qualified”, “local educational agency”, “par-
10 ent”, “pupil services”, “pupil services personnel”,
11 “secondary school”, and “State educational agency”
12 each have the meanings given those terms in section
13 9101 of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7801).

15 (2) The term “public school system” means a
16 State’s system of public elementary and secondary
17 education.

18 (3) The term “Federal elementary and sec-
19 ondary education programs” means programs pro-
20 viding Federal financial assistance for elementary or
21 secondary education, other than programs under the
22 following provisions of law:

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

1 (B) Title III of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 6801
3 et seq.).

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

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

8 (4) The term “State” includes the several
9 States, the District of Columbia, the Commonwealth
10 of Puerto Rico, the Commonwealth of the Northern
11 Mariana Islands, American Samoa, Guam, the Vir-
12 gin Islands, and any other territory or possession of
13 the United States.

14 **SEC. 302. NOTICE AND OPPORTUNITY FOR HEARING.**

15 The Secretary may make an adverse determination
16 under this Act only after notice and opportunity for hear-
17 ing.

18 **SEC. 303. RULEMAKING.**

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

21 **SEC. 304. RULE OF CONSTRUCTION.**

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

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