

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1452

To allow States, local educational agencies, and schools the flexibility to use and combine Federal, State, and local funds to improve the educational achievement of all elementary and secondary school students.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1993

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

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## A BILL

To allow States, local educational agencies, and schools the flexibility to use and combine Federal, State, and local funds to improve the educational achievement of all elementary and secondary school students.

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 “Freedom to Improve  
5 Educational Achievement Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1           (1) the ability of the United States to declare  
2           more effective educational services to its citizens, es-  
3           pecially disadvantaged citizens and traditionally un-  
4           derserved citizens, is of primary importance to the  
5           national security and to the continued role of the  
6           United States as a world leader;

7           (2) the ability of local school authorities to ef-  
8           fectively administer and improve the public schools  
9           under their leadership is impeded by the paperwork  
10          burden and regulatory limitations imposed by nu-  
11          merous education programs administered by the  
12          Federal Government and by the States;

13          (3) because American society and student needs  
14          are changing quickly, schools and schooling must be  
15          flexible and innovative in order to sustain relevance  
16          and vitality in an increasingly challenging world;

17          (4) educational funding flexibility at the State  
18          and local level has proven to be effective means to-  
19          ward educational reform in States nationwide, and  
20          this flexibility should be expanded to cover Federal  
21          requirements that may impede educational achieve-  
22          ment; and

23          (5) real and fundamental change in the struc-  
24          ture of schools and education will emerge from  
25          school reform initiatives and such change should be

1 based on professional knowledge and a solid founda-  
2 tion of research.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to allow States, local edu-  
5 cational agencies, and schools the flexibility to use and  
6 combine Federal, State, and local funds to improve the  
7 educational achievement of all elementary and secondary  
8 school students, including students with disabilities, stu-  
9 dents who are disadvantaged, and students who are lim-  
10 ited English proficient, and to help schools and students  
11 meet the National Education Goals by waiving certain  
12 statutory and regulatory requirements (not including the  
13 appropriate protections with respect to civil rights, dis-  
14 crimination, and safety).

15 **SEC. 4. PROGRAM AUTHORIZED.**

16 (a) EDUCATION PROGRAMS.—The Secretary of Edu-  
17 cation is authorized to waive certain Federal statutory and  
18 regulatory requirements (except as provided in section 6)  
19 for States, local educational agencies, and schools that can  
20 demonstrate that such waivers are part of efforts to  
21 achieve education reform and meet the National Edu-  
22 cation Goals for all students, where such waivers are part  
23 of a State or local systemic reform plan, and where such  
24 States and local educational agencies have implemented  
25 similar waiver plans.

1 (b) ADDITIONAL PROGRAMS.—Waivers may also be  
2 requested for requirements regarding the following pro-  
3 grams:

4 (1) The Head Start Act.

5 (2) The Runaway and Homeless Youth Act.

6 (3) The Juvenile Justice and Delinquency Pre-  
7 vention Act.

8 (4) The National School Lunch Act.

9 (5) The School Breakfast Program.

10 (6) The Child and Adult Care Food Program.

11 (7) The Special School Milk Program.

12 (8) The Summer Food Service Program.

13 (9) The Community Services Block Grant Pro-  
14 gram.

15 If such waivers are requested, the Secretary shall consult  
16 with the heads of other appropriate Federal agencies, if  
17 any, in determining whether to approve a project. The  
18 Secretary shall obtain the approval of such agency head  
19 as part of final approval of such project.

20 **SEC. 5. APPLICATIONS.**

21 (a) GENERAL REQUIREMENTS.—A school, local edu-  
22 cational agency, or State that desires to receive a waiver  
23 under this Act shall—

1           (1) indicate which Federal requirements are to  
2           be waived and how waiving such requirements will  
3           improve educational achievement among all students;

4           (2) describe educational programs and goals  
5           being proposed and how such programs will meet the  
6           needs of all students;

7           (3) identify the Federal programs to be in-  
8           cluded in the project;

9           (4) indicate which State and local requirements  
10          to be waived;

11          (5) describe specific, measurable educational  
12          improvement goals and expected outcomes for all af-  
13          fected students;

14          (6) describe methods to be used to measure  
15          progress toward meeting such goals;

16          (7) describe how programs will continue to  
17          focus on the same populations served by programs  
18          for which waivers are requested;

19          (8) describe how students not now eligible for  
20          programs for which waivers are granted can be  
21          served without weakening the program benefits for  
22          eligible populations; and

23          (9) describe the student population at proposed  
24          schools, including—

1 (A) current data regarding the achieve-  
2 ment levels of students, particularly disadvan-  
3 tagged students;

4 (B) the number of students who—

5 (i) are of limited English proficiency,  
6 as defined in section 7003(a)(1) of the Bi-  
7 lingual Education Act;

8 (ii) are children with disabilities, as  
9 defined in section 602(a)(1) of the Individ-  
10 uals with Disabilities Education Act;

11 (iii) are currently or were, within the  
12 past 5 years, migratory;

13 (iv) are educationally disadvantaged  
14 for the purposes of chapter 1 of title I of  
15 the Elementary and Secondary Education  
16 Act of 1965; and

17 (v) are eligible for a free or reduced-  
18 price lunch.

19 (b) ADDITIONAL REQUIREMENTS.—The Secretary of  
20 Education may include additional requirements as may  
21 reasonably be required.

22 (c) INDIVIDUAL SCHOOL APPLICATIONS.—A local  
23 school that desires to receive a waiver under this Act shall  
24 submit an application to the local educational agency,

1 which, after review, shall submit such application to the  
2 State educational agency.

3 (d) LOCAL APPLICATIONS.—(1) A local educational  
4 agency that desires to receive a waiver under this Act shall  
5 submit an application to the State educational agency for  
6 review.

7 (2) A State educational agency that approves an ap-  
8 plication submitted by a local educational agency shall for-  
9 ward such application to the Secretary of Education for  
10 consideration.

11 (3) If an application requests a waiver for a program  
12 other than an education program, the State educational  
13 agency shall submit such application to the chief executive  
14 of the State for review before forwarding such application  
15 to the Secretary of Education.

16 (e) STATE APPLICATIONS.—(1) A State educational  
17 agency that desires to receive a waiver under this Act shall  
18 submit an application to the Secretary of Education for  
19 consideration, unless such application requires waivers for  
20 other than education programs.

21 (2) Such application shall be submitted to the chief  
22 executive of the State for review before forwarding such  
23 application to the Secretary of Education.

1 **SEC. 6. WAIVER RESTRICTIONS.**

2 Nothing in this section shall be construed to author-  
3 ize any changes in, substitutions for, or lessening of the  
4 protections of Federal laws and regulations regarding civil  
5 rights, discrimination, and safety or to affect regulations  
6 and prohibitions concerning the diversion of Federal funds  
7 for private use. Requirements which shall not be waived  
8 include—

9 (1) requirements governing fund allocations;

10 (2) requirements governing privacy of pupil  
11 records;

12 (3) requirements under title VI of the Civil  
13 Rights Act of 1964;

14 (4) provisions of section 504 of the Rehabilita-  
15 tion Act of 1973;

16 (5) provisions of title II of the Americans with  
17 Disabilities Act;

18 (6) requirements of title IX of the Education  
19 Amendments of 1972;

20 (7) requirements of parts A, B, and H under  
21 the Individuals with Disabilities Education Act;

22 (8) requirements governing—

23 (A) maintenance of effort;

24 (B) comparability; or

25 (C) the equitable participation of students  
26 attending private schools; and

1           (9) requirements on parental participation and  
2           involvement.

3 **SEC. 7. EVALUATIONS AND TECHNICAL ASSISTANCE.**

4           (a) **WAIVERS.**—Three years after a waiver is provided  
5 to a school or local educational agency, the Secretary of  
6 Education shall evaluate the effectiveness of such waiver,  
7 based on reports and evaluations conducted by the State  
8 educational agency, in meeting the goals outlined in their  
9 application, in achieving educational reform, in raising  
10 student achievement for all students, including students  
11 with disabilities, students who are disadvantaged, and stu-  
12 dents who are limited English proficient, and in meeting  
13 the National Education Goals.

14           (b) **TECHNICAL ASSISTANCE.**—If the Secretary de-  
15 termines that progress in achieving education reform is  
16 not satisfactory, the Secretary may provide technical as-  
17 sistance to a school or local educational agency.

18           (c) **TERMINATION.**—If the Secretary determines that  
19 the technical assistance does not improve education reform  
20 efforts, the Secretary may immediately terminate any  
21 waivers previously granted.

22           (d) **NATIONAL EVALUATION.**—Three years after the  
23 flexibility program is implemented and at the end of every  
24 succeeding 3-year period, the Secretary shall evaluate the  
25 effectiveness of the flexibility program nationwide. The

1 findings of such evaluation shall be submitted to the Con-  
2 gress not later than 120 days after such evaluation is  
3 completed.

4 **SEC. 8. REPORTS.**

5 (a) LOCAL REPORTS.—A local educational agency or  
6 school that participates in a flexibility project under this  
7 Act shall submit an annual report to the State educational  
8 agency that—

9 (1) describes project activities;

10 (2) evaluates the progress in achieving the goals  
11 stated in the application; and

12 (3) evaluates the effectiveness of coordinating  
13 services for students and their families.

14 (b) STATE REPORTS.—(1) A State that participates  
15 in a flexibility project under this Act shall submit an an-  
16 nual report to the Secretary of Education which evaluates  
17 the progress in achieving goals stated in the application.

18 (2) The State Educational Agency, upon receipt of  
19 reports of local educational agencies or schools participat-  
20 ing in a flexibility project, shall review such documents  
21 and evaluate the progress of such programs in elevating  
22 academic achievement for all students, accomplishing edu-  
23 cation reform and meeting the National Education Goals.  
24 Such reports and evaluations shall be submitted to the  
25 Secretary of Education on an annual basis.

1       (c) SECRETARY REPORTS.—The Secretary of Edu-  
2 cation shall submit to the Congress a biennial report,  
3 based on State reports, regarding the national progress  
4 of flexibility programs and the effect of such programs on  
5 improving educational achievement for all students and  
6 meeting the National Education Goals. The Secretary  
7 shall disseminate information on exemplary practices  
8 through the National Diffusion Network.

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