

103RD CONGRESS
2^D SESSION

H. R. 1804

AMENDMENT

In the Senate of the United States,

February 8 (legislative day, January 25), 1994.

Resolved, That the bill from the House of Representatives (H.R. 1804) entitled “An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—Titles I through IV of this Act

3 may be cited as the “Goals 2000: Educate America Act”.

- 1 (b) *TABLE OF CONTENTS.—The table of contents is as*
2 *follows:*

- Sec. 1. Short title; table of contents.*
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

- Sec. 101. Purpose.*
Sec. 102. National education goals.

*TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP,
STANDARDS, AND ASSESSMENTS*

PART A—NATIONAL EDUCATION GOALS PANEL

- Sec. 201. Purpose.*
Sec. 202. National education goals panel.
Sec. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.
Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

- Sec. 211. Purpose.*
Sec. 212. National Education Standards and Improvement Council.
Sec. 213. Duties.
Sec. 214. Annual reports.
Sec. 215. Powers of the council.
Sec. 216. Administrative provisions.
Sec. 217. Director and staff; experts and consultants.
Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

- Sec. 221. Purposes.*
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

- Sec. 231. Authorization of appropriations.*

*TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC
IMPROVEMENT*

- Sec. 301. Findings.*
Sec. 302. Purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Allotment of funds.
Sec. 305. State applications.

- Sec. 306. State improvement plans.*
- Sec. 307. Secretary's review of applications; payments.*
- Sec. 308. State use of funds.*
- Sec. 309. Subgrants for local reform and professional development.*
- Sec. 310. Availability of information and training.*
- Sec. 311. Waivers of statutory and regulatory requirements.*
- Sec. 312. Progress reports.*
- Sec. 313. National leadership.*
- Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.*
- Sec. 315. Clarification regarding State standards and assessments.*
- Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.*

TITLE IV—MISCELLANEOUS

- Sec. 401. Public schools.*
- Sec. 402. Construction.*
- Sec. 403. Kalid Abdul Mohammed.*
- Sec. 404. Prohibition on Federal mandates, direction, and control.*
- Sec. 405. School prayer.*
- Sec. 406. Daily silence for students.*
- Sec. 407. Funding for the Individuals With Disabilities Education Act.*
- Sec. 408. National Board for Professional Teaching Standards.*
- Sec. 409. Forgiveness of certain overpayments.*
- Sec. 410. Study of Goals 2000 and students with disabilities.*
- Sec. 411. Mentoring, peer counseling and peer tutoring.*
- Sec. 412. Content and performance standards.*
- Sec. 413. State-sponsored higher education trust fund savings plan.*
- Sec. 414. Amendments to summer youth employment and training program.*
- Sec. 415. State and local government control of education.*
- Sec. 416. Protection of pupils.*
- Sec. 417. Contraceptive devices.*
- Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.*

TITLE V—NATIONAL SKILL STANDARDS BOARD

- Sec. 501. Short title.*
- Sec. 502. Purpose.*
- Sec. 503. Establishment of National Board.*
- Sec. 504. Functions of the National Board.*
- Sec. 505. Deadlines.*
- Sec. 506. Reports.*
- Sec. 507. Authorization of appropriations.*
- Sec. 508. Definitions.*
- Sec. 509. Sunset provision.*

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

- Sec. 601. Short title; statement of purpose.*
- Sec. 602. Safe schools program authorized.*
- Sec. 603. Eligible applicants.*
- Sec. 604. Applications and plans.*
- Sec. 605. Use of funds.*
- Sec. 606. National leadership.*

- Sec. 607. National cooperative education statistics system.*
- Sec. 608. Coordination of Federal assistance.*
- Sec. 609. Effective date.*

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

- Sec. 621. State leadership activities to promote safe schools program.*

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

- Sec. 701. Short title.*
- Sec. 702. Grants for midnight basketball league training and partnership programs.*
- Sec. 703. Public housing midnight basketball league programs.*

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

- Sec. 801. Purpose.*
- Sec. 802. Findings.*
- Sec. 803. Provisions.*

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

- Sec. 901. Short title.*

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

- Sec. 911. Repeal.*
- Sec. 912. Office of Educational Research and Improvement.*
- Sec. 913. Savings provisions.*
- Sec. 914. Field readers.*

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

- Sec. 921. International Education Program.*

SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

- Sec. 931. National Occupational Information Coordinating Committee.*

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

- Sec. 941. Short title.*
- Sec. 942. Statement of purpose.*
- Sec. 943. Program authorized.*
- Sec. 944. Allotments of funds.*
- Sec. 945. State application.*
- Sec. 946. Local application.*
- Sec. 947. Participation of private schools.*
- Sec. 948. Program requirements.*
- Sec. 949. Federal administration.*
- Sec. 950. Authorization of appropriations.*

SUBPART 4—MEDIA INSTRUCTION

- Sec. 951. Media instruction.*

SUBPART 5—STAR SCHOOLS

Sec. 961. *Star schools.*

SUBPART 6—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. 971. *Office of Comprehensive School Health Education.*

SUBPART 7—MINORITY-FOCUSED CIVICS EDUCATION

Sec. 981. *Short title.*

Sec. 982. *Purposes.*

Sec. 983. *Grants authorized; authorization of appropriations.*

Sec. 984. *Definitions.*

Sec. 985. *Applications.*

PART C—DEFINITIONS

Sec. 991. *Definitions.*

TITLE X—PARENTS AS TEACHERS

Sec. 1001. *Findings.*

Sec. 1002. *Statement of purpose.*

Sec. 1003. *Definitions.*

Sec. 1004. *Program established.*

Sec. 1005. *Program requirements.*

Sec. 1006. *Special rules.*

Sec. 1007. *Parents As Teachers Centers.*

Sec. 1008. *Evaluations.*

Sec. 1009. *Application.*

Sec. 1010. *Payments and Federal share.*

Sec. 1011. *Authorization of appropriations.*

Sec. 1012. *Home instruction program for preschool youngsters.*

TITLE XI—GUN-FREE SCHOOLS

Sec. 1101. *Short title.*

Sec. 1102. *Gun-free requirements in elementary and secondary schools.*

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1201. *Short title.*

Sec. 1202. *Findings.*

Sec. 1203. *Definitions.*

Sec. 1204. *Nonsmoking policy for children's services.*

Sec. 1205. *Technical assistance.*

Sec. 1206. *Federally funded programs.*

Sec. 1207. *Report by the Administrator.*

Sec. 1208. *Preemption.*

1 SEC. 2. PURPOSE.

2 *It is the purpose of this Act to provide a framework*
 3 *for meeting the National Education Goals described in title*
 4 *I of this Act by—*

1 (1) *promoting coherent, nationwide, systemic*
2 *education reform;*

3 (2) *improving the quality of teaching and learn-*
4 *ing in the classroom;*

5 (3) *defining appropriate and coherent Federal,*
6 *State, and local roles and responsibilities for edu-*
7 *cation reform;*

8 (4) *establishing valid, reliable, and fair mecha-*
9 *nisms for—*

10 (A) *building a broad national consensus on*
11 *United States education reform;*

12 (B) *assisting in the development and certifi-*
13 *cation of high-quality, internationally competi-*
14 *tive content and student performance standards;*

15 (C) *assisting in the development and certifi-*
16 *cation of opportunity-to-learn standards; and*

17 (D) *assisting in the development and cer-*
18 *tification of high-quality assessment measures*
19 *that reflect the internationally competitive con-*
20 *tent and student performance standards;*

21 (5) *supporting new initiatives at the Federal,*
22 *State, local, and school levels to provide equal edu-*
23 *cational opportunity for all students to meet high*
24 *standards; and*

1 (6) *providing a framework for the reauthoriza-*
2 *tion of all Federal education programs by—*

3 (A) *creating a vision of excellence and eq-*
4 *uity that will guide all Federal education and*
5 *related programs;*

6 (B) *providing for the establishment of high-*
7 *quality, internationally competitive content and*
8 *student performance standards that all students,*
9 *including disadvantaged students, students with*
10 *diverse racial, ethnic, and cultural backgrounds,*
11 *students with disabilities, students with limited-*
12 *English proficiency, and academically talented*
13 *students, will be expected to achieve;*

14 (C) *providing for the establishment of high*
15 *quality, internationally competitive opportunity-*
16 *to-learn standards that all States, local edu-*
17 *cational agencies, and schools should achieve;*

18 (D) *encouraging and enabling all State*
19 *educational agencies and local educational agen-*
20 *cies to develop comprehensive improvement plans*
21 *that will provide a coherent framework for the*
22 *implementation of reauthorized Federal edu-*
23 *cation and related programs in an integrated*
24 *fashion that effectively educates all children;*

1 (E) providing resources to help individual
2 schools, including schools serving students with
3 high needs, develop and implement comprehen-
4 sive improvement plans; and

5 (F) promoting the use of technology to en-
6 able all students to achieve the National Edu-
7 cation Goals.

8 **SEC. 3. DEFINITIONS.**

9 As used in this Act (other than in titles V and IX)—

10 (1) the term “all children” means children from
11 all backgrounds and circumstances, including dis-
12 advantaged children, children with diverse racial, eth-
13 nic, and cultural backgrounds, children with disabil-
14 ities, children with limited-English proficiency, chil-
15 dren who have dropped out of school, and academi-
16 cally talented children;

17 (2) the term “all students” means students from
18 a broad range of backgrounds and circumstances, in-
19 cluding disadvantaged students, students with diverse
20 racial, ethnic, and cultural backgrounds, students
21 with disabilities, students with limited-English pro-
22 ficiency, students who have dropped out of school, and
23 academically talented students;

24 (3) the term “assessment” means the overall
25 process and instrument used to measure student at-

1 *tainment of content standards, except that such term*
2 *need not include the discrete items that comprise each*
3 *assessment;*

4 (4) *the term “content standards” means broad*
5 *descriptions of the knowledge and skills students*
6 *should acquire in a particular subject area;*

7 (5) *the term “Governor” means the chief execu-*
8 *tive of the State;*

9 (6) *the term “intergenerational mentoring pro-*
10 *gram” means a program that—*

11 (A) *matches adult mentors, with a particu-*
12 *lar emphasis on older mentors, with elementary*
13 *and secondary school age children for the pur-*
14 *poses of sharing experience and skills;*

15 (B) *is operated by a nonprofit organization*
16 *or governmental agency;*

17 (C) *provides opportunities for older individ-*
18 *uals to be involved in the design and operation*
19 *of the program; and*

20 (D) *has established, written mechanisms for*
21 *screening mentors, orienting mentors and pro-*
22 *teges, matching mentors and proteges, and mon-*
23 *itoring mentoring relationships;*

24 (7) *the terms “interoperable” and “interoper-*
25 *ability” refers to the ability to easily exchange data*

1 with, and connect to, other hardware and software in
2 order to provide the greatest accessibility for all stu-
3 dents;

4 (8) the term “local educational agency” has the
5 meaning given such term in section 1471(12) of the
6 Elementary and Secondary Education Act of 1965,
7 except that such term may include a public school
8 council if such council is mandated by State law;

9 (9) the term “opportunity-to-learn standards”
10 means the conditions of teaching and learning nec-
11 essary for all students to have a fair opportunity to
12 learn, including ways of measuring the extent to
13 which such standards are being met;

14 (10) the term “outlying areas” means Guam,
15 American Samoa, the Virgin Islands, the Common-
16 wealth of the Northern Mariana Islands, Palau (until
17 the effective date of the Compact of Free Association
18 with the Government of Palau), and the Freely Asso-
19 ciated States;

20 (11) the term “performance standards” means
21 concrete examples and explicit definitions of what
22 students have to know and be able to do to dem-
23 onstrate that such students are proficient in the skills
24 and knowledge framed by content standards;

1 (12) the term “public telecommunication entity”
2 has the same meaning given to such term in section
3 397(12) of the Communications Act of 1934;

4 (13) the term “related services” includes the
5 types of services described in section 602(17) of the
6 Individuals with Disabilities Education Act;

7 (14) the term “school” means a public school
8 that is under the authority of the State educational
9 agency or a local educational agency or, for the pur-
10 pose of carrying out section 314(b), a school that is
11 operated or funded by the Bureau of Indian Affairs;

12 (15) the term “Secretary”, unless otherwise spec-
13 ified, means the Secretary of Education;

14 (16) the term “State” means each of the 50
15 States, the District of Columbia, and the Common-
16 wealth of Puerto Rico;

17 (17) the term “State educational agency” has the
18 same meaning given such term in section 1471(23) of
19 the Elementary and Secondary Education Act of
20 1965; and

21 (18) the term “technology” means the latest
22 state-of-the-art technology products and services, such
23 as closed circuit television systems, educational tele-
24 vision or radio programs and services, cable tele-
25 vision, satellite, copper and fiber optic transmission,

1 *computer, video and audio laser and CD-ROM disks,*
2 *and video and audio tapes, or other technologies.*

3 ***TITLE I—NATIONAL EDUCATION***
4 ***GOALS***

5 ***SEC. 101. PURPOSE.***

6 *It is the purpose of this title to establish National Edu-*
7 *cation Goals.*

8 ***SEC. 102. NATIONAL EDUCATION GOALS.***

9 *The Congress declares the National Education Goals*
10 *are as follows:*

11 (1) *SCHOOL READINESS.—*

12 (A) *GOAL.—By the year 2000, all children*
13 *in America will start school ready to learn.*

14 (B) *OBJECTIVES.—The objectives for the*
15 *goal described in subparagraph (A) are that—*

16 (i) *all children, including disadvan-*
17 *tagged and disabled children, will have access*
18 *to high-quality and developmentally appro-*
19 *priate preschool programs that help prepare*
20 *children for school;*

21 (ii) *every parent in the United States*
22 *will be a child's first teacher and devote*
23 *time each day to helping such parent's pre-*
24 *school child learn, and parents will have ac-*

1 *cess to the training and support parents*
2 *need; and*

3 *(iii) children will receive the nutrition,*
4 *physical activity experiences, and health*
5 *care needed to arrive at school with healthy*
6 *minds and bodies, and the number of low-*
7 *birthweight babies will be significantly re-*
8 *duced through enhanced prenatal health sys-*
9 *tems.*

10 (2) *SCHOOL COMPLETION.—*

11 (A) *GOAL.—By the year 2000, the high*
12 *school graduation rate will increase to at least*
13 *90 percent.*

14 (B) *OBJECTIVES.—The objectives for the*
15 *goal described in subparagraph (A) are that—*

16 (i) *the Nation must dramatically re-*
17 *duce its high school dropout rate, and 75*
18 *percent of high school students who do drop*
19 *out of school will successfully complete a*
20 *high school degree or its equivalent; and*

21 (ii) *the gap in high school graduation*
22 *rates between United States students from*
23 *minority backgrounds and their*
24 *nonminority counterparts will be elimi-*
25 *nated.*

1 (3) *STUDENT ACHIEVEMENT AND CITIZENSHIP.*—

2 (A) *GOAL.*—By the year 2000, United
3 States students will leave grades 4, 8, and 12
4 having demonstrated competency over challeng-
5 ing subject matter including English, mathe-
6 matics, science, foreign languages, civics and
7 government, economics, arts, history, and geog-
8 raphy, and every school in the United States will
9 ensure that all students learn to use their minds
10 well, so students may be prepared for responsible
11 citizenship, further learning, and productive em-
12 ployment in our Nation's modern economy.

13 (B) *OBJECTIVES.*—The objectives for the
14 goal described in subparagraph (A) are that—

15 (i) the academic performance of ele-
16 mentary and secondary students will in-
17 crease significantly in every quartile, and
18 the distribution of minority students in
19 each quartile will more closely reflect the
20 student population as a whole;

21 (ii) the percentage of students who
22 demonstrate the ability to reason, solve
23 problems, apply knowledge, and write and
24 communicate effectively will increase sub-
25 stantially;

1 (iii) all students will be involved in ac-
2 tivities that promote and demonstrate good
3 citizenship, good health, community service,
4 and personal responsibility;

5 (iv) all students will have access to
6 physical education and health education to
7 ensure all students are healthy and fit;

8 (v) the percentage of students who are
9 competent in more than one language will
10 substantially increase; and

11 (vi) all students will be knowledgeable
12 about the diverse heritage of our Nation and
13 about the world community.

14 (4) MATHEMATICS AND SCIENCE.—

15 (A) GOAL.—By the year 2000, United
16 States students will be first in the world in
17 mathematics and science achievement.

18 (B) OBJECTIVES.—The objectives for the
19 goal described in subparagraph (A) are that—

20 (i) mathematics and science education,
21 including the metric system of measure-
22 ment, will be strengthened throughout the
23 educational system, especially in the early
24 grades;

1 (ii) the number of teachers with a sub-
2 stantive background in mathematics and
3 science will increase by 50 percent from the
4 number of such teachers in 1992; and

5 (iii) the number of United States un-
6 dergraduate and graduate students, espe-
7 cially women and minorities, who complete
8 degrees in mathematics, science, and engi-
9 neering will increase significantly.

10 (5) ADULT LITERACY AND LIFELONG LEARN-
11 ING.—

12 (A) GOAL.—By the year 2000, every adult
13 United States citizen will be literate and will
14 possess the knowledge and skills necessary to
15 compete in a global economy and exercise the
16 rights and responsibilities of citizenship.

17 (B) OBJECTIVES.—The objectives for the
18 goal described in subparagraph (A) are that—

19 (i) every major United States business
20 will be involved in strengthening the con-
21 nection between education and work;

22 (ii) all workers will have the oppor-
23 tunity to acquire the knowledge and skills,
24 from basic to highly technical, needed to
25 adapt to emerging new technologies, work

1 *methods, and markets through public and*
2 *private educational, vocational, technical,*
3 *workplace, or other programs;*

4 *(iii) the number of quality programs,*
5 *including programs at libraries, that are*
6 *designed to serve more effectively the needs*
7 *of the growing number of part-time and*
8 *mid-career students, will increase substan-*
9 *tially;*

10 *(iv) the proportion of qualified stu-*
11 *dents, especially minorities, who enter col-*
12 *lege, who complete at least 2 years of college,*
13 *and who complete their degree programs,*
14 *will increase substantially; and*

15 *(v) the proportion of college graduates*
16 *who demonstrate an advanced ability to*
17 *think critically, communicate effectively,*
18 *and solve problems will increase substan-*
19 *tially.*

20 (6) *SAFE, DISCIPLINED, AND ALCOHOL- AND*
21 *DRUG- FREE SCHOOLS.—*

22 (A) *GOAL.—By the year 2000, every school*
23 *in the United States will be free of drugs, fire-*
24 *arms, alcohol, and violence and will offer a dis-*
25 *ciplined environment conducive to learning.*

1 (B) *OBJECTIVES.*—*The objectives for the*
2 *goal described in subparagraph (A) are that—*

3 (i) *every school will implement a firm*
4 *and fair policy on use, possession, and dis-*
5 *tribution of drugs and alcohol;*

6 (ii) *parents, businesses, governmental*
7 *and community organizations will work to-*
8 *gether to ensure that schools provide a*
9 *healthy environment and are a safe haven*
10 *for all children;*

11 (iii) *every school district will develop a*
12 *sequential, comprehensive kindergarten*
13 *through twelfth grade drug and alcohol pre-*
14 *vention education program;*

15 (iv) *drug and alcohol curriculum*
16 *should be taught as an integral part of se-*
17 *quential, comprehensive health education;*

18 (v) *community-based teams should be*
19 *organized to provide students and teachers*
20 *with needed support; and*

21 (vi) *every school should work to elimi-*
22 *nate sexual harassment.*

23 (7) *PARENTAL PARTICIPATION.*—

24 (A) *GOAL.*—*By the year 2000, every school*
25 *will promote partnerships that will increase pa-*

1 *rental involvement and participation in promot-*
2 *ing the social, emotional and academic growth of*
3 *children.*

4 (B) *OBJECTIVES.*—*The objectives for the*
5 *Goal established under subparagraph (A) are*
6 *that—*

7 (i) *every State will develop policies to*
8 *assist local schools and school districts to es-*
9 *tablish programs for increasing partner-*
10 *ships that respond to the varying needs of*
11 *parents and the home, including parents of*
12 *children who are disadvantaged or bilin-*
13 *gual, or parents of children with disabil-*
14 *ities;*

15 (ii) *every school will actively engage*
16 *parents and families in a partnership*
17 *which supports the academic work of chil-*
18 *dren at home and shared educational deci-*
19 *sion-making at school; and*

20 (iii) *parents and families will help to*
21 *ensure that schools are adequately supported*
22 *and will hold schools and teachers to high*
23 *standards of accountability.*

24 (8) *TEACHER EDUCATION AND PROFESSIONAL*
25 *DEVELOPMENT.*—

1 (A) *GOAL.*—By the year 2000, the Nation’s
2 teaching force will have access to programs for
3 the continued improvement of their professional
4 skills and the opportunity to acquire the knowl-
5 edge and skills needed to instruct and prepare
6 all American students for the next century.

7 (B) *OBJECTIVES.*—The objectives for the
8 goal established under subparagraph (A) are
9 that—

10 (i) all teachers will have access to
11 preservice teacher education and continuing
12 professional development activities that will
13 provide such teachers with the knowledge
14 and skills needed to teach to an increasingly
15 diverse student population with a variety of
16 educational, social, and health needs;

17 (ii) all teachers will have continuing
18 opportunities to acquire additional knowl-
19 edge and skills needed to teach challenging
20 subject matter and to use emerging new
21 methods, forms of assessment, and tech-
22 nologies;

23 (iii) States and school districts will
24 create integrated strategies to attract, re-
25 cruit, prepare, retrain, and support the con-

1 *tinued professional development of teachers,*
2 *administrators, and other educators, so that*
3 *there is a highly talented work force of pro-*
4 *fessional educators to teach challenging sub-*
5 *ject matter; and*

6 *(iv) partnerships will be established,*
7 *whenever possible, among local educational*
8 *agencies, institutions of higher education,*
9 *parents, and local labor, business, and pro-*
10 *fessional associations to provide and sup-*
11 *port programs for the professional develop-*
12 *ment of educators.*

13 ***TITLE II—NATIONAL EDUCATION***
14 ***REFORM LEADERSHIP, STAN-***
15 ***DARDS, AND ASSESSMENTS***

16 ***PART A—NATIONAL EDUCATION GOALS PANEL***

17 ***SEC. 201. PURPOSE.***

18 *It is the purpose of this part to establish a bipartisan*
19 *mechanism for—*

20 *(1) building a national consensus for education*
21 *improvement;*

22 *(2) reporting on progress toward achieving the*
23 *National Education Goals;*

24 *(3) periodically reviewing the goals and objec-*
25 *tives described in title I and recommending adjust-*

1 *ments to such goals and objectives, as needed, in order*
2 *to guarantee education reform that continues to pro-*
3 *vide guidance for quality, world class education for*
4 *all students; and*

5 *(4) reviewing and approving the voluntary na-*
6 *tional content standards, voluntary national student*
7 *performance standards and voluntary national oppor-*
8 *tunity-to-learn standards certified by the National*
9 *Education Standards and Improvement Council, as*
10 *well as the criteria for the certification of such stand-*
11 *ards, and the criteria for the certification of State as-*
12 *sessments or systems of assessments certified by such*
13 *Council.*

14 **SEC. 202. NATIONAL EDUCATION GOALS PANEL.**

15 *(a) ESTABLISHMENT.—There is established in the exec-*
16 *utive branch a National Education Goals Panel (hereafter*
17 *in this title referred to as the “Goals Panel”).*

18 *(b) COMPOSITION.—The Goals Panel shall be composed*
19 *of 18 members (hereafter in this part referred to as “mem-*
20 *bers”), including—*

21 *(1) two members appointed by the President;*

22 *(2) eight members who are Governors, 3 of whom*
23 *shall be from the same political party as the Presi-*
24 *dent and 5 of whom shall be of the opposite political*
25 *party of the President, appointed by the Chairperson*

1 *and Vice Chairperson of the National Governors' As-*
2 *sociation, with the Chairperson and Vice Chairperson*
3 *each appointing representatives of such Chairperson's*
4 *or Vice Chairperson's respective political party, in*
5 *consultation with each other;*

6 *(3) four Members of the Congress, of whom—*

7 *(A) one member shall be appointed by the*
8 *Majority Leader of the Senate from among the*
9 *Members of the Senate;*

10 *(B) one member shall be appointed by the*
11 *Minority Leader of the Senate from among the*
12 *Members of the Senate;*

13 *(C) one member shall be appointed by the*
14 *Majority Leader of the House of Representatives*
15 *from among the Members of the House of Rep-*
16 *resentatives; and*

17 *(D) one member shall be appointed by the*
18 *Minority Leader of the House of Representatives*
19 *from among the Members of the House of Rep-*
20 *resentatives; and*

21 *(4) four members of State legislatures appointed*
22 *by the President of the National Conference of State*
23 *Legislatures, of whom 2 shall be of the same political*
24 *party as the President of the United States.*

25 *(c) SPECIAL APPOINTMENT RULES.—*

1 (1) *IN GENERAL.*—The members appointed pur-
2 suant to subsection (b)(2) shall be appointed as fol-
3 lows:

4 (A) *If the Chairperson of the National Gov-*
5 *ernors' Association is from the same political*
6 *party as the President, the Chairperson shall ap-*
7 *point 3 individuals and the Vice Chairperson of*
8 *such association shall appoint 5 individuals.*

9 (B) *If the Chairperson of the National Gov-*
10 *ernors' Association is from the opposite political*
11 *party as the President, the Chairperson shall ap-*
12 *point 5 individuals and the Vice Chairperson of*
13 *such association shall appoint 3 individuals.*

14 (2) *SPECIAL RULE.*—*If the National Governors'*
15 *Association has appointed a panel that meets the re-*
16 *quirements of subsections (b) and (c), except for the*
17 *requirements of paragraph (4) of subsection (b), prior*
18 *to the date of enactment of this Act, then the members*
19 *-serving on such panel shall be deemed to be in com-*
20 *pliance with the provisions of such subsections and*
21 *shall not be required to be reappointed pursuant to*
22 *such subsections.*

23 (d) *TERMS.*—*The terms of service of members shall be*
24 *as follows:*

1 (1) *PRESIDENTIAL APPOINTEES.*—Members ap-
2 pointed under subsection (b)(1) shall serve at the
3 pleasure of the President.

4 (2) *GOVERNORS.*—Members appointed under
5 paragraph (2) of subsection (b) shall serve a 2-year
6 term, except that the initial appointments under such
7 paragraph shall be made to ensure staggered terms
8 with one-half of such members' terms concluding every
9 2 years.

10 (3) *CONGRESSIONAL APPOINTEES AND STATE*
11 *LEGISLATORS.*—Members appointed under para-
12 graphs (3) and (4) of subsection (b) shall serve for 2-
13 year terms.

14 (e) *DATE OF APPOINTMENT.*—The initial members
15 shall be appointed not later than 60 days after the date
16 of enactment of this Act.

17 (f) *INITIATION.*—The Goals Panel may begin to carry
18 out its duties under this part when 10 members of the Goals
19 Panel have been appointed.

20 (g) *VACANCIES.*—A vacancy on the Goals Panel shall
21 not affect the powers of the Goals Panel, but shall be filled
22 in the same manner as the original appointment.

23 (h) *TRAVEL.*—Each member may be allowed travel ex-
24 penses, including per diem in lieu of subsistence, as author-
25 ized by section 5703 of title 5, United States Code, for each

1 *day the member is engaged in the performance of duties*
2 *for the Goals Panel away from the home or regular place*
3 *of business of the member.*

4 *(i) CHAIRPERSON.—*

5 *(1) IN GENERAL.—The members shall select a*
6 *Chairperson from among the members described in*
7 *paragraph (2) of subsection (b).*

8 *(2) TERM AND POLITICAL AFFILIATION.—The*
9 *Chairperson of the Goals Panel shall serve a 1-year*
10 *term and shall alternate between political parties.*

11 **SEC. 203. DUTIES.**

12 *(a) IN GENERAL.—The Goals Panel shall—*

13 *(1) report on the progress the Nation and the*
14 *States are making toward achieving the National*
15 *Education Goals described in title I, including issu-*
16 *ing an annual national report card;*

17 *(2) submit to the President nominations for ap-*
18 *pointment to the National Education Standards and*
19 *Improvement Council in accordance with subsections*
20 *(b) and (c) of section 212;*

21 *(3) review and approve (or explain why ap-*
22 *proval is withheld) the—*

23 *(A) criteria developed by the National Edu-*
24 *cation Standards and Improvement Council for*
25 *the certification of content and student perform-*

1 *ance standards, assessments or systems of assess-*
2 *ments, and opportunity-to-learn standards; and*

3 *(B) voluntary national content standards,*
4 *voluntary national student performance stand-*
5 *ards and voluntary national opportunity-to-*
6 *learn standards certified by such Council;*

7 *(4) report on promising or effective actions being*
8 *taken at the national, State, and local levels, and in*
9 *the public and private sectors, to achieve the National*
10 *Education Goals; and*

11 *(5) help build a nationwide, bipartisan consen-*
12 *sus for the reforms necessary to achieve the National*
13 *Education Goals.*

14 *(b) NATIONAL REPORT CARD.—*

15 *(1) IN GENERAL.—The Goals Panel shall annu-*
16 *ally prepare and submit to the President, the Sec-*
17 *retary, the appropriate committees of the Congress,*
18 *and the Governor of each State a national report card*
19 *that shall—*

20 *(A) report on the progress of the United*
21 *States toward achieving the National Education*
22 *Goals; and*

23 *(B) identify actions that should be taken by*
24 *Federal, State, and local governments to enhance*

1 *progress toward achieving the National Edu-*
2 *cation Goals.*

3 (2) *FORM; DATA.*—*National report cards shall be*
4 *presented in a form, and include data, that is under-*
5 *standable to parents and the general public.*

6 **SEC. 204. POWERS OF THE GOALS PANEL.**

7 (a) *HEARINGS.*—

8 (1) *IN GENERAL.*—*The Goals Panel shall, for the*
9 *purpose of carrying out this part, conduct such hear-*
10 *ings, sit and act at such times and places, take such*
11 *testimony, and receive such evidence, as the Goals*
12 *Panel considers appropriate.*

13 (2) *REPRESENTATION.*—*In carrying out this*
14 *part, the Goals Panel shall conduct hearings to re-*
15 *ceive reports, views, and analyses of a broad spectrum*
16 *of experts and the public on the establishment of vol-*
17 *untary national content, voluntary national student*
18 *performance standards, voluntary national oppor-*
19 *tunity-to-learn standards, and State assessments or*
20 *systems of assessments described in section 213(e).*

21 (b) *INFORMATION.*—*The Goals Panel may secure di-*
22 *rectly from any department or agency of the Federal Gov-*
23 *ernment information necessary to enable the Goals Panel*
24 *to carry out this part. Upon request of the Chairperson of*
25 *the Goals Panel, the head of any such department or agency*

1 *shall furnish such information to the Goals Panel to the*
2 *extent permitted by law.*

3 (c) *POSTAL SERVICES.*—*The Goals Panel may use the*
4 *United States mail in the same manner and under the same*
5 *conditions as departments and agencies of the Federal Gov-*
6 *ernment.*

7 (d) *GIFTS; USE OF FACILITIES.*—*The Goals Panel*
8 *may—*

9 (1) *accept, administer, and utilize gifts or dona-*
10 *tions of services, money, or property, whether real or*
11 *personal, tangible or intangible; and*

12 (2) *use the research, equipment, services, and fa-*
13 *cilities of any department, agency or instrumentality*
14 *of the Federal Government, or of any State or politi-*
15 *cal subdivision thereof with the consent of such de-*
16 *partment, agency, instrumentality, State or subdivi-*
17 *sion, respectively.*

18 (e) *ADMINISTRATIVE ARRANGEMENTS AND SUP-*
19 *PORT.*—

20 (1) *IN GENERAL.*—*The Secretary shall provide to*
21 *the Goals Panel, on a reimbursable basis, such ad-*
22 *ministrative support services as the Goals Panel may*
23 *request.*

24 (2) *CONTRACTS AND OTHER ARRANGEMENTS.*—
25 *The Secretary shall, to the extent appropriate, and on*

1 *a reimbursable basis, make contracts and other ar-*
2 *rangements that are requested by the Goals Panel to*
3 *help the Goals Panel compile and analyze data or*
4 *carry out other functions necessary to the performance*
5 *of the Goals Panel's responsibilities.*

6 **SEC. 205. ADMINISTRATIVE PROVISIONS.**

7 (a) *MEETINGS.*—*The Goals Panel shall meet on a reg-*
8 *ular basis, as necessary, at the call of the Chairperson of*
9 *the Goals Panel or a majority of the members of the Goals*
10 *Panel.*

11 (b) *QUORUM.*—*A majority of the members shall con-*
12 *stitute a quorum for the transaction of business.*

13 (c) *VOTING AND FINAL DECISIONS.*—

14 (1) *IN GENERAL.*—*No individual may vote, or*
15 *exercise any of the duties or powers of a member of*
16 *the Goals Panel, by proxy.*

17 (2) *FINAL DECISIONS.*—

18 (A) *In making final decisions of the Goals*
19 *Panel with respect to the exercise of its duties*
20 *and powers the Goals Panel shall operate on the*
21 *principle of consensus among the members of the*
22 *Goals Panel.*

23 (B) *If a vote of the membership of the Goals*
24 *Panel is required to reach a final decision with*
25 *respect to the exercise of its duties and powers,*

1 *then such final decision shall be made by a three-*
2 *fourths vote of the members of the Goals Panel*
3 *who are present and voting.*

4 *(d) PUBLIC ACCESS.—The Goals Panel shall ensure*
5 *public access to the proceedings of the Goals Panel (other*
6 *than proceedings, or portions of proceedings, relating to in-*
7 *ternal personnel and management matters) and shall make*
8 *available to the public, at reasonable cost, transcripts of*
9 *such proceedings.*

10 **SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
11 **ANTS.**

12 *(a) DIRECTOR.—The Chairperson of the Goals Panel,*
13 *without regard to the provisions of title 5, United States*
14 *Code, relating to the appointment and compensation of offi-*
15 *cers or employees of the United States, shall appoint a Di-*
16 *rector to be paid at a rate not to exceed the rate of basic*
17 *pay payable for level V of the Executive Schedule.*

18 *(b) APPOINTMENT AND PAY OF EMPLOYEES.—*

19 *(1) IN GENERAL.—(A) The Director may ap-*
20 *point not more than 4 additional employees to serve*
21 *as staff to the Goals Panel without regard to the pro-*
22 *visions of title 5, United States Code, governing ap-*
23 *pointments in the competitive service.*

24 *(B) The employees appointed under subpara-*
25 *graph (A) may be paid without regard to the provi-*

1 *sions of chapter 51 and subchapter III of chapter 53*
2 *of that title relating to classification and General*
3 *Schedule pay rates, but shall not be paid a rate that*
4 *exceeds the maximum rate of basic pay payable for*
5 *GS-15 of the General Schedule.*

6 (2) *ADDITIONAL EMPLOYEES.*—*The Director may*
7 *appoint additional employees to serve as staff to the*
8 *Goals Panel in accordance with title 5, United States*
9 *Code.*

10 (c) *EXPERTS AND CONSULTANTS.*—*The Goals Panel*
11 *may procure temporary and intermittent services of experts*
12 *and consultants under section 3109(b) of title 5, United*
13 *States Code.*

14 (d) *STAFF OF FEDERAL AGENCIES.*—*Upon the request*
15 *of the Goals Panel, the head of any department or agency*
16 *of the United States may detail any of the personnel of such*
17 *department to the Goals Panel to assist the Goals Panel*
18 *in carrying out its responsibilities under this part.*

19 ***SEC. 207. EARLY CHILDHOOD ASSESSMENT.***

20 (a) *IN GENERAL.*—*The Goals Panel shall support the*
21 *work of its Resource and Technical Planning Groups on*
22 *School Readiness (hereafter in this subsection referred to as*
23 *the “Groups”)* *to improve the methods of assessing the read-*
24 *iness of all children for school.*

25 (b) *ACTIVITIES.*—*The Groups shall—*

1 (1) *develop a model of elements of school readi-*
2 *ness that address a broad range of early childhood de-*
3 *velopmental needs, including the needs of children*
4 *with disabilities;*

5 (2) *create clear guidelines regarding the nature,*
6 *functions, and uses of early childhood assessments, in-*
7 *cluding norm-referenced assessments and assessment*
8 *formats that are appropriate for use in culturally*
9 *and linguistically diverse communities, based on*
10 *model elements of school readiness;*

11 (3) *monitor and evaluate early childhood assess-*
12 *ments, including the ability of existing assessments to*
13 *provide valid information on the readiness of children*
14 *for school; and*

15 (4) *monitor and report on the long-term collec-*
16 *tion of data on the status of young children to im-*
17 *prove policy and practice, including the need for new*
18 *sources of data necessary to assess the broad range of*
19 *early childhood developmental needs.*

20 (c) *ADVICE.*—*The Groups shall advise and assist the*
21 *Congress, the Secretary, the Goals Panel, and others regard-*
22 *ing how to improve the assessment of young children and*
23 *how such assessments can improve services to children.*

1 (d) *REPORT.*—The Goals Panel shall provide reports
2 on the work of the Groups to the Congress, the Secretary,
3 and the public.

4 **PART B—NATIONAL EDUCATION STANDARDS**
5 **AND IMPROVEMENT COUNCIL**

6 **SEC. 211. PURPOSE.**

7 *It is the purpose of this part to establish a mechanism*
8 *to—*

9 (1) *certify voluntary national content standards*
10 *and voluntary national student performance stand-*
11 *ards that define what all students should know and*
12 *be able to do;*

13 (2) *certify challenging State content standards*
14 *and challenging State student performance standards*
15 *submitted by States on a voluntary basis, if such*
16 *standards are comparable in rigor and quality to the*
17 *voluntary national content standards and voluntary*
18 *national student performance standards certified by*
19 *the National Education Standards and Improvement*
20 *Council;*

21 (3) *certify voluntary national opportunity-to-*
22 *learn standards that describe the conditions of teach-*
23 *ing and learning necessary for all students to have a*
24 *fair opportunity to achieve the knowledge and skills*
25 *described in the voluntary national content standards*

1 *and the voluntary national student performance*
2 *standards certified by the National Education Stand-*
3 *ards and Improvement Council;*

4 *(4) certify comprehensive State opportunity-to-*
5 *learn standards submitted by States on a voluntary*
6 *basis that—*

7 *(A) describe the conditions of teaching and*
8 *learning necessary for all students to have a fair*
9 *opportunity to learn; and*

10 *(B) address the elements described in section*
11 *213(c)(3); and*

12 *(5) certify assessments or systems of assessments*
13 *submitted by States or groups of States on a vol-*
14 *untary basis, if such assessments or systems—*

15 *(A) are aligned with and support State con-*
16 *tent standards certified by such Council; and*

17 *(B) are valid, reliable, and fair when used*
18 *for their intended purposes.*

19 **SEC. 212. NATIONAL EDUCATION STANDARDS AND IM-**
20 **PROVEMENT COUNCIL.**

21 *(a) ESTABLISHMENT.—There is established in the exec-*
22 *utive branch a National Education Standards and Im-*
23 *provement Council (hereafter in this part referred to as the*
24 *“Council”).*

1 (b) *COMPOSITION.*—*The Council shall be composed of*
2 *19 members (hereafter in this part referred to as “mem-*
3 *bers”)* appointed by the President from nominations sub-
4 *mitted by the Goals Panel.*

5 (c) *QUALIFICATIONS.*—

6 (1) *IN GENERAL.*—*The members of the Council*
7 *shall include—*

8 (A) *five professional educators appointed*
9 *from among elementary and secondary classroom*
10 *teachers, preschool educators, related services per-*
11 *sonnel, and other school-based professionals,*
12 *State or local educational agency administrators,*
13 *or other educators;*

14 (B) *four representatives of business and in-*
15 *dustry or postsecondary educational institutions,*
16 *including at least 1 representative of business*
17 *and industry who is also a member of the Na-*
18 *tional Skill Standards Board established pursu-*
19 *ant to title V;*

20 (C) *five representatives of the public, ap-*
21 *pointed from among representatives of advocacy,*
22 *civil rights, and disability groups, parents, civic*
23 *leaders, tribal governments, or State or local*
24 *education policymakers (including members of*
25 *State or local school boards); and*

1 (D) five education experts, appointed from
2 among experts in measurement and assessment,
3 curriculum, school finance and equity, or school
4 reform.

5 (2) *NOMINATIONS.*—The Goals Panel shall sub-
6 mit to the President at least 15 nominations for each
7 of the 4 categories of appointment described in sub-
8 paragraphs (A) through (D) of paragraph (1).

9 (3) *REPRESENTATION.*—To the extent feasible,
10 the membership of the Council shall—

11 (A) be geographically representative of the
12 United States and reflect the diversity of the
13 United States with respect to race, ethnicity,
14 gender and disability characteristics; and

15 (B) include persons from each of the 4 cat-
16 egories described in subparagraphs (A) through
17 (D) of paragraph (1) who have expertise in the
18 education of subgroups of students who are at
19 risk of school failure.

20 (d) *TERMS.*—

21 (1) *IN GENERAL.*—Members shall be appointed
22 for 3-year terms, with no member serving more than
23 2 consecutive terms.

24 (2) *INITIAL TERMS.*—The President shall estab-
25 lish initial terms for members of 1, 2, or 3 years in

1 *order to establish a rotation in which one-third of the*
2 *members are selected each year.*

3 (e) *DATE OF APPOINTMENT.*—*The initial members*
4 *shall be appointed not later than 120 days after the date*
5 *of enactment of this Act.*

6 (f) *INITIATION.*—*The Council shall begin to carry out*
7 *the duties of the Council under this part when all 19 mem-*
8 *bers have been appointed.*

9 (g) *RETENTION.*—*In order to retain an appointment*
10 *to the Council, a member shall attend at least two-thirds*
11 *of the scheduled meetings, and hearings when appropriate,*
12 *of the Council in any given year.*

13 (h) *VACANCY.*—*A vacancy on the Council shall not af-*
14 *fect the powers of the Council, but shall be filled in the same*
15 *manner as the original appointment.*

16 (i) *COMPENSATION.*—*Members who are not regular*
17 *full-time employees of the United States, while attending*
18 *meetings or hearings of the Council, may be provided com-*
19 *pen-sation at a rate fixed by the Secretary, but not exceeding*
20 *the maximum rate of basic pay payable for GS-15 of the*
21 *General Schedule.*

22 (j) *TRAVEL.*—*Each member of the Council may be al-*
23 *lowed travel expenses, including per diem in lieu of subsist-*
24 *ence, as authorized by section 5703 of title 5, United States*
25 *Code, for each day the member is engaged in the perform-*

1 *ance of duties for the Council away from the home or regu-*
2 *lar place of business of the member.*

3 *(k) OFFICERS.—The members shall select officers of the*
4 *Council from among the members. The officers of the Coun-*
5 *cil shall serve for 1-year terms.*

6 *(l) CONFLICT OF INTEREST.—No member, staff, expert,*
7 *or consultant assisting the Council shall be appointed to*
8 *the Council—*

9 *(1) if such member, staff, expert, or consultant*
10 *has a fiduciary interest in an educational assessment;*
11 *and*

12 *(2) unless such member, staff, expert, or consult-*
13 *ant agrees that such member, staff, expert, or consult-*
14 *ant, respectively, will not obtain such an interest for*
15 *a period of 2 years from the date of termination of*
16 *such member's service on the Council.*

17 **SEC. 213. DUTIES.**

18 *(a) VOLUNTARY NATIONAL CONTENT STANDARDS;*
19 *VOLUNTARY NATIONAL STUDENT PERFORMANCE STAND-*
20 *ARDS.—*

21 *(1) IN GENERAL.—The Council, upon rec-*
22 *ommendation from a working group on voluntary na-*
23 *tional content standards, shall—*

24 *(A) identify areas in which voluntary na-*
25 *tional content standards need to be developed;*

1 (B) *certify voluntary national content*
2 *standards and voluntary national student per-*
3 *formance standards that define what all students*
4 *should know and be able to do; and*

5 (C) *forward such voluntary national con-*
6 *tent standards and voluntary national student*
7 *performance standards to the Goals Panel for*
8 *approval.*

9 (2) *CRITERIA.—(A) The Council, upon rec-*
10 *ommendation from a working group on voluntary na-*
11 *tional content standards and voluntary national stu-*
12 *dent performance standards, shall—*

13 (i) *identify and develop criteria to be used*
14 *for certifying the voluntary national content*
15 *standards and voluntary national student per-*
16 *formance standards; and*

17 (ii) *before applying such criteria, forward*
18 *such criteria to the Goals Panel for approval.*

19 (B) *The criteria developed by the Council shall*
20 *address—*

21 (i) *the extent to which the proposed stand-*
22 *ards are internationally competitive and com-*
23 *parable to the best standards in the world;*

24 (ii) *the extent to which the proposed vol-*
25 *untary national content standards and vol-*

1 *untary national student performance standards*
2 *reflect the best available knowledge about how all*
3 *students learn and about how a content area can*
4 *be most effectively taught;*

5 *(iii) the extent to which the proposed vol-*
6 *untary national content standards and vol-*
7 *untary national student performance standards*
8 *have been developed through an open and public*
9 *process that provides for input and involvement*
10 *of all relevant parties, including teachers, related*
11 *services personnel, and other professional edu-*
12 *cators, employers and postsecondary education*
13 *institutions, curriculum and subject matter spe-*
14 *cialists, parents, secondary school students, and*
15 *the public; and*

16 *(iv) other factors that the Council deems ap-*
17 *propriate.*

18 *(C) In developing the criteria, the Council shall*
19 *work with entities that are developing, or have al-*
20 *ready developed, content standards, and any other en-*
21 *tities that the Council deems appropriate, to identify*
22 *appropriate certification criteria.*

23 *(b) VOLUNTARY STATE CONTENT STANDARDS; VOL-*
24 *UNTARY STATE STUDENT PERFORMANCE STANDARDS.—*
25 *The Council may certify challenging State content stand-*

1 ards and challenging State student performance standards
2 presented on a voluntary basis by a State or group of
3 States, if such standards are comparable in rigor and qual-
4 ity to the voluntary national content standards and vol-
5 untary national student performance standards certified by
6 the Council.

7 (c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN
8 STANDARDS.—

9 (1) IN GENERAL.—The Council, upon rec-
10 ommendation from a working group on voluntary na-
11 tional opportunity-to-learn standards, shall certify
12 exemplary, voluntary national opportunity-to-learn
13 standards that will establish a basis for providing all
14 students a fair opportunity to achieve the knowledge
15 and skills described in the voluntary national content
16 standards certified by the Council. In carrying out
17 the preceding sentence the Council and the working
18 group are authorized to consider proposals for vol-
19 untary national opportunity-to-learn standards from
20 groups other than those that receive grants under sec-
21 tion 218.

22 (2) REQUIREMENT.—The voluntary national op-
23 portunity-to-learn standards shall be sufficiently gen-
24 eral to be used by any State without unduly restrict-

1 *ing State and local prerogatives regarding instruc-*
2 *tional methods to be employed.*

3 (3) *ELEMENTS ADDRESSED.—The voluntary na-*
4 *tional opportunity-to-learn standards certified by the*
5 *Council shall address—*

6 (A) *the quality and availability of curric-*
7 *ula, instructional materials, and technologies;*

8 (B) *the capability of teachers to provide*
9 *high-quality instruction to meet diverse learning*
10 *needs in each content area;*

11 (C) *the extent to which teachers and admin-*
12 *istrators have ready and continuing access to*
13 *professional development, including the best*
14 *knowledge about teaching, learning, and school*
15 *improvement;*

16 (D) *the extent to which curriculum, instruc-*
17 *tional practices, and assessments are aligned to*
18 *content standards;*

19 (E) *the extent to which school facilities pro-*
20 *vide a safe and secure environment for learning*
21 *and instruction and have the requisite libraries,*
22 *laboratories, and other resources necessary to*
23 *provide an opportunity-to-learn; and*

24 (F) *other factors that the Council deems ap-*
25 *propriate to ensure that all students receive a*

1 *fair opportunity to achieve the knowledge and*
2 *skills described in the voluntary national content*
3 *standards and the voluntary national student*
4 *performance standards certified by the Council.*

5 (4) *ADDITIONAL DUTIES.—In carrying out this*
6 *subsection, the Council shall—*

7 (A) *identify what other countries with rig-*
8 *orous content standards do to—*

9 (i) *provide their children with oppor-*
10 *tunities to learn;*

11 (ii) *prepare their teachers; and*

12 (iii) *provide continuing professional*
13 *development opportunities for their teachers;*
14 *and*

15 (B) *develop criteria to be used for certifying*
16 *the voluntary national opportunity-to-learn*
17 *standards and, before applying such criteria, for-*
18 *ward such criteria to the Goals Panel for ap-*
19 *proval.*

20 (5) *RECOMMENDATIONS AND COORDINATION.—*
21 *The Council shall assist in the development of the vol-*
22 *untary national opportunity-to-learn standards by—*

23 (A) *making recommendations to the Sec-*
24 *retary regarding priorities and selection criteria*
25 *for each grant awarded under section 218; and*

1 (B) coordinating with each consortium re-
2 ceiving a grant under section 218 to ensure that
3 the opportunity-to-learn standards the consor-
4 tium develops for all students are of high quality
5 and are consistent with the criteria developed by
6 the Council for the certification of such stand-
7 ards.

8 (6) APPROVAL.—The Council shall forward the
9 voluntary national opportunity-to-learn standards
10 that the Council certifies to the Goals Panel for ap-
11 proval.

12 (d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN
13 STANDARDS.—The Council may certify comprehensive
14 State opportunity-to-learn standards presented on a vol-
15 untary basis by a State that—

16 (1) describe the conditions of teaching and learn-
17 ing necessary for all students to have a fair oppor-
18 tunity to learn; and

19 (2) address the elements described in section
20 213(c)(3).

21 (e) ASSESSMENTS.—

22 (1) IN GENERAL.—(A) The Council shall certify,
23 for a period not to exceed 5 years, an assessment of
24 a single subject area or a system of assessments in-
25 volving several subject areas presented on a voluntary

1 *basis by a State or group of States if such assessment*
2 *or system of assessments—*

3 *(i) is aligned with such State's or group of*
4 *States' challenging State content standards cer-*
5 *tified by the Council;*

6 *(ii) involves multiple measures of student*
7 *performance; and*

8 *(iii) provides for—*

9 *(I) the participation of all students*
10 *with diverse learning needs in such assess-*
11 *ment or system; and*

12 *(II) the adaptations and accommoda-*
13 *tions necessary to permit such participa-*
14 *tion.*

15 *(B) Assessments or systems of assessments shall*
16 *be certified for the purpose of—*

17 *(i) exemplifying for students, parents, and*
18 *teachers the kinds and levels of achievement that*
19 *should be expected, including the identification of*
20 *student performance standards;*

21 *(ii) improving classroom instruction and*
22 *improving the learning outcomes for all students;*

23 *(iii) informing students, parents, and teach-*
24 *ers about student progress toward such stand-*
25 *ards;*

1 (iv) *measuring and motivating individual*
2 *students, schools, districts, States, and the Na-*
3 *tion to improve educational performance; and*

4 (v) *assisting education policymakers in*
5 *making decisions about education programs.*

6 (2) *IMPLEMENTATION.—(A)(i) The Council shall*
7 *develop, and not sooner than 3 years nor later than*
8 *4 years after the date of enactment of this Act, begin*
9 *utilizing, criteria for the certification of an assess-*
10 *ment or a system of assessments in accordance with*
11 *this subsection.*

12 (ii) *The Council shall not certify an assessment*
13 *or system of assessments for a period of 3 years begin-*
14 *ning on the date of enactment of this Act, if such as-*
15 *essment or system will be used to make decisions re-*
16 *garding graduation, grade promotion, or retention of*
17 *students.*

18 (iii) *Before utilizing the criteria described in*
19 *clause (i), the Council shall forward such criteria to*
20 *the Goals Panel for approval.*

21 (B) *The certification criteria described in this*
22 *paragraph shall address the extent to which an assess-*
23 *ment or a system of assessments—*

24 (i) *(I) is aligned with a State's or a group*
25 *of States' challenging State content standards, if*

1 *such State or group has challenging State con-*
2 *tent standards that have been certified by the*
3 *Council; and*

4 *(II) will support effective curriculum and*
5 *instruction;*

6 *(ii) is to be used for a purpose for which*
7 *such assessment or system is valid, reliable, fair,*
8 *and free of discrimination; and*

9 *(iii) includes all students, especially stu-*
10 *dents with disabilities or with limited-English*
11 *proficiency.*

12 *(C) In determining appropriate certification cri-*
13 *teria under this paragraph, the Council shall—*

14 *(i) consider standards and criteria being*
15 *developed by other national organizations and*
16 *recent research on assessment;*

17 *(ii) recommend needed research;*

18 *(iii) encourage the development and field*
19 *testing of assessments or systems of assessments;*
20 *and*

21 *(iv) provide a public forum for discussing,*
22 *debating, and building consensus for the criteria*
23 *to be used for the certification of assessments or*
24 *systems of assessments.*

1 (D) *Prior to determining the certification cri-*
2 *teria described in this paragraph, the Council shall*
3 *take public comment on its proposed certification cri-*
4 *teria.*

5 (f) *PERFORMANCE OF DUTIES.—In carrying out its*
6 *responsibilities under this title, the Council shall—*

7 (1) *work with Federal and non-Federal depart-*
8 *ments, agencies, or organizations that are conducting*
9 *research, studies, or demonstration projects to deter-*
10 *mine internationally competitive education standards*
11 *and assessments, and may establish subject matter*
12 *and other panels to advise the Council on particular*
13 *content, student performance, and opportunity-to-*
14 *learn standards and on assessments or systems of as-*
15 *essments;*

16 (2) *establish cooperative arrangements with the*
17 *National Skill Standards Board to promote the co-*
18 *ordination of the development of content and student*
19 *performance standards under this title with the devel-*
20 *opment of skill standards described in title V;*

21 (3) *recommend studies to the Secretary that are*
22 *necessary to carry out the Council's responsibilities;*

23 (4) *inform the public about what constitutes high*
24 *quality, internationally competitive, content, student*

1 *performance, and opportunity-to-learn standards, and*
2 *assessments or systems of assessments;*

3 *(5) on a regular basis, review and update cri-*
4 *teria for certifying content, student performance, and*
5 *opportunity-to-learn standards, and assessments or*
6 *systems of assessments; and*

7 *(6) periodically recertify, as appropriate, the vol-*
8 *untary national content standards, the voluntary na-*
9 *tional student performance standards, and the vol-*
10 *untary national opportunity-to-learn standards.*

11 *(g) CONSTRUCTION.—Nothing in this Act shall be con-*
12 *strued to—*

13 *(1) require any State to have standards certified*
14 *pursuant to subsection (b) or (d) in order to partici-*
15 *pate in any Federal program; or*

16 *(2) create a legally enforceable right for any per-*
17 *son against a State, local educational agency, or*
18 *school based on a standard or assessment certified by*
19 *the Council or the criteria developed by the Council*
20 *for such certification.*

21 **SEC. 214. ANNUAL REPORTS.**

22 *Not later than 1 year after the date the Council con-*
23 *cludes its first meeting, and each year thereafter, the Coun-*
24 *cil shall prepare and submit a report regarding its work*
25 *to the President, the Secretary, the appropriate committees*

1 *of the Congress, the Governor of each State, and the Goals*
2 *Panel.*

3 **SEC. 215. POWERS OF THE COUNCIL.**

4 (a) *HEARINGS.*—

5 (1) *IN GENERAL.*—*The Council shall, for the*
6 *purpose of carrying out its responsibilities, conduct*
7 *such hearings, sit and act at such times and places,*
8 *take such testimony, and receive such evidence, as the*
9 *Council considers appropriate.*

10 (2) *LOCATION.*—*In carrying out this part, the*
11 *Council shall conduct public hearings in different geo-*
12 *graphic areas of the United States, both urban and*
13 *rural, to receive the reports, views, and analyses of a*
14 *broad spectrum of experts and the public on the estab-*
15 *lishment of voluntary national content standards, vol-*
16 *untary national student performance standards, vol-*
17 *untary national opportunity-to-learn standards, and*
18 *assessments or systems of assessments described in sec-*
19 *tion 213(e).*

20 (b) *INFORMATION.*—*The Council may secure directly*
21 *from any department or agency of the Federal Government*
22 *information necessary to enable the Council to carry out*
23 *this part. Upon request of the Chairperson of the Council,*
24 *the head of such department or agency shall furnish such*
25 *information to the Council to the extent permitted by law.*

1 (c) *POSTAL SERVICES.*—*The Council may use the*
2 *United States mail in the same manner and under the same*
3 *conditions as other departments and agencies of the Federal*
4 *Government.*

5 (d) *GIFTS; USE OF FACILITIES.*—*The Council may—*

6 (1) *accept, administer, and utilize gifts or dona-*
7 *tions of services, money, or property, whether real or*
8 *personal, tangible or intangible; and*

9 (2) *use the research, equipment, services, and fa-*
10 *cilities of any department, agency, or instrumentality*
11 *of the United States, or of any State or political sub-*
12 *division thereof with the consent of such department,*
13 *agency, instrumentality, State or subdivision, respec-*
14 *tively.*

15 (e) *ADMINISTRATIVE ARRANGEMENTS AND SUP-*
16 *PORT.*—

17 (1) *IN GENERAL.*—*The Secretary shall provide to*
18 *the Council, on a reimbursable basis, such adminis-*
19 *trative support services as the Council may request.*

20 (2) *CONTRACTS AND OTHER ARRANGEMENTS.*—
21 *The Secretary, to the extent appropriate and on a re-*
22 *imbursable basis, shall enter into contracts and other*
23 *arrangements that are requested by the Council to*
24 *help the Council compile and analyze data or carry*

1 *out other functions necessary to the performance of*
2 *the Council's responsibilities.*

3 **SEC. 216. ADMINISTRATIVE PROVISIONS.**

4 (a) *MEETINGS.*—*The Council shall meet on a regular*
5 *basis, as necessary, at the call of the Chairperson of the*
6 *Council or a majority of its members.*

7 (b) *QUORUM.*—*A majority of the members shall con-*
8 *stitute a quorum for the transaction of business.*

9 (c) *VOTING.*—*The Council shall take all action of the*
10 *Council by a majority vote of the total membership of the*
11 *Council, ensuring the right of the minority to issue written*
12 *views. No individual may vote or exercise any of the powers*
13 *of a member by proxy.*

14 (d) *PUBLIC ACCESS.*—*The Council shall ensure public*
15 *access to its proceedings (other than proceedings, or por-*
16 *tions of proceedings, relating to internal personnel and*
17 *management matters) and shall make available to the pub-*
18 *lic, at reasonable cost, transcripts of such proceedings.*

19 **SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
20 **ANTS.**

21 (a) *DIRECTOR.*—*The Chairperson of the Council, with-*
22 *out regard to the provisions of title 5, United States Code,*
23 *relating to the appointment and compensation of officers*
24 *or employees of the United States, shall appoint a Director*

1 *to be paid at a rate not to exceed the rate of basic pay*
2 *payable for level V of the Executive Schedule.*

3 *(b) APPOINTMENT AND PAY OF EMPLOYEES.—*

4 *(1) IN GENERAL.—(A) The Director may ap-*
5 *point not more than 4 additional employees to serve*
6 *as staff to the Council without regard to the provi-*
7 *sions of title 5, United States Code, governing ap-*
8 *pointments in the competitive service.*

9 *(B) The employees appointed under subpara-*
10 *graph (A) may be paid without regard to the provi-*
11 *sions of chapter 51 and subchapter III of chapter 53*
12 *of that title relating to classification and General*
13 *Schedule pay rates, but shall not be paid a rate that*
14 *exceeds the maximum rate of basic pay payable for*
15 *GS-15 of the General Schedule.*

16 *(2) ADDITIONAL EMPLOYEES.—The Director may*
17 *appoint additional employees to serve as staff of the*
18 *Council consistent with title 5, United States Code.*

19 *(c) EXPERTS AND CONSULTANTS.—The Council may*
20 *procure temporary and intermittent services under section*
21 *3109(b) of title 5, United States Code.*

22 *(d) STAFF OF FEDERAL AGENCIES.—Upon the request*
23 *of the Council, the head of any department or agency of*
24 *the Federal Government may detail any of the personnel*

1 *of such department or agency to the Council to assist the*
2 *Council in carrying out its duties under this part.*

3 **SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.**

4 (a) *OPPORTUNITY-TO-LEARN DEVELOPMENT*
5 *GRANTS.—*

6 (1) *IN GENERAL.—The Secretary is authorized to*
7 *award more than one grant, on a competitive basis,*
8 *to consortia of individuals and organizations to en-*
9 *able such consortia to develop voluntary national op-*
10 *portunity-to-learn standards, and a listing of model*
11 *programs for use, on a voluntary basis, by States*
12 *in—*

13 (A) *assessing the capacity and performance*
14 *of individual schools; and*

15 (B) *developing appropriate actions to be*
16 *taken in the event that the schools fail to achieve*
17 *such standards.*

18 (2) *COMPOSITION OF CONSORTIUM.—To the ex-*
19 *tent possible, each consortium described in paragraph*
20 *(1) shall include the participation of—*

21 (A) *Governors (other than Governors serv-*
22 *ing on the Goals Panel);*

23 (B) *chief State school officers;*

1 (C) teachers, especially teachers involved in
2 the development of content standards, and relat-
3 ed services personnel;

4 (D) principals;

5 (E) superintendents;

6 (F) State and local school board members;

7 (G) curriculum and school reform experts;

8 (H) parents;

9 (I) State legislators;

10 (J) representatives of businesses;

11 (K) representatives of higher education;

12 (L) representatives of regional accrediting
13 associations;

14 (M) representatives of advocacy groups; and

15 (N) secondary school students.

16 (b) *APPLICATIONS.*—Each consortium that desires to
17 receive a grant under this subsection shall submit an appli-
18 cation to the Secretary at such time, in such manner, and
19 containing such information and assurances as the Sec-
20 retary may require.

21 (c) *AWARD CONSIDERATION.*—In establishing prior-
22 ities and selection criteria for awarding more than one
23 grant under this section, the Secretary shall give serious
24 consideration to the recommendations made by the Council
25 pursuant to section 213(c)(5)(A).

1 (3) to support State and local efforts to increase
2 the effective use of technology for education;

3 (4) to demonstrate ways in which technology can
4 be used to improve teaching and learning, and to help
5 ensure that all students have an equal opportunity to
6 meet challenging State education standards;

7 (5) to ensure the availability and dissemination
8 of knowledge (drawn from research and experience)
9 that can form the basis for sound State and local de-
10 cisions about investment in, and effective uses of, edu-
11 cational technology;

12 (6) to promote high-quality professional develop-
13 ment opportunities for teachers and administrators
14 regarding the integration of technology into instruc-
15 tion and administration;

16 (7) to promote the effective uses of technology in
17 existing Federal education programs, such as chapter
18 1 of title I of the Elementary and Secondary Edu-
19 cation Act of 1965 and vocational education pro-
20 grams; and

21 (8) to monitor, and disseminate information re-
22 garding, advancements in technology to encourage the
23 development of effective educational uses of technology.

24 **SEC. 222. FEDERAL LEADERSHIP.**

25 (a) *ACTIVITIES AUTHORIZED.*—

1 (1) *IN GENERAL.*—*In order to provide Federal*
2 *leadership that promotes higher student achievement*
3 *through the use of technology in education and to*
4 *achieve the purposes of this part, the Secretary, in*
5 *consultation with the Office of Science and Tech-*
6 *nology Policy, the National Science Foundation, the*
7 *Department of Commerce, the Department of Energy,*
8 *the National Aeronautics and Space Administration,*
9 *and other appropriate Federal departments or agen-*
10 *cies, may carry out activities designed to achieve the*
11 *purposes of this part.*

12 (2) *TRANSFER OF FUNDS.*—*For the purpose of*
13 *carrying out coordinated or joint activities to achieve*
14 *the purposes of this part, the Secretary may accept*
15 *funds from, and transfer funds to, other Federal de-*
16 *partments or agencies.*

17 (b) *NATIONAL LONG-RANGE TECHNOLOGY PLAN.*—

18 (1) *IN GENERAL.*—*The Secretary shall develop*
19 *and publish within 12 months of the date of enact-*
20 *ment of this Act, and update when the Secretary de-*
21 *termines appropriate, a national long-range plan that*
22 *supports the overall national technology policy and*
23 *carries out the purposes of this part.*

24 (2) *PLAN REQUIREMENTS.*—*The Secretary*
25 *shall—*

1 (A) develop the national long-range plan in
2 consultation with other Federal departments or
3 agencies, State and local education practitioners
4 and policymakers, experts in technology and the
5 educational applications of technology, represent-
6 atives of a distance learning consortia, represent-
7 atives of telecommunications partnerships receiv-
8 ing assistance under the Star Schools Program
9 Assistance Act, and providers of technology serv-
10 ices and products;

11 (B) transmit such plan to the President and
12 to the appropriate committees of the Congress;
13 and

14 (C) publish such plan in a form that is
15 readily accessible to the public.

16 (3) *CONTENTS OF THE PLAN.*—The national
17 long-range plan shall describe the Secretary’s activi-
18 ties to promote the purposes of this part, including—

19 (A) how the Secretary will encourage the ef-
20 fective use of technology to provide all students
21 the opportunity to achieve challenging State con-
22 tent standards and challenging State student
23 performance standards, especially through pro-
24 grams administered by the Department of Edu-
25 cation;

1 (B) joint activities in support of the overall
2 national technology policy with other Federal de-
3 partments or agencies, such as the Office of
4 Science and Technology Policy, the National En-
5 dowment for the Humanities, the National En-
6 dowment for the Arts, the National Aeronautics
7 and Space Administration, the National Science
8 Foundation, and the Departments of Commerce,
9 Energy, Health and Human Services, and
10 Labor—

11 (i) to promote the use of technology in
12 education, and training and lifelong learn-
13 ing, including plans for the educational
14 uses of a national information infrastruc-
15 ture; and

16 (ii) to ensure that the policies and pro-
17 grams of such departments or agencies fa-
18 cilitate the use of technology for educational
19 purposes, to the extent feasible;

20 (C) how the Secretary will work with edu-
21 cators, State and local educational agencies, and
22 appropriate representatives of the private sector
23 to facilitate the effective use of technology in edu-
24 cation;

25 (D) how the Secretary will promote—

1 (i) *higher achievement of all students*
2 *through the integration of technology into*
3 *the curriculum;*

4 (ii) *increased access to the benefits of*
5 *technology for teaching and learning for*
6 *schools with a high concentration of chil-*
7 *dren from low-income families;*

8 (iii) *the use of technology to assist in*
9 *the implementation of State systemic reform*
10 *strategies;*

11 (iv) *the application of technological*
12 *advances to use in education; and*

13 (v) *increased opportunities for the pro-*
14 *fessional development of teachers in the use*
15 *of new technologies;*

16 (E) *how the Secretary will determine, in*
17 *consultation with appropriate individuals, orga-*
18 *nizations, industries, and agencies, the feasibility*
19 *and desirability of establishing guidelines to fa-*
20 *cilitate an easy exchange of data and effective*
21 *use of technology in education;*

1 (F) how the Secretary will utilize the out-
2 comes of the evaluation undertaken pursuant to
3 section 908 of the Star Schools Program Assist-
4 ance Act to promote the purposes of this part;
5 and

6 (G) the Secretary's long-range measurable
7 goals and objectives relating to the purposes of
8 this part.

9 (c) ASSISTANCE.—The Secretary shall provide assist-
10 ance to the States to enable such States to plan effectively
11 for the use of technology in all schools throughout the State
12 in accordance with the purpose and requirements of section
13 316.

14 **SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.**

15 (a) AMENDMENT TO THE DEPARTMENT OF EDUCATION
16 ORGANIZATION ACT.—Title II of the Department of Edu-
17 cation Organization Act (20 U.S.C. 3411 et seq.) is amend-
18 ed by adding at the end the following new section:

19 “OFFICE OF EDUCATIONAL TECHNOLOGY

20 “SEC. 216. There shall be in the Department of Edu-
21 cation an Office of Educational Technology, to be adminis-
22 tered by the Director of Educational Technology. The Direc-
23 tor of Educational Technology shall report directly to the
24 Secretary and shall perform such additional functions as
25 the Secretary may prescribe. Such Office shall be established

1 *in accordance with section 405A of the General Education*
2 *Provisions Act.”.*

3 *(b) AMENDMENT TO THE GENERAL EDUCATION PROVI-*
4 *SIONS ACT.—Part A of the General Education Provisions*
5 *Act (20 U.S.C. 1221c et seq.) is amended by inserting after*
6 *section 405 the following new section:*

7 **“SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.**

8 *“(a) ESTABLISHMENT.—The Secretary shall establish*
9 *an Office of Educational Technology (hereafter in this sec-*
10 *tion referred to as the ‘Office’).*

11 *“(b) FUNCTIONS OF THE OFFICE.—The Director of the*
12 *Office of Educational Technology (hereafter in this section*
13 *referred to as the ‘Director’), through the Office, shall—*

14 *“(1) in support of the overall national technology*
15 *policy and in consultation with other Federal depart-*
16 *ments or agencies which the Director determines ap-*
17 *propriate, provide leadership to the Nation in the use*
18 *of technology to promote achievement of the National*
19 *Education Goals and to increase opportunities for all*
20 *students to achieve challenging State content and*
21 *challenging State student performance standards;*

22 *“(2) review all programs and training functions*
23 *administered by the Department and recommend*
24 *policies in order to promote increased use of tech-*

1 *nology and technology planning throughout all such*
2 *programs and functions;*

3 *“(3) review all relevant programs supported by*
4 *the Department to ensure that such programs are co-*
5 *ordinated with and support the national long-range*
6 *technology plan developed pursuant to this Act; and*

7 *“(4) perform such additional functions as the*
8 *Secretary may require.*

9 *“(c) PERSONNEL.—The Director is authorized to select,*
10 *appoint, and employ such officers and employees as may*
11 *be necessary to carry out the functions of the Office, subject*
12 *to the provisions of title 5, United States Code (governing*
13 *appointments in the competitive service), and the provi-*
14 *sions of chapter 51 and subchapter III of chapter 53 of such*
15 *title (relating to classification and General Schedule pay*
16 *rates.*

17 *“(d) EXPERTS AND CONSULTANTS.—The Secretary*
18 *may obtain the services of experts and consultants in ac-*
19 *cordance with section 3109 of title 5, United States Code.”.*

20 *(c) COMPENSATION OF THE DIRECTOR.—Section 5315*
21 *of title 5, United States Code, is amended by adding at*
22 *the end the following:*

23 *“Director of the Office of Educational Tech-*
24 *nology.”.*

1 **SEC. 224. USES OF FUNDS.**

2 (a) *IN GENERAL.*—*The Secretary shall use funds ap-*
3 *propriated pursuant to the authority of section 231(d) for*
4 *activities designed to carry out the purpose of this part,*
5 *including—*

6 (1) *providing assistance to technical assistance*
7 *providers to enable such providers to improve sub-*
8 *stantially the services such providers offer to edu-*
9 *cators regarding the educational uses of technology,*
10 *including professional development;*

11 (2) *consulting with representatives of industry,*
12 *elementary and secondary education, higher edu-*
13 *cation, and appropriate experts in technology and the*
14 *educational applications of technology, in carrying*
15 *out the activities assisted under this part;*

16 (3) *research on, and the development of, guide-*
17 *lines to facilitate maximum interoperability, effi-*
18 *ciency and easy exchange of data for effective use of*
19 *technology in education;*

20 (4) *research on, and the development of, edu-*
21 *cational applications of the most advanced and newly*
22 *emerging technologies;*

23 (5) *the development, demonstration, and evalua-*
24 *tion of applications of existing technology in pre-*
25 *school education, elementary and secondary edu-*

1 *cation, training and lifelong learning, and profes-*
2 *sional development of educational personnel;*

3 *(6) the development and evaluation of software*
4 *and other products, including multimedia television*
5 *programming, that incorporate advances in tech-*
6 *nology and help achieve the National Education*
7 *Goals, challenging State content standards and chal-*
8 *lenging State student performance standards;*

9 *(7) the development, demonstration, and evalua-*
10 *tion of model strategies for preparing teachers and*
11 *other personnel to use technology effectively to im-*
12 *prove teaching and learning;*

13 *(8) the development of model programs that dem-*
14 *onstrate the educational effectiveness of technology in*
15 *urban and rural areas and economically distressed*
16 *communities;*

17 *(9) research on, and the evaluation of, the effec-*
18 *tiveness and benefits of technology in education giving*
19 *priority to research on, and evaluation of, such effec-*
20 *tiveness and benefits in elementary and secondary*
21 *schools;*

22 *(10) a biannual assessment of, and report to the*
23 *public regarding, the uses of technology in elementary*
24 *and secondary education throughout the United*
25 *States upon which private businesses and Federal,*

1 *State and local governments may rely for decision-*
2 *making about the need for, and provision of, appro-*
3 *priate technologies in schools, which assessment and*
4 *report shall use, to the extent possible, existing infor-*
5 *mation and resources;*

6 *(11) conferences on, and dissemination of infor-*
7 *mation regarding, the uses of technology in education;*

8 *(12) the development of model strategies to pro-*
9 *mote gender equity in the use of technology;*

10 *(13) encouraging collaboration between the De-*
11 *partment of Education and other Federal agencies in*
12 *the development, implementation, evaluation and*
13 *funding of applications of technology for education,*
14 *as appropriate; and*

15 *(14) such other activities as the Secretary deter-*
16 *mines will meet the purposes of this part.*

17 *(b) SPECIAL RULES.—*

18 *(1) IN GENERAL.—The Secretary shall carry out*
19 *the activities described in subsection (a) directly or by*
20 *grant or contract.*

21 *(2) GRANTS AND CONTRACTS.—Each grant or*
22 *contract under this part shall be awarded—*

23 *(A) on a competitive basis; and*

24 *(B) pursuant to a peer review process.*

1 **SEC. 225. NON-FEDERAL SHARE.**

2 (a) *IN GENERAL.*—Subject to subsections (b) and (c),
3 the Secretary may require any recipient of a grant or con-
4 tract under this part to share in the cost of the activities
5 assisted under such grant or contract, which non-Federal
6 share shall be announced through a notice in the Federal
7 Register and may be in the form of cash or in-kind con-
8 tributions, fairly valued.

9 (b) *INCREASE.*—The Secretary may increase the non-
10 Federal share that is required of a recipient of a grant or
11 contract under this part after the first year such recipient
12 receives funds under such grant or contract.

13 (c) *MAXIMUM.*—The non-Federal share required under
14 this section shall not exceed 50 percent of the cost of the
15 activities assisted pursuant to a grant or contract under
16 this part.

17 **SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.**

18 (a) *TRANSFER.*—

19 (1) *IN GENERAL.*—The Office of Training Tech-
20 nology Transfer as established under section 6103 of
21 the Training Technology Transfer Act of 1988 (20
22 U.S.C. 5093) is transferred to the Office of Edu-
23 cational Technology.

24 (2) *TECHNICAL AMENDMENT.*—The first sentence
25 of section 6103(a) of the Training Technology Trans-
26 fer Act of 1988 (20 U.S.C. 5093(a)) is amended by

1 *striking “Office of Educational Research and Im-*
2 *provement” and inserting “Office of Educational*
3 *Technology”.*

4 (b) *AUTHORIZATION OF APPROPRIATIONS.—The*
5 *Training Technology Transfer Act of 1988 (20 U.S.C. 5091*
6 *et seq.) is amended by adding at the end the following new*
7 *section:*

8 **“SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.**

9 *“There are authorized to be appropriated \$3,000,000*
10 *for fiscal year 1995, and such sums as may be necessary*
11 *for each of the fiscal years 1996 through 1999, to carry out*
12 *this chapter.”.*

13 **PART D—AUTHORIZATION OF APPROPRIATIONS**

14 **SEC. 231. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) *NATIONAL EDUCATION GOALS PANEL.—There are*
16 *authorized to be appropriated \$3,000,000 for fiscal year*
17 *1994, and such sums as may be necessary for each of the*
18 *4 succeeding fiscal years, to carry out part A.*

19 (b) *NATIONAL EDUCATION STANDARDS AND IMPROVE-*
20 *MENT COUNCIL.—There are authorized to be appropriated*
21 *\$3,000,000 for fiscal year 1994, and such sums as may be*
22 *necessary for each of the 4 succeeding fiscal years, to carry*
23 *out part B.*

24 (c) *OPPORTUNITY-TO-LEARN DEVELOPMENT*
25 *GRANTS.—There are authorized to be appropriated*

1 \$1,000,000 for fiscal year 1994, and such sums as may be
2 necessary for fiscal year 1995, to carry out section 219.

3 (d) *LEADERSHIP IN EDUCATIONAL TECHNOLOGY.*—
4 There are authorized to be appropriated \$5,000,000 for the
5 fiscal year 1994, and such sums as may be necessary for
6 each of the fiscal years 1995 through 1998, to carry out
7 part C.

8 **TITLE III—STATE AND LOCAL**
9 **EDUCATION SYSTEMIC IM-**
10 **PROVEMENT**

11 **SEC. 301. FINDINGS.**

12 *The Congress finds that—*

13 (1) *all students can learn to high standards and*
14 *must realize their potential if the United States is to*
15 *prosper;*

16 (2) *the reforms in education from 1977 through*
17 *1992 have achieved some good results, but such reform*
18 *efforts often have been limited to a few schools or to*
19 *a single part of the educational system;*

20 (3) *leadership must come from teachers, related*
21 *services personnel, principals, and parents in individ-*
22 *ual schools, and from policymakers at the local, State,*
23 *tribal, and national levels, in order for lasting im-*
24 *provements in student performance to occur;*

1 (4) *simultaneous top-down and bottom-up edu-*
2 *cation reform is necessary to spur creative and inno-*
3 *vative approaches by individual schools to help all*
4 *students achieve internationally competitive stand-*
5 *ards;*

6 (5) *strategies must be developed by communities*
7 *and States to support the revitalization of all local*
8 *public schools by fundamentally changing the entire*
9 *system of public education through comprehensive, co-*
10 *herent, and coordinated improvement;*

11 (6) *parents, teachers and other local educators,*
12 *and business, community, and tribal leaders, must be*
13 *involved in developing system-wide improvement*
14 *strategies that reflect the needs of their individual*
15 *communities;*

16 (7) *all students are entitled to teaching practices*
17 *that are in accordance with accepted standards of*
18 *professional practice and that hold the greatest prom-*
19 *ise of improving student performance;*

20 (8) *all students are entitled to participate in a*
21 *broad and challenging curriculum and to have access*
22 *to resources sufficient to address other education*
23 *needs;*

24 (9) *State and local education improvement ef-*
25 *forts must incorporate strategies for providing stu-*

1 *dents and families with coordinated access to appro-*
2 *prate social services, health care, nutrition, early*
3 *childhood education, and child care to remove pre-*
4 *ventable barriers to learning and enhance school read-*
5 *iness for all students;*

6 *(10) States and local educational agencies, work-*
7 *ing together, must immediately set about developing*
8 *and implementing such system-wide improvement*
9 *strategies if our Nation is to educate all children to*
10 *meet their full potential and achieve the National*
11 *Education Goals described in title I;*

12 *(11) State and local systemic improvement strat-*
13 *egies must provide all students with effective mecha-*
14 *nisms and appropriate paths to the work force as well*
15 *as to higher education;*

16 *(12) businesses should be encouraged—*

17 *(A) to enter into partnerships with schools;*

18 *(B) to provide information and guidance to*
19 *schools based on the needs of area businesses for*
20 *properly educated graduates in general and on*
21 *the need for particular workplace skills that the*
22 *schools may provide;*

23 *(C) to provide necessary education and*
24 *training materials and support; and*

1 (D) to continue the lifelong learning process
2 throughout the employment years of an individ-
3 ual;

4 (13) the appropriate and innovative use of tech-
5 nology, including distance learning, can be very effec-
6 tive in helping to provide all students with the oppor-
7 tunity to learn and meet high standards;

8 (14) Federal funds should be targeted to support
9 State and local initiatives, and to leverage State and
10 local resources for designing and implementing sys-
11 tem-wide education improvement plans; and

12 (15) quality education management services are
13 being utilized by local educational agencies and
14 schools through contractual agreements between local
15 educational agencies or schools and such businesses.

16 **SEC. 302. PURPOSE.**

17 *It is the purpose of this title to—*

18 (1) improve the quality of education for all stu-
19 dents by supporting a long-term, broad-based effort to
20 provide coherent and coordinated improvements in
21 the system of education throughout our Nation at the
22 State and local levels;

23 (2) provide new authorities and funding for our
24 Nation's school systems;

1 (3) not replace or reduce funding for existing
2 Federal education programs; and

3 (4) ensure that no State or local educational
4 agency will reduce its funding for education or for
5 education reform on account of receiving any funds
6 under this title.

7 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated \$400,000,000
9 for the fiscal year 1994, and such sums as may be necessary
10 for each of the fiscal years 1995 through 1998, to carry out
11 this title.

12 **SEC. 304. ALLOTMENT OF FUNDS.**

13 (a) *RESERVATIONS OF FUNDS.*—From funds appro-
14 priated pursuant to the authority of section 303 in each
15 fiscal year, the Secretary—

16 (1) shall reserve a total of 1 percent to provide
17 assistance, in amounts determined by the Secretary—

18 (A) to the outlying areas;

19 (B) to the Secretary of the Interior to bene-
20 fit Indian students in schools operated or funded
21 by the Bureau of Indian Affairs; and

22 (C) to the Alaska Federation of Natives in
23 cooperation with the Alaska Native Education
24 Council to benefit Alaska Native students; and

1 (2) may reserve a total of not more than 4 per-
2 cent for—

3 (A) national leadership activities under
4 subsections (a), (b) and (d) of section 313; and

5 (B) the costs of peer review of State im-
6 provement plans and applications under this
7 title.

8 (b) STATE ALLOTMENTS.—From the amount appro-
9 priated under section 303 and not reserved under subsection
10 (a) in each fiscal year the Secretary shall make allotments
11 to State educational agencies as follows:

12 (1) 50 percent of such amount shall be allocated
13 in accordance with the relative amounts each State
14 would have received under chapter 1 of title I of the
15 Elementary and Secondary Education Act of 1965 for
16 the preceding fiscal year if funds under such chapter
17 in such preceding fiscal year were not reserved for the
18 outlying areas.

19 (2) 50 percent of such amount shall be allocated
20 in accordance with the relative amounts each State
21 would have received under part A of chapter 2 of title
22 I of the Elementary and Secondary Education Act of
23 1965 for the preceding fiscal year if funds under such
24 chapter in such preceding fiscal year were not re-
25 served for the outlying areas.

1 (c) *REALLOTMENTS.*—If the Secretary determines that
2 any amount of a State educational agency's allotment for
3 any fiscal year under subsection (b) will not be needed for
4 such fiscal year by the State, the Secretary shall reallocate such
5 amount to other State educational agencies that need addi-
6 tional funds, in such manner as the Secretary determines
7 is appropriate.

8 (d) *MAINTENANCE OF EFFORT.*—Each recipient of
9 funds under this title, in utilizing the proceeds of an allot-
10 ment received under this title, shall maintain the expendi-
11 tures of such recipient for the activities assisted under this
12 title at a level equal to not less than the level of such expendi-
13 tures maintained by such recipient for the fiscal year pre-
14 ceding the fiscal year for which such allotment is received,
15 except that provisions of this section shall not apply in any
16 fiscal year in which the amount appropriated to carry out
17 this title is less than the amount appropriated to carry out
18 this title in the preceding fiscal year.

19 (e) *SUPPLEMENT NOT SUPPLANT.*—Each recipient of
20 funds under this title, may use the proceeds of an allotment
21 received under this title only so as to supplement and, to
22 the extent practicable, increase the level of funds that would,
23 in the absence of such Federal funds, be made available from
24 non-Federal sources for the activities assisted under this
25 title.

1 **SEC. 305. STATE APPLICATIONS.**

2 (a) *APPLICATION.*—

3 (1) *IN GENERAL.*—*Each State educational agency*
4 *that desires to receive an allotment under this title*
5 *shall submit an application to the Secretary at such*
6 *time and in such manner as the Secretary may deter-*
7 *mine.*

8 (2) *ADDITIONAL INFORMATION.*—*In addition to*
9 *the information described in subsections (b) and (c),*
10 *each such application shall include—*

11 (A) *an assurance that the State educational*
12 *agency will cooperate with the Secretary in car-*
13 *rying out the Secretary's responsibilities under*
14 *section 313, and will comply with reasonable re-*
15 *quests of the Secretary for data related to the*
16 *State's progress in developing and implementing*
17 *its State improvement plan under this title;*

18 (B) *an assurance that State law provides*
19 *adequate authority to carry out each component*
20 *of the State's improvement plan developed, or to*
21 *be developed, under section 306, or that such au-*
22 *thority will be sought; and*

23 (C) *such other assurances and information*
24 *as the Secretary may require.*

25 (b) *FIRST YEAR.*—*A State educational agency's appli-*
26 *cation for the first year of assistance under this title shall—*

1 (1) describe the process by which the State edu-
2 cational agency will develop a school improvement
3 plan that meets the requirements of section 306; and

4 (2) describe how the State educational agency
5 will use funds received under this title for such year,
6 including how such agency will make subgrants to
7 local educational agencies in accordance with section
8 309(a), and how such agency will use funds received
9 under this title for education preservice programs and
10 professional development activities in accordance with
11 section 309(b).

12 (c) *SUBSEQUENT YEARS.*—A State educational agen-
13 cy's application for the second year of assistance under this
14 title shall—

15 (1) cover the second through fifth years of the
16 State's participation;

17 (2) include a copy of the State's improvement
18 plan that meets the requirements of section 306, or if
19 the State improvement plan is not complete, a state-
20 ment of the steps the State will take to complete the
21 plan and a schedule for doing so; and

22 (3) include an explanation of how the State edu-
23 cational agency will use funds received under this
24 title, including how such agency will make subgrants
25 to local educational agencies in accordance with sec-

1 *tion 309(a), and how such agency will use such funds*
2 *received under this title for education preservice pro-*
3 *grams and professional development activities in ac-*
4 *cordance with section 309(b).*

5 **SEC. 306. STATE IMPROVEMENT PLANS.**

6 *(a) BASIC SCOPE OF PLAN.—Any State educational*
7 *agency that desires to receive an allotment under this title*
8 *after its first year of participation shall develop and imple-*
9 *ment a State improvement plan for the improvement of ele-*
10 *mentary and secondary education in the State.*

11 *(b) PLAN DEVELOPMENT.—*

12 *(1) IN GENERAL.—A State improvement plan*
13 *under this title shall be developed by a broad-based*
14 *State panel in cooperation with the State educational*
15 *agency and the Governor. The panel shall include—*

16 *(A) the Governor and the chief State school*
17 *officer, or their designees;*

18 *(B) the chairperson of the State board of*
19 *education and the chairpersons of the appro-*
20 *priate authorizing committees of the State legis-*
21 *lature, or their designees;*

22 *(C) school teachers, related services person-*
23 *nel, principals, and administrators who have*
24 *successfully improved student performance; and*

1 (D) *representatives of teachers' organiza-*
2 *tions, organizations serving young children, par-*
3 *ents, secondary school students, business and*
4 *labor leaders, community-based organizations of*
5 *demonstrated effectiveness, institutions of higher*
6 *education, private, nonprofit elementary and sec-*
7 *ondary schools, local boards of education, State*
8 *and local officials, tribal agencies, as appro-*
9 *priate, and others.*

10 (2) *APPOINTMENT.—The Governor and the chief*
11 *State school officer shall each appoint half the mem-*
12 *bers of the panel and shall jointly select the Chair-*
13 *person of the panel and the representative of a pri-*
14 *vate, nonprofit elementary and secondary school de-*
15 *scribed in paragraph (1)(D).*

16 (3) *REPRESENTATION.—The membership of the*
17 *panel shall be geographically representative of the*
18 *State and reflect the diversity of the population of the*
19 *State with regard to race, ethnicity, gender and dis-*
20 *ability characteristics.*

21 (4) *CONSULTATION.—The panel shall consult the*
22 *Governor, the chief State school officer, the State*
23 *board of education, and relevant committees of the*
24 *State legislature in developing the State improvement*
25 *plan.*

1 (5) *OUTREACH.*—The panel shall be responsible
2 for conducting a statewide, grassroots outreach proc-
3 ess, including conducting public hearings, to involve
4 educators, related services personnel, parents, local of-
5 ficials, tribal government officials, as appropriate, in-
6 dividuals representing private nonprofit elementary
7 and secondary schools, community and business lead-
8 ers, citizens, children’s advocates, secondary school
9 students, and others with a stake in the success of stu-
10 dents and their education system, and who are rep-
11 resentative of the diversity of the State and the State’s
12 student population, including students of limited-
13 English proficiency, American Indian, Alaska Native,
14 and Native Hawaiian students, and students with
15 disabilities, in the development of the State improve-
16 ment plan and in a continuing dialogue regarding
17 the need for and nature of challenging standards for
18 students and local and State responsibilities for help-
19 ing all students achieve such standards in order to as-
20 sure that the development and implementation of the
21 State improvement plan reflects local needs and expe-
22 riences and does not result in a significant increase
23 in paperwork for teachers.

24 (6) *PROCEDURE AND APPROVAL.*—The panel
25 shall develop a State improvement plan, provide op-

1 *portunity for public comment, and submit such plan*
2 *to the State educational agency for approval.*

3 (7) *SUBMISSION.*—*The State educational agency*
4 *shall submit the original State improvement plan de-*
5 *veloped by the panel and the State improvement plan*
6 *modified by such agency, together with an expla-*
7 *nation of any changes made by such agency to the*
8 *plan developed by the panel, to the Secretary for ap-*
9 *proval.*

10 (8) *MATTERS NOT UNDER THE JURISDICTION OF*
11 *THE STATE EDUCATIONAL AGENCY.*—*If any portion of*
12 *a State improvement plan addresses matters that,*
13 *under State or other applicable law, are not under the*
14 *authority of the State educational agency, the State*
15 *educational agency shall obtain the approval of, or*
16 *changes to, such portion, with an explanation thereof,*
17 *from the Governor or other official responsible for that*
18 *portion before submitting such plan to the Secretary.*

19 (9) *MONITORING; REVISIONS; REPORTING.*—*After*
20 *approval of the State improvement plan by the Sec-*
21 *retary, the panel shall be informed of progress on such*
22 *plan by the State educational agency, and such agen-*
23 *cy, in close consultation with teachers, principals, ad-*
24 *ministrators, advocates and parents in local edu-*
25 *cational agencies and schools receiving funds under*

1 *this title, shall monitor the implementation and oper-*
2 *ation of such plan. The panel shall review such plan,*
3 *and based on the progress described in the preceding*
4 *sentence, determine if revisions to such plan are ap-*
5 *propriate and necessary. The panel shall periodically*
6 *report such determination to the public.*

7 *(c) TEACHING, LEARNING, STANDARDS, AND ASSESS-*
8 *MENTS.—Each State improvement plan shall establish*
9 *strategies for meeting the National Education Goals de-*
10 *scribed in title I by improving teaching and learning and*
11 *students' mastery of basic and advanced skills to achieve*
12 *a higher level of learning and academic accomplishment in*
13 *English, math, science, United States history, geography,*
14 *foreign languages and the arts, civics, government, econom-*
15 *ics, physics, and other core curricula, and such strategies*
16 *shall involve broad-based and ongoing classroom teacher*
17 *input, such as—*

18 *(1) a process for developing or adopting chal-*
19 *lenging State content standards and challenging State*
20 *student performance standards for all students;*

21 *(2) a process for providing assistance and sup-*
22 *port to local educational agencies and schools to*
23 *strengthen the capacity and responsibility of such*
24 *agencies and schools to provide all of their students*
25 *the opportunity to meet challenging State content*

1 *standards and challenging State student performance*
2 *standards;*

3 (3) *a process for developing or recommending in-*
4 *structional materials and technology to support and*
5 *assist local educational agencies and schools to pro-*
6 *vide all of their students the opportunity to meet the*
7 *challenging State content standards and challenging*
8 *State student performance standards;*

9 (4) *a process for developing and implementing a*
10 *valid, fair, nondiscriminatory, and reliable assess-*
11 *ment or system of assessments—*

12 (A) *which assessment or system shall—*

13 (i) *be aligned with such State's content*
14 *standards;*

15 (ii) *involve multiple measures of stu-*
16 *dent performance;*

17 (iii) *provide for—*

18 (I) *the participation of all stu-*
19 *dents with diverse learning needs in*
20 *such assessment or system; and*

21 (II) *the adaptations and accom-*
22 *modations necessary to permit such*
23 *participation;*

24 (iv) *be consistent with relevant, na-*
25 *tionally recognized professional and tech-*

1 *nical standards for such assessment or sys-*
2 *tem;*

3 *(v) be capable of providing coherent in-*
4 *formation about student attainments rel-*
5 *ative to the State content standards; and*

6 *(vi) support effective curriculum and*
7 *instruction; and*

8 *(B) which process shall provide for monitor-*
9 *ing the implementation of such assessment, sys-*
10 *tem or set and the impact of such assessment,*
11 *system or set on improved instruction for all stu-*
12 *dents; and*

13 *(5) a process for improving the State's system of*
14 *teacher and school administrator preparation and li-*
15 *cence, and of continuing professional development*
16 *programs, including the use of technology at both the*
17 *State and local levels, so that all teachers, related*
18 *services personnel, and administrators develop the*
19 *subject matter and pedagogical expertise needed to*
20 *prepare all students to meet the challenging standards*
21 *described in paragraph (1).*

22 *(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each*
23 *State improvement plan shall establish strategies for pro-*
24 *viding all students with an opportunity to learn.*

1 (e) *ACCOUNTABILITY AND MANAGEMENT.*—Each State
2 *plan shall establish strategies for improved accountability*
3 *and management of the education system of the State.*

4 (f) *PARENTAL AND COMMUNITY SUPPORT AND IN-*
5 *VOLVEMENT.*—Each State improvement plan shall describe
6 *comprehensive strategies to involve communities, including*
7 *community representatives such as parents, businesses, in-*
8 *stitutions of higher education, libraries, cultural institu-*
9 *tions, employment and training agencies, health and*
10 *human service agencies, intergenerational mentoring pro-*
11 *grams, and other public and private nonprofit agencies that*
12 *provide nonsectarian social services, health care, child care,*
13 *early childhood education, and nutrition to students, in*
14 *helping all students meet the challenging State standards.*

15 (g) *MAKING THE IMPROVEMENTS SYSTEM-WIDE.*—In
16 *order to help provide all students throughout the State the*
17 *opportunity to meet challenging State content standards*
18 *and challenging State student performance standards, each*
19 *State improvement plan shall describe the various strategies*
20 *for ensuring that all local educational agencies and schools*
21 *within the State are involved in developing and implement-*
22 *ing needed improvements within a specified period of time.*

23 (h) *PROMOTING BOTTOM-UP REFORM.*—Each State
24 *improvement plan shall include strategies for ensuring that*
25 *comprehensive, systemic reform is promoted from the bot-*

1 *tom up in communities, local educational agencies, and*
2 *schools, and is guided by coordination and facilitation from*
3 *State leaders.*

4 *(i) BENCHMARKS AND TIMELINES.—Each State im-*
5 *provement plan shall include specific benchmarks of im-*
6 *proved student performance and of progress in implement-*
7 *ing such plan, and timelines against which the progress of*
8 *the State in carrying out such plan, including the elements*
9 *described in subsections (c) through (h), can be measured.*

10 *(j) PEER REVIEW AND SECRETARIAL APPROVAL.—*

11 *(1) IN GENERAL.—(A) The Secretary shall re-*
12 *view, within a reasonable period of time, each State*
13 *improvement plan prepared under this section, and*
14 *each application submitted under section 305,*
15 *through a peer review process involving the assistance*
16 *and advice of State and local education policymakers,*
17 *educators, classroom teachers, related services person-*
18 *nel, experts on educational innovation and improve-*
19 *ment, parents, advocates, and other appropriate indi-*
20 *viduals. Such peer review process shall be representa-*
21 *tive of the diversity of the United States with regard*
22 *to geography, race, ethnicity, gender and disability*
23 *characteristics. Such peer review process shall include*
24 *at least 1 site visit to each State.*

1 (B) Notwithstanding the provisions of subpara-
2 graph (A), in the first year that a State educational
3 agency submits an application for assistance under
4 this title the Secretary shall not be required to—

5 (i) review such application through a peer
6 review process; and

7 (ii) conduct a site visit.

8 (2) APPROVAL OF PLAN.—The Secretary shall
9 approve a State improvement plan if—

10 (A) such plan is submitted to the Secretary
11 not later than 2 years after the date the State
12 educational agency receives its first allotment
13 under section 304(b); and

14 (B) the Secretary determines, after consider-
15 ing the peer reviewers' comments, that such
16 plan—

17 (i) reflects a widespread commitment
18 within the State; and

19 (ii) holds reasonable promise of helping
20 all students.

21 (3) DISAPPROVAL.—The Secretary shall not dis-
22 approve a State's plan, or any State application sub-
23 mitted under section 305, before offering the State—

24 (A) an opportunity to revise such plan or
25 application; and

1 (B) a hearing.

2 (k) AMENDMENTS TO PLAN.—

3 (1) IN GENERAL.—Each State educational agen-
4 cy shall periodically review its State improvement
5 plan and revise such plan, as appropriate, in accord-
6 ance with the process described in subsection (b).

7 (2) REVIEW.—The Secretary shall review any
8 major amendment to a State improvement plan and
9 shall not disapprove any such amendment before of-
10 fering a State educational agency—

11 (A) an opportunity to revise such amend-
12 ment; and

13 (B) a hearing.

14 (l) PREEXISTING STATE PLANS AND PANELS.—

15 (1) IN GENERAL.—If a State has developed a
16 comprehensive and systemic State improvement plan
17 to help all students meet challenging State content
18 standards and challenging State student performance
19 standards, or any component of such plan, that meets
20 the intent and purposes of section 302, the Secretary
21 shall approve such plan or component notwithstand-
22 ing that such plan was not developed in accordance
23 with subsection (b), if—

1 (A) the Secretary determines that such ap-
2 proval would further the purposes of State sys-
3 temic education improvement; and

4 (B) such plan ensures broad-based input
5 from various education, political, community,
6 and other appropriate representatives.

7 (2) *SPECIAL RULE.*—(A) If, before the date of en-
8 actment of this Act, a State has made substantial
9 progress in developing a plan that meets the intent
10 and purposes of section 302, but was developed by a
11 panel that does not meet the requirements of para-
12 graphs (1) through (3) of subsection (b), the Secretary
13 shall, at the request of the Governor and the State
14 educational agency, treat such panel as meeting such
15 requirements for all purposes of this title if the Sec-
16 retary determines that there has been substantial pub-
17 lic and educator involvement in the development of
18 such plan.

19 (B) If a State has not developed a State im-
20 provement plan but has an existing panel which such
21 State would like to use for the purpose of developing
22 such plan, then the Secretary shall, at the request of
23 the Governor and the State educational agency, treat
24 such panel as meeting the requirements of paragraphs

1 (1) through (3) of subsection (b) for all purposes of
2 this title if—

3 (i) the Secretary determines that such exist-
4 ing panel is serving a similar such purpose; and

5 (ii) the composition of such existing panel
6 would ensure broad-based input from various
7 education, political, community, and other ap-
8 propriate representatives.

9 **SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAY-**
10 **MENTS.**

11 (a) *FIRST YEAR.*—The Secretary shall approve the
12 State educational agency's initial year application under
13 section 305(b) if the Secretary determines that—

14 (1) such application meets the requirements of
15 this title; and

16 (2) there is a substantial likelihood that the
17 State will be able to develop and implement an edu-
18 cation improvement plan that complies with section
19 306.

20 (b) *SECOND THROUGH FIFTH YEARS.*—The Secretary
21 shall approve the State educational agency's renewal appli-
22 cation under section 305(c)(1) in the second through fifth
23 years of participation only if—

24 (1)(A) the Secretary has approved the State im-
25 provement plan under section 306(j); or

1 (B) the Secretary determines that the State has
2 made substantial progress in developing its State im-
3 provement plan and will implement such plan not
4 later than the end of the second year of participation;
5 and

6 (2) the application meets the other requirements
7 of this title.

8 (c) *PAYMENTS.*—For any fiscal year for which a State
9 has an approved application under this title, the Secretary
10 shall provide an allotment to the State educational agency
11 in the amount determined under section 304(b).

12 **SEC. 308. STATE USE OF FUNDS.**

13 (a) *FIRST YEAR.*—In the first year for which a State
14 educational agency receives an allotment under this title,
15 such agency—

16 (1) if the amount appropriated pursuant to the
17 authority of section 303 for such year is equal to or
18 greater than \$200,000,000, shall use at least 75 per-
19 cent of such allotted funds to award subgrants—

20 (A) to local educational agencies for the de-
21 velopment or implementation of local improve-
22 ment plans in accordance with section 309(a);
23 and

24 (B) to improve educator and related services
25 personnel preservice programs and for profes-

1 *sional development activities consistent with the*
2 *State improvement plan and in accordance with*
3 *section 309(b);*

4 (2) *if the amount appropriated pursuant to the*
5 *authority of section 303 for such year is equal to or*
6 *greater than \$100,000,000, but less than*
7 *\$200,000,000, shall use at least 50 percent of such al-*
8 *lotted funds to award subgrants described in subpara-*
9 *graphs (A) and (B) of paragraph (1);*

10 (3) *if the amount appropriated pursuant to the*
11 *authority of section 303 for such year is less than*
12 *\$100,000,000, may use such allotted funds to award*
13 *subgrants described in subparagraphs (A) and (B) of*
14 *paragraph (1); and*

15 (4) *shall use any such allotted funds not used in*
16 *accordance with paragraphs (1), (2), and (3) to de-*
17 *velop, revise, expand, or implement a State improve-*
18 *ment plan described in section 306.*

19 (b) *SUCCEEDING YEARS.—Each State educational*
20 *agency that receives an allotment under this title for any*
21 *year after the first year of participation shall—*

22 (1) *use at least 85 percent of such allotment*
23 *funds in each such year to make subgrants—*

1 (A) for the implementation of the State im-
2 provement plan and of local improvement plans
3 in accordance with section 309(a); and

4 (B) to improve educator and related services
5 personnel preservice programs and for profes-
6 sional development activities that are consistent
7 with the State improvement plan in accordance
8 with section 309(b); and

9 (2) shall use the remainder of such allotted funds
10 for State activities designed to implement the State
11 improvement plan, such as—

12 (A) supporting the development or adoption
13 of challenging State content standards, challeng-
14 ing State student performance standards, com-
15 prehensive State opportunity-to-learn standards,
16 and assessment tools linked to the standards, in-
17 cluding activities assisted—

18 (i) through consortia of States; or

19 (ii) with the assistance of the National
20 Education Standards and Improvement
21 Council established under part B of title II;

22 (B) supporting the implementation of high-
23 performance management and organizational
24 strategies, such as site-based management, shared
25 decisionmaking, or quality management prin-

1 *principles, to promote effective implementation of*
2 *such plan;*

3 *(C) supporting the development and imple-*
4 *mentation, at the local educational agency and*
5 *school building level, of improved human re-*
6 *source development systems for recruiting, select-*
7 *ing, mentoring, supporting, evaluating and re-*
8 *warding educators;*

9 *(D) providing special attention to the needs*
10 *of minority, disabled, and female students, in-*
11 *cluding instructional programs and activities*
12 *that encourage such students in elementary and*
13 *secondary schools to aspire to enter and complete*
14 *postsecondary education or training;*

15 *(E) supporting innovative and proven*
16 *methods of enhancing a teacher's ability to iden-*
17 *tify student learning needs, and motivating stu-*
18 *dents to develop higher order thinking skills, dis-*
19 *cipline, and creative resolution methods, includ-*
20 *ing significantly reducing class size and promot-*
21 *ing instruction in chess;*

22 *(F) supporting the development, at the*
23 *State or local level, of performance-based ac-*
24 *countability and incentive systems for schools;*

1 (G) outreach to and training for parents,
2 tribal officials, organizations serving young chil-
3 dren, classroom teachers, related services person-
4 nel, and other educators, and the public, related
5 to education improvement;

6 (H) providing technical assistance and
7 other services to increase the capacity of local
8 educational agencies and schools to develop and
9 implement systemic local improvement plans,
10 implement new assessments or systems of assess-
11 ments described in the State improvement plan
12 developed in accordance with section 306, and
13 develop curricula consistent with the challenging
14 State content standards and challenging State
15 student performance standards;

16 (I) promoting mechanisms for increasing
17 public school choice, including information and
18 referral programs which provide parents infor-
19 mation on available choices and other initiatives
20 to promote the establishment of innovative new
21 public schools, including magnet schools and
22 charter schools;

23 (J) supporting activities relating to the
24 planning of, start-up costs associated with, and
25 evaluation of, projects under which local edu-

1 *cational agencies or schools contract with private*
2 *management organizations to reform a school;*

3 *(K) supporting intergenerational mentoring*
4 *programs; and*

5 *(L) collecting and analyzing data; and*

6 *(M) supporting the development, at the*
7 *State or local level, of school-based programs that*
8 *restore discipline and reduce violence in schools*
9 *and communities, such as community mobiliza-*
10 *tion programs.*

11 *(c) LIMIT ON ADMINISTRATIVE COSTS.—A State edu-*
12 *cational agency that receives an allotment under this title*
13 *in any fiscal year shall use not more than 4 percent of such*
14 *allotment in such year, or \$100,000, whichever is greater,*
15 *for administrative expenses, which administrative expenses*
16 *shall not include the expenses related to the activities of the*
17 *panel established under section 306(b)(1).*

18 *(d) SPECIAL RULE.—Any new public school estab-*
19 *lished under this title—*

20 *(1) shall be nonsectarian;*

21 *(2) shall not be affiliated with a nonpublic sec-*
22 *tarian school or religious institution; and*

23 *(3) shall operate under the authority of a State*
24 *educational agency or local educational agency.*

1 **SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFES-**
2 **SIONAL DEVELOPMENT.**

3 (a) *SUBGRANTS TO LOCAL EDUCATIONAL*
4 *AGENCIES.—*

5 (1) *IN GENERAL.—(A) Each State educational*
6 *agency, through a competitive process, shall make*
7 *subgrants to local educational agencies to carry out*
8 *the authorized activities described in paragraph (4).*

9 (B) *Each subgrant described in subparagraph*
10 *(A) shall be for a project of sufficient duration and*
11 *of sufficient size, scope, and quality to carry out the*
12 *purpose of this title effectively.*

13 (2) *APPLICATION REQUIRED.—Each local edu-*
14 *cational agency desiring to receive a subgrant under*
15 *this subsection shall submit an application to the*
16 *State educational agency that—*

17 (A) *is developed by a broad-based panel, ap-*
18 *pointed by the local educational agency, that is*
19 *representative of the diversity of the students and*
20 *community to be served with regard to race, lan-*
21 *guage, ethnicity, gender, disability and socio-*
22 *economic characteristics, and includes teachers,*
23 *related services personnel, secondary school stu-*
24 *dents, parents, school administrators, business*
25 *representatives, early childhood educators, rep-*
26 *resentatives of community-based organizations,*

1 *and others, as appropriate, and is approved by*
2 *the local educational agency, including any*
3 *modifications the local educational agency deems*
4 *appropriate;*

5 *(B) includes, in the application submitted*
6 *for the second year of participation, a com-*
7 *prehensive local improvement plan for school dis-*
8 *trict-wide education improvement, directed at*
9 *enabling all students to meet high academic*
10 *standards, including specific goals and bench-*
11 *marks, and includes a strategy for—*

12 *(i) ensuring that all students have a*
13 *fair opportunity to learn;*

14 *(ii) improving teaching and learning;*

15 *(iii) improving governance and man-*
16 *agement;*

17 *(iv) generating and maintaining pa-*
18 *rental and community involvement; and*

19 *(v) expanding improvements through-*
20 *out the local educational agency;*

21 *(C) describes how the local educational*
22 *agency will encourage and assist schools to de-*
23 *velop and implement comprehensive school im-*
24 *provement plans that focus on helping all stu-*
25 *dents meet high academic standards and that*

1 *address each element of the local educational*
2 *agency's local improvement plan described in*
3 *subparagraph (B);*

4 *(D) describes how the local educational*
5 *agency will implement specific programs aimed*
6 *at ensuring improvements in school readiness*
7 *and the ability of students to learn effectively at*
8 *all grade levels by identifying the most pressing*
9 *needs facing students and their families with re-*
10 *gard to social services, health care, nutrition,*
11 *and child care, and entering into partnerships*
12 *with public and private nonprofit agencies to in-*
13 *crease the access of students and families to co-*
14 *ordinated nonsectarian services in a school set-*
15 *ting or at a nearby site;*

16 *(E) describes how the subgrant funds will be*
17 *used by the local educational agency, and the*
18 *procedures to be used to make funds available to*
19 *schools in accordance with paragraph (4)(A);*

20 *(F) identifies, with an explanation, any*
21 *State or Federal requirements that the local edu-*
22 *cational agency believes impede educational im-*
23 *provement and that such agency requests be*
24 *waived in accordance with section 311, which re-*

1 *quests shall promptly be transmitted to the Sec-*
2 *retary by the State educational agency; and*

3 *(G) contains such other information as the*
4 *State educational agency may reasonably re-*
5 *quire.*

6 *(3) MONITORING.—The panel described in para-*
7 *graph (2)(A), after approval of the local educational*
8 *agency's application by the State educational agency,*
9 *shall be informed of progress on such plan by the local*
10 *educational agency, and the local educational agency*
11 *shall monitor the implementation and effectiveness of*
12 *the local improvement plan in close consultation with*
13 *teachers, related services personnel, principals, ad-*
14 *ministrators, and parents from schools receiving*
15 *funds under this title, as well as assure that imple-*
16 *mentation of the local improvement plan does not re-*
17 *sult in a significant increase in paperwork for teach-*
18 *ers. The panel shall review such plan and based on*
19 *the progress described in the preceding sentence, deter-*
20 *mine if revisions to the local improvement plan*
21 *should be recommended to the local educational agen-*
22 *cy. The panel shall periodically report such deter-*
23 *mination to the public.*

1 (4) *AUTHORIZED ACTIVITIES.*—A local edu-
2 cational agency that receives a subgrant under this
3 subsection—

4 (A) in the first year such agency receives
5 the subgrant shall use—

6 (i) not more than 25 percent of the
7 subgrant funds to develop a local improve-
8 ment plan or for any local educational
9 agency activities approved by the State edu-
10 cational agency that are reasonably related
11 to carrying out the State or local improve-
12 ment plans, including the establishment of
13 innovative new public schools; and

14 (ii) not less than 75 percent of the
15 subgrant funds to support individual school
16 improvement initiatives related to provid-
17 ing all students in the school the oppor-
18 tunity to meet high academic standards;
19 and

20 (B) in subsequent years, shall use the
21 subgrant funds for any activities approved by
22 the State educational agency that are reasonably
23 related to carrying out the State or local im-
24 provement plans (including the establishment of
25 innovative new public schools), except that at

1 *least 85 percent of such funds shall be made*
2 *available to individual schools to develop and*
3 *implement comprehensive school improvement*
4 *plans designed to help all students meet high*
5 *academic standards.*

6 **(b) SUBGRANTS FOR PRESERVICE TEACHER EDU-**
7 **CATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—**

8 **(1) IN GENERAL.—****(A)** *Each State educational*
9 *agency, through a competitive, peer review process,*
10 *shall make subgrants to a local educational agency, or*
11 *a consortium consisting of local educational agencies,*
12 *institutions of higher education, or nonprofit edu-*
13 *cation organizations, or any combination thereof, in*
14 *order to—*

15 *(i) improve preservice teacher and related*
16 *services personnel education programs in accord-*
17 *ance with the State improvement plan; and*

18 *(ii) support continuing, sustained profes-*
19 *sional development activities for educators in ac-*
20 *cordance with the State improvement plan.*

21 **(B)** *Each State educational agency awarding*
22 *subgrants under subparagraph (A) shall give priority*
23 *to awarding such subgrants to—*

24 *(i) a local educational agency or consortium*
25 *serving a greater number or percentage of dis-*

1 *advantaged students than the statewide average*
2 *of such number or percentage; or*

3 *(ii) a consortium that has a demonstrated*
4 *record of working with school districts, such as*
5 *a consortium that—*

6 *(I) prepares and screens teacher in-*
7 *terns in professional development school*
8 *sites;*

9 *(II) focuses on upgrading teachers'*
10 *knowledge of content areas; or*

11 *(III) targets preparation and contin-*
12 *ued professional development of teachers of*
13 *students with limited-English proficiency*
14 *and students with disabilities.*

15 *(C) In order to be eligible to receive a subgrant*
16 *described in subparagraph (A), a consortium shall in-*
17 *clude at least 1 local educational agency.*

18 *(2) APPLICATION.—A local educational agency*
19 *or consortium that desires to receive a subgrant under*
20 *this subsection shall submit an application to the*
21 *State educational agency that—*

22 *(A) describes how the local educational*
23 *agency or consortium will use the subgrant to*
24 *improve teacher preservice and school adminis-*
25 *trator education programs or to implement edu-*

1 *cator and related services personnel professional*
2 *development activities in accordance with the*
3 *State improvement plan;*

4 *(B) identifies the criteria to be used by the*
5 *local educational agency or consortium to judge*
6 *improvements in preservice education or the ef-*
7 *fects of professional development activities in ac-*
8 *cordance with the State improvement plan; and*

9 *(C) contains any other information that the*
10 *State educational agency determines is appro-*
11 *priate.*

12 (3) *AUTHORIZED ACTIVITIES.*—*A recipient of a*
13 *subgrant under this subsection shall use the subgrant*
14 *funds for activities supporting—*

15 *(A) the improvement of preservice teacher*
16 *education and school administrator programs so*
17 *that such programs equip educators with the sub-*
18 *ject matter and pedagogical expertise necessary*
19 *for preparing all students to meet challenging*
20 *standards; or*

21 *(B) the development and implementation of*
22 *new and improved forms of continuing and sus-*
23 *tained professional development opportunities for*
24 *teachers, related services personnel, principals,*
25 *and other educators at the school or school dis-*

1 *strict level that equip such individuals with such*
2 *expertise, and with other knowledge and skills*
3 *necessary for leading and participating in con-*
4 *tinuous education improvement.*

5 *(c) SPECIAL AWARD RULES.—*

6 *(1) IN GENERAL.—(A) Each State educational*
7 *agency shall award at least 65 percent of subgrant*
8 *funds under subsection (a) in each fiscal year to local*
9 *educational agencies that have a greater percentage or*
10 *number of disadvantaged children than the statewide*
11 *average percentage or number for all local educational*
12 *agencies in the State.*

13 *(B) At least 50 percent of the subgrant funds*
14 *made available by a local educational agency to indi-*
15 *vidual schools under subsection (a) in any fiscal year*
16 *shall be made available to schools with a special need*
17 *for assistance, as indicated by a high number or per-*
18 *centage of students from low-income families, low stu-*
19 *dent achievement, or other similar criteria developed*
20 *by the local educational agency.*

21 *(2) WAIVER.—The State educational agency may*
22 *waive the requirement of paragraph (1)(A) if such*
23 *agency does not receive a sufficient number of appli-*
24 *cations from local educational agencies in the State*

1 *to enable the State educational agency to comply with*
2 *such requirement.*

3 **SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.**

4 *Proportionate to the number of children in a State or*
5 *in a local educational agency who are enrolled in private*
6 *elementary or secondary schools—*

7 (1) *a State educational agency or local edu-*
8 *cational agency which uses funds under this title to*
9 *develop goals, challenging State content standards or*
10 *challenging State student performance standards, cur-*
11 *ricular materials, and assessments or systems of as-*
12 *sessments shall, upon request, make information relat-*
13 *ed to such goals, standards, materials, and assess-*
14 *ments or systems available to private schools; and*

15 (2) *a State educational agency or local edu-*
16 *cational agency which uses funds under this title for*
17 *teacher and administrator training shall provide in*
18 *the State improvement plan described in section 306*
19 *for the training of teachers and administrators in*
20 *private schools located in the geographical area served*
21 *by such agency.*

22 **SEC. 311. WAIVERS OF STATUTORY AND REGULATORY RE-**
23 **QUIREMENTS.**

24 (a) *WAIVER AUTHORITY.—*

1 (1) *IN GENERAL.*—*Except as provided in sub-*
2 *section (c), the Secretary may waive any statutory or*
3 *regulatory requirement applicable to any program or*
4 *Act described in subsection (b) for a State educational*
5 *agency, local educational agency, or school, if—*

6 (A) *and only to the extent that, the Sec-*
7 *retary determines that such requirement impedes*
8 *the ability of the State, or of a local educational*
9 *agency or school in the State, to carry out the*
10 *State or local improvement plan;*

11 (B) *the State educational agency has*
12 *waived, or agrees to waive, similar requirements*
13 *of State law;*

14 (C) *in the case of a statewide waiver, the*
15 *State educational agency—*

16 (i) *provides all local educational agen-*
17 *cies in the State with notice and an oppor-*
18 *tunity to comment on the State educational*
19 *agency’s proposal to seek a waiver; and*

20 (ii) *submits the local educational agen-*
21 *cies’ comments to the Secretary; and*

22 (D) *in the case of a local educational agen-*
23 *cy waiver, the local educational agency provides*
24 *parents, community groups, and advocacy or*

1 *civil rights groups with the opportunity to com-*
2 *ment on the proposed waiver.*

3 (2) *APPLICATION.—(A)(i) To request a waiver, a*
4 *local educational agency or school that receives funds*
5 *under this Act, or a local educational agency or school*
6 *that does not receive funds under this Act but is un-*
7 *dertaking school reform efforts and has an education*
8 *reform plan approved by the State, shall transmit an*
9 *application for a waiver under this section to the*
10 *State educational agency. The State educational*
11 *agency then shall submit approved applications for a*
12 *waiver under this section to the Secretary.*

13 *(ii) A State educational agency requesting a*
14 *waiver under this section shall submit an application*
15 *for such waiver to the Secretary.*

16 (B) *Each application submitted to the Secretary*
17 *under subparagraph (A) shall—*

18 *(i) describe the purposes and overall ex-*
19 *pected outcomes of the request for a waiver and*
20 *how progress for achieving such outcomes will be*
21 *measured;*

22 *(ii) identify each Federal program to be in-*
23 *volved in the request for a waiver and each Fed-*
24 *eral statutory or regulatory requirement to be*
25 *waived;*

1 (iii) describe each State and local require-
2 ment that will be waived; and

3 (iv) demonstrate that the State has made a
4 commitment to waive related requirements per-
5 taining to the State educational agency, local
6 educational agency or school.

7 (3) *TIMELINESS.*—The Secretary shall act
8 promptly on a waiver request and shall provide a
9 written statement of the reasons for granting or deny-
10 ing such request.

11 (4) *DURATION.*—

12 (A) *IN GENERAL.*—Each waiver under this
13 section may be for a period not to exceed 5 years.

14 (B) *EXTENSION.*—The Secretary may ex-
15 tend the period described in subparagraph (A) if
16 the Secretary determines that the waiver has
17 been effective in enabling the State or affected
18 local educational agencies to carry out their re-
19 form plans.

20 (b) *INCLUDED PROGRAMS.*—The statutory or regu-
21 latory requirements subject to the waiver authority of this
22 section are any such requirements under the following pro-
23 grams or Acts:

1 (1) *Chapter 1 of title I of the Elementary and*
2 *Secondary Education Act of 1965, including Even*
3 *Start.*

4 (2) *Part A of chapter 2 of title I of the Elemen-*
5 *tary and Secondary Education Act of 1965.*

6 (3) *The Dwight D. Eisenhower Mathematics and*
7 *Science Education Act.*

8 (4) *The Emergency Immigrant Education Act of*
9 *1984.*

10 (5) *The Drug-Free Schools and Communities Act*
11 *of 1986.*

12 (6) *The Carl D. Perkins Vocational and Applied*
13 *Technology Education Act.*

14 (c) *WAIVERS NOT AUTHORIZED.—The Secretary may*
15 *not waive any statutory or regulatory requirement of the*
16 *programs or Acts described in subsection (b)—*

17 (1) *relating to—*

18 (A) *maintenance of effort;*

19 (B) *comparability of services;*

20 (C) *the equitable participation of students*
21 *and professional staff in private schools;*

22 (D) *parental participation and involve-*
23 *ment; and*

24 (E) *the distribution of funds to States or to*
25 *local educational agencies; and*

1 (2) *unless the underlying purposes of the statu-*
2 *tory requirements of each program or Act for which*
3 *a waiver is granted continue to be met to the satisfac-*
4 *tion of the Secretary.*

5 (d) *TERMINATION OF WAIVERS.—The Secretary shall*
6 *periodically review the performance of any State, local edu-*
7 *cational agency, or school for which the Secretary has*
8 *granted a waiver and shall terminate the waiver if the Sec-*
9 *retary determines that the performance of the State, the*
10 *local educational agency, or the school in the area affected*
11 *by the waiver has been inadequate to justify a continuation*
12 *of the waiver.*

13 (e) *FLEXIBILITY DEMONSTRATION.—*

14 (1) *SHORT TITLE.—This subsection may be cited*
15 *as the “Education Flexibility Partnership Dem-*
16 *onstration Act”.*

17 (2) *PROGRAM AUTHORIZED.—*

18 (A) *IN GENERAL.—The Secretary shall*
19 *carry out an education flexibility demonstration*
20 *program under which the Secretary authorizes*
21 *not more than 6 eligible States to waive any*
22 *statutory or regulatory requirement applicable to*
23 *any program or Act described in subsection (b),*
24 *other than requirements described in subsection*

1 (c), for such eligible State or any local edu-
2 cational agency or school within such State.

3 (B) *AWARD RULE.*—In carrying out sub-
4 paragraph (A), the Secretary shall select for par-
5 ticipation in the demonstration program de-
6 scribed in subparagraph (A) three eligible States
7 that each have a population of 3,500,000 or
8 greater and three eligible States that each have
9 a population of less than 3,500,000, determined
10 in accordance with the most recent decennial
11 census of the population performed by the Bu-
12 reau of the Census.

13 (C) *DESIGNATION.*—Each eligible State
14 participating in the demonstration program de-
15 scribed in subparagraph (A) shall be known as
16 an “Ed-Flex Partnership State”.

17 (3) *ELIGIBLE STATE.*—For the purpose of this
18 subsection the term “eligible State” means a State
19 that—

20 (A) has developed a State improvement
21 plan under section 306 that is approved by the
22 Secretary; and

23 (B) waives State statutory or regulatory re-
24 quirements relating to education while holding
25 local educational agencies or schools within the

1 *State that are affected by such waivers account-*
2 *able for the performance of the students who are*
3 *affected by such waivers.*

4 (4) *STATE APPLICATION.—(A) Each eligible*
5 *State desiring to participate in the education flexibil-*
6 *ity demonstration program under this subsection*
7 *shall submit an application to the Secretary at such*
8 *time, in such manner, and containing such informa-*
9 *tion as the Secretary may reasonably require. Each*
10 *such application shall demonstrate that the eligible*
11 *State has adopted an educational flexibility plan for*
12 *such State that includes—*

13 (i) *a description of the process the eligible*
14 *State will use to evaluate applications from local*
15 *educational agencies or schools requesting waiv-*
16 *ers of—*

17 (I) *Federal statutory or regulatory re-*
18 *quirements described in paragraph (2)(A);*
19 *and*

20 (II) *State statutory or regulatory re-*
21 *quirements relating to education; and*

22 (ii) *a detailed description of the State statu-*
23 *tory and regulatory requirements relating to*
24 *education that the eligible State will waive.*

1 (B) *The Secretary may approve an application*
2 *described in subparagraph (A) only if the Secretary*
3 *determines that such application demonstrates sub-*
4 *stantial promise of assisting the eligible State and af-*
5 *fected local educational agencies and schools within*
6 *such State in carrying out comprehensive educational*
7 *reform and otherwise meeting the purposes of this Act,*
8 *after considering—*

9 (i) *the comprehensiveness and quality of the*
10 *educational flexibility plan described in subpara-*
11 *graph (A);*

12 (ii) *the ability of such plan to ensure ac-*
13 *countability for the activities and goals described*
14 *in such plan;*

15 (iii) *the significance of the State statutory*
16 *or regulatory requirements relating to education*
17 *that will be waived; and*

18 (iv) *the quality of the eligible State's process*
19 *for approving applications for waivers of Fed-*
20 *eral statutory or regulatory requirements de-*
21 *scribed in paragraph (2)(A) and for monitoring*
22 *and evaluating the results of such waivers.*

23 (5) *LOCAL APPLICATION.—(A) Each local edu-*
24 *cational agency or school requesting a waiver of a*
25 *Federal statutory or regulatory requirement described*

1 *in paragraph (2)(A) and any relevant State statutory*
2 *or regulatory requirement from an eligible State shall*
3 *submit an application to such State at such time, in*
4 *such manner, and containing such information as*
5 *such State may reasonably require. Each such appli-*
6 *cation shall—*

7 *(i) indicate each Federal program affected*
8 *and the statutory or regulatory requirement that*
9 *will be waived;*

10 *(ii) describe the purposes and overall ex-*
11 *pected outcomes of waiving each such require-*
12 *ment;*

13 *(iii) describe for each school year specific,*
14 *measurable, educational goals for each local edu-*
15 *cational agency or school affected by the pro-*
16 *posed waiver; and*

17 *(iv) explain why the waiver will assist the*
18 *local educational agency or school in reaching*
19 *such goals.*

20 *(B) An eligible State shall evaluate an applica-*
21 *tion submitted under subparagraph (A) in accordance*
22 *with the State's educational flexibility plan described*
23 *in paragraph (4)(A).*

24 *(C) An eligible State shall not approve an appli-*
25 *cation for a waiver under this paragraph unless—*

1 (i) the local educational agency or school re-
2 questing such waiver has developed a local re-
3 form plan that is applicable to such agency or
4 school, respectively; and

5 (ii) the waiver of Federal statutory or regu-
6 latory requirements described in paragraph
7 (2)(A) will assist the local educational agency or
8 school in reaching its educational goals.

9 (6) *MONITORING.*—Each eligible State partici-
10 pating in the demonstration program under this sub-
11 section shall annually monitor the activities of local
12 educational agencies and schools receiving waivers
13 under this subsection and shall submit an annual re-
14 port regarding such monitoring to the Secretary.

15 (7) *DURATION OF FEDERAL WAIVERS.*—(A) The
16 Secretary shall not approve the application of an eli-
17 gible State under paragraph (4) for a period exceed-
18 ing 5 years, except that the Secretary may extend
19 such period if the Secretary determines that the eligi-
20 ble State’s authority to grant waivers has been effec-
21 tive in enabling such State or affected local edu-
22 cational agencies or schools to carry out their local re-
23 form plans.

24 (B) The Secretary shall periodically review the
25 performance of any eligible State granting waivers of

1 *Federal statutory or regulatory requirements de-*
2 *scribed in paragraph (2)(A) and shall terminate such*
3 *State's authority to grant such waivers if the Sec-*
4 *retary determines, after notice and opportunity for*
5 *hearing, that such State's performance has been inad-*
6 *equately to justify continuation of such authority.*

7 *(f) RESULTS-ORIENTED ACCOUNTABILITY.—In decid-*
8 *ing whether to extend a request for a waiver under this sec-*
9 *tion the Secretary shall review the progress of the State edu-*
10 *cational agency, local educational agency or school receiv-*
11 *ing a waiver to determine if such agency or school has made*
12 *progress toward achieving the outcomes described in the ap-*
13 *plication submitted pursuant to subsection (a)(2)(B)(i).*

14 **SEC. 312. PROGRESS REPORTS.**

15 *(a) STATE REPORTS TO THE SECRETARY.—Each*
16 *State educational agency that receives an allotment under*
17 *this title shall annually report to the Secretary—*

18 *(1) on the State's progress in meeting the State's*
19 *goals and plans;*

20 *(2) on the State's proposed activities for the suc-*
21 *ceeding year; and*

22 *(3) in summary form, on the progress of local*
23 *educational agencies in meeting local goals and plans.*

24 *(b) SECRETARY'S REPORTS TO CONGRESS.—By April*
25 *30, 1996, and every 2 years thereafter, the Secretary shall*

1 *submit a report to the Committee on Education and Labor*
2 *of the House of Representatives and the Committee on*
3 *Labor and Human Resources of the Senate describing—*

4 *(1) the activities assisted under, and outcomes of,*
5 *grants or contracts under paragraph (2) of section*
6 *313(b), including—*

7 *(A) a description of the purpose, uses, and*
8 *technical merit of assessments evaluated with*
9 *funds awarded under such paragraph; and*

10 *(B) an analysis of the impact of such as-*
11 *sessments on the performance of students, par-*
12 *ticularly students of different racial, gender, eth-*
13 *nic, or language groups and individuals with*
14 *disabilities;*

15 *(2) the activities assisted under, and outcomes of,*
16 *allotments under this title; and*

17 *(3) the effect of waivers granted under section*
18 *311, including—*

19 *(A) a listing of all State educational agen-*
20 *cies, local educational agencies and schools seek-*
21 *ing and receiving waivers;*

22 *(B) a summary of the State and Federal*
23 *statutory or regulatory requirements that have*
24 *been waived, including the number of waivers*

1 *sought and granted under each such statutory or*
2 *regulatory requirement;*

3 (C) *a summary of waivers that have been*
4 *terminated, including a rationale for the termi-*
5 *nations; and*

6 (D) *recommendations to the Congress re-*
7 *garding changes in statutory or regulatory re-*
8 *quirements, particularly those actions that*
9 *should be taken to overcome Federal statutory or*
10 *regulatory impediments to education reform.*

11 (c) *TECHNICAL AND OTHER ASSISTANCE REGARDING*
12 *SCHOOL FINANCE EQUITY.—*

13 (1) *TECHNICAL ASSISTANCE.—(A) From the na-*
14 *tional leadership funds reserved in section*
15 *304(a)(2)(A), the Secretary is authorized to make*
16 *grants to, and enter into contracts and cooperative*
17 *agreements with, State educational agencies and other*
18 *public and private agencies, institutions, and organi-*
19 *zations to provide technical assistance to State and*
20 *local educational agencies to assist such agencies in*
21 *achieving a greater degree of equity in the distribu-*
22 *tion of financial resources for education among local*
23 *educational agencies in the State.*

1 (B) A grant, contract or cooperative agreement
2 under this subsection may support technical assist-
3 ance activities, such as—

4 (i) the establishment and operation of a
5 center or centers for the provision of technical as-
6 sistance to State and local educational agencies;

7 (ii) the convening of conferences on equali-
8 zation of resources within local educational agen-
9 cies, within States, and among States; and

10 (iii) obtaining advice from experts in the
11 field of school finance equalization.

12 (2) DATA.—Each State educational agency or
13 local educational agency receiving assistance under
14 the Elementary and Secondary Education Act of
15 1965 shall provide such data and information on
16 school finance as the Secretary may require to carry
17 out this subsection.

18 (3) MODELS.—The Secretary is authorized, di-
19 rectly or through grants, contracts, or cooperative
20 agreements, to develop and disseminate models and
21 materials useful to States in planning and imple-
22 menting revisions of the school finance systems of
23 such States.

1 **SEC. 313. NATIONAL LEADERSHIP.**

2 (a) *TECHNICAL ASSISTANCE AND INTEGRATION OF*
3 *STANDARDS.—From funds reserved in each fiscal year*
4 *under section 304(a)(2)(A), the Secretary may, directly or*
5 *through grants or contracts—*

6 (1) *provide technical assistance to States, local*
7 *educational agencies, and tribal agencies developing*
8 *or implementing school improvement plans, in a*
9 *manner that ensures that such assistance is broadly*
10 *available; or*

11 (2) *support model projects to integrate multiple*
12 *content standards, if—*

13 (A) *such standards are certified by the Na-*
14 *tional Education Standards and Improvement*
15 *Council and approved by the National Goals*
16 *Panel for different subject areas, in order to pro-*
17 *vide balanced and coherent instructional pro-*
18 *grams for all students; and*

19 (B) *such projects are appropriate for a wide*
20 *range of diverse circumstances, localities (includ-*
21 *ing both urban and rural communities), and*
22 *populations.*

23 (b) *INNOVATIVE PROGRAMS; ASSESSMENT; EVALUA-*
24 *TION.—From not more than 50 percent of the funds reserved*
25 *in each fiscal year under section 304(a)(2)(A), the Sec-*
26 *retary, directly or through grants or contracts, shall—*

1 (1) *provide urban and rural local educational*
2 *agencies, schools, or consortia thereof, with assistance*
3 *for innovative or experimental programs in systemic*
4 *education reform that are not being undertaken*
5 *through grants provided under section 309(a), giving*
6 *special consideration or priority to local educational*
7 *agencies, schools, or consortia thereof that serve large*
8 *numbers or concentrations of economically disadvan-*
9 *taged students, including students of limited-English*
10 *proficiency; or*

11 (2) *provide a State or local educational agency,*
12 *nonprofit organization or consortium thereof with as-*
13 *sistance to help defray the cost of developing, field*
14 *testing and evaluating an assessment or system of as-*
15 *sessments with a priority on grants or contracts for*
16 *limited-English proficiency students or students with*
17 *disabilities, if—*

18 (A) *such assessment or system—*

19 (i) *is to be used for some or all of the*
20 *purposes described in section 213(e)(1)(B);*
21 *and*

22 (ii) *is aligned to State content stand-*
23 *ards certified by the National Education*
24 *Standards and Improvement Council; and*

1 (B) such agency, organization or consor-
2 tium—

3 (i) examines the validity, reliability,
4 and fairness of such assessment or system,
5 for the particular purposes for which such
6 assessment or system was developed; and

7 (ii) devotes special attention to how
8 such assessment or system treats all stu-
9 dents, especially with regard to the race,
10 gender, ethnicity, disability and language
11 proficiency of such students.

12 (c) *DATA AND DISSEMINATION.*—The Secretary
13 shall—

14 (1) gather data on, conduct research on, and
15 evaluate systemic education improvement, including
16 the programs authorized by this title; and

17 (2) disseminate research findings and other in-
18 formation on outstanding examples of systemic edu-
19 cation improvement in States and local communities
20 through existing dissemination systems within the De-
21 partment of Education, including through publica-
22 tions, electronic and telecommunications mediums,
23 conferences, and other means.

1 **SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO**
2 **THE SECRETARY OF THE INTERIOR.**

3 (a) *OUTLYING AREAS.*—

4 (1) *IN GENERAL.*—Funds reserved for the outly-
5 ing areas in each fiscal year under section
6 304(a)(1)(A) shall be made available to, and expended
7 by, such areas, under such conditions and in such
8 manner as the Secretary determines will best meet the
9 purposes of this title.

10 (2) *INAPPLICABILITY OF PUBLIC LAW 95-134.*—

11 The provisions of Public Law 95-134, permitting the
12 consolidation of grants to the Insular Areas, shall not
13 apply to funds received by such areas under this title.

14 (b) *SECRETARY OF THE INTERIOR.*—The funds re-
15 served by the Secretary for the Secretary of the Interior
16 under section 304(a)(1)(B) shall be made available to the
17 Secretary of the Interior pursuant to an agreement between
18 the Secretary and the Secretary of the Interior containing
19 such terms and assurances, consistent with this title, as the
20 Secretary determines will best achieve the purpose of this
21 title.

22 (c) *SECRETARY OF DEFENSE.*—The Secretary shall
23 consult with the Secretary of Defense to ensure that, to the
24 extent practicable, the purposes of this title are applied to
25 the Department of Defense schools.

1 **SEC. 315. CLARIFICATION REGARDING STATE STANDARDS**
2 **AND ASSESSMENTS.**

3 *Notwithstanding any other provision of this title,*
4 *standards, assessments, and systems of assessments de-*
5 *scribed in a State improvement plan submitted in accord-*
6 *ance with section 306 shall not be required to be certified*
7 *by the Council.*

8 **SEC. 316. STATE PLANNING FOR IMPROVING STUDENT**
9 **ACHIEVEMENT THROUGH INTEGRATION OF**
10 **TECHNOLOGY INTO THE CURRICULUM.**

11 *(a) PURPOSE.—It is the purpose of this section to as-*
12 *sist each State to plan effectively for improved student*
13 *learning in all schools through the use of technology as an*
14 *integral part of the State improvement plan described in*
15 *section 306.*

16 *(b) PROGRAM AUTHORIZED.—*

17 *(1) AUTHORITY.—The Secretary shall award*
18 *grants in accordance with allocations under para-*
19 *graph (2) to each State educational agency that, as*
20 *part of its application under section 305, requests a*
21 *grant to develop (or continue the development of), and*
22 *submits as part of the State improvement plan de-*
23 *scribed in section 306, a systemic statewide plan to*
24 *increase the use of state-of-the-art technologies that*
25 *enhance elementary and secondary student learning*

1 *and staff development in support of the National*
2 *Education Goals and challenging standards.*

3 (2) *FORMULA.*—*From the amount appropriated*
4 *pursuant to the authority of subsection (f) in each fis-*
5 *cal year, each State educational agency with an ap-*
6 *plication approved under section 305 shall receive a*
7 *grant under paragraph (1) in such year in an*
8 *amount determined on the same basis as allotments*
9 *are made to State educational agencies under sub-*
10 *sections (b) and (c) of section 304 for such year, ex-*
11 *cept that each such State shall receive at least 1½*
12 *percent of the amount appropriated pursuant to such*
13 *authority or \$75,000, whichever is greater.*

14 (3) *DURATION.*—*A State educational agency*
15 *may receive assistance under this section for not more*
16 *than 2 fiscal years.*

17 (c) *PLAN OBJECTIVES.*—*Each State educational agen-*
18 *cy shall use funds received under this section to develop and,*
19 *if the Secretary has approved the systemic statewide plan,*
20 *to implement such plan. Such plan shall have as its objec-*
21 *tives—*

22 (1) *the promotion of higher student achievement*
23 *through the use of technology in education;*

24 (2) *the participation of all schools and school*
25 *districts in the State, especially those schools and dis-*

1 *tricts with a high percentage of disadvantaged stu-*
2 *dents;*

3 *(3) the development and implementation of a*
4 *cost-effective, high-speed, statewide, interoperable,*
5 *wide-area-communication educational technology sup-*
6 *port system for elementary and secondary schools*
7 *within the State, particularly for such schools in*
8 *rural areas; and*

9 *(4) the promotion of shared usage of equipment,*
10 *facilities, and other technology resources by adult*
11 *learners during after-school hours.*

12 *(d) PLAN REQUIREMENTS.—At a minimum, each sys-*
13 *temic statewide plan shall—*

14 *(1) be developed by a task force that—*

15 *(A) includes among its members experts in*
16 *the educational use of technology and representa-*
17 *tives of the State panel described in section*
18 *306(b); and*

19 *(B) ensures that such plan is integrated*
20 *into the State improvement plan described in*
21 *section 306;*

22 *(2) be developed in collaboration with the Gov-*
23 *ernor, representatives of the State legislature, the*
24 *State board of education, institutions of higher edu-*
25 *cation, appropriate State agencies, local educational*

1 *agencies, public and private telecommunication enti-*
2 *ties, parents, public and school libraries, students,*
3 *adult literacy providers, and leaders in the field of*
4 *technology, through a process of statewide grassroots*
5 *outreach to local educational agencies and schools in*
6 *the State;*

7 *(3) identify and describe the requirements for in-*
8 *troducing state-of-the-art technologies into the class-*
9 *room and school library in order to enhance edu-*
10 *cational curricula, including the installation and on-*
11 *going maintenance of basic connections, hardware*
12 *and the necessary support materials;*

13 *(4) describe how the application of advanced*
14 *technologies in the schools will enhance student learn-*
15 *ing, provide greater access to individualized instruc-*
16 *tion, promote the strategies described in section*
17 *306(d), and help make progress toward the achieve-*
18 *ment of the National Education Goals;*

19 *(5) describe how the ongoing training of edu-*
20 *cational personnel will be provided;*

21 *(6) describe the resources necessary, and proce-*
22 *dures, for providing ongoing technical assistance to*
23 *carry out such plan;*

1 (7) provide for the dissemination on a statewide
2 basis of exemplary programs and practices relating to
3 the use of technology in education;

4 (8) establish a funding estimate (including a
5 statement of likely funding sources) and a schedule for
6 the development and implementation of such plan;

7 (9) describe how the State educational agency
8 will assess the impact of implementing such plan on
9 student achievement and aggregate achievement for
10 schools;

11 (10) describe how the State educational agency
12 and local educational agencies in the State will co-
13 ordinate and cooperate with business and industry,
14 and with public and private telecommunications enti-
15 ties;

16 (11) describe how the State educational agency
17 will promote the purchase of equipment by local edu-
18 cational agencies that, when placed in schools, will
19 meet the highest possible level of interoperability and
20 open system design;

21 (12) describe how the State educational agency
22 will consider using existing telecommunications infra-
23 structure and technology resources;

1 (13) describe how the State educational agency
2 will apply the uses of technology to meet the needs of
3 children from low-income families; and

4 (14) describe the process through which such
5 plan will be reviewed and updated periodically.

6 (e) *REPORTS.*—Each State educational agency receiv-
7 ing a grant under this section shall submit a report to the
8 Secretary within 1 year of the date such agency submits
9 to the Secretary its systemic statewide plan under this sec-
10 tion. Such report shall—

11 (1) describe the State's progress toward imple-
12 mentation of the provisions of such plan;

13 (2) describe any revisions to the State's long-
14 range plans for technology;

15 (3) describe the extent to which resources pro-
16 vided pursuant to such plan are distributed among
17 schools to promote the strategies described in section
18 306(d); and

19 (4) include any other information the Secretary
20 deems appropriate.

21 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There are
22 authorized to be appropriated \$10,000,000 for fiscal year
23 1994, and such sums as may be necessary for fiscal year
24 1995, to carry out this section.

1 **TITLE IV—MISCELLANEOUS**

2 **SEC. 401. PUBLIC SCHOOLS.**

3 *Except as provided in section 310, nothing in this Act*
4 *shall be construed to authorize the use of funds under title*
5 *III of this Act to directly or indirectly benefit any school*
6 *other than a public school.*

7 **SEC. 402. CONSTRUCTION.**

8 *Nothing in this Act shall be construed—*

9 (1) *to supersede the provisions of section 103 of*
10 *the Department of Education Organization Act;*

11 (2) *to require the teaching of values or the estab-*
12 *lishment of school-based clinics as a condition of re-*
13 *ceiving funds under this Act;*

14 (3) *to mandate limitations or class size for a*
15 *State, local educational agency or school;*

16 (4) *to mandate a Federal teacher certification*
17 *system for a State, local educational agency or school;*

18 (5) *to mandate teacher instructional practices*
19 *for a State, local educational agency or school;*

20 (6) *to mandate equalized spending per pupil for*
21 *a State, local educational agency or school;*

22 (7) *to mandate national school building stand-*
23 *ards for a State, local educational agency or school;*

1 (8) to mandate curriculum content for a State,
2 local educational agency or school; and

3 (9) to mandate any curriculum framework, in-
4 structional material, examination, assessment or sys-
5 tem of assessments for private, religious, or home
6 schools.

7 **SEC. 403. KALID ABDUL MOHAMMED.**

8 *It is the sense of the Senate that the speech made by*
9 *Mr. Khalid Abdul Mohammed at Kean College on November*
10 *29, 1993, was false, anti-Semitic, racist, divisive, repug-*
11 *nant and a disservice to all Americans and is therefore con-*
12 *demned.*

13 **SEC. 404. PROHIBITION ON FEDERAL MANDATES, DIREC-**
14 **TION, AND CONTROL.**

15 *Nothing in this Act shall be construed to authorize an*
16 *officer or employee of the Federal Government to mandate,*
17 *direct, or control a State, local educational agency, or*
18 *school's curriculum, program of instruction, or allocation*
19 *of State or local resources or mandate a State or any sub-*
20 *division thereof to spend any funds or incur any costs not*
21 *paid for under this Act.*

22 **SEC. 405. SCHOOL PRAYER.**

23 *No funds made available through the Department of*
24 *Education under this Act, or any other Act, shall be avail-*
25 *able to any State or local educational agency which has a*

1 *policy of denying, or which effectively prevents participa-*
2 *tion in, constitutionality protected prayer in public schools*
3 *by individuals on a voluntary basis. Neither the United*
4 *States nor any State nor any local educational agency shall*
5 *require any person to participate in prayer or influence*
6 *the form or content of any constitutionality protected pray-*
7 *er in such public schools.*

8 **SEC. 406. DAILY SILENCE FOR STUDENTS.**

9 *It is the sense of the Senate that local educational*
10 *agencies should encourage a brief period of daily silence for*
11 *students for the purpose of contemplating their aspirations;*
12 *for considering what they hope and plan to accomplish that*
13 *day; for considering how their own actions of that day will*
14 *affect themselves and others around them, including their*
15 *schoolmates, friends and families; for drawing strength*
16 *from whatever personal, moral or religious beliefs or posi-*
17 *tive values they hold; and for such other introspection and*
18 *reflection as will help them develop and prepare them for*
19 *achieving the goals of this Act.*

20 **SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABIL-**
21 **ITIES EDUCATION ACT.**

22 (a) *The Senate finds that—*

23 (1) *the Individuals with Disabilities Education*
24 *Act was established with the commitment of forty per-*

1 *cent Federal funding but currently receives only eight*
2 *percent Federal funding;*

3 *(2) this funding shortfall is particularly burden-*
4 *some to school districts and schools in low-income*
5 *areas which serve higher than average proportions of*
6 *students with disabilities and have fewer local re-*
7 *sources to contribute; and*

8 *(3) it would cost the Federal Government ap-*
9 *proximately \$10,000,000,000 each year to fully fund*
10 *the Individuals with Disabilities Education Act.*

11 *(b) It is the sense of the Senate that the Federal Gov-*
12 *ernment should provide States and communities with ade-*
13 *quate resources under the Individuals with Disabilities*
14 *Education Act as soon as reasonably possible, through the*
15 *reallocation of funds within the current budget monetary*
16 *constraints.*

17 **SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING**
18 **STANDARDS.**

19 *Section 551 of the Higher Education Act of 1965 (20*
20 *U.S.C. 1107) is amended—*

21 *(1) in paragraph (1) of subsection (b), by strik-*
22 *ing “the Federal share of”;*

23 *(2) in subparagraph (B) of subsection (e)(1), by*
24 *striking “share of the cost of the activities of the*

1 *Board is” and inserting “contributions described in*
2 *subsection (f) are”;* and

3 *(3) by amending subsection (f) to read as follows:*

4 *“(f) MATCHING FUNDS REQUIREMENT.—*

5 *“(1) IN GENERAL.—The Secretary shall not pro-*
6 *vide financial assistance under this subpart to the*
7 *Board unless the Board agrees to expend non-Federal*
8 *contributions equal to \$1 for every \$1 of the Federal*
9 *funds provided pursuant to such financial assistance.*

10 *“(2) NON-FEDERAL CONTRIBUTIONS.—The non-*
11 *Federal contributions described in paragraph (1)—*

12 *“(A) may include all non-Federal funds*
13 *raised by the Board on or after January 1, 1987;*
14 *and*

15 *“(B) may be used for outreach, implementa-*
16 *tion, administration, operation, and other costs*
17 *associated with the development and implemen-*
18 *tation of national teacher assessment and certifi-*
19 *cation procedures under this subpart.”.*

20 **SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.**

21 *(a) IN GENERAL.—Notwithstanding section 1401 of*
22 *the Elementary and Secondary Education Act of 1965 or*
23 *any other provision of law—*

24 *(1) the allocation of funds appropriated for fiscal*
25 *year 1993 under the Department of Education Appro-*

1 *priations Act, 1993, to Colfax County, New Mexico*
2 *under section 1005 of the Elementary and Secondary*
3 *Education Act of 1965, and any other allocations or*
4 *grants for such fiscal year resulting from such alloca-*
5 *tion to such county under any program administered*
6 *by the Secretary of Education, shall be deemed to be*
7 *authorized by law; and*

8 *(2) in any program for which allocations are*
9 *based on fiscal year 1993 allocations under section*
10 *1005 of such Act, the fiscal year 1993 allocations*
11 *under such section deemed to be authorized by law in*
12 *accordance with paragraph (1) shall be used.*

13 *(b) Notwithstanding subsection (a)(1) of this section,*
14 *in carrying out section 1403(a) of the Elementary and Sec-*
15 *ondary Education Act of 1965 for fiscal year 1994, the*
16 *amount allocated to Colfax County, New Mexico under sec-*
17 *tion 1005 of such Act for fiscal year 1993 shall be deemed*
18 *to be the amount that the Secretary determines would have*
19 *been allocated under such section 1005 had the correct data*
20 *been used for fiscal year 1993.*

21 **SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DIS-**
22 **ABILITIES.**

23 *(a) STUDY REQUIRED.—*

24 *(1) IN GENERAL.—Not later than 180 days after*
25 *the date of enactment of this Act, the Secretary of*

1 *Education shall make appropriate arrangements with*
2 *the National Academy of Sciences to conduct a com-*
3 *prehensive study of the inclusion of children with dis-*
4 *abilities in GOALS 2000 school reform activities.*

5 (2) *DEFINITION.*—*For purposes of this section,*
6 *the term “children with disabilities” has the same*
7 *meaning given such in the Individuals with Disabil-*
8 *ities Education Act.*

9 (b) *STUDY COMPONENTS.*—*The study conducted under*
10 *subsection (a) shall include—*

11 (1) *an evaluation of the National Education*
12 *Goals and objectives, curriculum reforms, standards,*
13 *and other programs and activities intended to achieve*
14 *those goals;*

15 (2) *a review of the adequacy of assessments and*
16 *measures used to gauge progress towards meeting Na-*
17 *tional Education Goals and any national and State*
18 *standards, and an examination of other methods or*
19 *accommodations necessary or desirable to collect data*
20 *on the educational progress of children with disabil-*
21 *ities, and the costs of such methods and accommoda-*
22 *tions;*

23 (3) *an examination of what incentives or assist-*
24 *ance might be provided to States to develop improve-*

1 *ment plans that adequately address the needs of chil-*
2 *dren with disabilities;*

3 *(4) the relation of Goals 2000 to other Federal*
4 *laws governing or affecting the education of children*
5 *with disabilities; and*

6 *(5) such other issues as the National Academy of*
7 *Sciences considers appropriate.*

8 *(c) STUDY PANEL MEMBERSHIP.—Any panel con-*
9 *stituted in furtherance of the study to be conducted under*
10 *subsection (a) shall include consumer representatives.*

11 *(d) FINDINGS AND RECOMMENDATIONS.—The Sec-*
12 *retary of Education shall request the National Academy of*
13 *Sciences to submit an interim report of its findings and*
14 *recommendations to the President and Congress not later*
15 *than 12 months, and a final report not later than 24*
16 *months, from the date of the completion of procurement re-*
17 *lating to the study.*

18 *(e) FUNDING.—From such accounts as the Secretary*
19 *deems appropriate, the Secretary shall make available*
20 *\$600,000 for fiscal year 1994, and such sums as may be*
21 *necessary for fiscal year 1995, to carry out this section.*
22 *Amounts made available under this subsection shall remain*
23 *available until expended.*

1 **SEC. 411. MENTORING, PEER COUNSELING AND PEER TU-**
2 **TORING.**

3 (a) *CONGRESSIONAL FINDINGS.*—*The Congress finds*
4 *that—*

5 (1) *Mentoring, peer counseling and peer tutoring*
6 *programs provide role models for children and build*
7 *self-esteem;*

8 (2) *Mentoring, peer counseling and peer tutoring*
9 *programs promote learning and help students attain*
10 *the necessary skills they need to excel academically;*

11 (3) *Mentoring, peer counseling, and peer tutor-*
12 *ing programs provide healthy and safe alternatives to*
13 *involvement in drugs, gangs or other violent activi-*
14 *ties; and*

15 (4) *Mentoring, peer counseling, and peer tutor-*
16 *ing programs promote school, community and paren-*
17 *tal involvement in the livelihood and well-being of our*
18 *children.*

19 (b) *SENSE OF THE CONGRESS.*—*Therefore, it is the*
20 *Sense of the Congress that Federal education programs that*
21 *provide assistance to elementary and secondary education*
22 *students should include authorizations for establishing*
23 *mentoring, peer counseling and peer tutoring programs.*

24 **SEC. 412. CONTENT AND PERFORMANCE STANDARDS.**

25 *It is the sense of the Senate that because high academic*
26 *standards are the key to excellence for all students and a*

1 *focus on results is an important direction for education re-*
2 *form, it is the sense of the Senate that States should develop*
3 *their own content and performance standards in academic*
4 *subject areas as an essential part of their State reform plan.*

5 **SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST**
6 **FUND SAVINGS PLAN.**

7 *It is the sense of the Senate that—*

8 *(1) individuals should be encouraged to save to*
9 *meet the higher education costs of their children;*

10 *(2) an effective way to encourage those savings*
11 *is through State-sponsored higher education trust*
12 *fund savings plans; and*

13 *(3) an effective way for the Federal Government*
14 *to assist such plans is to amend the Federal tax laws*
15 *to provide that—*

16 *(A) no tax is imposed on the earnings on*
17 *contributions to the plans if the earnings are*
18 *used for higher education costs,*

19 *(B) State organizations sponsoring the*
20 *plans are exempt from Federal taxation, and*

21 *(C) any charitable gift to the plans are tax-*
22 *deductible and are distributed to recipients on a*
23 *pro rata basis.*

1 **SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT**
2 **AND TRAINING PROGRAM.**

3 (a) *PROGRAM DESIGN.*—

4 (1) *ACADEMIC ENRICHMENT AUTHORIZED.*—
5 *Paragraph (1) of section 253(a) of the Job Training*
6 *Partnership Act is amended by inserting “academic*
7 *enrichment” after “remedial education.”*

8 (2) *REQUIRED SERVICES AND DESIGN.*—

9 (A) *Subsection (c) of such section 253 is*
10 *amended by adding at the end the following new*
11 *paragraphs:*

12 “(3) *BASIC EDUCATION AND PREEMPLOYMENT*
13 *TRAINING.*—*The programs under this part shall pro-*
14 *vide, either directly or through arrangements with*
15 *other programs, each of the following services to a*
16 *participant where the assessment and the service*
17 *strategy indicate such services are appropriate:*

18 (A) *Basic and Remedial Education.*

19 (B) *Preemployment and Work Maturity*
20 *Skills Training.*

21 “(4) *INTEGRATION OF WORK AND LEARNING.*—

22 (A) *WORK EXPERIENCE.*—*Work experience*
23 *provided under this part, to the extent feasible,*
24 *shall include contextual learning opportunities*
25 *which integrate the development of general com-*

1 *petencies with the development of academic*
2 *skills.*

3 *“(B) CLASSROOM TRAINING.—Classroom*
4 *training provided under this part shall, to the*
5 *extent feasible, include opportunities to apply*
6 *knowledge and skills relating to academic sub-*
7 *jects to the world of work.”.*

8 *(B) Section 253 of the Job Training Part-*
9 *nership Act is further amended by adding at the*
10 *end the following new subsection:*

11 *“(e) EDUCATIONAL LINKAGES.—In conducting the*
12 *program assisted under this part, service delivery areas*
13 *shall establish linkages with the appropriate educational*
14 *agencies responsible for service to participants. Such link-*
15 *ages shall include arrangements to ensure that there is a*
16 *regular exchange of information relating to the progress,*
17 *problems and needs of participants, including the results*
18 *of assessments of the skill levels of participants.”.*

19 *(C) Section 254 of the Job Training Part-*
20 *nership Act is amended by adding at the end the*
21 *following new subsection:*

22 *“(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in*
23 *this part shall be construed to establish a right for a partici-*
24 *pant to bring an action to obtain services described in the*

1 *assessment or service strategy developed under section*
2 *253(c).”.*

3 (b) *TRANSFER OF FUNDS TO YEAR ROUND PRO-*
4 *GRAM.—Section 256 of the Job Training Partnership Act*
5 *is amended by striking “10 percent” and inserting “20 per-*
6 *cent”.*

7 **SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF**
8 **EDUCATION.**

9 (a) *FINDINGS.—*

10 (1) *Congress is interested in promoting State*
11 *and local government reform efforts in education;*

12 (2) *In Public Law 96–88 the Congress found*
13 *that education is fundamental to the development of*
14 *individual citizens and the progress of the Nation;*

15 (3) *In Public Law 96–88 the Congress found*
16 *that in our Federal system the responsibility for edu-*
17 *cation is reserved respectively to the States and the*
18 *local school systems and other instrumentalities of the*
19 *States;*

20 (4) *In Public Law 96–88 the Congress declared*
21 *the purpose of the Department of Education was to*
22 *supplement and complement the efforts of States, the*
23 *local school systems, and other instrumentalities of*
24 *the States, the private sector, public and private edu-*
25 *cational institutions, public and private nonprofit*

1 *educational research institutions, community based*
2 *organizations, parents and schools to improve the*
3 *quality of education;*

4 *(5) The establishment of the Department of Edu-*
5 *cation, Congress intended to protect the rights of*
6 *State and local governments and public and private*
7 *educational institutions in the areas of educational*
8 *policies and administration of programs and to*
9 *strengthen and improve the control of such govern-*
10 *ments and institutions over their own educational*
11 *programs and policies;*

12 *(6) Public Law 96–88 specified that the estab-*
13 *lishment of the Department of Education shall not in-*
14 *crease the authority of the Federal Government over*
15 *education or diminish the responsibility for education*
16 *which is reserved to the States and local school sys-*
17 *tems and other instrumentalities of the States;*

18 *(7) Public Law 96–88 specified that no provision*
19 *of a program administered by the Secretary or by*
20 *any other officer of the Department shall be construed*
21 *to authorize the Secretary or any such officer to exer-*
22 *cise any direction, supervision, or control over the*
23 *curriculum, program of instruction, administration,*
24 *or personnel of any educational institution, school, or*
25 *school system, over any accrediting agency or associa-*

1 *tion or over the selection or content of library re-*
2 *sources, textbooks, or other instructional materials by*
3 *any educational institution or school system, now*
4 *therefore*

5 *(b) REAFFIRMATION.—The Congress agrees and reaf-*
6 *firms that the responsibility for control of education is re-*
7 *served to the States and local school systems and other in-*
8 *strumentalities of the States and that no action shall be*
9 *taken under the provisions of this Act by the Federal Gov-*
10 *ernment which would, directly or indirectly, impose stand-*
11 *ards or requirements of any kind through the promulgation*
12 *of rules, regulations, provision of financial assistance and*
13 *otherwise, which would reduce, modify, or undercut State*
14 *and local responsibility for control of education.*

15 **SEC. 416. PROTECTION OF PUPILS.**

16 *Section 439 of the General Education Provisions Act*
17 *is amended to read as follows:*

18 *“PROTECTION OF PUPIL RIGHTS*

19 *“SEC. 439. (a) All instructional materials, including*
20 *teacher’s manuals, films, tapes, or other supplementary ma-*
21 *terial which will be used in connection with any survey,*
22 *analysis, or evaluation as part of any applicable program*
23 *shall be available for inspection by the parents or guardians*
24 *of the children.*

1 “(b) No student shall be required, as part of any appli-
2 cable program, to submit to a survey, analysis, or evalua-
3 tion that reveals information concerning:

4 “(1) political affiliations;

5 “(2) mental and psychological problems poten-
6 tially embarrassing to the student or his family;

7 “(3) sex behavior and attitudes;

8 “(4) illegal, anti-social, self-incriminating and
9 demeaning behavior;

10 “(5) critical appraisals of other individuals with
11 whom respondents have close family relationships;

12 “(6) legally recognized privileged or analogous
13 relationships, such as those of lawyers, physicians,
14 and ministers; or

15 “(7) income (other than that required by law to
16 determine eligibility for participation in a program
17 or for receiving financial assistance under such pro-
18 gram),

19 without the prior consent of the student (if the student is
20 an adult or emancipated minor), or in the case of an
21 unemancipated minor, without the prior written consent of
22 the parent.

23 “(c) Educational agencies and institutions shall give
24 parents and students effective notice of their rights under
25 this section.

1 “(d) *ENFORCEMENT.*—*The Secretary shall take such*
2 *action as the Secretary determines appropriate to enforce*
3 *this section, except that action to terminate assistance pro-*
4 *vided under an applicable program shall be taken only if*
5 *the Secretary determines that—*

6 “(1) *there has been a failure to comply with such*
7 *section; and*

8 “(2) *compliance with such section cannot be se-*
9 *cured by voluntary means.*

10 “(e) *OFFICE AND REVIEW BOARD.*—*The Secretary shall*
11 *establish or designate an office and review board within the*
12 *Department of Education to investigate, process, review,*
13 *and adjudicate violations of the rights established under*
14 *this section.”.*

15 **SEC. 417. CONTRACEPTIVE DEVICES.**

16 *The Department of Health and Human Services and*
17 *the Department of Education shall ensure that all federally*
18 *funded programs which provide for the distribution of con-*
19 *traceptive devices to unemancipated minors develop proce-*
20 *dures to encourage, to the extent practical, family partici-*
21 *pation in such programs.*

1 **SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS**
2 **FOR ADOPTING CONSTITUTIONAL POLICY**
3 **RELATIVE TO PRAYER IN SCHOOLS.**

4 *Notwithstanding any other provision of this Act, no*
5 *funds made available through the Department of Education*
6 *under this Act, or any other Act, shall be denied to any*
7 *State or local educational agency because it has adopted*
8 *a constitutional policy relative to prayer in public school.*

9 **TITLE V—NATIONAL SKILL**
10 **STANDARDS BOARD**

11 **SEC. 501. SHORT TITLE.**

12 *This title may be cited as the “National Skill Stand-*
13 *ards Act of 1994”.*

14 **SEC. 502. PURPOSE.**

15 *It is the purpose of this title to establish a National*
16 *Board to serve as a catalyst in stimulating the development*
17 *and adoption of a voluntary national system of skill stand-*
18 *ards and of assessment and certification—*

19 *(1) that will serve as a cornerstone of the na-*
20 *tional strategy to enhance work force skills;*

21 *(2) that will result in increased productivity,*
22 *economic growth, and American economic competi-*
23 *tiveness; and*

24 *(3) that can be used, consistent with civil rights*
25 *laws—*

1 (A) by the Nation, to ensure the develop-
2 ment of a high skills, high quality, high perform-
3 ance work force, including the most skilled front-
4 line work force in the world;

5 (B) by industries, as a vehicle for informing
6 training providers and prospective employees of
7 skills necessary for employment;

8 (C) by employers, to assist in evaluating the
9 skill levels of prospective employees and to assist
10 in the training of current employees;

11 (D) by labor organizations, to enhance the
12 employment security of workers by providing
13 portable credentials and skills;

14 (E) by workers, to—

15 (i) obtain certifications of their skills
16 to protect against dislocation;

17 (ii) pursue career advancement; and

18 (iii) enhance their ability to reenter
19 the work force;

20 (F) by students and entry level workers, to
21 determine the skill levels and competencies need-
22 ed to be obtained in order to compete effectively
23 for high wage jobs;

1 (G) by training providers and educators, to
2 determine appropriate training services to be of-
3 fered by the providers and educators;

4 (H) by Government, to evaluate whether
5 publicly funded training assists participants to
6 meet skill standards where such standards exist
7 and thereby protect the integrity of public ex-
8 penditures; and

9 (I) to facilitate linkages between other com-
10 ponents of the work force investment strategy, in-
11 cluding school-to-work transition and job train-
12 ing programs.

13 **SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.**

14 (a) *IN GENERAL.*—There is established a National
15 Skill Standards Board (hereafter referred to in this title
16 as the “National Board”).

17 (b) *COMPOSITION.*—

18 (1) *IN GENERAL.*—The National Board shall be
19 composed of 28 members (appointed in accordance
20 with paragraph (3)), of whom—

21 (A) one member shall be the Secretary of
22 Labor;

23 (B) one member shall be the Secretary of
24 Education;

1 (C) one member shall be the Secretary of
2 Commerce;

3 (D) one member shall be the Chairperson of
4 the National Education Standards and Improve-
5 ment Council established pursuant to section
6 212(a);

7 (E) eight members shall be representatives
8 of business (including representatives of small
9 employers and representatives of large employ-
10 ers) selected from among individuals rec-
11 ommended by recognized national business orga-
12 nizations or trade associations;

13 (F) eight members shall be representatives of
14 organized labor selected from among individuals
15 recommended by recognized national labor fed-
16 erations; and

17 (G)(i) four members shall be certified
18 human resource professionals;

19 (ii) three members shall be representatives
20 of educational institutions (including vocational-
21 technical institutions); and

22 (iii) one member shall be a representative of
23 nongovernmental organizations with a dem-
24 onstrated history of successfully protecting the
25 rights of racial, ethnic or religious minorities,

1 *women, persons with disabilities, or older per-*
2 *sons.*

3 (2) *SPECIAL REQUIREMENTS.*—*The members de-*
4 *scribed in subparagraph (G) of paragraph (1) shall*
5 *have expertise in the area of education and training.*
6 *The members described in subparagraphs (E), (F),*
7 *and (G) of paragraph (1) shall, in the aggregate, rep-*
8 *resent a broad cross-section of occupations and indus-*
9 *tries.*

10 (3) *APPOINTMENT.*—*The membership of the Na-*
11 *tional Board shall be appointed as follows:*

12 (A) *Twelve members (four from each class of*
13 *members described in subparagraphs (E), (F),*
14 *and (G) of paragraph (1)) shall be appointed by*
15 *the President.*

16 (B) *Six members (two from each class of*
17 *members described in subparagraphs (E), (F),*
18 *and (G) of paragraph (1)) shall be appointed by*
19 *the Speaker of the House of Representatives. Of*
20 *the members so appointed, three members (one*
21 *from each class of members described in subpara-*
22 *graphs (E), (F), and (G) of paragraph (1)) shall*
23 *be selected from recommendations made by the*
24 *Majority Leader of the House of Representatives*
25 *and three members (one from each class of mem-*

1 bers described in subparagraphs (E), (F), and
2 (G) of paragraph (1)) shall be selected from rec-
3 ommendations made by the Minority Leader of
4 the House of Representatives.

5 (C) Six members (two from each class of
6 members described in subparagraphs (E), (F),
7 and (G) of paragraph (1)) shall be appointed by
8 the President pro tempore of the Senate. Of the
9 members so appointed, three members (one from
10 each class of members described in subpara-
11 graphs (E), (F), and (G) of paragraph (1)) shall
12 be selected from recommendations made by the
13 Majority Leader of the Senate and three mem-
14 bers (one from each class of members described in
15 subparagraphs (E), (F), and (G) of paragraph
16 (1)) shall be selected from recommendations
17 made by the Minority Leader of the Senate.

18 (4) *EX OFFICIO NONVOTING MEMBERS.*—The
19 members of the National Board specified in subpara-
20 graphs (A), (B), (C), and (D) of paragraph (1) shall
21 be *ex officio*, nonvoting members of the National
22 Board.

23 (5) *TERM.*—Each member of the National Board
24 appointed under subparagraph (E), (F), or (G) of
25 paragraph (1) shall be appointed for a term of 4

1 *years, except that of the initial members of the Board*
2 *appointed under such subparagraphs—*

3 *(A) twelve members shall be appointed for a*
4 *term of 3 years (four from each class of members*
5 *described in subparagraphs (E), (F), and (G) of*
6 *paragraph (1)), of whom—*

7 *(i) two from each such class shall be*
8 *appointed in accordance with paragraph*
9 *(3)(A);*

10 *(ii) one from each such class shall be*
11 *appointed in accordance with paragraph*
12 *(3)(B); and*

13 *(iii) one from each such class shall be*
14 *appointed in accordance with paragraph*
15 *(3)(C); and*

16 *(B) twelve members shall be appointed for*
17 *a term of 4 years (four from each class of mem-*
18 *bers described in subparagraphs (E), (F), and*
19 *(G) of paragraph (1)), of whom—*

20 *(i) two from each such class shall be*
21 *appointed in accordance with paragraph*
22 *(3)(A);*

23 *(ii) one from each such class shall be*
24 *appointed in accordance with paragraph*
25 *(3)(B); and*

1 (iii) one from each such class shall be
2 appointed in accordance with paragraph
3 (3)(C).

4 (6) VACANCIES.—Any vacancy in the National
5 Board shall not affect its powers, but shall be filled
6 in the same manner as the original appointment.

7 (c) CHAIRPERSON AND VICE CHAIRPERSONS.—

8 (1) CHAIRPERSON.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the National Board, by ma-
11 jority vote, shall elect a Chairperson once every
12 2 years from among the members of the National
13 Board.

14 (B) INITIAL CHAIRPERSON.—The first
15 Chairperson of the National Board shall be elect-
16 ed, by a majority vote of the National Board,
17 from among the members who are representatives
18 of business (as described in subparagraph (E) of
19 subsection (b)(1)) and shall serve for a term of
20 2 years.

21 (2) VICE CHAIRPERSONS.—The National Board,
22 by majority vote, shall annually elect 3 Vice Chair-
23 persons (each representing a different class of the
24 classes of members described in subparagraphs (E),
25 (F), and (G) of subsection (b)(1) and each of whom

1 *shall serve for a term of 1 year) from among its mem-*
2 *bers appointed under subsection (b)(3).*

3 *(d) COMPENSATION AND EXPENSES.—*

4 *(1) COMPENSATION.—Members of the National*
5 *Board who are not full-time employees or officers of*
6 *the Federal Government shall serve without com-*
7 *penensation.*

8 *(2) EXPENSES.—The members of the National*
9 *Board shall be allowed travel expenses, including per*
10 *diem in lieu of subsistence, at rates authorized for*
11 *employees of agencies under subchapter I of chapter*
12 *57, title 5, United States Code, while away from their*
13 *homes or regular places of business in the perform-*
14 *ance of services for the National Board.*

15 *(e) EXECUTIVE DIRECTOR AND STAFF.—*

16 *(1) EXECUTIVE DIRECTOR.—The Chairperson of*
17 *the National Board shall appoint an Executive Direc-*
18 *tor who shall be compensated at a rate determined by*
19 *the National Board not to exceed the rate of pay for*
20 *level V of the Executive Schedule under section 5316*
21 *of title 5, United States Code.*

22 *(2) STAFF.—The Executive Director may ap-*
23 *point and compensate such additional staff as may be*
24 *necessary to enable the Board to perform its duties.*
25 *The Executive Director may fix the compensation of*

1 *the staff without regard to the provisions of chapter*
2 *51 and subchapter III of chapter 53 of title 5, United*
3 *States Code, relating to classification of positions and*
4 *General Schedule pay rates, except that the rate of*
5 *pay for the staff may not exceed the rate payable for*
6 *level V of the Executive Schedule under section 5316*
7 *of such title.*

8 *(f) GIFTS.—The National Board is authorized, in car-*
9 *rying out this title, to accept and employ or dispose of in*
10 *furtherance of the purposes of this title, any money or prop-*
11 *erty, real, personal, or mixed, tangible or intangible, re-*
12 *ceived by gift, devise, bequest, or otherwise, and to accept*
13 *voluntary and uncompensated services notwithstanding the*
14 *provisions of section 1342 of title 31, United States Code.*

15 *(g) AGENCY SUPPORT.—*

16 *(1) USE OF FACILITIES.—The National Board*
17 *may use the research, equipment, services and facili-*
18 *ties of any agency or instrumentality of the United*
19 *States with the consent of such agency or instrumen-*
20 *tality.*

21 *(2) STAFF OF FEDERAL AGENCIES.—Upon the*
22 *request of the National Board, the head of any Fed-*
23 *eral agency of the United States may detail to the*
24 *National Board, on a reimbursable basis, any of the*
25 *personnel of such Federal agency to assist the Na-*

1 *tional Board in carrying out this title. Such detail*
2 *shall be without interruption or loss of civil service*
3 *status or privilege.*

4 *(h) PROCUREMENT OF TEMPORARY AND INTERMIT-*
5 *TENT SERVICES.—The Chairperson of the National Board*
6 *may procure temporary and intermittent services of experts*
7 *and consultants under section 3109(b) of title 5, United*
8 *States Code.*

9 *(i) TERMINATION OF THE COMMISSION.—Section*
10 *14(a)(2) of the Federal Advisory Committee Act (5 U.S.C.*
11 *App.) shall not apply with respect to the termination of*
12 *the National Board.*

13 **SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.**

14 *(a) IDENTIFICATION OF OCCUPATIONS.—The National*
15 *Board, after extensive public consultation, shall identify*
16 *broad clusters of major occupations that involve one or more*
17 *than one industry in the United States.*

18 *(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS*
19 *TO DEVELOP STANDARDS.—*

20 *(1) IN GENERAL.—For each of the occupational*
21 *clusters identified pursuant to subsection (a), the Na-*
22 *tional Board shall encourage and facilitate the estab-*
23 *lishment of voluntary partnerships to develop a skill*
24 *standards system in accordance with subsection (d).*

1 (2) *REPRESENTATIVES.*—*Such voluntary part-*
2 *nerships shall include the full and balanced partici-*
3 *pation of—*

4 (A)(i) *representatives of business (including*
5 *representatives of large employers and represent-*
6 *atives of small employers) who have expertise in*
7 *the area of work force skill requirements, and*
8 *who are recommended by national business orga-*
9 *nizations or trade associations representing em-*
10 *ployers in the occupation or industry for which*
11 *a standard is being developed; and*

12 (ii) *representatives of trade associations*
13 *that have received grants from the Department of*
14 *Labor or the Department of Education to estab-*
15 *lish skill standards prior to the date of enact-*
16 *ment of this title;*

17 (B) *employee representatives who—*

18 (i) *have expertise in the area of work*
19 *force skill requirements; and*

20 (ii) *shall be—*

21 (I) *individuals recommended by*
22 *recognized national labor organizations*
23 *representing employees in the occupa-*
24 *tion or industry for which a standard*
25 *is being developed; and*

1 (ii) *such individuals who are*
2 *nonmanagerial employees with signifi-*
3 *cant experience and tenure in such oc-*
4 *cupation or industry as are appro-*
5 *priate given the nature and structure*
6 *of employment in the occupation or in-*
7 *dustry; and*

8 (C) *representatives of—*

9 (i) *educational institutions;*

10 (ii) *community-based organizations;*

11 (iii) *State and local agencies with ad-*
12 *ministrative control or direction over edu-*
13 *cation or over employment and training;*

14 (iv) *other policy development organiza-*
15 *tions with expertise in the area of work*
16 *force skill requirements; or*

17 (v) *nongovernmental organizations*
18 *with a demonstrated history of successfully*
19 *protecting the rights of racial, ethnic, or re-*
20 *ligious minorities, women, persons with dis-*
21 *abilities, or older persons.*

22 (3) *EXPERTS.—The partnerships described in*
23 *paragraph (2) may also include other individuals*
24 *who are independent, qualified experts in their fields.*

1 (c) *RESEARCH, DISSEMINATION, AND COORDINA-*
2 *TIONS.*—*In order to support the activities described in sub-*
3 *sections (b) and (d), the National Board shall—*

4 (1) *conduct work force research relating to skill*
5 *standards and make the results of such research avail-*
6 *able to the public, including the voluntary partner-*
7 *ships described in subsection (b);*

8 (2) *identify and maintain a catalog of skill*
9 *standards used by other countries and by States and*
10 *leading firms and industries in the United States;*

11 (3) *serve as a clearinghouse to facilitate the shar-*
12 *ing of information on the development of skill stand-*
13 *ards and other relevant information among represent-*
14 *atives of occupations and industries identified pursu-*
15 *ant to subsection (a), and among education and*
16 *training providers;*

17 (4) *develop a common nomenclature relating to*
18 *skill standards;*

19 (5) *encourage the development and adoption of*
20 *curricula and training materials, for attaining the*
21 *skill standards endorsed pursuant to subsection (d),*
22 *that provide for structured work experiences and re-*
23 *lated study programs leading to progressive levels of*
24 *professional and technical certification;*

1 (6) *provide appropriate technical assistance to*
2 *voluntary partnerships involved in the development of*
3 *standards and systems described in subsection (b);*
4 *and*

5 (7) *facilitate coordination among voluntary*
6 *partnerships that meet the requirements of subsection*
7 *(b)(2) in order to promote the development of a coher-*
8 *ent national system of voluntary skill standards.*

9 (d) *ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—*

10 (1) *IN GENERAL.—The National Board, after*
11 *public review and comment, shall endorse skill stand-*
12 *ards systems relating to the occupational clusters*
13 *identified pursuant to subsection (a) that—*

14 (A) *meet the requirements of paragraph (2);*

15 (B) *are submitted by voluntary partner-*
16 *ships that meet the requirements of subsection*
17 *(b)(2); and*

18 (C) *meet additional objective criteria that*
19 *are published by the National Board.*

20 (2) *COMPONENTS OF SYSTEM.—The skill stand-*
21 *ards systems endorsed pursuant to paragraph (1)*
22 *shall have one or more of the following components:*

23 (A) *Voluntary skill standards, which—*

24 (i) *are formulated in such a manner*
25 *that promotes the portability of credentials*

1 *and facilitates worker mobility within an*
2 *occupational cluster or industry and among*
3 *industries;*

4 (ii) *are in a form that allows for regu-*
5 *lar updating to take into account advances*
6 *in technology or other developments within*
7 *the occupational cluster;*

8 (iii) *are not discriminatory with re-*
9 *spect to race, color, religion, sex, national*
10 *origin, ethnicity, age, or disability;*

11 (iv) *meet or exceed the highest applica-*
12 *ble standards used in the United States, in-*
13 *cluding apprenticeship standards registered*
14 *under the Act of August 16, 1937 (com-*
15 *monly known as the “National Apprentice-*
16 *ship Act”, 50 Stat. 664, chapter 663, 29*
17 *U.S.C. 50 et seq.); and*

18 (v) *have been developed after taking*
19 *into account—*

20 (I) *relevant standards used in*
21 *other countries and relevant inter-*
22 *national standards;*

23 (II) *voluntary national content*
24 *standards and voluntary national stu-*

1 *dent performance standards developed*
2 *pursuant to section 213; and*

3 *(III) the requirements of high per-*
4 *formance work organizations.*

5 *(B) A voluntary system of assessment and*
6 *certification of the attainment of skill standards*
7 *developed pursuant to subparagraph (A),*
8 *which—*

9 *(i) utilizes a variety of evaluation tech-*
10 *niques, including, where appropriate, oral*
11 *and written evaluations, portfolio assess-*
12 *ments, and performance tests;*

13 *(ii) includes methods for establishing*
14 *the validity and reliability of the assessment*
15 *and certification system for the intended*
16 *purposes of the system; and*

17 *(iii) has been developed after taking*
18 *into account relevant methods of assessment*
19 *and certification used in other countries.*

20 *(C) A system to disseminate information re-*
21 *lating to the skill standards, and the assessment*
22 *and certification systems, developed pursuant to*
23 *this paragraph (including dissemination of in-*
24 *formation relating to civil rights laws relevant to*
25 *the use of such standards and systems), and to*

1 *promote use of such standards and systems by,*
2 *entities such as institutions of higher education*
3 *offering professional and technical education,*
4 *labor organizations, trade and technical associa-*
5 *tions, and employers providing formalized train-*
6 *ing, and other organizations likely to benefit*
7 *from such standards and systems.*

8 *(D) A system to evaluate the implementa-*
9 *tion and effectiveness of the skill standards, the*
10 *assessment and certification systems, and the in-*
11 *formation dissemination systems, developed pur-*
12 *suant to this paragraph.*

13 *(E) A system to periodically revise and up-*
14 *date the skill standards, and the assessment and*
15 *certification systems, developed pursuant to this*
16 *paragraph, which will take into account changes*
17 *in standards in other countries.*

18 *(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—*

19 *(1) IN GENERAL.—Nothing in this title shall be*
20 *construed to modify or affect any Federal or State*
21 *law prohibiting discrimination on the basis of race,*
22 *color, religion, sex, national origin, ethnicity, age, or*
23 *disability.*

24 *(2) EVIDENCE.—The endorsement or absence of*
25 *an endorsement by the National Board of a skill*

1 *standard, or assessment and certification system, en-*
2 *dorsed under subsection (d) may not be used in any*
3 *action or proceeding to establish that the use of a skill*
4 *standard or assessment and certification system con-*
5 *forms or does not conform to the requirements of civil*
6 *rights laws.*

7 *(f) COORDINATION.—The National Board shall estab-*
8 *lish cooperative arrangements with the National Education*
9 *Standards and Improvement Council to promote the coordi-*
10 *nation of the development of skill standards under this sec-*
11 *tion with the development of voluntary national content*
12 *standards and voluntary national student performance*
13 *standards in accordance with section 213.*

14 *(g) FINANCIAL ASSISTANCE.—*

15 *(1) IN GENERAL.—(A) From funds appropriated*
16 *pursuant to the authority of section 507, the Sec-*
17 *retary of Labor may award grants and enter into*
18 *contracts and cooperative arrangements (including*
19 *awarding grants to, and entering into contracts and*
20 *cooperative agreements with, voluntary partnerships*
21 *in accordance with paragraph (2)) that are requested*
22 *by the National Board for the purposes of carrying*
23 *out this title.*

24 *(B) Each entity desiring a grant, contract or co-*
25 *operative agreement under this title shall submit an*

1 *application to the National Board at such time, in*
2 *such manner and accompanied by such information*
3 *as the National Board may reasonably require.*

4 (2) *SPECIAL RULE REGARDING ASSISTANCE FOR*
5 *VOLUNTARY PARTNERSHIPS.—The Secretary only*
6 *shall award a grant to, or enter into a contract or*
7 *cooperative agreement with, a voluntary partnership*
8 *that meets the requirements of subsection (b)(2) for*
9 *the development of skill standards systems in accord-*
10 *ance with subsection (d).*

11 (3) *CRITERIA FOR BOARD CONSIDERATION.—*
12 *Prior to each of the fiscal years 1994 through 1998,*
13 *the National Board shall publish objective criteria for*
14 *the National Board's consideration of applications*
15 *submitted pursuant to paragraph (1)(B).*

16 (4) *RECOMMENDATIONS TO THE SECRETARY OF*
17 *LABOR.—The National Board shall review each appli-*
18 *cation received pursuant to paragraph (1)(B) in ac-*
19 *cordance with the objective criteria published pursu-*
20 *ant to paragraph (3), and shall submit each such ap-*
21 *plication to the Secretary of Labor accompanied by a*
22 *recommendation by the National Board on whether or*
23 *not the Secretary of Labor should award a grant to*
24 *the applicant.*

25 (5) *LIMITATION ON USE OF FUNDS.—*

1 (A) *IN GENERAL.*—Not more than 20 per-
2 cent of the funds appropriated pursuant to the
3 authority of section 507(a) for each fiscal year
4 shall be used by the National Board for the costs
5 of administration.

6 (B) *STARTUP COSTS.*—Notwithstanding
7 subparagraph (A), in order to facilitate the es-
8 tablishment of the National Board, the limita-
9 tion contained in subparagraph (A) shall not
10 apply to funds appropriated pursuant to the au-
11 thority of section 507(a) for fiscal year 1994.

12 (C) *DEFINITION.*—For purposes of this
13 paragraph, the term “costs of administration”
14 means costs relating to staff, supplies, equip-
15 ment, space, and travel and per diem, costs of
16 conducting meetings and conferences, and other
17 related costs.

18 **SEC. 505. DEADLINES.**

19 Not later than December 31, 1996, the National Board
20 shall—

21 (1) identify occupational clusters pursuant to
22 section 504(a) representing a substantial portion of
23 the work force; and

1 (2) *promote the endorsement of an initial set of*
2 *skill standards in accordance with section 504(d) for*
3 *such clusters.*

4 **SEC. 506. REPORTS.**

5 *The National Board shall prepare and submit to the*
6 *President and the Congress in each of the fiscal years 1994*
7 *through 1998, a report on the activities conducted under*
8 *this title. Such report shall include information on the ex-*
9 *tent to which skill standards have been adopted by employ-*
10 *ers, training providers, and other entities, and on the effec-*
11 *tiveness of such standards in accomplishing the purposes*
12 *described in section 502.*

13 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *IN GENERAL.*—*There are authorized to be appro-*
15 *priated to carry out this title \$15,000,000 for fiscal year*
16 *1994 and such sums as may be necessary for each of fiscal*
17 *years 1995 through 1998.*

18 (b) *AVAILABILITY.*—*Amounts appropriated pursuant*
19 *to subsection (a) shall remain available until expended.*

20 **SEC. 508. DEFINITIONS.**

21 *As used in this title:*

22 (1) *COMMUNITY-BASED ORGANIZATIONS.*—*The*
23 *term “community-based organizations” has the mean-*
24 *ing given the term in section 4(5) of the Job Training*
25 *Partnership Act (29 U.S.C. 1503(5)).*

1 (2) *EDUCATIONAL INSTITUTION.*—The term
2 “educational institution” means a high school, a vo-
3 cational school, and an institution of higher edu-
4 cation.

5 (3) *INSTITUTION OF HIGHER EDUCATION.*—The
6 term “institution of higher education” has the mean-
7 ing given the term in section 1201(a) of the Higher
8 Education Act of 1965 (20 U.S.C. 1141(a)).

9 (4) *SKILL STANDARD.*—The term “skill stand-
10 ard” means the level of knowledge and competence re-
11 quired to successfully perform work-related functions
12 within an occupational cluster.

13 **SEC. 509. SUNSET PROVISION.**

14 (a) *REPEAL.*—This title is repealed on September 30,
15 1998.

16 (b) *REVIEW OF REPEAL.*—It is the sense of the Con-
17 gress that the appropriate committees of the Congress should
18 review the accomplishments of the National Board prior to
19 the date of repeal described in subsection (a) in order to
20 determine whether it is appropriate to extend the authori-
21 ties provided under this title for a period beyond such date.

1 **TITLE VI—SAFE SCHOOLS**

2 **PART A—SAFE SCHOOLS PROGRAM**

3 **SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.**

4 (a) *SHORT TITLE.*—This part may be cited as the
5 “Safe Schools Act of 1994”.

6 (b) *STATEMENT OF PURPOSE.*—It is the purpose of
7 this part to help local school systems achieve Goal Six of
8 the National Education Goals, which provides that by the
9 year 2000, every school in America will be free of drugs
10 and violence and will offer a disciplined environment con-
11 ducive to learning, by ensuring that all schools are safe and
12 free of violence.

13 **SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.**

14 (a) *AUTHORITY.*—

15 (1) *IN GENERAL.*—From funds appropriated
16 pursuant to the authority of subsection (b)(1), the
17 Secretary shall make competitive grants to eligible
18 local educational agencies to enable such agencies to
19 carry out projects and activities designed to achieve
20 Goal Six of the National Education Goals by helping
21 to ensure that all schools are safe and free of violence.

22 (2) *GRANT DURATION AND AMOUNT.*—Grants
23 under this part may not exceed—

24 (A) two fiscal years in duration, except that
25 the Secretary shall not award any new grants in

1 *fiscal year 1996 but may make payments pursu-*
2 *ant to a 2-year grant which terminates in such*
3 *fiscal year; and*

4 *(B) \$3,000,000 in any fiscal year.*

5 (3) *GEOGRAPHIC DISTRIBUTION.*—*To the extent*
6 *practicable, grants under this title shall be awarded*
7 *to eligible local educational agencies serving rural, as*
8 *well as urban, areas.*

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—

10 (1) *IN GENERAL.*—*There are authorized to be ap-*
11 *propriated \$75,000,000 for fiscal year 1994,*
12 *\$100,000,000 for fiscal year 1995, and such sums as*
13 *may be necessary for fiscal year 1996, to carry out*
14 *this part.*

15 (2) *RESERVATION.*—*The Secretary is authorized*
16 *in each fiscal year to reserve not more than 10 per-*
17 *cent of the amount appropriated pursuant to the au-*
18 *thority of paragraph (1) to carry out national leader-*
19 *ship activities described in section 606, of which 50*
20 *percent of such amount shall be available in such fis-*
21 *cal year to carry out the program described in section*
22 *606(b).*

23 **SEC. 603. ELIGIBLE APPLICANTS.**

24 (a) *IN GENERAL.*—*To be eligible to receive a grant*
25 *under this part, a local educational agency shall dem-*

1 *onstrate in the application submitted pursuant to section*
2 *604(a) that such agency—*

3 *(1) serves an area in which there is a high rate*
4 *of—*

5 *(A) homicides committed by persons be-*
6 *tween the ages 5 to 18, inclusive;*

7 *(B) referrals of youth to juvenile court;*

8 *(C) youth under the supervision of the*
9 *courts;*

10 *(D) expulsions and suspension of students*
11 *from school;*

12 *(E) referrals of youth, for disciplinary rea-*
13 *sons, to alternative schools; or*

14 *(F) victimization of youth by violence,*
15 *crime, or other forms of abuse; and*

16 *(2) has serious school crime, violence, and dis-*
17 *cipline problems, as indicated by other appropriate*
18 *data.*

19 *(b) PRIORITY.—In awarding grants under this part,*
20 *the Secretary shall give priority to a local educational agen-*
21 *cy that—*

22 *(1) receives assistance under section 1006 of the*
23 *Elementary and Secondary Education Act of 1965 or*
24 *meets the criteria described in clauses (i) and (ii) of*
25 *section 1006(a)(1)(A) of such Act; and*

1 (2) *submits an application that assures a strong*
2 *local commitment to the projects or activities assisted*
3 *under this part, such as—*

4 (A) *the formation of partnerships among*
5 *the local educational agency, a community-based*
6 *organization, a nonprofit organization with a*
7 *demonstrated commitment to or expertise in de-*
8 *veloping education programs or providing edu-*
9 *cational services to students or the public, a local*
10 *law enforcement agency, or any combination*
11 *thereof; and*

12 (B) *a high level of youth participation in*
13 *such projects or activities.*

14 (c) *DEFINITIONS.—For the purpose of this part—*

15 (1) *the term “local educational agency” has the*
16 *same meaning given to such term in section 1471(12)*
17 *of the Elementary and Secondary Education Act of*
18 *1965; and*

19 (2) *the term “Secretary” means the Secretary of*
20 *Education.*

21 **SEC. 604. APPLICATIONS AND PLANS.**

22 (a) *APPLICATION.—In order to receive a grant under*
23 *this part, a local educational agency shall submit to the*
24 *Secretary an application that includes—*

1 (1) *an assessment of the current violence and*
2 *crime problems in the schools and community to be*
3 *served by the grant;*

4 (2) *an assurance that the applicant has written*
5 *policies regarding school safety, student discipline,*
6 *and the appropriate handling of violent or disruptive*
7 *acts;*

8 (3) *a description of the schools and communities*
9 *to be served by the grant, the projects and activities*
10 *to be carried out with grant funds, and how these*
11 *projects and activities will help to reduce the current*
12 *violence and crime problems in such schools and com-*
13 *munities;*

14 (4) *if the local educational agency receives funds*
15 *under Goals 2000: Educate America Act, an expla-*
16 *nation of how projects and activities assisted under*
17 *this part will be coordinated with and support such*
18 *agency's comprehensive local improvement plan pre-*
19 *pared under that Act;*

20 (5) *the applicant's plan to establish school-level*
21 *advisory committees, which include faculty, parents,*
22 *staff, and students, for each school to be served by the*
23 *grant and a description of how each committee will*
24 *assist in assessing that school's violence and discipline*
25 *problems as well as in designing appropriate pro-*

1 *grams, policies, and practices to address those prob-*
2 *lems;*

3 *(6) the applicant's plan for collecting baseline*
4 *and future data, by individual schools, to monitor vi-*
5 *olence and discipline problems and to measure such*
6 *applicant's progress in achieving the purpose of this*
7 *part;*

8 *(7) an assurance that grant funds under this*
9 *part will be used to supplement and not to supplant*
10 *State and local funds that would, in the absence of*
11 *funds under this part, be made available by the ap-*
12 *plicant for the purpose of this part;*

13 *(8) an assurance that the applicant will cooper-*
14 *ate with, and provide assistance to, the Secretary in*
15 *gathering statistics and other data the Secretary de-*
16 *termines are necessary to assess the effectiveness of*
17 *projects and activities assisted under this part or the*
18 *extent of school violence and discipline problems*
19 *throughout the Nation;*

20 *(9) an assurance that the local educational agen-*
21 *cy has a written policy that prohibits sexual contact*
22 *between school personnel and a student; and*

23 *(10) such other information as the Secretary*
24 *may require.*

1 (b) *PLAN.*—In order to receive funds under this part
2 for a second year, a grantee shall submit to the Secretary
3 a comprehensive, long-term, school safety plan for reducing
4 and preventing school violence and discipline problems.
5 Such plan shall contain—

6 (1) a description of how the grantee will coordi-
7 nate its school crime and violence prevention efforts
8 with education, law-enforcement, judicial, health, so-
9 cial service, and other appropriate agencies and orga-
10 nizations serving the community; and

11 (2) in the case that the grantee receives funds
12 under the Goals 2000: Educate America Act, an ex-
13 planation of how the grantee's comprehensive plan
14 under this subsection is consistent with and supports
15 its comprehensive local improvement plan prepared
16 under that Act, if such explanation differs from that
17 provided in the grantee's application under that Act.

18 **SEC. 605. USE OF FUNDS.**

19 (a) *USE OF FUNDS.*—

20 (1) *IN GENERAL.*—A local educational agency
21 shall use grant funds received under this part for one
22 or more of the following activities:

23 (A) Identifying and assessing school vio-
24 lence and discipline problems, including coordi-
25 nating needs assessment activities and education,

1 *law-enforcement, judicial, health, social service,*
2 *and other appropriate agencies and organiza-*
3 *tions.*

4 *(B) Conducting school safety reviews or vio-*
5 *lence prevention reviews of programs, policies,*
6 *practices, and facilities to determine what*
7 *changes are needed to reduce or prevent violence*
8 *and promote safety and discipline.*

9 *(C) Planning for comprehensive, long-term*
10 *strategies for addressing and preventing school*
11 *violence and discipline problems through the in-*
12 *volvement and coordination of school programs*
13 *with other education, law-enforcement, judicial,*
14 *health, social service, and other appropriate*
15 *agencies and organizations.*

16 *(D) Training school personnel in programs*
17 *of demonstrated effectiveness in addressing vio-*
18 *lence, including violence prevention, conflict res-*
19 *olution, anger management, peer mediation, and*
20 *identification of high-risk youth.*

21 *(E) Community education programs, in-*
22 *cluding video- and technology-based projects, in-*
23 *forming parents, businesses, local government,*
24 *the media and other appropriate entities*
25 *about—*

1 (i) the local educational agency's plan
2 to promote school safety and reduce and
3 prevent school violence and discipline prob-
4 lems; and

5 (ii) the need for community support.

6 (F) Coordination of school-based activities
7 designed to promote school safety and reduce or
8 prevent school violence and discipline problems
9 with related efforts of education, law-enforce-
10 ment, judicial, health, social service, and other
11 appropriate agencies and organizations.

12 (G) Developing and implementing violence
13 prevention activities, including—

14 (i) conflict resolution and social skills
15 development for students, teachers, aides,
16 other school personnel, and parents;

17 (ii) disciplinary alternatives to expul-
18 sion and suspension of students who exhibit
19 violent or anti-social behavior;

20 (iii) student-led activities such as peer
21 mediation, peer counseling, and student
22 courts; or

23 (iv) alternative after-school programs
24 that provide safe havens for students, which

1 *may include cultural, recreational, and edu-*
2 *cational and instructional activities.*

3 *(H) Educating students and parents re-*
4 *garding the dangers of guns and other weapons*
5 *and the consequences of their use.*

6 *(I) Developing and implementing innova-*
7 *tive curricula to prevent violence in schools and*
8 *training staff how to stop disruptive or violent*
9 *behavior if such behavior occurs.*

10 *(J) Supporting “safe zones of passage” for*
11 *students between home and school through such*
12 *measures as Drug- and Weapon-Free School*
13 *Zones, enhanced law enforcement, and neighbor-*
14 *hood patrols.*

15 *(K) Counseling programs for victims and*
16 *witnesses of school violence and crime.*

17 *(L) Minor remodeling to promote security*
18 *and reduce the risk of violence, such as removing*
19 *lockers, installing better lights, and upgrading*
20 *locks.*

21 *(M) Acquiring and installing metal detec-*
22 *tors and hiring security personnel.*

23 *(N) Reimbursing law enforcement authori-*
24 *ties for their personnel who participate in school*
25 *violence prevention activities.*

1 (O) *Evaluating projects and activities as-*
2 *sisted under this part.*

3 (P) *The cost of administering projects or ac-*
4 *tivities assisted under this part.*

5 (Q) *Other projects or activities that meet*
6 *the purpose of this part.*

7 (2) *LIMITATION.—A local educational agency*
8 *may use not more than—*

9 (A) *a total of 10 percent of grant funds re-*
10 *ceived under this part in each fiscal year for ac-*
11 *tivities described in subparagraphs (J), (L), (M),*
12 *and (N) of paragraph (1); and*

13 (B) *5 percent of grant funds received under*
14 *this part in each fiscal year for activities de-*
15 *scribed in subparagraph (P) of paragraph (1).*

16 (3) *PROHIBITION.—A local educational agency*
17 *may not use grant funds received under this part for*
18 *construction.*

19 **SEC. 606. NATIONAL LEADERSHIP.**

20 (a) *IN GENERAL.—To carry out the purpose of this*
21 *part, the Secretary is authorized to use funds reserved under*
22 *section 602(b)(2) to conduct national leadership activities*
23 *such as research, program development and evaluation,*
24 *data collection, public awareness activities, training and*
25 *technical assistance, dissemination (through appropriate*

1 **SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.**

2 *The Attorney General, through the Coordinating Coun-*
3 *cil on Juvenile Justice and Delinquency Prevention of the*
4 *Department of Justice, shall coordinate the programs and*
5 *activities carried out under this Act with the programs and*
6 *activities carried out by the departments and offices rep-*
7 *resented within the Council that provide assistance under*
8 *other law for purposes that are similar to the purpose of*
9 *this Act, in order to avoid redundancy and coordinate Fed-*
10 *eral assistance, research, and programs for youth violence*
11 *prevention.*

12 **SEC. 609. EFFECTIVE DATE.**

13 *This part and the amendments made by this part shall*
14 *take effect on the date of enactment of this Act.*

15 **PART B—STATE LEADERSHIP ACTIVITIES TO**
16 **PROMOTE SAFE SCHOOLS**

17 **SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE**
18 **SAFE SCHOOLS PROGRAM.**

19 (a) *SHORT TITLE.*—*This section may be cited as the*
20 *“State Leadership Activities to Promote Safe Schools Act”.*

21 (b) *AUTHORITY.*—*The Secretary is authorized to*
22 *award grants to State educational agencies from allocations*
23 *under subsection (c) to enable such agencies to carry out*
24 *the authorized activities described in subsection (e).*

25 (c) *ALLOCATION.*—*Each State educational agency hav-*
26 *ing an application approved under subsection (d) shall be*

1 *eligible to receive a grant under this section for each fiscal*
2 *year that bears the same ratio to the amount appropriated*
3 *pursuant to the authority of subsection (f) for such year*
4 *as the amount such State educational agency receives pur-*
5 *suant to section 1006 of the Elementary and Secondary*
6 *Education Act of 1965 for such year bears to the total*
7 *amount allocated to all such agencies in all States having*
8 *applications approved under subsection (d) for such year,*
9 *except that no State educational agency having an applica-*
10 *tion approved under subsection (d) in any fiscal year shall*
11 *receive less than \$100,000 for such year.*

12 *(d) APPLICATION.—Each State educational agency de-*
13 *siring a grant under this section shall submit an applica-*
14 *tion to the Secretary at such time, in such manner and*
15 *containing such information as the Secretary may reason-*
16 *ably require. Each such application shall—*

17 *(1) describe the activities and services for which*
18 *assistance is sought;*

19 *(2) contain a statement of the State educational*
20 *agency's goals and objectives for violence prevention*
21 *and a description of the procedures to be used for as-*
22 *sessing and publicly reporting progress toward meet-*
23 *ing those goals and objectives; and*

24 *(3) contain a description of how the State edu-*
25 *cational agency will coordinate such agency's activi-*

1 *ties under this section with the violence prevention ef-*
2 *forts of other State agencies.*

3 *(e) USE OF FUNDS.—Grant funds awarded under this*
4 *section shall be used—*

5 *(1) to support a statewide resource coordinator;*

6 *(2) to provide technical assistance to both rural*
7 *and urban local school districts;*

8 *(3) to disseminate to local educational agencies*
9 *and schools information on successful school violence*
10 *prevention programs funded through Federal, State,*
11 *local and private sources;*

12 *(4) to make available to local educational agen-*
13 *cies teacher training and parent and student aware-*
14 *ness programs, which training and programs may be*
15 *provided through video or other telecommunications*
16 *approaches;*

17 *(5) to supplement and not supplant other Fed-*
18 *eral, State and local funds available to carry out the*
19 *activities assisted under this section; and*

20 *(6) for other activities the Secretary may deem*
21 *appropriate.*

22 *(f) AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated \$10,000,000 for each of the*
24 *fiscal years 1995 and 1996 to carry out this section.*

1 **TITLE VII—MIDNIGHT BASKET-**
2 **BALL LEAGUE TRAINING AND**
3 **PARTNERSHIP**

4 **SEC. 701. SHORT TITLE.**

5 *This title may be cited as the “Midnight Basketball*
6 *League Training and Partnership Act”.*

7 **SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE**
8 **TRAINING AND PARTNERSHIP PROGRAMS.**

9 *Section 520 of the Cranston-Gonzalez National Afford-*
10 *able Housing Act (42 U.S.C. 11903a) is amended—*

11 *(1) in the section heading by inserting “**AND***
12 ***ASSISTED**” after “**PUBLIC**”;*

13 *(2) in the subsection heading for subsection (a),*
14 *by inserting “PUBLIC HOUSING” before “YOUTH”;*
15 *and*

16 *(3) by adding at the end the following new sub-*
17 *section:*

18 *“(1) MIDNIGHT BASKETBALL LEAGUE TRAINING AND*
19 *PARTNERSHIP PROGRAMS.—*

20 *“(1) AUTHORITY.—The Secretary of Housing*
21 *and Urban Development shall make grants, to the ex-*
22 *tent that amounts are approved in appropriations*
23 *Acts under paragraph (13), to—*

24 *“(A) eligible entities to assist such entities*
25 *in carrying out midnight basketball league pro-*

1 *grams meeting the requirements of paragraph*
2 *(4); and*

3 *“(B) eligible advisory entities to provide*
4 *technical assistance to eligible entities in estab-*
5 *lishing and operating such midnight basketball*
6 *league programs.*

7 *“(2) ELIGIBLE ENTITIES.—*

8 *“(A) IN GENERAL.—Subject to subpara-*
9 *graph (B), grants under paragraph (1)(A) may*
10 *be made only to the following eligible entities:*

11 *“(i) Entities eligible under subsection*
12 *(b) for a grant under subsection (a).*

13 *“(ii) Nonprofit organizations provid-*
14 *ing employment counseling, job training, or*
15 *other educational services.*

16 *“(iii) Nonprofit organizations provid-*
17 *ing federally assisted low-income housing.*

18 *“(B) PROHIBITION ON SECOND GRANTS.—A*
19 *grant under paragraph (1)(A) may not be made*
20 *to an eligible entity if the entity has previously*
21 *received a grant under such paragraph, except*
22 *that the Secretary may exempt an eligible advi-*
23 *sory entity from the prohibition under this sub-*
24 *paragraph in extraordinary circumstances.*

1 “(3) *USE OF GRANT AMOUNTS.*—Any eligible en-
2 tity that receives a grant under paragraph (1)(A)
3 may use such amounts only—

4 “(A) *to establish or carry out a midnight*
5 *basketball league program under paragraph (4);*

6 “(B) *for salaries for administrators and*
7 *staff of the program;*

8 “(C) *for other administrative costs of the*
9 *program, except that not more than 5 percent of*
10 *the grant amount may be used for such adminis-*
11 *trative costs; and*

12 “(D) *for costs of training and assistance*
13 *provided under paragraph (4)(I).*

14 “(4) *PROGRAM REQUIREMENTS.*—Each eligible
15 entity receiving a grant under paragraph (1)(A) shall
16 establish a midnight basketball league program as fol-
17 lows:

18 “(A) *The program shall establish a basket-*
19 *ball league of not less than 8 teams having 10*
20 *players each.*

21 “(B) *Not less than 50 percent of the players*
22 *in the basketball league shall be residents of fed-*
23 *erally assisted low-income housing or members of*
24 *low-income families (as such term is defined in*

1 *section 3(b) of the United States Housing Act of*
2 *1937).*

3 “(C) *The program shall be designed to serve*
4 *primarily youths and young adults from a*
5 *neighborhood or community whose population*
6 *has not less than 2 of the following characteris-*
7 *tics (in comparison with national averages):*

8 “(i) *A substantial problem regarding*
9 *use or sale of illegal drugs.*

10 “(ii) *A high incidence of crimes com-*
11 *mitted by youths or young adults.*

12 “(iii) *A high incidence of persons in-*
13 *fectured with the human immunodeficiency*
14 *virus or sexually transmitted diseases.*

15 “(iv) *A high incidence of pregnancy or*
16 *a high birth rate, among adolescents.*

17 “(v) *A high unemployment rate for*
18 *youths and young adults.*

19 “(vi) *A high rate of high school drop-*
20 *outs.*

21 “(D) *The program shall require each player*
22 *in the league to attend employment counseling,*
23 *job training, and other educational classes pro-*
24 *vided under the program, which shall be held im-*
25 *mediately following the conclusion of league bas-*

1 *ketball games at or near the site of the games*
2 *and at other specified times.*

3 “(E) *The program shall serve only youths*
4 *and young adults who demonstrate a need for*
5 *such counseling, training, and education pro-*
6 *vided by the program, in accordance with cri-*
7 *teria for demonstrating need, which shall be es-*
8 *tablished by the Secretary, in consultation with*
9 *the Advisory Committee.*

10 “(F) *The majority of the basketball games of*
11 *the league shall be held between the hours of*
12 *10:00 p.m. and 2:00 a.m. at a location in the*
13 *neighborhood or community served by the pro-*
14 *gram.*

15 “(G) *The program shall obtain sponsors for*
16 *each team in the basketball league. Sponsors*
17 *shall be private individuals or businesses in the*
18 *neighborhood or community served by the pro-*
19 *gram who make financial contributions to the*
20 *program and participate in or supplement the*
21 *employment, job training, and educational serv-*
22 *ices provided to the players under the program*
23 *with additional training or educational opportu-*
24 *nities.*

1 “(H) The program shall comply with any
2 criteria established by the Secretary, in consulta-
3 tion with the Advisory Committee established
4 under paragraph (9).

5 “(I) Administrators or organizers of the
6 program shall receive training and technical as-
7 sistance provided by eligible advisory entities re-
8 ceiving grants under paragraph (8).

9 “(5) GRANT AMOUNT LIMITATIONS.—

10 “(A) PRIVATE CONTRIBUTIONS.—The Sec-
11 retary may not make a grant under paragraph
12 (1)(A) to an eligible entity that applies for a
13 grant under paragraph (6) unless the applicant
14 entity certifies to the Secretary that the entity
15 will supplement the grant amounts with
16 amounts of funds from non-Federal sources, as
17 follows:

18 “(i) In each of the first 2 years that
19 amounts from the grant are disbursed
20 (under subparagraph (E)), an amount suf-
21 ficient to provide not less than 35 percent
22 of the cost of carrying out the midnight bas-
23 ketball league program.

24 “(ii) In each of the last 3 years that
25 amounts from the grant are disbursed, an

1 *amount sufficient to provide not less than*
2 *50 percent of the cost of carrying out the*
3 *midnight basketball league program.*

4 “(B) *NON-FEDERAL FUNDS.*—*For purposes*
5 *of this paragraph, the term ‘funds from non-Fed-*
6 *eral sources’ includes amounts from nonprofit or-*
7 *ganizations, public housing agencies, States,*
8 *units of general local government, and Indian*
9 *housing authorities, private contributions, any*
10 *salary paid to staff (other than from grant*
11 *amounts under paragraph (1)(A)) to carry out*
12 *the program of the eligible entity, in-kind con-*
13 *tributions to carry out the program (as deter-*
14 *mined by the Secretary after consultation with*
15 *the Advisory Committee), the value of any do-*
16 *nated material, equipment, or building, the value*
17 *of any lease on a building, the value of any util-*
18 *ities provided, and the value of any time and*
19 *services contributed by volunteers to carry out*
20 *the program of the eligible entity.*

21 “(C) *PROHIBITION ON SUBSTITUTION OF*
22 *FUNDS.*—*Grant amounts under paragraph*
23 *(1)(A) and amounts provided by States and*
24 *units of general local government to supplement*
25 *grant amounts may not be used to replace other*

1 *public funds previously used, or designated for*
2 *use, under this section.*

3 “(D) *MAXIMUM AND MINIMUM GRANT*
4 *AMOUNTS.—*

5 “(i) *IN GENERAL.—The Secretary may*
6 *not make a grant under paragraph (1)(A)*
7 *to any single eligible entity in an amount*
8 *less than \$55,000 or exceeding \$130,000, ex-*
9 *cept as provided in clause (ii).*

10 “(ii) *EXCEPTION FOR LARGE*
11 *LEAGUES.—In the case of a league having*
12 *more than 80 players, a grant under para-*
13 *graph (1)(A) may exceed \$130,000, but may*
14 *not exceed the amount equal to 35 percent*
15 *of the cost of carrying out the midnight bas-*
16 *ketball league program.*

17 “(E) *DISBURSEMENT.—Amounts provided*
18 *under a grant under paragraph (1)(A) shall be*
19 *disbursed to the eligible entity receiving the*
20 *grant over the 5-year period beginning on the*
21 *date that the entity is selected to receive the*
22 *grant, as follows:*

23 “(i) *In each of the first 2 years of such*
24 *5-year period, 23 percent of the total grant*
25 *amount shall be disbursed to the entity.*

1 “(ii) In each of the last 3 years of such
2 5-year period, 18 percent of the total grant
3 amount shall be disbursed to the entity.

4 “(6) APPLICATIONS.—To be eligible to receive a
5 grant under paragraph (1)(A), an eligible entity shall
6 submit to the Secretary an application in the form
7 and manner required by the Secretary (after consulta-
8 tion with the Advisory Committee), which shall in-
9 clude—

10 “(A) a description of the midnight basket-
11 ball league program to be carried out by the en-
12 tity, including a description of the employment
13 counseling, job training, and other educational
14 services to be provided;

15 “(B) letters of agreement from service pro-
16 viders to provide training and counseling serv-
17 ices required under paragraph (4) and a descrip-
18 tion of such service providers;

19 “(C) letters of agreement providing for fa-
20 cilities for basketball games and counseling,
21 training, and educational services required
22 under paragraph (4) and a description of the fa-
23 cilities;

24 “(D) a list of persons and businesses from
25 the community served by the program who have

1 *expressed interest in sponsoring, or have made*
2 *commitments to sponsor, a team in the midnight*
3 *basketball league; and*

4 “(E) *evidence that the neighborhood or com-*
5 *munity served by the program meets the require-*
6 *ments of paragraph (4)(C).*

7 “(7) *SELECTION.—The Secretary, in consulta-*
8 *tion with the Advisory Committee, shall select eligible*
9 *entities that have submitted applications under para-*
10 *graph (6) to receive grants under paragraph (1)(A).*
11 *The Secretary, in consultation with the Advisory*
12 *Committee, shall establish criteria for selection of ap-*
13 *plicants to receive such grants. The criteria shall in-*
14 *clude a preference for selection of eligible entities car-*
15 *rying out midnight basketball league programs in*
16 *suburban and rural areas.*

17 “(8) *TECHNICAL ASSISTANCE GRANTS.—Tech-*
18 *nical assistance grants under paragraph (1)(B) shall*
19 *be made as follows:*

20 “(A) *ELIGIBLE ADVISORY ENTITIES.—Tech-*
21 *nical assistance grants may be made only to en-*
22 *tities that—*

23 “(i) *are experienced and have expertise*
24 *in establishing, operating, or administering*
25 *successful and effective programs for mid-*

1 night basketball and employment, job train-
2 ing, and educational services similar to the
3 programs under paragraph (4); and

4 “(ii) have provided technical assistance
5 to other entities regarding establishment
6 and operation of such programs.

7 “(B) USE.—Amounts received under tech-
8 nical assistance grants shall be used to establish
9 centers for providing technical assistance to enti-
10 ties receiving grants under paragraph (1)(A) of
11 this subsection and subsection (a) regarding es-
12 tablishment, operation, and administration of ef-
13 fective and successful midnight basketball league
14 programs under this subsection and subsection
15 (c)(3).

16 “(C) NUMBER AND AMOUNT.—To the extent
17 that amounts are provided in appropriations
18 Acts under paragraph (13)(B) in each fiscal
19 year, the Secretary shall make technical assist-
20 ance grants under paragraph (1)(B). In each fis-
21 cal year that such amounts are available the Sec-
22 retary shall make 4 such grants, as follows:

23 “(i) 2 grants shall be made to eligible
24 advisory entities for development of mid-

1 *night basketball league programs in public*
2 *housing projects.*

3 “(ii) 2 grants shall be made to eligible
4 *advisory entities for development of mid-*
5 *night basketball league programs in subur-*
6 *ban or rural areas.*

7 *Each grant shall be in an amount not exceeding*
8 *\$25,000.*

9 “(9) *ADVISORY COMMITTEE.*—*The Secretary of*
10 *Housing and Urban Development shall appoint an*
11 *Advisory Committee to assist the Secretary in provid-*
12 *ing grants under this subsection. The Advisory Com-*
13 *mittee shall be composed of not more than 7 members,*
14 *as follows:*

15 “(A) *Not less than 2 individuals who are*
16 *involved in managing or administering mid-*
17 *night basketball programs that the Secretary de-*
18 *termines have been successful and effective. Such*
19 *individuals may not be involved in a program*
20 *assisted under this subsection or a member or*
21 *employee of an eligible advisory entity that re-*
22 *ceives a technical assistance grant under para-*
23 *graph (1)(B).*

24 “(B) *A representative of the Center for Sub-*
25 *stance Abuse Prevention of the Public Health*

1 *Service, Department of Health and Human*
2 *Services, who is involved in administering the*
3 *grant program for prevention, treatment, and re-*
4 *habilitation model projects for high risk youth*
5 *under section 509A of the Public Health Service*
6 *Act (42 U.S.C. 290aa-8), who shall be selected*
7 *by the Secretary of Health and Human Services.*

8 “(C) *A representative of the Department of*
9 *Education, who shall be selected by the Secretary*
10 *of Education.*

11 “(D) *A representative of the Department of*
12 *Health and Human Services, who shall be se-*
13 *lected by the Secretary of Health and Human*
14 *Services from among officers and employees of*
15 *the Department involved in issues relating to*
16 *high-risk youth.*

17 “(10) *REPORTS.—The Secretary shall require*
18 *each eligible entity receiving a grant under para-*
19 *graph (1)(A) and each eligible advisory entity receiv-*
20 *ing a grant under paragraph (1)(B) to submit to the*
21 *Secretary, for each year in which grant amounts are*
22 *received by the entity, a report describing the activi-*
23 *ties carried out with such amounts.*

24 “(11) *STUDY.—To the extent amounts are pro-*
25 *vided under appropriation Acts pursuant to para-*

1 *graph (13)(C), the Secretary shall make a grant to*
2 *one entity qualified to carry out a study under this*
3 *paragraph. The entity shall use such grant amounts*
4 *to carry out a scientific study of the effectiveness of*
5 *midnight basketball league programs under para-*
6 *graph (4) of eligible entities receiving grants under*
7 *paragraph (1)(A). The Secretary shall require such*
8 *entity to submit a report describing the study and*
9 *any conclusions and recommendations resulting from*
10 *the study to the Congress and the Secretary not later*
11 *than the expiration of the 2-year period beginning on*
12 *the date that the grant under this paragraph is made.*

13 “(12) *DEFINITIONS.*—*For purposes of this sub-*
14 *section:*

15 “(A) *The term ‘Advisory Committee’ means*
16 *the Advisory Committee established under para-*
17 *graph (9).*

18 “(B) *The term ‘eligible advisory entity’*
19 *means an entity meeting the requirements under*
20 *paragraph (8)(A).*

21 “(C) *The term ‘eligible entity’ means an en-*
22 *tity described under paragraph (2)(A).*

23 “(D) *The term ‘federally assisted low-in-*
24 *come housing’ has the meaning given the term in*

1 *section 5126 of the Public and Assisted Housing*
2 *Drug Elimination Act of 1990.*

3 “(13) *AUTHORIZATION OF APPROPRIATIONS.*—

4 *There are authorized to be appropriated—*

5 “(A) *for grants under paragraph (1)(A),*
6 *\$2,650,000 in each of fiscal years 1994 and*
7 *1995;*

8 “(B) *for technical assistance grants under*
9 *paragraph (1)(B), \$100,000 in each of fiscal*
10 *years 1994 and 1995; and*

11 “(C) *for a study grant under paragraph*
12 *(11), \$250,000 in fiscal year 1994.”.*

13 ***SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL***
14 ***LEAGUE PROGRAMS.***

15 *Section 520(c) of the Cranston-Gonzalez National Af-*
16 *fordable Housing Act (42 U.S.C 11903a(c)) is amended by*
17 *adding at the end the following new paragraph:*

18 “(3) *MIDNIGHT BASKETBALL LEAGUE PRO-*
19 *GRAMS.—Notwithstanding any other provision of this*
20 *subsection and subsection (d), a grant under this sec-*
21 *tion may be used to carry out any youth sports pro-*
22 *gram that meets the requirements of a midnight bas-*
23 *ketball league program under subsection (l)(4) (not*
24 *including subparagraph (B) of such subsection) if the*
25 *program serves primarily youths and young adults*

1 *from the public housing project in which the program*
2 *assisted by the grant is operated.”.*

3 ***TITLE VIII—YOUTH VIOLENCE IN***
4 ***SCHOOLS AND COMMUNITIES***

5 ***SEC. 801. PURPOSE.***

6 *It is the purpose of this title to help local communities*
7 *achieve Goal Six of the National Education Goals, which*
8 *provides that by the year 2000, every school in America*
9 *will be free of drugs and violence and will offer a disciplined*
10 *environment conducive to learning, by strengthening local*
11 *disciplinary control.*

12 ***SEC. 802. FINDINGS.***

13 *The Congress finds that—*

14 *(1) the violence within elementary and secondary*
15 *schools across the Nation has increased dramatically*
16 *during the past decade;*

17 *(2) almost 3,000,000 crimes occur on or near*
18 *school campuses every year, with 16,000 crimes occur-*
19 *ring per school day or one crime occurring every 6*
20 *seconds;*

21 *(3) 20 percent of teachers in schools have re-*
22 *ported being threatened with violence by a student;*

23 *(4) schools are being asked to take on responsibil-*
24 *ities that society as a whole has neglected, and teach-*

1 *ers and principals are being forced to referee fights*
2 *rather than teach;*

3 *(5) over two-thirds of public school teachers have*
4 *been verbally abused, threatened with injury, or phys-*
5 *ically attacked;*

6 *(6) violent or criminal behavior by students*
7 *interferes with a teacher's ability to teach in a safe*
8 *environment the students not exhibiting such behav-*
9 *ior;*

10 *(7) 40 percent of all students do not feel safe in*
11 *school and 50 percent of all students know someone*
12 *who switched schools to feel safer;*

13 *(8) nearly one-half of the teachers who leave the*
14 *teaching profession cite discipline problems as one of*
15 *the main reasons for leaving such profession; and*

16 *(9) a lack of parental involvement contributes*
17 *strongly to school violence.*

18 **SEC. 803. PROVISIONS.**

19 *(a) LOCAL DISCIPLINE CONTROL.—No Federal law or*
20 *regulation, except education and civil rights laws protecting*
21 *individuals with disabilities, or State policy implementing*
22 *such a Federal law or regulation, shall restrict any local*
23 *educational agency, or elementary or secondary school, from*
24 *developing and implementing disciplinary policies and ac-*
25 *tion with respect to criminal or violent acts of students,*

1 *occurring on school premises, in order to create an environ-*
2 *ment conducive to learning.*

3 **(b) SHARED INFORMATION.**—*No Federal law or regu-*
4 *lation, or State policy implementing such a Federal law*
5 *or regulation, shall restrict any local educational agency*
6 *or elementary or secondary school from requesting and re-*
7 *ceiving information from a State agency, local educational*
8 *agency, or an elementary or secondary school regarding a*
9 *conviction or juvenile adjudication, within five years of the*
10 *date of the request, or a pending prosecution for a violent*
11 *or weapons offense, of a student who is attending an elemen-*
12 *tary or secondary school served by the local educational*
13 *agency, or the elementary or secondary school, requesting*
14 *such information.*

15 **(c) PARENTAL RESPONSIBILITY.**—*It is the policy of*
16 *the Congress that States, in cooperation with local edu-*
17 *cational agencies, schools, and parent groups, should be en-*
18 *couraged to enforce disciplinary policies with respect to*
19 *parents of children who display criminal or violent behav-*
20 *ior toward teachers, students, other persons, or school prop-*
21 *erty.*

1 (B) provide new directions for federally
2 supported research and development activities
3 with a view toward reform in the Nation's school
4 systems, achieving the National Education Goals
5 and affecting national policy for education;

6 (C) provide leadership in the scientific in-
7 quiry into the educational process;

8 (D) provide leadership in advancing the
9 practice of education as an art, science, and pro-
10 fession;

11 (E) collect, analyze, and disseminate statis-
12 tics and other data related to education in the
13 United States and other nations; and

14 (F) make available to the Congress and the
15 people of the United States the results of research
16 and development activities in the field of edu-
17 cation in order to bring research directly to the
18 classroom to improve educational practice.

19 (2) COMPOSITION.—

20 (A) IN GENERAL.—The Office shall be ad-
21 ministered by the Assistant Secretary and shall
22 include—

23 (i) the Advisory Board of Educational
24 Research described in subparagraph (B);

1 (ii) the directorates for educational re-
2 search described in subsections (c) through
3 (h);

4 (iii) the regional educational labora-
5 tories described in subsection (k);

6 (iv) the Office of Dissemination and
7 Reform Assistance described in subsection
8 (m);

9 (v) the National Education Library
10 described in subsection (o);

11 (vi) the Education Resources Informa-
12 tion Clearinghouses described in subsection
13 (p);

14 (vii) the National Center for Edu-
15 cation Statistics, including the National As-
16 sessment of Educational Progress; and

17 (viii) such other entities as the Assist-
18 ant Secretary deems appropriate to carry
19 out the purposes of the Office.

20 (B) ADVISORY BOARD OF EDUCATIONAL RE-
21 SEARCH.—

22 (i) ADVISORY BOARD OF EDUCATIONAL
23 RESEARCH.—The Advisory Board of Edu-
24 cational Research shall consist of 9 members
25 to be appointed by the Secretary. The As-

1 *sistant Secretary shall serve as an ex officio*
2 *member.*

3 (ii) *QUALIFICATIONS.—*

4 (I) *IN GENERAL.—The persons*
5 *appointed as members of the Advisory*
6 *Board shall be appointed solely on the*
7 *basis of—*

8 (aa) *eminence in the fields of*
9 *basic or applied research, or dis-*
10 *semination of such research; or*

11 (bb) *established records of*
12 *distinguished service in edu-*
13 *cational research and the edu-*
14 *cation professions, including prac-*
15 *titioners.*

16 (II) *CONSIDERATION.—In making*
17 *appointments under this clause, the*
18 *Secretary shall give due consideration*
19 *to the equitable representation of edu-*
20 *cational researchers who—*

21 (aa) *are women;*

22 (bb) *represent minority*
23 *groups; or*

24 (cc) *are classroom teachers*
25 *with research experience.*

1 (III) *RECOMMENDATIONS.*—*In*
2 *making appointments under this*
3 *clause, the Secretary shall give due*
4 *consideration to any recommendations*
5 *for an appointment which may be sub-*
6 *mitted to the Secretary by a variety of*
7 *groups with prominence in educational*
8 *research and development, including*
9 *the National Academy of Education*
10 *and the National Academy of Sciences.*

11 (IV) *A member of the Advisory*
12 *Board may not serve on any other De-*
13 *partment of Education advisory board,*
14 *or as a paid consultant of such De-*
15 *partment.*

16 (iii) *TERM.*—(I) *The term of office of*
17 *each member of the Advisory Board shall be*
18 *6 years, except that initial appointments*
19 *shall be made to ensure staggered terms,*
20 *with one-third of such members' terms ex-*
21 *piring every 2 years. Any member ap-*
22 *pointed to fill a vacancy occurring prior to*
23 *the expiration of the term for which the*
24 *member's predecessor was appointed shall be*
25 *appointed for the remainder of such term.*

1 Any person, other than the Assistant Sec-
2 retary, who has been a member of the Advi-
3 sory Board for 12 consecutive years shall
4 thereafter be ineligible for appointment dur-
5 ing the 6-year period following such twelfth
6 year.

7 (II) *PROHIBITION REGARDING RE-*
8 *MOVAL.*—The Secretary shall neither remove
9 nor encourage the departure of a member of
10 the Advisory Board appointed in accord-
11 ance with this subparagraph before the ex-
12 piration of such member's term.

13 (III) *CHAIRPERSON.*—The members of
14 the Advisory Board shall select a Chair-
15 person from among such members.

16 (IV) *QUORUM.*—A majority of the ap-
17 pointed members of the Advisory Board
18 shall constitute a quorum.

19 (V) *STAFF.*—From amounts appro-
20 priated pursuant to the authority of sub-
21 section (q)(1)(A), the Advisory Board, in
22 consultation with the Assistant Secretary,
23 shall recommend for appointment such staff
24 as may be necessary. Such staff shall be ap-
25 pointed by the Assistant Secretary and as-

1 *signed at the direction of the Advisory*
2 *Board.*

3 *(iv) RESPONSIBILITIES.—The Advisory*
4 *Board shall provide oversight of the Office,*
5 *and shall—*

6 *(I) advise the Nation on the Fed-*
7 *eral research and development effort;*

8 *(II) recommend ways for strength-*
9 *ening active partnerships among re-*
10 *searchers, educational practitioners, li-*
11 *brarians, and policymakers;*

12 *(III) recommend ways to strength-*
13 *en interaction and collaboration be-*
14 *tween the various program offices and*
15 *components;*

16 *(IV) solicit advice and informa-*
17 *tion from the educational field, to de-*
18 *fine research needs and suggestions for*
19 *research topics, and shall involve edu-*
20 *cational practitioners, particularly*
21 *teachers, in this process;*

22 *(V) solicit advice from practition-*
23 *ers, policymakers, and researchers, and*
24 *recommend missions for the national*
25 *research centers assisted under this sec-*

1 *tion by identifying topics which re-*
2 *quire long-term, sustained, systematic,*
3 *programmatic, and integrated research*
4 *and dissemination efforts;*

5 *(VI) provide recommendations for*
6 *translating research findings into*
7 *workable, adaptable models for use in*
8 *policy and in practice across different*
9 *settings, and recommendations for*
10 *other forms of dissemination;*

11 *(VII) provide recommendations*
12 *for creating incentives to draw talented*
13 *young people into the field of edu-*
14 *cational research, including scholars*
15 *from disadvantaged and minority*
16 *groups;*

17 *(VIII) provide recommendations*
18 *for new studies to close gaps in the re-*
19 *search base;*

20 *(IX) evaluate and provide rec-*
21 *ommendations to the President and the*
22 *Congress regarding the quality of re-*
23 *search conducted through each direc-*
24 *torate and regional educational labora-*
25 *tory, the relevance of the research top-*

1 *ics, and the effectiveness of the dissemi-*
2 *nation of each directorate's and labora-*
3 *tory's activities;*

4 *(X) advise the Assistant Secretary*
5 *on standards and guidelines for re-*
6 *search programs and activities to en-*
7 *sure that research is of high quality*
8 *and free from partisan political influ-*
9 *ence; and*

10 *(XI) provide recommendations to*
11 *promote coordination and synthesis of*
12 *research among directorates.*

13 *(v) COMMITTEES AND REPORTS.—*

14 *(I) IN GENERAL.—The Advisory*
15 *Board is authorized to appoint from*
16 *among its members such committees as*
17 *the Advisory Board deems necessary,*
18 *and to assign to committees so ap-*
19 *pointed such survey and advisory func-*
20 *tions as the Advisory Board deems ap-*
21 *propriate to assist the Advisory Board*
22 *in exercising its powers and functions*
23 *under this section.*

24 *(II) From amounts appropriated*
25 *pursuant to subsection (q)(1), the Ad-*

1 visory Board shall transmit to the
2 President, for submission to the Con-
3 gress not later than January 15 of
4 each even-numbered year, a report on
5 the activities of the Office, and on edu-
6 cation, educational research, national
7 indicators, and data-gathering in gen-
8 eral.

9 (3) *DEFINITIONS.*—For the purposes of this sec-
10 tion—

11 (A) the term “Advisory Board” means the
12 Advisory Board of Educational Research estab-
13 lished under paragraph (2)(B);

14 (B) the term “Assistant Secretary” means
15 the Assistant Secretary for Educational Research
16 and Improvement established by section 202 of
17 the Department of Education Organization Act;

18 (C) the term “development” means trans-
19 formation or adaptation of research results into
20 usable forms, in order to contribute to the im-
21 provement of educational practice;

22 (D) the term “dissemination” means the
23 communication and transfer of the results of re-
24 search and proven practice in forms that are un-
25 derstandable, easily accessible and usable or

1 *adaptable for use in the improvement of edu-*
2 *cational practice by teachers, administrators, li-*
3 *brarians, other practitioners, researchers, policy-*
4 *makers, and the public;*

5 *(E) the term “education research” includes*
6 *basic and applied research, inquiry with the*
7 *purpose of applying tested knowledge gained to*
8 *specific educational settings and problems, devel-*
9 *opment, planning, surveys, assessments, evalua-*
10 *tions, investigations, experiments, and dem-*
11 *onstrations in the field of education and other*
12 *fields relating to education;*

13 *(F) the term “field-initiated research”*
14 *means education research in which topics and*
15 *methods of study are generated by investigators,*
16 *including teachers and other practitioners, not*
17 *by the source of funding;*

18 *(G) the term “Indian reservation” means a*
19 *reservation, as such term is defined in—*

20 *(i) section 3(d) of the Indian Financ-*
21 *ing Act of 1974 (25 U.S.C. 1452(d)); or*

22 *(ii) section 4(10) of the Indian Child*
23 *Welfare Act of 1978 (25 U.S.C. 1903(10));*

24 *(H) the term “Office”, unless otherwise*
25 *specified, means the Office of Educational Re-*

1 *search and Improvement established by section*
2 *209 of the Department of Education Organiza-*
3 *tion Act; and*

4 *(I) the term “technical assistance” means*
5 *assistance in identifying, selecting, or designing*
6 *solutions based on research to address edu-*
7 *cational problems, planning and design that*
8 *leads to adapting research knowledge to school*
9 *practice, training to implement such solutions,*
10 *and other assistance necessary to encourage*
11 *adoption or application of research.*

12 ***(b) AUTHORIZED ACTIVITIES.—***

13 ***(1) OFFICE.—****In fulfilling its purposes under*
14 *this section, the Office is authorized to—*

15 ***(A)*** *conduct and support education-related*
16 *research activities, including basic and applied*
17 *research, development, planning, surveys, assess-*
18 *ments, evaluations, investigations, experiments,*
19 *and demonstrations of national significance;*

20 ***(B)*** *disseminate the findings of education*
21 *research, and provide technical assistance to*
22 *apply such information to specific school prob-*
23 *lems at the school site;*

1 (C) collect, analyze, and disseminate data
2 related to education, and to library and infor-
3 mation services;

4 (D) promote the use of knowledge gained
5 from research and statistical findings in schools,
6 other educational institutions, and communities;

7 (E) provide training in education research;
8 and

9 (F) promote the coordination of education
10 research and research support within the Federal
11 Government, and otherwise assist and foster such
12 research.

13 (2) OPEN COMPETITION.—All grants, contracts,
14 and cooperative agreements awarded or entered into
15 pursuant to this section shall be awarded or entered
16 into through a process of open competition and peer
17 review that shall be announced in the Federal Reg-
18 ister or other publication that the Secretary deter-
19 mines appropriate.

20 (3) ASSISTANT SECRETARY.—

21 (A) IN GENERAL.—In carrying out the ac-
22 tivities and programs of the Office, the Assistant
23 Secretary shall—

24 (i) ensure that there is broad and regu-
25 lar public and professional involvement

1 *from the educational field in the planning*
2 *and carrying out of the Office's activities,*
3 *including establishing teacher advisory*
4 *boards for any program office, program or*
5 *project of the Office as the Assistant Sec-*
6 *retary deems necessary, and involving In-*
7 *Indian and Alaska Native researchers and*
8 *educators in activities that relate to the*
9 *education of Indian and Alaska Native peo-*
10 *ple;*

11 *(ii) ensure that the selection of research*
12 *topics and the administration of the pro-*
13 *gram are free from partisan political influ-*
14 *ence;*

15 *(iii) develop directly, or through grant*
16 *or contract, standards and guidelines for re-*
17 *search, programs and activities carried out*
18 *through the Office;*

19 *(iv) establish a long- and short-term*
20 *research agenda in consultation with the*
21 *Advisory Board; and*

22 *(v) review research priorities estab-*
23 *lished within each directorate and promote*
24 *research syntheses across the directorates.*

1 (B) *INFORMATION AND TECHNICAL ASSIST-*
2 *ANCE.*—*The Assistant Secretary is authorized to*
3 *offer information and technical assistance to*
4 *State and local educational agencies, school*
5 *boards, and schools, including schools funded by*
6 *the Bureau of Indian Affairs, to ensure that no*
7 *student is—*

8 (i) *denied access to the same rigorous,*
9 *challenging curriculum that such student’s*
10 *peers are offered; or*

11 (ii) *grouped or otherwise labeled in*
12 *such a way that may impede such student’s*
13 *achievement.*

14 (C) *LONG-TERM AGENDA.*—*One year after*
15 *the date of enactment of this Act, the Assistant*
16 *Secretary shall submit a report to the President*
17 *and to the Congress on a 6-year long-term plan*
18 *for the educational research agenda for the Of-*
19 *fice. Upon submission of such report and every*
20 *2 years thereafter, the Assistant Secretary shall*
21 *submit to the President and to the Congress a*
22 *progress report on the 6-year plan, including an*
23 *assessment of the success or failure of meeting the*
24 *components of the 6-year plan, proposed modi-*

1 *fications or changes to the 6-year plan, and ad-*
2 *ditions to the 6-year plan.*

3 (4) *SECRETARY.*—*The Secretary shall enter into*
4 *contracts for the conduct of independent evaluations*
5 *of the programs and activities carried out through the*
6 *Office in accordance with this section, and transmit*
7 *such evaluations to the Congress, the President and*
8 *the Assistant Secretary, in order to—*

9 (A) *evaluate—*

10 (i) *the effectiveness of the programs*
11 *and activities of the Office; and*

12 (ii) *the implementation of projects and*
13 *programs funded through the Office over*
14 *time;*

15 (iii) *the impact of educational research*
16 *on instruction at the school level; and*

17 (iv) *the ability of the Office to keep re-*
18 *search funding free from partisan political*
19 *interference;*

20 (B) *measure the success of educational in-*
21 *formation dissemination;*

22 (C) *assess the usefulness of research and ac-*
23 *tivities carried out by the Office, including prod-*
24 *ucts disseminated by the Office; and*

1 (D) provide recommendations for improve-
2 ment of the programs of the Office.

3 (5) *INTRADEPARTMENTAL COORDINATION.*—(A)
4 *The Secretary shall establish and maintain a pro-*
5 *gram designed to facilitate planning and cooperative*
6 *research and development throughout the Department*
7 *of Education.*

8 (B) *The program described in subparagraph (A)*
9 *shall include—*

10 (i) *establishing and maintaining a database*
11 *on all Department of Education funded research*
12 *and improvement efforts;*

13 (ii) *coordinating the work of the various*
14 *program offices within the Department of Edu-*
15 *cation to avoid duplication;*

16 (iii) *working cooperatively with the employ-*
17 *ees of various program offices with the Depart-*
18 *ment of Education on projects of common inter-*
19 *est to avoid duplication; and*

20 (iv) *generally increasing communication*
21 *throughout the Department of Education regard-*
22 *ing education research.*

23 (c) *DIRECTORATES OF EDUCATIONAL RESEARCH.*—

24 (1) *REQUIREMENTS.*—

1 (A) *IN GENERAL.*—*In carrying out the*
2 *functions of the Office, the Assistant Secretary*
3 *shall establish 5 directorates of educational re-*
4 *search in accordance with this section.*

5 (B) *DIRECTOR.*—*The Assistant Secretary*
6 *shall appoint a Director for each directorate.*
7 *Each such Director shall be a leading profes-*
8 *sional in the field relevant to the mission of the*
9 *directorate.*

10 (C) *RESEARCH SYNTHESSES.*—*The Assistant*
11 *Secretary shall provide for and promote research*
12 *syntheses across the directorates in early child-*
13 *hood, elementary, secondary, vocational, and*
14 *higher education, and shall coordinate research*
15 *plans, projects, and findings across the direc-*
16 *torates, placing a priority on synthesis and co-*
17 *ordination between the directorates described in*
18 *subsections (d) and (e). Each Director shall re-*
19 *port directly to the Assistant Secretary, regard-*
20 *ing the activities of the directorate, and shall*
21 *work together to promote research syntheses*
22 *across the directorates.*

23 (2) *DUTIES.*—*Each such directorate shall—*

24 (A) *carry out its activities directly or*
25 *through grants, contracts, and cooperative agree-*

1 *ments with institutions of higher education, pub-*
2 *lic and private organizations, institutions, agen-*
3 *cies or individuals, or a consortia thereof;*

4 *(B) conduct and support the highest quality*
5 *basic and applied research in early childhood, el-*
6 *ementary and secondary, vocational and higher*
7 *education, including teacher education, which is*
8 *relevant to the directorate;*

9 *(C) have improved student learning and*
10 *achievement as its primary focus;*

11 *(D) promote research that is based in core*
12 *content areas;*

13 *(E) conduct sustained research and develop-*
14 *ment on improving the educational achievement*
15 *of poor and minority individuals as an integral*
16 *part of the directorates' work;*

17 *(F) serve as a national database on model*
18 *and demonstration programs which have par-*
19 *ticular application to the activities of the direc-*
20 *torate, particularly with respect to model pro-*
21 *grams conducted by businesses, private, and non-*
22 *profit organizations and foundations;*

23 *(G) support, plan, implement, and operate*
24 *dissemination activities designed to bring the*
25 *most effective research directly into classroom*

1 *practice, school organization and management,*
2 *teacher preparation and training, and libraries,*
3 *and to the extent possible, carry out dissemina-*
4 *tion activities through the use of technology;*

5 *(H) support and provide research informa-*
6 *tion that leads to policy formation for State leg-*
7 *islatures, State and local boards of education,*
8 *schools funded by the Bureau of Indian Affairs,*
9 *and other policy and governing bodies, to assist*
10 *such entities in identifying and developing effec-*
11 *tive policies to promote student achievement and*
12 *school improvement;*

13 *(I) coordinate the directorate's activities*
14 *with the activities of the regional educational*
15 *laboratories established pursuant to subsection*
16 *(k) and with other educational service organiza-*
17 *tions in designing the directorate's research*
18 *agenda and projects in order to increase the re-*
19 *sponsiveness of such directorate to the needs of*
20 *teachers and the educational field and to bring*
21 *research findings directly into schools to ensure*
22 *the greatest access at the local level to the latest*
23 *research developments; and*

24 *(J) provide assistance to the Assistant Sec-*
25 *retary in planning and coordinating syntheses*

1 that provide research knowledge related to each
2 level of the education system (from preschool to
3 higher education) to increase understanding of
4 student performance across different educational
5 levels.

6 (3) *RESERVATIONS.*—

7 (A) *FIELD-INITIATED RESEARCH.*—Each di-
8 rectorate shall reserve in each fiscal year not less
9 than one-third of the amount available to such
10 directorate to conduct field-initiated research.

11 (B) *NATIONAL RESEARCH CENTERS.*—Each
12 directorate shall reserve in each fiscal year not
13 less than one-third of the amount available to
14 such directorate to award grants or enter into
15 contracts with institutions of higher education,
16 public agencies, or private nonprofit organiza-
17 tions, for the support of long-term national re-
18 search centers of sufficient size, scope, and qual-
19 ity for educational research and development in
20 accordance with paragraph (4), except that no
21 such center shall receive such a grant or contract
22 for less than \$1,100,000 for such fiscal year.
23 Each such center shall engage in research, devel-
24 opment and dissemination involving topics rel-

1 *evant to the mission of the directorate supporting*
2 *such center.*

3 *(C) SPECIAL RULE.—No research and devel-*
4 *opment center supported by the Office and oper-*
5 *ating on the day preceding the date of enactment*
6 *of this Act shall by reason of receipt of such sup-*
7 *port be ineligible to receive any other assistance*
8 *from the Office authorized by law.*

9 *(4) NATIONAL RESEARCH CENTERS.—*

10 *(A) DURATION.—The grants or contracts*
11 *awarded or entered into to support national re-*
12 *search centers described in paragraph (3)(B)*
13 *shall be awarded or entered into for a period of*
14 *at least 5 years, and may be renewed for addi-*
15 *tional periods of 5 years after periodic review by*
16 *the Assistant Secretary.*

17 *(B) REVIEW.—All applications to establish*
18 *a national research center shall be reviewed by*
19 *independent experts in accordance with stand-*
20 *ards and guidelines developed by the Office pur-*
21 *suant to subsections (a)(2)(B)(iv)(X) and*
22 *(b)(3)(A)(iii). Such standards and guidelines*
23 *shall include—*

- 1 (i) whether applicants have assembled
2 a group of high quality researchers suffi-
3 cient to achieve the mission of the center;
- 4 (ii) whether the proposed organiza-
5 tional structure and arrangements will fa-
6 cilitate achievement of the mission of the
7 center;
- 8 (iii) whether there is a substantial staff
9 commitment to the work of the center;
- 10 (iv) whether the directors and support
11 staff are full-time employees, to the extent
12 practicable;
- 13 (v) review of the contributions of the
14 applicant's primary researchers for the pur-
15 pose of evaluating the appropriateness of
16 such primary researchers' experiences and
17 expertise in the context of the proposed cen-
18 ter activities, and the adequacy of such pri-
19 mary researchers' time commitments to
20 achievement of the mission of the center;
21 and
- 22 (vi) the manner in which the results of
23 education research will be disseminated for
24 further use.

1 (5) *PUBLICATION.*—*The Assistant Secretary shall*
2 *publish proposed research priorities developed by each*
3 *directorate in the Federal Register every 2 years, not*
4 *later than October 1 of each year, and shall allow a*
5 *period of 60 days for public comments and sugges-*
6 *tions.*

7 (d) *NATIONAL DIRECTORATE ON CURRICULUM, IN-*
8 *STRUCTION, AND ASSESSMENT.*—*The Assistant Secretary*
9 *shall establish and operate the National Directorate on Cur-*
10 *riculum, Instruction, and Assessment. The directorate es-*
11 *tablished under this subsection is authorized to conduct re-*
12 *search on—*

13 (1) *methods to improve student achievement at*
14 *all educational levels in core content areas;*

15 (2) *methods to improve the process of reading,*
16 *the craft of writing, the growth of reasoning skills,*
17 *and the development of information-finding skills;*

18 (3) *enabling students to develop higher order*
19 *thinking skills;*

20 (4) *methods to teach effectively all students in*
21 *mixed-ability classrooms;*

22 (5) *developing, identifying, or evaluating new*
23 *educational assessments, including performance-based*
24 *and portfolio assessments which demonstrate skill and*
25 *a command of knowledge;*

1 (6) standards for what students should know and
2 be able to do, particularly standards of desired per-
3 formance set at internationally competitive levels;

4 (7) the use of testing in the classroom and its
5 impact on improving student achievement, including
6 an analysis of how testing affects what is taught;

7 (8) test bias as such bias affects historically un-
8 derserved girls, women, and minority populations;

9 (9) test security, accountability, validity, reli-
10 ability and objectivity;

11 (10) relevant teacher training and instruction in
12 giving a test, scoring a test and in the use of test re-
13 sults to improve student achievement;

14 (11) curriculum development designed to meet
15 challenging standards, including State efforts to de-
16 velop such curriculum;

17 (12) the need for, and methods of delivering,
18 teacher education, development, and inservice train-
19 ing;

20 (13) curriculum, instruction, and assessment in
21 vocational education and school-to-work transition;

22 (14) educational methods and activities to reduce
23 and prevent violence in schools;

24 (15) the use of technology in learning, teaching,
25 and testing;

1 (16) *methods of involving parents in their chil-*
2 *dren's education and ways to involve business, indus-*
3 *try, and other community partners in promoting ex-*
4 *cellence in schools; and*

5 (17) *other topics relevant to the mission of the*
6 *directorate.*

7 (e) *NATIONAL DIRECTORATE ON THE EDUCATIONAL*
8 *ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPU-*
9 *LATIONS.—The Assistant Secretary shall establish and op-*
10 *erate a National Directorate on the Educational Achieve-*
11 *ment of Historically Underserved Populations, the activi-*
12 *ties of which shall be closely coordinated with those of the*
13 *directorate described in subsection (d). The directorate es-*
14 *tablished under this subsection is authorized to conduct re-*
15 *search on—*

16 (1) *the quality of educational opportunities*
17 *afforded historically underserved populations, includ-*
18 *ing minority students, students with disabilities, eco-*
19 *nomically disadvantaged students, girls, women, lim-*
20 *ited-English proficient students, and Indian and*
21 *Alaska Native students, particularly the quality of*
22 *educational opportunities afforded such populations*
23 *in highly concentrated urban areas and sparsely pop-*
24 *ulated rural areas;*

1 (2) *effective institutional practices for expanding*
2 *opportunities for such groups;*

3 (3) *methods for overcoming the barriers to learn-*
4 *ing that may impede student achievement;*

5 (4) *innovative teacher training and professional*
6 *development methods to help the historically under-*
7 *served meet challenging standards;*

8 (5) *the use of technology to improve the edu-*
9 *cational opportunities and achievement of the histori-*
10 *cally underserved;*

11 (6) *the means by which parents, community re-*
12 *sources and institutions (including cultural institu-*
13 *tions) can be utilized to support and improve the*
14 *achievement of at-risk students;*

15 (7) *methods to improve the quality of the edu-*
16 *cation of American Indian and Alaska Native stu-*
17 *dents not only in schools funded by the Bureau of In-*
18 *dian Affairs, but also in public elementary and sec-*
19 *ondary schools located on or near Indian reservations,*
20 *including—*

21 (A) *research on mechanisms to facilitate the*
22 *establishment of tribal departments of education*
23 *that assume responsibility for all education pro-*
24 *grams of State educational agencies operating on*
25 *an Indian reservation and all education pro-*

1 *grams funded by the Bureau of Indian Affairs*
2 *on an Indian reservation;*

3 *(B) research on the development of cul-*
4 *turally appropriate curriculum for American In-*
5 *Indian and Alaska Native students, including*
6 *American Indian and Alaska Native culture,*
7 *language, geography, history and social studies,*
8 *and graduation requirements related to such cur-*
9 *riculum;*

10 *(C) research on methods for recruiting,*
11 *training and retraining qualified teachers from*
12 *American Indian and Alaska Native commu-*
13 *nities, including research to promote flexibility*
14 *in the criteria for certification of such teachers;*

15 *(D) research on techniques for improving*
16 *the educational achievement of American Indian*
17 *and Alaska Native students, including meth-*
18 *odologies to reduce dropout rates and increase*
19 *graduation by such students; and*

20 *(E) research concerning the performance by*
21 *American Indian and Alaska Native students of*
22 *limited-English proficiency on standardized*
23 *achievement tests, and related factors; and*

24 *(8) other topics relevant to the mission of the di-*
25 *rectorate.*

1 (f) *NATIONAL DIRECTORATE ON EARLY CHILDHOOD*
2 *DEVELOPMENT AND EDUCATION.*—*The Assistant Secretary*
3 *shall establish and operate the National Directorate on*
4 *Early Childhood Development and Education, which shall*
5 *have a special emphasis on families and communities as*
6 *families and communities relate to early childhood edu-*
7 *cation. The directorate established under this subsection is*
8 *authorized to conduct research on—*

9 (1) *effective teaching and learning methods, and*
10 *curriculum;*

11 (2) *instruction that considers the cultural experi-*
12 *ences of children;*

13 (3) *access to current materials in libraries;*

14 (4) *family literacy and parental involvement in*
15 *student learning;*

16 (5) *the impact that outside influences have on*
17 *learning, including television, and drug and alcohol*
18 *abuse;*

19 (6) *methods for integrating learning in settings*
20 *other than the classroom, particularly within families*
21 *and communities;*

22 (7) *teacher training;*

23 (8) *readiness to learn, including topics such as*
24 *prenatal care, nutrition, and health services;*

1 (9) *the use of technology, including methods to*
2 *help parents instruct their children; and*

3 (10) *other topics relevant to the mission of the*
4 *directorate.*

5 (g) *NATIONAL DIRECTORATE ON ELEMENTARY AND*
6 *SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POL-*
7 *ICYMAKING, AND MANAGEMENT.—The Assistant Secretary*
8 *shall establish and operate a National Directorate on Ele-*
9 *mentary and Secondary Educational Governance, Finance,*
10 *Policymaking, and Management. The directorate estab-*
11 *lished under this subsection is authorized to conduct re-*
12 *search on—*

13 (1) *the relationship among finance, organization,*
14 *and management, and educational productivity, par-*
15 *ticularly with respect to student achievement across*
16 *educational levels and core content areas;*

17 (2) *school-based management, shared decision-*
18 *making and other innovative school structures, and*
19 *State and local reforms and educational policies,*
20 *which show promise for improving student achieve-*
21 *ment;*

22 (3) *innovative school design, including lengthen-*
23 *ing the school day and the school year, reducing class*
24 *size and building professional development into the*
25 *weekly school schedule and, as appropriate, conduct-*

1 *ing such further research as may be recommended or*
2 *suggested by the report issued by the National Edu-*
3 *cation Commission on Time and Learning pursuant*
4 *to section 443 of the General Education Provisions*
5 *Act;*

6 *(4) the social organization of schooling and the*
7 *inner-workings of schooling;*

8 *(5) policy decisions at all levels and the impact*
9 *of such decisions on school achievement and other stu-*
10 *dent outcomes;*

11 *(6) effective approaches to organizing learning;*

12 *(7) effective ways of grouping students for learn-*
13 *ing so that a student is not labeled or stigmatized in*
14 *ways that may impede such student's achievement;*

15 *(8) the amount of dollars allocated for education*
16 *that are actually spent on classroom instruction;*

17 *(9) the organization, structure, and finance of*
18 *vocational education;*

19 *(10) disparity in school financing among States,*
20 *school districts, and schools funded by the Bureau of*
21 *Indian Affairs;*

22 *(11) the use of technology in areas such as assist-*
23 *ing in school-based management or ameliorating the*
24 *effects of disparity in school financing among States,*

1 *school districts, and schools funded by the Bureau of*
2 *Indian Affairs;*

3 *(12) approaches to systemic reforms involving*
4 *the coordination of multiple policies at the local,*
5 *State, and Federal levels of government to promote*
6 *higher levels of student achievement;*

7 *(13) the special adult education needs of histori-*
8 *cally underserved and minority populations;*

9 *(14) the involvement of parents and families in*
10 *the management and governance of schools and the*
11 *education of their children; and*

12 *(15) other topics relevant to the mission of the*
13 *directorate.*

14 *(h) NATIONAL DIRECTORATE ON ADULT EDUCATION,*
15 *LITERACY AND LIFELONG LEARNING.—The Assistant Sec-*
16 *retary shall establish and operate a National Directorate*
17 *on Adult Education, Literacy and Lifelong Learning. The*
18 *directorate established under this subsection is authorized*
19 *to conduct research on—*

20 *(1) learning and performance of adults, and*
21 *policies and methods for improving learning in con-*
22 *texts that include school-to-work, worker retraining,*
23 *and second-language acquisition;*

24 *(2) the most effective training methods for adults*
25 *to upgrade education and vocational skills;*

1 (3) opportunities for adults to continue their
2 education beyond higher education and graduate
3 school, in the context of lifelong learning and infor-
4 mation-finding skills;

5 (4) adult literacy and effective methods, includ-
6 ing technology, to eliminate illiteracy;

7 (5) preparing students for a lifetime of work, the
8 ability to adapt through retraining to the changing
9 needs of the work force and the ability to learn new
10 tasks;

11 (6) the use of technology to develop and deliver
12 effective training methods for adults to upgrade their
13 education and their vocational skills; and

14 (7) other topics relevant to the mission of the di-
15 rectorate.

16 (i) PERSONNEL.—

17 (1) IN GENERAL.—The Assistant Secretary may
18 appoint, for terms not to exceed 3 years (without re-
19 gard to the provisions of title 5, United States Code
20 governing appointment in the competitive service)
21 and may compensate (without regard to the provi-
22 sions of chapter 51 and subchapter III of chapter 53
23 of such title relating to classification and General
24 Schedule pay rates) such scientific or professional em-
25 ployees of the Office as the Assistant Secretary consid-

1 *ers necessary to accomplish the functions of the Office.*
2 *Such employees shall not exceed one-fifth of the num-*
3 *ber of full-time, regular scientific or professional em-*
4 *ployees of the Office. The rate of basic pay for such*
5 *employees may not exceed the maximum annual rate*
6 *of pay for grade GS-15 under section 5332 of title 5,*
7 *United States Code.*

8 (2) *REAPPOINTMENT.*—*The Assistant Secretary*
9 *may reappoint employees described in paragraph (1)*
10 *upon presentation of a clear and convincing justifica-*
11 *tion of need, for 1 additional term not to exceed 3*
12 *years. All such employees shall work on activities of*
13 *the Office and shall not be reassigned to other duties*
14 *outside the Office during their term.*

15 (j) *SELECTION PROCEDURES AND FELLOWSHIPS.*—

16 (1) *SELECTION PROCEDURES.*—*When making*
17 *competitive awards under this section, the Assistant*
18 *Secretary shall—*

19 (A) *solicit recommendations and advice re-*
20 *garding research priorities, opportunities, and*
21 *strategies from qualified experts, such as edu-*
22 *cation professionals and policymakers, librar-*
23 *ians, personnel of the regional educational lab-*
24 *oratories described in subsection (k) and of the*
25 *research and development centers assisted under*

1 *this section, and the Advisory Board, as well as*
2 *parents and other members of the general public;*

3 *(B) employ suitable selection procedures*
4 *using the procedures and principles of peer re-*
5 *view providing an appropriate balance between*
6 *expertise in research and practice for all propos-*
7 *als so that technical research merit is judged by*
8 *research experts and programmatic relevance is*
9 *judged by program experts, except where such*
10 *peer review procedures are clearly inappropriate*
11 *given such factors as the relatively small amount*
12 *of a grant or contract or the exigencies of the sit-*
13 *uation; and*

14 *(C) determine that the activities assisted*
15 *will be conducted efficiently, will be of high qual-*
16 *ity, and will meet priority research and develop-*
17 *ment needs under this section.*

18 *(2) FELLOWSHIPS.—*

19 *(A) PUBLICATION.—The Assistant Secretary*
20 *shall publish proposed research priorities for the*
21 *awarding of research fellowships under this*
22 *paragraph in the Federal Register every 2 years,*
23 *not later than October 1 of each year, and shall*
24 *allow a period of 60 days for public comments*
25 *and suggestions.*

1 (B) *COMPETITION.*—Prior to awarding a
2 fellowship under this paragraph, the Assistant
3 Secretary shall invite applicants to compete for
4 such fellowships through notice published in the
5 Federal Register.

6 (C) *AUTHORITY.*—From amounts appro-
7 priated pursuant to the authority of subsection
8 (q)(1), the Assistant Secretary may establish and
9 maintain research fellowships in the Office, for
10 scholars, researchers, policymakers, education
11 practitioners, librarians, and statisticians en-
12 gaged in the use, collection, and dissemination of
13 information about education and educational re-
14 search. Subject to regulations published by the
15 Assistant Secretary, fellowships may include
16 such stipends and allowances, including travel
17 and subsistence expenses provided under title 5,
18 United States Code, as the Assistant Secretary
19 considers appropriate.

20 (k) *REGIONAL EDUCATIONAL LABORATORIES FOR RE-*
21 *SEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.*—

22 (1) *AUTHORITY.*—

23 (A) *IN GENERAL.*—Subject to subparagraph
24 (B), the Assistant Secretary shall support at
25 least 10 but not more than 20 regional edu-

1 *cational laboratories established by public agen-*
2 *cies or private nonprofit organizations.*

3 (B) *SPECIAL RULE.*—*In any fiscal year in*
4 *which the amount appropriated pursuant to the*
5 *authority of subsection (q)(2) exceeds*
6 *\$38,000,000, the Assistant Secretary may use the*
7 *amount in excess of \$38,000,000 to support a re-*
8 *gional educational laboratory serving a region*
9 *not in existence on the day preceding the date of*
10 *enactment of this Act, if such amount is equal to*
11 *or exceeds \$2,000,000.*

12 (C) *PRIORITY.*—*The Assistant Secretary*
13 *shall give priority to supporting a regional edu-*
14 *cational laboratory that involves the combination*
15 *or subdivision of a region or regions, such that*
16 *States within a region in existence on the day*
17 *preceding the date of enactment of this Act may*
18 *be combined with States in another such region*
19 *to form a new region so long as such combina-*
20 *tion does not result in any region in existence on*
21 *such date permanently becoming part of a larger*
22 *region, nor of any such region permanently*
23 *subsuming another region.*

24 (2) *DEFINITION.*—*For purposes of this sub-*
25 *section, the term “regional educational laboratory”*

1 *means a public agency or institution or a private*
2 *nonprofit organization that—*

3 *(A) serves the education improvement needs*
4 *in a geographic region of the United States; and*

5 *(B) advances the National Education Goals.*

6 *(3) DUTIES.—Each regional educational labora-*
7 *tory shall—*

8 *(A) have as its central mission and pri-*
9 *mary function—*

10 *(i) to develop and disseminate edu-*
11 *cational research products and processes to*
12 *schools, teachers, local educational agencies,*
13 *State educational agencies, librarians, and*
14 *schools funded by the Bureau of Indian Af-*
15 *fairs; and*

16 *(ii) through such development and dis-*
17 *semination and the provision of technical*
18 *assistance, to help all students learn to chal-*
19 *lenging standards;*

20 *(B) provide technical assistance to State*
21 *and local educational agencies, school boards,*
22 *schools funded by the Bureau of Indian Affairs,*
23 *State boards of education, schools, and librarians*
24 *in accordance with the prioritization described*

1 in paragraph (4)(B)(vi) and needs related to
2 standard-driven education reform;

3 (C) facilitate school restructuring at the in-
4 dividual school level, including technical assist-
5 ance for adapting model demonstration grant
6 programs to each school;

7 (D) serve the educational development needs
8 of the region by providing education research in
9 usable forms in order to promote school improve-
10 ment and academic achievement and to correct
11 educational deficiencies;

12 (E) develop a plan for identifying and serv-
13 ing the needs of the region by conducting a con-
14 tinuing survey of the educational needs,
15 strengths, and weaknesses within the region, in-
16 cluding a process of open hearings to solicit the
17 views of schools, teachers, administrators, par-
18 ents, local educational agencies, librarians, and
19 State educational agencies within the region;

20 (F) use applied educational research to as-
21 sist in solving site-specific problems and to assist
22 in development activities;

23 (G) conduct applied research projects de-
24 signed to serve the particular needs of the region
25 only in the event that such quality applied re-

1 *search does not exist as determined by the re-*
2 *gional education laboratory or the Department of*
3 *Education;*

4 *(H) facilitate communication between edu-*
5 *cational experts, school officials, and teachers,*
6 *parents, and librarians, to enable such individ-*
7 *uals to assist schools to develop a plan to meet*
8 *the National Education Goals;*

9 *(I) bring teams of experts together to de-*
10 *velop and implement school improvement plans*
11 *and strategies;*

12 *(J) provide training in—*

13 *(i) the field of education research and*
14 *related areas;*

15 *(ii) the use of new educational meth-*
16 *ods; and*

17 *(iii) the use of information-finding*
18 *methods, practices, techniques, and products*
19 *developed in connection with such training*
20 *for which the regional educational labora-*
21 *tory may support internships and fellow-*
22 *ships and provide stipends;*

23 *(K) coordinate such laboratory's activities*
24 *with the directorates assisted under this section*

1 *in designing such laboratory's services and*
2 *projects, in order to—*

3 *(i) maximize the use of research con-*
4 *ducted through the directorates in the work*
5 *of such laboratory;*

6 *(ii) keep the directorates apprised of*
7 *the work of the regional educational labora-*
8 *tories in the field; and*

9 *(iii) inform the directorates about ad-*
10 *ditional research needs identified in the*
11 *field;*

12 *(L) develop with the State educational*
13 *agencies and library agencies in the region and*
14 *the Bureau of Indian Affairs a plan for serving*
15 *the region;*

16 *(M) collaborate and coordinate services with*
17 *other technical assistance funded by the Depart-*
18 *ment of Education; and*

19 *(N) cooperate with other regional labora-*
20 *tories to develop and maintain a national net-*
21 *work that addresses national education problems.*

22 (4) *GOVERNING BOARD.—*

23 *(A) IN GENERAL.—In carrying out the ac-*
24 *tivities described in paragraph (3), each regional*
25 *educational laboratory shall operate under the*

1 *direction of a governing board, the members of*
2 *which—*

3 *(i) are representative of that region;*

4 *and*

5 *(ii) include teachers and education re-*
6 *searchers.*

7 *(B) DUTIES.—Each such governing board*
8 *shall—*

9 *(i) determine, subject to the require-*
10 *ments of this section and in consultation*
11 *with the Assistant Secretary, the mission of*
12 *the regional educational laboratory;*

13 *(ii) ensure that the regional edu-*
14 *cational laboratory attains and maintains*
15 *a high level of quality in its work and prod-*
16 *ucts;*

17 *(iii) establish standards to ensure that*
18 *the regional educational laboratory has*
19 *strong and effective governance, organiza-*
20 *tion, management, and administration, and*
21 *employs qualified staff;*

22 *(iv) direct the regional educational lab-*
23 *oratory to carry out the regional edu-*
24 *cational laboratory's duties in a manner as*
25 *will make progress toward achieving the*

1 *National Education Goals and reforming*
2 *schools and educational systems;*

3 *(v) conduct a continuing survey of the*
4 *educational needs, strengths, and weaknesses*
5 *within the region, including a process of*
6 *open hearings to solicit the views of schools*
7 *and teachers; and*

8 *(vi) prioritize the needs of economi-*
9 *cally disadvantaged urban and rural areas*
10 *within the region and ensure that such*
11 *needs are served by the regional educational*
12 *laboratory.*

13 *(5) APPLICATION.—Each entity desiring support*
14 *for a regional educational laboratory shall submit to*
15 *the Assistant Secretary an application that contains*
16 *such information as the Assistant Secretary may rea-*
17 *sonably require, including assurances that a regional*
18 *educational laboratory will address the activities de-*
19 *scribed in paragraph (3).*

20 *(6) ADDITIONAL PROJECTS.—In addition to ac-*
21 *tivities described in paragraph (3), the Assistant Sec-*
22 *retary, from amounts appropriated pursuant to sub-*
23 *section (q)(4), is authorized to enter into agreements*
24 *with a regional educational laboratory for the pur-*
25 *pose of carrying out additional projects to enable such*

1 *regional educational laboratory to assist in efforts to*
2 *achieve the National Education Goals and for other*
3 *purposes.*

4 (7) *SPECIAL RULE.—No regional educational*
5 *laboratory shall, by reason of receipt of assistance*
6 *under this section, be ineligible to receive any other*
7 *assistance from the Office authorized by law or be*
8 *prohibited from engaging in activities involving*
9 *international projects or endeavors.*

10 (8) *PLAN.—Not later than July 1 of each year,*
11 *each regional educational laboratory shall submit to*
12 *the Assistant Secretary a plan covering the succeeding*
13 *fiscal year, in which such laboratory's mission, ac-*
14 *tivities and scope of work are described, including a*
15 *general description of—*

16 (A) *the plans such laboratory expects to*
17 *submit in the 4 succeeding years; and*

18 (B) *an assessment of how well such labora-*
19 *tory is meeting the needs of the region.*

20 (9) *CONTRACT DURATION.—The Assistant Sec-*
21 *retary shall enter into a contract for the purpose of*
22 *supporting a regional educational laboratory under*
23 *this subsection for a minimum of 5 years. The Sec-*
24 *retary shall ensure that the recompetition cycles for*
25 *new contracts for regional educational laboratories*

1 *are carried out in such a manner that the expiration*
2 *of the laboratory contracts is consistent with the reau-*
3 *thorization cycle.*

4 (10) *REVIEW.*—*The Assistant Secretary shall re-*
5 *view the work of each regional educational laboratory*
6 *in the third year that such laboratory receives assist-*
7 *ance under this subsection, and shall evaluate the per-*
8 *formance of such laboratory's activities to determine*
9 *if such activities are consistent with the duties de-*
10 *scribed in paragraph (3).*

11 (11)[±] *CONSTRUCTION.*—*Nothing in this sub-*
12 *section shall be construed to require any modifica-*
13 *tions in the regional educational laboratory contracts*
14 *in effect on the day preceding the date of enactment*
15 *of this Act.*

16 (12) *ADVANCE PAYMENT SYSTEM.*—*Each re-*
17 *gional educational laboratory shall participate in the*
18 *advance payment system of the Department of Edu-*
19 *cation.*

20 (13) *COORDINATION.*—*The regional education*
21 *laboratories shall work collaboratively, and coordinate*
22 *the services such laboratories provide, with the tech-*
23 *nical assistance centers authorized under the Elemen-*
24 *tary and Secondary Education Act of 1965.*

1 (1) *TEACHER RESEARCH DISSEMINATION DEM-*
2 *ONSTRATION PROGRAM.*—

3 (1) *FINDINGS.*—*The Congress finds that—*

4 (A) *education research, including research*
5 *funded by the Office, is not having the impact on*
6 *the Nation's schools that such research should;*

7 (B) *relevant education research and result-*
8 *ing solutions are not being adequately dissemi-*
9 *nated to and used by the teachers that need such*
10 *research and solutions;*

11 (C) *there are insufficient linkages between*
12 *the research and development centers assisted*
13 *under this section, the regional educational lab-*
14 *oratories described in subsection (k), the Na-*
15 *tional Diffusion Network State facilitators, the*
16 *Education Resources Information Clearing-*
17 *houses, the comprehensive technical assistance*
18 *centers assisted under the Elementary and Sec-*
19 *ondary Education Act of 1965, and the public*
20 *schools to ensure that research on effective prac-*
21 *tice is disseminated and technical assistance pro-*
22 *vided to all teachers;*

23 (D) *the average teacher has little time to*
24 *plan or engage in a professional dialogue with*
25 *peers about strategies for improved learning;*

1 (E) teachers do not have direct access to in-
2 formation systems or networks;

3 (F) teachers have little control over what in-
4 service education teachers will be offered; and

5 (G) individual teachers are not encouraged
6 to move beyond the walls of their school buildings
7 to identify and use outside resources.

8 (2) ESTABLISHMENT.—

9 (A) IN GENERAL.—The Secretary is author-
10 ized to make grants to, and enter into contracts
11 or cooperative agreements with, public and pri-
12 vate agencies and organizations, including insti-
13 tutions of higher education, the regional edu-
14 cation laboratories, and the research and devel-
15 opment centers, or consortia thereof—

16 (i) to develop and carry out projects
17 that demonstrate effective strategies for
18 helping elementary and secondary education
19 teachers, in both urban and rural areas, be-
20 come knowledgeable about, assist in the de-
21 sign and use of, and use, education re-
22 search, including education research carried
23 out under this section; and

1 (ii) to develop, implement, and evalu-
2 ate models for creation of teacher research
3 dissemination networks.

4 (B) *PRIORITY.*—In awarding grants and
5 entering into contracts and cooperative agree-
6 ments under subparagraph (A) the Secretary
7 shall give priority to entities that have received
8 Federal funds for research and dissemination.

9 (3) *APPLICATIONS.*—

10 (A) *IN GENERAL.*—An entity desiring to re-
11 ceive assistance under this subsection shall sub-
12 mit an application to the Secretary in such
13 form, at such time, and containing such infor-
14 mation and assurances as the Secretary may re-
15 quire.

16 (B) *CONTENTS.*—Each such application
17 shall describe how the project described in the
18 application—

19 (i) was developed with the active par-
20 ticipation of elementary and secondary
21 school teachers;

22 (ii) will include the continuing par-
23 ticipation of elementary and secondary
24 school teachers in the management of the
25 project;

1 (iii) is organized around one or more
2 significant research topics;

3 (iv) will involve collaboration with en-
4 tities that have received Federal funds for
5 research and dissemination; and

6 (v) will sustain over time teacher re-
7 search dissemination networks after Federal
8 funding for such networks terminates.

9 (4) USE OF FUNDS.—Funds provided under this
10 subsection may be used—

11 (A) to train elementary and secondary edu-
12 cation teachers (particularly new teachers) about
13 the sources of education research findings, in-
14 cluding research findings available through ac-
15 tivities supported by the Office, and how to ac-
16 cess and use such findings to improve the quality
17 of instruction;

18 (B) to develop simple formats, both admin-
19 istrative and technological, that allow elemen-
20 tary and secondary education teachers easy ac-
21 cess to and use of education research findings;

22 (C) to share strategies and materials;

23 (D) to support professional networks;

24 (E) to survey teacher needs in the areas of
25 research and development; and

1 (F) for other activities designed to support
2 elementary and secondary education teachers in
3 becoming knowledgeable about, assisting in the
4 design of, and using, educational research.

5 (5) *STIPENDS.*—The Secretary may provide for
6 the payment of such stipends (including allowances
7 for subsistence and other expenses for elementary and
8 secondary teachers), as the Secretary determines to be
9 appropriate, to teachers participating in the projects
10 authorized under this subsection.

11 (6) *COORDINATION.*—Recipients of funds under
12 this subsection shall, to the greatest extent possible, co-
13 ordinate their activities with related activities under
14 the Elementary and Secondary Education Act of
15 1965.

16 (7) *REPORT.*—The Secretary shall, within 5
17 years of the date of enactment of this Act, submit to
18 the Congress a report on the effectiveness of activities
19 assisted under this subsection.

20 (m) *OFFICE OF DISSEMINATION AND REFORM ASSIST-*
21 *ANCE.*—

22 (1) *IN GENERAL.*—The Assistant Secretary shall
23 establish an Office of Dissemination and Reform As-
24 sistance, which may include the Education Resources
25 Information Clearinghouses, the regional educational

1 *laboratories, the National Clearinghouse for Science*
2 *and Mathematics Resources, the National Diffusion*
3 *Network, the National Education Library, and such*
4 *other programs and activities as the Assistant Sec-*
5 *retary deems appropriate. The Office of Dissemina-*
6 *tion and Reform Assistance shall be headed by a Di-*
7 *rector who shall be appointed by the Assistant Sec-*
8 *retary and have a demonstrated expertise and experi-*
9 *ence in dissemination.*

10 (2) *DUTIES.—In carrying out its dissemination*
11 *activities, the Office of Dissemination and Reform As-*
12 *stance shall—*

13 (A) *operate a depository for all Department*
14 *of Education publications and products and*
15 *make available for reproduction such publica-*
16 *tions and products;*

17 (B) *coordinate the dissemination efforts of*
18 *all Office of Educational Research and Improve-*
19 *ment program offices, the regional educational*
20 *laboratories, the directorates assisted under this*
21 *section, the National Diffusion Network, and the*
22 *Education Resources Information Clearing-*
23 *houses;*

24 (C) *disseminate relevant and useful re-*
25 *search, information, products, and publications*

1 developed through or supported by the Depart-
2 ment of Education to schools throughout the Na-
3 tion;

4 (D) develop the capacity to connect schools
5 and teachers seeking information with the rel-
6 evant regional educational laboratories assisted
7 under subsection (k), the National Diffusion Net-
8 work, the directorates assisted under this section,
9 and the Education Resources Information Clear-
10 inghouses; and

11 (E) provide an annual report to the Sec-
12 retary regarding the types of information, prod-
13 ucts, and services that teachers, schools, and
14 school districts have requested and have deter-
15 mined to be most useful, and describe future
16 plans to adapt Department of Education prod-
17 ucts and services to address the needs of the users
18 of such information, products, and services.

19 (3) *ADDITIONAL ACTIVITIES.*—In addition, the
20 Office of Dissemination and Reform Assistance
21 may—

22 (A) use media and other educational tech-
23 nology to carry out dissemination activities, in-
24 cluding program development;

1 (B) establish and maintain a database on
2 all research and improvement efforts funded
3 through the Department of Education;

4 (C) actively encourage cooperative publish-
5 ing of significant publications;

6 (D) disseminate information on successful
7 models and educational methods which have been
8 recommended to the Office of Dissemination and
9 Reform Assistance by educators, educational or-
10 ganizations, nonprofit organizations, businesses,
11 and foundations, and disseminate such models
12 by including, with any such information, an
13 identification of the entity or entities that have
14 recommended the program; and

15 (E) engage in such other dissemination ac-
16 tivities as the Assistant Secretary determines
17 necessary.

18 (n) NATIONAL DIFFUSION NETWORK STATE
19 FACILITATORS.—The National Diffusion Network described
20 in section 1562 of the Elementary and Secondary Edu-
21 cation Act of 1965 is authorized to provide information
22 through National Diffusion Network State facilitators on
23 model or demonstration projects funded by the Department
24 of Education. For purposes of carrying out this subsection,
25 information on such model projects does not have to be ap-

1 *proved through the program effectiveness panel, but may*
2 *be provided directly through the State facilitators. In addi-*
3 *tion, the National Diffusion Network may disseminate other*
4 *information available through the Office of Education Dis-*
5 *semination and Reform Assistance established under sub-*
6 *section (m) through the National Diffusion Network.*

7 *(o) NATIONAL EDUCATION LIBRARY.—*

8 *(1) ESTABLISHMENT.—There shall be established*
9 *a National Library of Education at the Department*
10 *of Education (hereafter in this subsection referred to*
11 *as the “Library”) which shall—*

12 *(A) be a national resource center for teach-*
13 *ers, scholars, librarians, State, local, and Indian*
14 *tribal education officials, parents, and other in-*
15 *terested individuals; and*

16 *(B) provide resources to assist in the—*

17 *(i) advancement of research on edu-*
18 *cation;*

19 *(ii) dissemination and exchange of sci-*
20 *entific and other information important to*
21 *the improvement of education at all levels;*
22 *and*

23 *(iii) improvement of educational*
24 *achievement.*

1 (2) *MISSION.*—*The mission of the Library shall*
2 *be to—*

3 (A) *become a principal center for the collec-*
4 *tion, preservation, and effective utilization of the*
5 *research and other information related to edu-*
6 *cation and to the improvement of educational*
7 *achievement;*

8 (B) *strive to ensure widespread access to the*
9 *Library's facilities and materials, coverage of all*
10 *education issues and subjects, and quality con-*
11 *trol;*

12 (C) *have an expert library staff; and*

13 (D) *use modern information technology that*
14 *holds the potential to link major libraries,*
15 *schools, and educational centers across the Unit-*
16 *ed States into a network of national education*
17 *resources.*

18 (3) *FUNCTIONS.*—*The Library shall—*

19 (A) *establish a policy to acquire and pre-*
20 *serve books, periodicals, data, prints, films, re-*
21 *cordings, and other library materials related to*
22 *education;*

23 (B) *establish a policy to disseminate infor-*
24 *mation about the materials available in the Li-*
25 *brary;*

1 (C) make available through loans, photo-
2 graphic or other copying procedures, or other-
3 wise, such materials in the Library as the Sec-
4 retary deems appropriate; and

5 (D) provide reference and research assist-
6 ance.

7 (4) LIBRARIAN.—

8 (A) IN GENERAL.—The Secretary shall ap-
9 point a librarian to head the Library.

10 (B) EXPERIENCE.—The individual ap-
11 pointed pursuant to subparagraph (A) shall have
12 extensive experience as a librarian.

13 (C) SOLICITATION OF NOMINATIONS.—The
14 Secretary shall solicit nominations from individ-
15 uals and organizations before making the ap-
16 pointment described in subparagraph (A).

17 (D) SALARY.—The librarian shall be paid
18 at not less than the minimum rate of pay pay-
19 able for level GS-15 of the General Schedule.

20 (p) EDUCATION RESOURCES INFORMATION CLEARING-
21 HOUSES.—The Assistant Secretary shall establish and sup-
22 port Education Resources Information Clearinghouses (in-
23 cluding directly supporting dissemination services) having
24 such functions as the clearinghouses had on the day preced-
25 ing the date of enactment of this Act, except that—

1 (1) *the Assistant Secretary shall establish for the*
2 *clearinghouses a coherent policy for the abstraction*
3 *from, and inclusion in, the educational resources in-*
4 *formation clearinghouse system books, periodicals, re-*
5 *ports, and other materials related to education; and*

6 (2) *the clearinghouses shall collect and dissemi-*
7 *nate information on alternative management dem-*
8 *onstration projects operating in public schools*
9 *throughout the Nation.*

10 (q) *AUTHORIZATION OF APPROPRIATIONS.—*

11 (1) *DIRECTORATES OF EDUCATIONAL RE-*
12 *SEARCH.—*

13 (A) *IN GENERAL.—There are authorized to*
14 *be appropriated \$100,000,000 for fiscal year*
15 *1995, and such sums as may be necessary for*
16 *each of the fiscal years 1996 through 1999, to*
17 *carry out subsections (c) through (h), relating to*
18 *the Directorates of Educational Research.*

19 (B) *APPROPRIATIONS OF \$70,000,000 OR*
20 *LESS.—From the amount made available under*
21 *clause (i) in any fiscal year in which the*
22 *amount appropriated to carry out such clause is*
23 *\$70,000,000 or less—*

24 (i) *at least 25 percent of such amount*
25 *shall be available to carry out subsection*

1 (d), relating to the National Directorate on
2 Curriculum, Instruction, and Assessment;

3 (ii) at least 10 percent of such amount
4 shall be available to carry out subsection
5 (e), relating to the National Directorate on
6 the Educational Achievement of Historically
7 Underserved Populations;

8 (iii) at least 10 percent of such amount
9 shall be available to carry out subsection (f),
10 relating to the National Directorate on
11 Early Childhood Development and Edu-
12 cation;

13 (iv) at least 5 percent of such amount
14 shall be available to carry out subsection
15 (g), relating to the National Directorate on
16 Elementary and Secondary Educational
17 Governance, Finance, Policymaking, and
18 Management;

19 (v) at least 5 percent of such amount
20 shall be available to carry out subsection
21 (h), relating to the National Directorate on
22 Adult Education, Literacy and Lifelong
23 Learning; and

24 (vi) not more than 10 percent of such
25 amount shall be available to carry out syn-

1 *thesis and coordination activities described*
2 *in subsection (c)(1)(C).*

3 (C) *APPROPRIATIONS GREATER THAN*
4 *\$70,000,000.—From the amount made available*
5 *under clause (i) in any fiscal year in which the*
6 *amount appropriated to carry out such clause is*
7 *greater than \$70,000,000—*

8 *(i) at least 30 percent of such amount*
9 *shall be available to carry out subsection*
10 *(d), relating to the National Directorate on*
11 *Curriculum, Instruction, and Assessment;*

12 *(ii) at least 10 percent of such amount*
13 *shall be available to carry out subsection*
14 *(e), relating to the National Directorate on*
15 *the Educational Achievement of Historically*
16 *Underserved Populations;*

17 *(iii) at least 10 percent of such amount*
18 *shall be available to carry out subsection (f),*
19 *relating to the National Directorate on*
20 *Early Childhood Development and Edu-*
21 *cation;*

22 *(iv) at least 10 percent of such amount*
23 *shall be available to carry out subsection*
24 *(g), relating to the National Directorate on*
25 *Elementary and Secondary Educational*

1 *Governance, Finance, Policymaking, and*
2 *Management;*

3 (v) *at least 10 percent of such amount*
4 *shall be available to carry out subsection*
5 *(h), relating to the National Directorate on*
6 *Adult Education, Literacy and Lifelong*
7 *Learning; and*

8 (vi) *not more than 10 percent of such*
9 *amount shall be available to carry out syn-*
10 *thesis and coordination activities described*
11 *in subsection (c)(1)(C).*

12 (D) *SPECIAL RULE.—Not less than 95 per-*
13 *cent of funds appropriated pursuant to the au-*
14 *thority of clause (i) in any fiscal year shall be*
15 *expended to carry out this section through*
16 *grants, cooperative agreements, or contracts.*

17 (2) *REGIONAL EDUCATIONAL LABORATORIES.—*
18 *There are authorized to be appropriated \$41,000,000*
19 *for fiscal year 1995, and such sums as may be nec-*
20 *essary for each of the fiscal years 1996 through 1999,*
21 *to carry out subsection (k), relating to the regional*
22 *educational laboratories.*

23 (3) *TEACHER RESEARCH DISSEMINATION DEM-*
24 *ONSTRATION PROGRAM.—*

1 (A) *IN GENERAL.*—*There are authorized to*
2 *be appropriated \$10,000,000 for fiscal year 1995,*
3 *and such sums as may be necessary for each of*
4 *the fiscal years 1996 through 1999, to carry out*
5 *the provisions of subsection (l), relating to the*
6 *teacher research dissemination demonstration*
7 *program.*

8 (B) *PEER REVIEW.*—*The Secretary may use*
9 *not more than 0.2 percent of the amount appro-*
10 *priated pursuant to the authority of subpara-*
11 *graph (A) for each fiscal year for peer review of*
12 *applications under this section.*

13 (4) *OFFICE OF DISSEMINATION AND REFORM AS-*
14 *SISTANCE.*—*There are authorized to be appropriated*
15 *\$5,000,000 for fiscal year 1995, and such sums as*
16 *may be necessary for each of the fiscal years 1996*
17 *through 1999, to carry out subsections (m) and (k)(6),*
18 *relating to the Office of Education Dissemination and*
19 *Reform Assistance and additional projects for re-*
20 *gional educational laboratories, respectively.*

21 (5) *NATIONAL DIFFUSION NETWORK STATE*
22 *FACILITATORS.*—*There are authorized to be appro-*
23 *priated \$10,000,000 for the fiscal year 1995, and such*
24 *sums as may be necessary for each of fiscal years*
25 *1996 through 1999, to carry out subsection (n), relat-*

1 *ing to the National Diffusion Network State*
2 *Facilitators.*

3 (6) *NATIONAL EDUCATION LIBRARY.*—*There are*
4 *authorized to be appropriated \$10,000,000 for fiscal*
5 *year 1995, and such sums as may be necessary for*
6 *each of the fiscal years 1996 through 1999, to carry*
7 *out subsection (o), relating to the National Education*
8 *Library.*

9 (7) *EDUCATION RESOURCES INFORMATION*
10 *CLEARINGHOUSES.*—*There are authorized to be ap-*
11 *propriated \$10,000,000 for fiscal year 1995, and such*
12 *sums as may be necessary for each of the fiscal years*
13 *1996 through 1999, to carry out subsection (p), relat-*
14 *ing to the Education Resources Information Clearing-*
15 *houses.*

16 (8) *ADMINISTRATION OF FUNDS.*—*When more*
17 *than one Federal agency uses funds to support a sin-*
18 *gle project under this section, the Office may act for*
19 *all such agencies in administering such funds.*

20 (r) *EXISTING CONTRACTS AND GRANTS.*—

21 (1) *SPECIAL RULE.*—*Notwithstanding any other*
22 *provision of law, grants or contracts for the regional*
23 *educational laboratories and the centers assisted*
24 *under section 405 of the General Education Provi-*
25 *sions Act on the day preceding the date of enactment*

1 of this Act shall remain in effect until the termi-
2 nation date of such grants or contracts, except that
3 the grants or contracts for such centers which termi-
4 nate before the competition for the new centers de-
5 scribed in subsection (c)(3)(B) is completed may be
6 extended until the time that the awards for such new
7 centers are made.

8 (2) *FUNDING.*—The Secretary shall use amounts
9 appropriated pursuant to the authority of subsection
10 (q)(1)(A) to support the grants or contracts described
11 in paragraph (1).

12 **SEC. 913. SAVINGS PROVISIONS.**

13 (a) *CONTINUING EFFECT OF LEGAL DOCUMENTS.*—All
14 orders, determinations, rules, regulations, permits, agree-
15 ments, grants, contracts, certificates, licenses, registrations,
16 privileges, and other administrative actions—

17 (1) which have been issued, made, granted, or al-
18 lowed to become effective by the President, any Fed-
19 eral agency or official thereof, or by a court of com-
20 petent jurisdiction, in the performance of functions of
21 the Office of Educational Research and Improvement
22 (as such functions existed on the day before the date
23 of enactment of this Act); and

24 (2) which are in effect at the time this title takes
25 effect, or were final before the effective date of this

1 *title and are to become effective on or after the effec-*
2 *tive date of this title,*
3 *shall continue in effect according to their terms until modi-*
4 *fied, terminated, superseded, set aside, or revoked in accord-*
5 *ance with law by the President, the Secretary or other au-*
6 *thorized official, a court of competent jurisdiction, or by*
7 *operation of law.*

8 *(b) PROCEEDINGS NOT AFFECTED.—The provisions of*
9 *this title shall not affect any proceedings, including notices*
10 *of proposed rulemaking, or any application for any license,*
11 *permit, certificate, or financial assistance pending before*
12 *the Office of Educational Research and Improvement at the*
13 *time this title takes effect, with respect to functions of such*
14 *Office but such proceedings and applications shall be con-*
15 *tinued. Orders shall be issued in such proceedings, appeals*
16 *shall be taken therefrom, and payments shall be made pur-*
17 *suant to such orders, as if this title had not been enacted,*
18 *and orders issued in any such proceedings shall continue*
19 *in effect until modified, terminated, superseded, or revoked*
20 *by a duly authorized official, by a court of competent juris-*
21 *isdiction, or by operation of law. Nothing in this subsection*
22 *shall be deemed to prohibit the discontinuance or modifica-*
23 *tion of any such proceeding under the same terms and con-*
24 *ditions and to the same extent that such proceeding could*

1 *have been discontinued or modified if this title had not been*
2 *enacted.*

3 (c) *SUITS NOT AFFECTED.*—*The provisions of this title*
4 *shall not affect suits commenced before the effective date of*
5 *this title, and in all such suits, proceedings shall be had,*
6 *appeals taken, and judgments rendered in the same manner*
7 *and with the same effect as if this title had not been enacted.*

8 (d) *NONABATEMENT OF ACTIONS.*—*No suit, action, or*
9 *other proceeding commenced by or against the Office of*
10 *Educational Research and Improvement, or by or against*
11 *any individual in the official capacity of such individual*
12 *as an officer of the Office of Educational Research and Im-*
13 *provement, shall abate by reason of the enactment of this*
14 *title.*

15 (e) *ADMINISTRATIVE ACTIONS RELATING TO PROMUL-*
16 *GATION OF REGULATIONS.*—*Any administrative action re-*
17 *lating to the preparation or promulgation of a regulation*
18 *by the Office of Educational Research and Improvement re-*
19 *lating to a function of such Office under this title may be*
20 *continued by the Office of Educational Research and Im-*
21 *provement with the same effect as if this title had not been*
22 *enacted.*

23 **SEC. 914. FIELD READERS.**

24 *Section 402 of the Department of Education Organiza-*
25 *tion Act (20 U.S.C. 3462) is amended—*

1 (1) by inserting “(a) *IN GENERAL.*—” before
2 “*The Secretary*”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(b) *SPECIAL RULE.*—

6 “(1) *IN GENERAL.*—Notwithstanding any other
7 provision of law, the Secretary may use not more
8 than 1 percent of the funds appropriated for any edu-
9 cation program that awards such funds on a competi-
10 tive basis to pay the expenses and fees of non-Federal
11 experts necessary to review applications and propos-
12 als for such funds.

13 “(2) *APPLICABILITY.*—The provisions of para-
14 graph (1) shall not apply to any education program
15 under which funds are authorized to be appropriated
16 to pay the fees and expenses of non-Federal experts to
17 review applications and proposals for such funds.”.

18 ***PART B—EDUCATIONAL IMPROVEMENT***

19 ***PROGRAMS***

20 ***Subpart 1—International Education Program***

21 ***SEC. 921. INTERNATIONAL EDUCATION PROGRAM.***

22 (a) *PROGRAM ESTABLISHED.*—The Secretary shall
23 carry out an International Education Program in accord-
24 ance with this section that shall provide for—

1 (1) *the study of international education pro-*
2 *grams and delivery systems; and*

3 (2) *an international education exchange pro-*
4 *gram.*

5 (b) *ASSESSMENT AND INFORMATION.*—*The Secretary*
6 *shall award grants for the study, evaluation and analysis*
7 *of education systems in other nations, particularly Great*
8 *Britain, France, Germany and Japan. Such studies shall*
9 *focus upon a comparative analysis of curriculum, methodol-*
10 *ogy and organizational structure, including the length of*
11 *the school year and school day. In addition, the studies shall*
12 *provide an analysis of successful strategies employed by*
13 *other nations to improve student achievement, with a spe-*
14 *cific focus upon application to schooling and the National*
15 *Education Goals.*

16 (c) *INTERNATIONAL EDUCATION EXCHANGE.*—

17 (1) *REQUIREMENT.*—

18 (A) *IN GENERAL.*—*The Secretary shall*
19 *carry out a program to be known as the Inter-*
20 *national Education Exchange Program. Under*
21 *such program the Secretary shall award grants*
22 *to or enter into contracts with organizations*
23 *with demonstrated effectiveness or expertise in*
24 *international achievement comparisons, in order*
25 *to—*

1 (i) make available to educators from el-
2 igible countries exemplary curriculum and
3 teacher training programs in civics and
4 government education and economic edu-
5 cation developed in the United States;

6 (ii) assist eligible countries in the ad-
7 aptation and implementation of such pro-
8 grams or joint research concerning such
9 programs;

10 (iii) create and implement educational
11 programs for United States students which
12 draw upon the experiences of emerging con-
13 stitutional democracies;

14 (iv) provide a means for the exchange
15 of ideas and experiences in civics and gov-
16 ernment education and economic education
17 among political, educational and private
18 sector leaders of participating eligible coun-
19 tries; and

20 (v) provide support for—

21 (I) research and evaluation to de-
22 termine the effects of educational pro-
23 grams on students' development of the
24 knowledge, skills and traits of char-
25 acter essential for the preservation and

1 *improvement of constitutional democ-*
2 *racy; and*

3 *(II) effective participation in and*
4 *the preservation and improvement of*
5 *an efficient market economy.*

6 *(B) RESERVATIONS.—In carrying out the*
7 *program described in subparagraph (A), the Sec-*
8 *retary shall reserve in each fiscal year—*

9 *(i) 50 percent of the amount available*
10 *to carry out this subsection for civics and*
11 *government education activities; and*

12 *(ii) 50 percent of such amount for eco-*
13 *nomics education activities.*

14 *(2) CONTRACT AUTHORIZED.—*

15 *(A) IN GENERAL.—The Secretary is author-*
16 *ized to contract with independent nonprofit edu-*
17 *cational organizations to carry out the provi-*
18 *sions of this subsection.*

19 *(B) NUMBER.—The Secretary shall award*
20 *at least 1 but not more than 3 contracts de-*
21 *scribed in subparagraph (A) in each of the areas*
22 *described in clauses (i) and (ii) of paragraph*
23 *(1)(B).*

24 *(C) AVOIDANCE OF DUPLICATION.—The Sec-*
25 *retary shall award contracts described in sub-*

1 *paragraph (A) so as to avoid duplication of ac-*
2 *tivities in such contracts.*

3 (D) *REQUIREMENTS.—Each organization*
4 *with which the Secretary enters into a contract*
5 *pursuant to subparagraph (A) shall—*

6 *(i) be experienced in—*

7 (I) *the development and national*
8 *implementation of curricular programs*
9 *in civics and government education*
10 *and economic education for students*
11 *from grades kindergarten through 12*
12 *in local, intermediate, and State edu-*
13 *cational agencies, in schools funded by*
14 *the Bureau of Indian Affairs, and in*
15 *private schools throughout the Nation*
16 *with the cooperation and assistance of*
17 *national professional educational orga-*
18 *nizations, colleges and universities,*
19 *and private sector organizations;*

20 (II) *the development and imple-*
21 *mentation of cooperative university*
22 *and school based inservice training*
23 *programs for teachers of grades kinder-*
24 *garten through grade 12 using scholars*
25 *from such relevant disciplines as polit-*

1 *ical science, political philosophy, his-*
2 *tory, law and economics;*

3 *(III) the development of model*
4 *curricular frameworks in civics and*
5 *government education and economic*
6 *education;*

7 *(IV) the administration of inter-*
8 *national seminars on the goals and ob-*
9 *jectives of civics and government edu-*
10 *cation or economic education in con-*
11 *stitutional democracies (including the*
12 *sharing of curricular materials) for*
13 *educational leaders, teacher trainers,*
14 *scholars in related disciplines, and*
15 *educational policymakers; and*

16 *(V) the evaluation of civics and*
17 *government education or economic edu-*
18 *cation programs; and*

19 *(ii) have the authority to subcontract*
20 *with other organizations to carry out the*
21 *provisions of this subsection.*

22 *(3) ACTIVITIES.—The international education*
23 *program described in this subsection shall—*

24 *(A) provide eligible countries with—*

1 (i) seminars on the basic principles of
2 United States constitutional democracy and
3 economics, including seminars on the major
4 governmental and economic institutions
5 and systems in the United States, and visits
6 to such institutions;

7 (ii) visits to school systems, institu-
8 tions of higher learning, and nonprofit or-
9 ganizations conducting exemplary programs
10 in civics and government education and
11 economic education in the United States;

12 (iii) home stays in United States com-
13 munities;

14 (iv) translations and adaptations re-
15 garding United States civics and govern-
16 ment education and economic education
17 curricular programs for students and teach-
18 ers, and in the case of training programs
19 for teachers translations and adaptations
20 into forms useful in schools in eligible coun-
21 tries, and joint research projects in such
22 areas;

23 (v) translation of basic documents of
24 United States constitutional government for
25 use in eligible countries, such as The Fed-

1 *eralist Papers, selected writings of Presi-*
2 *dents Adams and Jefferson and the Anti-*
3 *Federalists, and more recent works on polit-*
4 *ical theory, constitutional law and econom-*
5 *ics; and*

6 *(vi) research and evaluation assistance*
7 *to determine—*

8 *(I) the effects of educational pro-*
9 *grams on students' development of the*
10 *knowledge, skills and traits of char-*
11 *acter essential for the preservation and*
12 *improvement of constitutional democ-*
13 *racy; and*

14 *(II) effective participation in and*
15 *the preservation and improvement of*
16 *an efficient market economy;*

17 *(B) provide United States participants*
18 *with—*

19 *(i) seminars on the histories, economics*
20 *and governments of eligible countries;*

21 *(ii) visits to school systems, institu-*
22 *tions of higher learning, and organizations*
23 *conducting exemplary programs in civics*
24 *and government education and economic*
25 *education located in eligible countries;*

1 (iii) home stays in eligible countries;

2 (iv) assistance from educators and
3 scholars in eligible countries in the develop-
4 ment of curricular materials on the history,
5 government and economics of such countries
6 that are useful in United States classrooms;

7 (v) opportunities to provide on-site
8 demonstrations of United States curricula
9 and pedagogy for educational leaders in eli-
10 gible countries; and

11 (vi) research and evaluation assistance
12 to determine—

13 (I) the effects of educational pro-
14 grams on students' development of the
15 knowledge, skills and traits of char-
16 acter essential for the preservation and
17 improvement of constitutional democ-
18 racy; and

19 (II) effective participation in and
20 improvement of an efficient market
21 economy; and

22 (C) assist participants from eligible coun-
23 tries and the United States in participating in
24 international conferences on civics and govern-
25 ment education and economic education for edu-

1 *cational leaders, teacher trainers, scholars in re-*
2 *lated disciplines, and educational policymakers.*

3 (4) *PRINTER MATERIALS AND PROGRAMS.*—All
4 *printed materials and programs provided to foreign*
5 *nations under this subsection shall bear the logo and*
6 *text used by the Marshall Plan after World War II,*
7 *that is, clasped hands with the inscription “A gift*
8 *from the American people to the people of (insert*
9 *name of country)”.*

10 (5) *PARTICIPANTS.*—The primary participants
11 *in the international education program assisted*
12 *under this subsection shall be leading educators in the*
13 *areas of civics and government education and eco-*
14 *nomics education, including curriculum and teacher*
15 *training specialists, scholars in relevant disciplines,*
16 *and educational policymakers, from the United States*
17 *and eligible countries.*

18 (6) *PERSONNEL AND TECHNICAL EXPERTS.*—The
19 *Secretary is authorized to provide Department of*
20 *Education personnel and technical experts to assist*
21 *eligible countries establish and implement a database*
22 *or other effective methods to improve educational de-*
23 *livery systems, structure and organization.*

24 (7) *DEFINITIONS.*—For the purpose of this sub-
25 *section the term “eligible country” means a Central*

1 *European country, an Eastern European country,*
2 *Lithuania, Latvia, Estonia, Georgia, the Common-*
3 *wealth of Independent States, and any country that*
4 *formerly was a republic of the Soviet Union whose*
5 *political independence is recognized in the United*
6 *States.*

7 *(d) AUTHORIZATION OF APPROPRIATIONS.—*

8 *(1) ASSESSMENT AND INFORMATION.—There are*
9 *authorized to be appropriated \$1,000,000 for fiscal*
10 *year 1995, and such sums as may be necessary for*
11 *each of the fiscal years 1996 through 1999, to carry*
12 *out subsection (b).*

13 *(2) INTERNATIONAL EDUCATION EXCHANGE.—*
14 *There are authorized to be appropriated \$10,000,000*
15 *for fiscal year 1995, and such sums as may be nec-*
16 *essary for each of the fiscal years 1996 through 1999,*
17 *to carry out subsection (c).*

18 ***Subpart 2—Amendments to the Carl D. Perkins***

19 ***Vocational and Applied Technology Education Act***

20 ***SEC. 931. NATIONAL OCCUPATIONAL INFORMATION CO-***
21 ***ORDINATING COMMITTEE.***

22 *Section 422 of the Carl D. Perkins Vocational and Ap-*
23 *plied Technology Education Act (20 U.S.C. 2422) is*
24 *amended—*

1 (1) in paragraph (2) of subsection (a), by insert-
2 ing “(including postsecondary employment and train-
3 ing programs)” after “training programs”; and

4 (2) in subsection (b)—

5 (A) by redesignating subparagraphs (A)
6 and (B) as paragraphs (1) and (2), respectively;

7 (B) in the matter preceding paragraph (1)
8 (as redesignated in subparagraph (A)), by in-
9 serting “the State board or agency governing
10 higher education,” after “coordinating council,”;
11 and

12 (C) in paragraph (1) (as redesignated in
13 subparagraph (A))—

14 (i) by striking “Act and of” and in-
15 serting “Act, of”; and

16 (ii) by inserting “and of the State
17 board or agency governing higher edu-
18 cation” after “Job Training Partnership
19 Act”;

20 (3) by redesignating subsection (d) as subsection
21 (e); and

22 (4) by inserting after subsection (c) the following
23 new subsection:

24 “(d) *DATA COLLECTION SYSTEM.*—In the development
25 and design of a system to provide data on graduation or

1 completion rates, job placement rates from occupationally
2 specific programs, licensing rates, and awards of high
3 school graduate equivalency diplomas (GED), each State
4 board for higher education shall develop a data collection
5 system the results of which can be integrated into the occu-
6 pational information system developed under this section.”.

7 **Subpart 3—Elementary Mathematics and Science**
8 **Equipment Program**

9 **SEC. 941. SHORT TITLE.**

10 *This subpart may be cited as the “Elementary Mathe-*
11 *matics and Science Equipment Act”.*

12 **SEC. 942. STATEMENT OF PURPOSE.**

13 *It is the purpose of this subpart to raise the quality*
14 *of instruction in mathematics and science in the Nation’s*
15 *elementary schools by providing equipment and materials*
16 *necessary for hands-on instruction through assistance to*
17 *State and local educational agencies.*

18 **SEC. 943. PROGRAM AUTHORIZED.**

19 *The Secretary is authorized to make allotments to*
20 *State educational agencies under section 944 to enable such*
21 *agencies to award grants to local educational agencies for*
22 *the purpose of providing equipment and materials to ele-*
23 *mentary schools to improve mathematics and science edu-*
24 *cation in such schools.*

1 **SEC. 944. ALLOTMENTS OF FUNDS.**

2 (a) *IN GENERAL.*—From the amount appropriated
3 under section 950 for any fiscal year, the Secretary shall
4 reserve—

5 (1) *not more than one-half of 1 percent for allot-*
6 *ment among Guam, American Samoa, the Virgin Is-*
7 *lands, the Northern Mariana Islands, the Republic of*
8 *the Marshall Islands, the Federated States of Microne-*
9 *sia, and the Republic of Palau according to their re-*
10 *spective needs for assistance under this subpart; and*

11 (2) *one-half of 1 percent for programs for Indian*
12 *students served by schools funded by the Secretary of*
13 *the Interior which are consistent with the purposes of*
14 *this subpart.*

15 (b) *ALLOTMENT.*—The remainder of the amount so ap-
16 propriated (after meeting requirements in subsection (a))
17 shall be allotted among State educational agencies so that—

18 (1) *one-half of such remainder shall be distrib-*
19 *uted by allotting to each State educational agency an*
20 *amount which bears the same ratio to such one-half*
21 *of such remainder as the number of children aged 5*
22 *to 17, inclusive, in the State bears to the number of*
23 *such children in all States; and*

24 (2) *one-half of such remainder shall be distrib-*
25 *uted according to each State's share of allocations*

1 *under chapter 1 of title I of the Elementary and Sec-*
2 *ondary Education Act of 1965,*
3 *except that no State educational agency shall receive less*
4 *than one-half of 1 percent of the amount available under*
5 *this subsection in any fiscal year or less than the amount*
6 *allotted to such State for fiscal year 1988 under title II*
7 *of the Education for Economic Security Act.*

8 *(c) REALLOTMENT OF UNUSED FUNDS.—The amount*
9 *of any State educational agency's allotment under sub-*
10 *section (b) for any fiscal year to carry out this subpart*
11 *which the Secretary determines will not be required for that*
12 *fiscal year to carry out this subpart shall be available for*
13 *reallotment from time to time, on such dates during that*
14 *year as the Secretary may determine, to other State edu-*
15 *cational agencies in proportion to the original allotments*
16 *to those State educational agencies under subsection (b) for*
17 *that year but with such proportionate amount for any of*
18 *those other State educational agencies being reduced to the*
19 *extent it exceeds the sum the Secretary estimates that the*
20 *State educational agency needs and will be able to use for*
21 *that year, and the total of those reductions shall be simi-*
22 *larly reallotted among the State educational agencies whose*
23 *proportionate amounts were not so reduced. Any amounts*
24 *reallotted to a State educational agency under this sub-*
25 *section during a year shall be deemed a subpart of the State*

1 *educational agency's allotment under subsection (b) for that*
2 *year.*

3 (d) *DEFINITION.*—*For the purposes of this subpart the*
4 *term “State” means each of the 50 States, the District of*
5 *Columbia, and the Commonwealth of Puerto Rico.*

6 (e) *DATA.*—*The number of children aged 5 to 11, in-*
7 *clusive, in the State and in all States shall be determined*
8 *by the Secretary on the basis of the most recent satisfactory*
9 *data available to the Secretary.*

10 **SEC. 945. STATE APPLICATION.**

11 (a) *APPLICATION.*—*Each State educational agency de-*
12 *siring to receive an allotment under this subpart shall file*
13 *an application with the Secretary which covers a period*
14 *of 5 fiscal years. Such application shall be filed at such*
15 *time, in such manner, and containing or accompanied by*
16 *such information as the Secretary may reasonably require.*

17 (b) *CONTENTS OF APPLICATION.*—*Each application*
18 *described in subsection (a) shall—*

19 (1) *provide assurances that—*

20 (A) *the State educational agency shall use*
21 *the allotment provided under this subpart to*
22 *award grants to local educational agencies with-*
23 *in the State to enable such local educational*
24 *agencies to provide assistance to schools served*

1 *by such agency to carry out the purpose of this*
2 *subpart;*

3 *(B) the State educational agency will pro-*
4 *vide such fiscal control and funds accounting as*
5 *the Secretary may require;*

6 *(C) every public elementary school in the*
7 *State is eligible to receive assistance under this*
8 *subpart once over the 5-year duration of the pro-*
9 *gram assisted under this subpart;*

10 *(D) funds provided under this subpart will*
11 *supplement, not supplant, State and local funds*
12 *made available for activities authorized under*
13 *this subpart;*

14 *(E) during the 5-year period described in*
15 *the application, the State educational agency*
16 *will evaluate its standards and programs for*
17 *teacher preparation and inservice professional*
18 *development for elementary mathematics and*
19 *science;*

20 *(F) the State educational agency will take*
21 *into account the needs for greater access to and*
22 *participation in mathematics and science by stu-*
23 *dents and teachers from historically*
24 *underrepresented groups, including females, mi-*
25 *norities, individuals with limited-English pro-*

1 *iciency, the economically disadvantaged, and in-*
2 *dividuals with disabilities; and*

3 *(G) that the needs of teachers and students*
4 *in areas with high concentrations of low-income*
5 *students and sparsely populated areas will be*
6 *given priority in awarding assistance under this*
7 *subpart;*

8 *(2) provide, if appropriate, a description of how*
9 *funds paid under this subpart will be coordinated*
10 *with State and local funds and other Federal re-*
11 *sources, particularly with respect to programs for the*
12 *professional development and inservice training of el-*
13 *ementary school teachers in science and mathematics;*
14 *and*

15 *(3) describe procedures—*

16 *(A) for submitting applications for pro-*
17 *grams described in sections 236 and 237 for dis-*
18 *tribution of assistance under this subpart within*
19 *the State; and*

20 *(B) for approval of applications by the*
21 *State educational agency, including appropriate*
22 *procedures to assure that such agency will not*
23 *disapprove an application without notice and*
24 *opportunity for a hearing.*

1 (c) *STATE ADMINISTRATION.*—Not more than 5 per-
2 cent of the funds allotted to each State educational agency
3 under this subpart shall be used for the administrative costs
4 of such agency associated with carrying out the program
5 assisted under this subpart.

6 **SEC. 946. LOCAL APPLICATION.**

7 (a) *APPLICATION.*—A local educational agency that de-
8 sires to receive a grant under this subpart shall submit an
9 application to the State educational agency. Each such ap-
10 plication shall contain assurances that each school served
11 by the local educational agency shall be eligible for assist-
12 ance under this subpart only once.

13 (b) *CONTENTS OF APPLICATION.*—Each application
14 described in subsection (a) shall—

15 (1) describe how the local educational agency
16 plans to set priorities on the use and distribution
17 among schools of grant funds received under this sub-
18 part to meet the purpose of this subpart;

19 (2) include assurances that the local educational
20 agency has made every effort to match on a dollar-
21 for-dollar basis from private or public sources the
22 funds received under this subpart, except that no such
23 application shall be penalized or denied assistance
24 under this subpart based on failure to provide such
25 matching funds;

1 (3) describe, if applicable, how funds under this
2 subpart will be coordinated with State, local, and
3 other Federal resources, especially with respect to pro-
4 grams for the professional development and inservice
5 training of elementary school teachers in science and
6 mathematics; and

7 (4) describe the process which will be used to de-
8 termine different levels of assistance to be awarded to
9 schools with different needs.

10 (c) *PRIORITY*.—In awarding grants under this sub-
11 part, the State educational agency shall give priority to ap-
12 plications that—

13 (1) assign highest priority to providing assist-
14 ance to schools which—

15 (A) are most seriously underequipped; or

16 (B) serve large numbers or percentages of
17 economically disadvantaged students;

18 (2) are attentive to the needs of underrepresented
19 groups in science and mathematics;

20 (3) demonstrate how science and mathematics
21 equipment will be part of a comprehensive plan of
22 curriculum planning or implementation and teacher
23 training supporting hands-on laboratory activities;
24 and

1 (4) *assign priority to providing equipment and*
2 *materials for students in grades 1 through 6.*

3 **SEC. 947. PARTICIPATION OF PRIVATE SCHOOLS.**

4 (a) *PARTICIPATION OF PRIVATE SCHOOLS.—To the ex-*
5 *tent consistent with the number of children in the State or*
6 *in the school district of each local educational agency who*
7 *are enrolled in private nonprofit elementary schools, such*
8 *State educational agency shall, after consultation with ap-*
9 *propriate private school representatives, make provision for*
10 *including services and arrangements for the benefit of such*
11 *children as will assure the equitable participation of such*
12 *children in the purposes and benefits of this subpart.*

13 (b) *WAIVER.—If by reason of any provision of State*
14 *law a local educational agency is prohibited from providing*
15 *for the participation of children or teachers from private*
16 *nonprofit schools as required by subsection (a), or if the*
17 *Secretary determines that a State or local educational agen-*
18 *cy has substantially failed or is unwilling to provide for*
19 *such participation on an equitable basis, the Secretary shall*
20 *waive such requirements and shall arrange for the provision*
21 *of services to such children or teachers subject to the require-*
22 *ment of this section. Such waivers shall be subject to con-*
23 *sultation, withholding, notice, and judicial review require-*
24 *ments described in section 1017 of the Elementary and Sec-*
25 *ondary Education Act of 1965.*

1 **SEC. 948. PROGRAM REQUIREMENTS.**

2 (a) *COORDINATION.*—Each State educational agency
3 receiving an allotment under this subpart shall—

4 (1) disseminate information to school districts
5 and schools, including private nonprofit elementary
6 schools, regarding the program assisted under this
7 subpart;

8 (2) evaluate applications of local educational
9 agencies;

10 (3) award grants to local educational agencies
11 based on the priorities described in section 946(c);
12 and

13 (4) evaluate local educational agencies' end-of-
14 year summaries and submit such evaluation to the
15 Secretary.

16 (b) *LIMITATIONS ON USE OF FUNDS.*—

17 (1) *IN GENERAL.*—Except as provided in para-
18 graph (2), grant funds and matching funds under
19 this subpart only shall be used to purchase science
20 equipment, science materials, or mathematical ma-
21 nipulative materials and shall not be used for com-
22 puters, computer peripherals, software, textbooks, or
23 staff development costs.

24 (2) *CAPITAL IMPROVEMENTS.*—Grant funds
25 under this subpart may not be used for capital im-
26 provements. Not more than 50 percent of any match-

1 *ing funds provided by the local educational agency*
2 *may be used for capital improvements of classroom*
3 *science facilities to support the hands-on instruction*
4 *that this subpart is intended to support, such as the*
5 *installation of electrical outlets, plumbing, lab tables*
6 *or counters, or ventilation mechanisms.*

7 **SEC. 949. FEDERAL ADMINISTRATION.**

8 *(a) TECHNICAL ASSISTANCE AND EVALUATION PROCE-*
9 *DURES.—The Secretary shall provide technical assistance*
10 *and, in consultation with State and local representatives*
11 *of the program assisted under this subpart, shall develop*
12 *procedures for State and local evaluations of the programs*
13 *assisted under this subpart.*

14 *(b) REPORT.—The Secretary shall report to the Con-*
15 *gress each year on the program assisted under this subpart.*

16 **SEC. 950. AUTHORIZATION OF APPROPRIATIONS.**

17 *There are authorized to be appropriated \$10,000,000*
18 *for fiscal year 1995, and such sums as may be necessary*
19 *for each of the fiscal years 1996 through 1999, to carry out*
20 *this subpart.*

21 **Subpart 4—Media Instruction**

22 **SEC. 951. MEDIA INSTRUCTION.**

23 *(a) GRANTS AUTHORIZED.—The Secretary shall enter*
24 *into a contract with an independent nonprofit organization*
25 *described in subsection (b) for the establishment of a na-*

1 tional multimedia television-based project directed to
2 homes, schools and after-school programs that is designed
3 to motivate and improve the reading comprehension and
4 writing coherence of elementary school-age children.

5 (b) *DEMONSTRATED EFFECTIVENESS.*—The Secretary
6 shall award the contract described in subsection (a) to an
7 independent nonprofit organization that has demonstrated
8 effectiveness in educational programming and development
9 on a nationwide basis.

10 (c) *AUTHORIZATION AND APPROPRIATIONS.*—There
11 are authorized to be appropriated \$5,000,000 for fiscal year
12 1995, and such sums as may be necessary for fiscal year
13 1996 and fiscal year 1997, to carry out this section.

14 **Subpart 5—Star Schools**

15 **SEC. 961. STAR SCHOOLS.**

16 Subsection (a) of section 908 of the Star Schools Assist-
17 ance Act (20 U.S.C. 4085b(a)) is amended by striking
18 “greater” and inserting “lesser”.

19 **Subpart 6—Office of Comprehensive School Health**
20 **Education**

21 **SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH**
22 **EDUCATION.**

23 (a) *IN GENERAL.*—Subsection (c) of section 4605 of
24 the Elementary and Secondary Education Act of 1965 (20
25 U.S.C. 3155(c)) is amended—

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “Office of the Secretary” and inserting “Of-*
3 *lice of Elementary and Secondary Education”;* and

4 (2) *by adding at the end the following new para-*
5 *graph:*

6 “(4) *To act as a liaison office for the coordina-*
7 *tion of the activities undertaken by the Office under*
8 *this section with related activities of the Department*
9 *of Health and Human Services and to expand school*
10 *health education research grant programs under this*
11 *section.”.*

12 (b) *TRANSITION.—The Secretary shall take all appro-*
13 *priate actions to facilitate the transfer of the Office of Com-*
14 *prehensive School Health Education pursuant to the*
15 *amendment made by subsection (a).*

16 ***Subpart 7—Minority-Focused Civics Education***

17 ***SEC. 981. SHORT TITLE.***

18 *This subpart may be cited as the “Minority-Focused*
19 *Civics Education Act of 1994”.*

20 ***SEC. 982. PURPOSES.***

21 *It is the purpose of this subpart—*

22 (1) *to encourage improved instruction for mi-*
23 *norities and Native Americans in American govern-*
24 *ment and civics through a national program of ac-*
25 *credited summer teacher training and staff develop-*

1 *ment seminars or institutes followed by academic*
2 *year inservice training programs conducted on college*
3 *and university campuses or other appropriate sites,*
4 *for—*

5 *(A) social studies and other teachers respon-*
6 *sible for American history, government, and*
7 *civics classes; and*

8 *(B) other educators who work with minority*
9 *and Native American youth; and*

10 *(2) through such improved instruction to im-*
11 *prove minority and Native American student knowl-*
12 *edge and understanding of the American system of*
13 *government.*

14 **SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF AP-**
15 **PROPRIATIONS.**

16 *(a) GRANTS AUTHORIZED.—*

17 *(1) IN GENERAL.—The Secretary is authorized to*
18 *make grants to eligible entities for the development*
19 *and implementation of seminars in American govern-*
20 *ment and civics for elementary and secondary school*
21 *teachers and other educators who work with minority*
22 *and Native American students.*

23 *(2) AWARD RULE.— In awarding grants under*
24 *this subpart, the Secretary shall ensure that there is*
25 *wide geographic distribution of such grants.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
2 authorized to be appropriated \$5,000,000 for fiscal 1995,
3 and such sums as may be necessary for each of the fiscal
4 years 1996, 1997, and 1998, to carry out this subpart.

5 **SEC. 984. DEFINITIONS.**

6 For purposes of this subpart—

7 (1) the term “eligible entity” means a State edu-
8 cational agency, an institution of higher education or
9 a State higher education agency, or a public or pri-
10 vate nonprofit organization, with experience in co-
11 ordinating or conducting teacher training seminars
12 in American government and civics education, or a
13 consortium thereof; and

14 (2) the term “State higher education agency”
15 means the officer or agency primarily responsible for
16 the State supervision of higher education.

17 **SEC. 985. APPLICATIONS.**

18 (a) *APPLICATION REQUIRED.*—Each eligible entity de-
19 siring a grant under this subpart shall submit an applica-
20 tion to the Secretary, at such time, in such manner and
21 containing or accompanied by such information as the Sec-
22 retary may reasonably require.

23 (b) *CONTENTS OF APPLICATION.*—Each application
24 submitted pursuant to subsection (a) shall—

1 (1) *define the learning objectives and course con-*
2 *tent of each seminar to be held and describe the man-*
3 *ner in which seminar participants shall receive sub-*
4 *stantive academic instruction in the principles, insti-*
5 *tutions and processes of American government;*

6 (2) *provide assurances that educators successfully*
7 *participating in each seminar will qualify for either*
8 *graduate credit or professional development or ad-*
9 *vancement credit according to the criteria established*
10 *by a State or local educational agency;*

11 (3) *describe the manner in which seminar par-*
12 *ticipants shall receive exposure to a broad array of*
13 *individuals who are actively involved in the political*
14 *process, including political party representatives*
15 *drawn equally from the major political parties, as*
16 *well as representatives of other organizations involved*
17 *in the political process;*

18 (4) *provide assurances that the seminars will be*
19 *conducted on a nonpartisan basis;*

20 (5) *describe the manner in which the seminars*
21 *will address the role of minorities or Native Ameri-*
22 *cans in the American political process, including such*
23 *topics as—*

24 (A) *the history and current political state of*
25 *minorities or Native Americans;*

1 (B) recent research on minority or Native
2 American political socialization patterns and
3 cognitive learning styles; and

4 (C) studies of political participation pat-
5 terns of minorities or Native Americans;

6 (6) describe the pedagogical elements for teachers
7 that will enable teachers to develop effective strategies
8 and lesson plans for teaching minorities or Native
9 American students at the elementary and secondary
10 school levels;

11 (7) identify the eligible entities which will con-
12 duct the seminars for which assistance is sought;

13 (8) in the case that the eligible entity is an insti-
14 tution of higher education, describe the plans for col-
15 laborating with national organizations in American
16 government and civics education;

17 (9) provide assurances that during the academic
18 year educators participating in the summer seminars
19 will provide inservice training programs based upon
20 what such educators have learned and the curricular
21 materials such educators have developed or acquired
22 for their peers in their school systems with the ap-
23 proval and support of their school administrators;
24 and

1 (10) describe the activities or services for which
2 assistance is sought, including activities and services
3 such as—

4 (A) development of seminar curricula;

5 (B) development and distribution of in-
6 structional materials;

7 (C) scholarships for participating teachers;

8 and

9 (D) program assessment and evaluation.

10 (c) *PRIORITY.*—The Secretary, in approving applica-
11 tions for assistance under this subpart, shall give priority
12 to applications which demonstrate that—

13 (1) the applicant will serve teachers who teach in
14 schools with a large number or concentration of eco-
15 nomically disadvantaged students;

16 (2) the applicant has demonstrated national ex-
17 perience in conducting or coordinating accredited
18 summer seminars in American government or civics
19 education for elementary and secondary school teach-
20 ers;

21 (3) the applicant will coordinate or conduct sem-
22 inars on a national or multistate basis through a col-
23 laboration with an institution of higher education,
24 State higher education agency or a public or private
25 nonprofit organization, with experience in coordinat-

1 *ing or conducting teacher training programs in*
2 *American government and civics education;*

3 *(4) the applicant will coordinate or conduct sem-*
4 *inars designed for more than one minority student*
5 *population and for Native Americans; and*

6 *(5) the applicant will coordinate or conduct sem-*
7 *inars that offer a combination of academic instruc-*
8 *tion in American government, exposure to the prac-*
9 *tical workings of the political system, and training in*
10 *appropriate pedagogical techniques for working with*
11 *minority and Native American students.*

12 ***PART C—DEFINITIONS***

13 ***SEC. 991. DEFINITIONS.***

14 *For the purpose of this title—*

15 *(1) the term “elementary school” has the same*
16 *meaning given to such term by section 1471(8) of the*
17 *Elementary and Secondary Education Act of 1965;*

18 *(2) the term “institution of higher education”*
19 *has the same meaning given to such term by section*
20 *1201(a) of the Higher Education Act of 1965;*

21 *(3) the term “local educational agency” has the*
22 *same meaning given to such term by section 1471(12)*
23 *of the Elementary and Secondary Education Act of*
24 *1965;*

1 (4) the term “secondary school” has the same
2 meaning given to such term by section 1471(21) of the
3 *Elementary and Secondary Education Act of 1965;*

4 (5) the term “Secretary” means the Secretary of
5 *Education; and*

6 (6) the term “State educational agency” has the
7 same meaning given such term by section 1471(23) of
8 the *Elementary and Secondary Education Act of*
9 *1965.*

10 **TITLE X—PARENTS AS** 11 **TEACHERS**

12 **SEC. 1001. FINDINGS.**

13 *The Congress finds that—*

14 (1) *increased parental involvement in the edu-*
15 *cation of their children appears to be the key to long-*
16 *term gains for youngsters;*

17 (2) *providing seed money is an appropriate role*
18 *for the Federal Government to play in education;*

19 (3) *children participating in the parents as*
20 *teachers program in Missouri are found to have in-*
21 *creased cognitive or intellectual skills, language abil-*
22 *ity, social skills and other predictors of school success;*

23 (4) *most early childhood programs begin at age*
24 *3 or 4 when remediation may already be necessary;*
25 *and*

1 (5) many children receive no health screening be-
2 tween birth and the time they enter school, thus such
3 children miss the opportunity of having developmen-
4 tal delays detected early.

5 **SEC. 1002. STATEMENT OF PURPOSE.**

6 It is the purpose of this title to encourage States and
7 eligible entities to develop and expand parent and early
8 childhood education programs in an effort to—

9 (1) increase parents' knowledge of and confidence
10 in child-rearing activities, such as teaching and nur-
11 turing their young children;

12 (2) strengthen partnerships between parents and
13 schools; and

14 (3) enhance the developmental progress of par-
15 ticipating children.

16 **SEC. 1003. DEFINITIONS.**

17 For the purposes of this title—

18 (1) the term “developmental screening” means
19 the process of measuring the progress of children to
20 determine if there are problems or potential problems
21 or advanced abilities in the areas of understanding
22 and use of language, perception through sight, percep-
23 tion through hearing, motor development and hand-
24 eye coordination, health, and physical development;

1 (2) the term “eligible entity” means an entity in
2 a State operating a parents as teachers program;

3 (3) the term “eligible family” means any parent
4 with one or more children between birth and 3 years
5 of age;

6 (4) the term “lead agency” means—

7 (A) except as provided in subparagraph
8 (B), the office, agency, or other entity in a State
9 designated by the Governor to administer the
10 parents as teachers program authorized by this
11 title; or

12 (B) in the case of a grant awarded under
13 this title to an eligible entity, such eligible
14 entity;

15 (5) the term “parent education” includes parent
16 support activities, the provision of resource materials
17 on child development and parent-child learning ac-
18 tivities, private and group educational guidance, in-
19 dividual and group learning experiences for the par-
20 ent and child, and other activities that enable the
21 parent to improve learning in the home; and

22 (6) the term “parent educator” means a person
23 hired by the lead agency of a State or designated by
24 local entities who administers group meetings, home

1 *visits and developmental screening for eligible fami-*
2 *lies.*

3 **SEC. 1004. PROGRAM ESTABLISHED.**

4 (a) *AUTHORITY.*—

5 (1) *IN GENERAL.*—*The Secretary is authorized to*
6 *make grants in order to pay the Federal share of the*
7 *cost of establishing, expanding, or operating parents*
8 *as teachers programs in a State.*

9 (2) *ELIGIBLE RECIPIENTS.*—*The Secretary may*
10 *make a grant under paragraph (1) to a State, except*
11 *that, in the case of a State having an eligible entity,*
12 *the Secretary shall make the grant directly to the*
13 *eligible entity.*

14 (b) *FUNDING RULE.*—*Grant funds awarded under this*
15 *section shall be used so as to supplement, and to the extent*
16 *practicable, increase the level of funds that would, in the*
17 *absence of such funds, be made available from non-Federal*
18 *sources, and in no case may such funds be used so as to*
19 *supplant funds from non-Federal sources.*

20 **SEC. 1005. PROGRAM REQUIREMENTS.**

21 (a) *REQUIREMENTS.*—*Each State or eligible entity re-*
22 *ceiving a grant pursuant to section 1004 shall conduct a*
23 *parents as teachers program which—*

1 (1) *establishes and operates parent education*
2 *programs, including programs of developmental*
3 *screening of children; and*

4 (2) *designates a lead State agency which—*

5 (A) *shall hire parent educators who have*
6 *had supervised experience in the care and edu-*
7 *cation of children;*

8 (B) *shall establish the number of group*
9 *meetings and home visits required to be provided*
10 *each year for each participating family, with a*
11 *minimum of 2 group meetings and 10 home vis-*
12 *its for each participating family;*

13 (C) *shall be responsible for administering*
14 *the periodic screening of participating children's*
15 *educational, hearing and visual development,*
16 *using the Denver Developmental Test, Zimmer-*
17 *man Preschool Language Scale, or other ap-*
18 *proved screening instruments; and*

19 (D) *shall develop recruitment and retention*
20 *programs for hard-to-reach populations.*

21 (b) *LIMITATION.—Grant funds awarded under this*
22 *title shall only be used for parents as teachers programs*
23 *which serve families during the period beginning with the*
24 *birth of a child and ending when the child attains the age*
25 *of 3.*

1 **SEC. 1006. SPECIAL RULES.**

2 *Notwithstanding any other provision of this section—*

3 *(1) no person, including home school parents,*
4 *public school parents, or private school parents, shall*
5 *be required to participate in any program of parent*
6 *education or developmental screening pursuant to the*
7 *provisions of this title;*

8 *(2) no parents as teachers program assisted*
9 *under this title shall take any action that infringes*
10 *in any manner on the right of parents to direct the*
11 *education of their children; and*

12 *(3) the provisions of section 438(c) of the General*
13 *Education Provisions Act shall apply to States and*
14 *eligible entities awarded grants under this title.*

15 **SEC. 1007. PARENTS AS TEACHERS CENTERS.**

16 *The Secretary shall establish one or more Parents As*
17 *Teachers Centers to disseminate information to, and pro-*
18 *vide technical and training assistance to, States and eligi-*
19 *ble entities establishing and operating parents as teachers*
20 *programs.*

21 **SEC. 1008. EVALUATIONS.**

22 *The Secretary shall complete an evaluation of the par-*
23 *ents as teachers programs assisted under this title within*
24 *4 years from the date of enactment of this Act, including*
25 *an assessment of such programs' impact on at-risk children.*

1 **SEC. 1009. APPLICATION.**

2 *Each State or eligible entity desiring a grant under*
3 *this title shall submit an application to the Secretary at*
4 *such time, in such manner and accompanied by such infor-*
5 *mation as the Secretary may reasonably require. Each such*
6 *application shall describe the activities and services for*
7 *which assistance is sought.*

8 **SEC. 1010. PAYMENTS AND FEDERAL SHARE.**

9 *(a) PAYMENTS.—The Secretary shall pay to each State*
10 *or eligible entity having an application approved under sec-*
11 *tion 1009 the Federal share of the cost of the activities de-*
12 *scribed in the application.*

13 *(b) FEDERAL SHARE.—*

14 *(1) IN GENERAL.—The Federal share—*

15 *(A) for the first year for which a State or*
16 *eligible entity receives assistance under this title*
17 *shall be 100 percent;*

18 *(B) for the second such year shall be 100*
19 *percent;*

20 *(C) for the third such year shall be 75 per-*
21 *cent;*

22 *(D) for the fourth such year shall be 50 per-*
23 *cent; and*

24 *(E) for the fifth such year shall be 25 per-*
25 *cent.*

1 (2) *NON-FEDERAL SHARE.*—*The non-Federal*
2 *share of payments under this title may be in cash or*
3 *in kind, fairly evaluated, including planned equip-*
4 *ment or services.*

5 **SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated \$20,000,000*
7 *for fiscal year 1993, and such sums as may be necessary*
8 *for each of the fiscal years 1994 through 1997, to carry out*
9 *this title.*

10 **SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL**
11 **YOUNGSTERS.**

12 *Subsection (b) of section 1052 of the Elementary and*
13 *Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is*
14 *amended by adding at the end the following new paragraph:*

15 “(4)(A)(i) *In any fiscal year in which this sub-*
16 *section applies, each State that receives a grant under*
17 *this part may use not more than 20 percent of such*
18 *grant funds in accordance with this part (other than*
19 *sections 1054(a), 1054(b), and 1055) to pay the Fed-*
20 *eral share of the cost of establishing, operating, or ex-*
21 *anding a Home Instruction Program for Preschool*
22 *Youngsters that is not eligible to receive assistance*
23 *under this part due to the application of such sec-*
24 *tions.*

1 “(ii) Each State establishing, operating or ex-
2 panding a Home Instruction Program for Preschool
3 Youngsters pursuant to clause (i) shall give priority
4 to establishing, operating or expanding, respectively,
5 such a program that targets—

6 “(I) working poor families or near poor
7 families that do not qualify for assistance under
8 the early childhood programs under the Head
9 Start Act or this chapter; and

10 “(II) parents who have limited or unsuc-
11 cessful formal schooling.

12 “(B) For the purpose of carrying out subpara-
13 graph (A), a Home Instruction Program for Preschool
14 Youngsters that is not eligible to receive assistance
15 under this part due to the application of sections
16 1054(a), 1054(b), and 1055 shall be deemed to be an
17 eligible entity.

18 “(C) For the purpose of this paragraph—

19 “(i) the term ‘Home Instruction Program
20 for Preschool Youngsters’ means a voluntary
21 early-learning program, for parents with one or
22 more children between age 3 through 5, inclusive,
23 that—

24 “(I) provides support, training, and
25 appropriate educational materials, nec-

1 *essary for parents to implement a school-*
2 *readiness, home instruction program for the*
3 *child; and*

4 “(II) includes—

5 “(aa) group meetings with other
6 parents participating in the program;

7 “(bb) individual and group learn-
8 ing experiences with the parent and
9 child;

10 “(cc) provision of resource mate-
11 rials on child development and parent-
12 child learning activities; and

13 “(dd) other activities that enable
14 the parent to improve learning in the
15 home;

16 “(ii) the term ‘limited or unsuccessful for-
17 mal schooling’ means the—

18 “(I) completion of secondary school
19 with low achievement during enrollment;

20 “(II) noncompletion of secondary
21 school with low achievement during enroll-
22 ment; or

23 “(III) lack of a certificate of gradua-
24 tion from a school providing secondary edu-

1 *cation or the recognized equivalent of such*
2 *certificate;*

3 *“(iii) the term ‘near poor families’ means*
4 *families that have an income that is approxi-*
5 *mately 130 percent of the poverty line (as de-*
6 *finied by the Office of Management and Budget,*
7 *and revised annually in accordance with section*
8 *673(2) of the Community Services Block Grant*
9 *Act; and*

10 *“(iv) the term ‘working poor families’*
11 *means families that—*

12 *“(I) have family members—*

13 *“(aa) who are working; or*

14 *“(bb) who were looking for work*
15 *during the 6 months prior to the date*
16 *on which the determination is made;*
17 *and*

18 *“(II) earn an income not in excess of*
19 *150 percent of the poverty line as described*
20 *in clause (iii).”.*

21 ***TITLE XI—GUN-FREE SCHOOLS***

22 ***SEC. 1101. SHORT TITLE.***

23 *This title may be cited as the “Gun-Free Schools Act*
24 *of 1994”.*

1 **SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND**
2 **SECONDARY SCHOOLS.**

3 *The Elementary and Secondary Education Act of 1965*
4 *(20 U.S.C. 2701 et seq.) is amended—*

5 *(1) by redesignating title X as title IX;*

6 *(2) by redesignating sections 8001 through 8005*
7 *as sections 9001 through 9005, respectively; and*

8 *(3) by inserting after title VII the following new*
9 *title:*

10 **“TITLE VIII—GUN-FREE**
11 **SCHOOLS**

12 **“SEC. 8001. GUN-FREE REQUIREMENTS.**

13 *“(a) REQUIREMENTS.—*

14 *“(1) IN GENERAL.—No assistance may be pro-*
15 *vided to any local educational agency under this Act*
16 *unless such agency has in effect a policy requiring the*
17 *expulsion from school for a period of not less than one*
18 *year of any student who is determined to have*
19 *brought a weapon to a school under the jurisdiction*
20 *of the agency except such policy may allow the chief*
21 *administering officer of the agency to modify such ex-*
22 *pulsion requirement for a student on a case-by-case*
23 *basis.*

24 *“(2) DEFINITION.—For the purpose of this sec-*
25 *tion, the term “weapon” means a firearm as such*

1 *term is defined in section 921 of title 18, United*
2 *States Code.*

3 “(b) *REPORT TO STATE.*—*Each local educational*
4 *agency requesting assistance from the State educational*
5 *agency that is to be provided from funds made available*
6 *to the State under this Act shall provide to the State, in*
7 *the application requesting such assistance—*

8 “(1) *an assurance that such local educational*
9 *agency has in effect the policy required by subsection*
10 *(a); and*

11 “(2) *a description of the circumstances surround-*
12 *ing any expulsions imposed under the policy required*
13 *by subsection (a), including—*

14 “(A) *the name of the school concerned;*

15 “(B) *the number of students expelled from*
16 *such school; and*

17 “(C) *the types of weapons concerned.*”.

18 **TITLE XII—ENVIRONMENTAL**

19 **TOBACCO SMOKE**

20 **SEC. 1201. SHORT TITLE.**

21 *This title may be cited as the “Preventing Our Kids*
22 *From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994”.*

23 **SEC. 1202. FINDINGS.**

24 *Congress finds that—*

1 (1) *environmental tobacco smoke comes from sec-*
2 *ondhand smoke exhaled by smokers and sidestream*
3 *smoke emitted from the burning of cigarettes, cigars,*
4 *and pipes;*

5 (2) *since citizens of the United States spend up*
6 *to 90 percent of each day indoors, there is a signifi-*
7 *cant potential for exposure to environmental tobacco*
8 *smoke from indoor air;*

9 (3) *exposure to environmental tobacco smoke oc-*
10 *curs in schools, public buildings, and other indoor fa-*
11 *cilities;*

12 (4) *recent scientific studies have concluded that*
13 *exposure to environmental tobacco smoke is a cause of*
14 *lung cancer in healthy nonsmokers and is responsible*
15 *for acute and chronic respiratory problems and other*
16 *health impacts in sensitive populations (including*
17 *children);*

18 (5) *the health risks posed by environmental to-*
19 *bacco smoke exceed the risks posed by many environ-*
20 *mental pollutants regulated by the Environmental*
21 *Protection Agency; and*

22 (6) *according to information released by the En-*
23 *vironmental Protection Agency, environmental to-*
24 *bacco smoke results in a loss to the economy of over*
25 *\$3,000,000,000 per year.*

1 **SEC. 1203. DEFINITIONS.**

2 *As used in this title:*

3 (1) *ADMINISTRATOR.*—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) *CHILDREN.*—The term “children” means in-
7 dividuals who have not attained the age of 18.

8 (3) *CHILDREN’S SERVICES.*—The term “chil-
9 dren’s services” means services that are—

10 (A)(i) *direct health services routinely pro-*
11 *vided to children; or*

12 (ii) *any other direct services routinely pro-*
13 *vided primarily to children, including edu-*
14 *cational services; and*

15 (B) *funded, directly or indirectly, in whole*
16 *or in part, by Federal funds (including in-kind*
17 *assistance).*

18 (4) *SECRETARY.*—The term “Secretary” means
19 *the Secretary of Health and Human Services.*

20 **SEC. 1204. NONSMOKING POLICY FOR CHILDREN’S SERV-**
21 **ICES.**

22 (a) *ISSUANCE OF GUIDELINES.*—Not later than 180
23 *days after the date of enactment of this Act, the Adminis-*
24 *trator shall issue guidelines for instituting and enforcing*
25 *a nonsmoking policy at each indoor facility where chil-*
26 *dren’s services are provided.*

1 (b) *CONTENTS OF GUIDELINES.*—A nonsmoking policy
2 that meets the requirements of the guidelines shall, at a
3 minimum, prohibit smoking in each portion of an indoor
4 facility where children’s services are provided that is not
5 ventilated separately (as defined by the Administrator)
6 from other portions of the facility.

7 **SEC. 1205. TECHNICAL ASSISTANCE.**

8 (a) *IN GENERAL.*—The Administrator and the Sec-
9 retary shall provide technical assistance to persons who pro-
10 vide children’s services and other persons who request tech-
11 nical assistance.

12 (b) *ASSISTANCE BY THE ADMINISTRATOR.*—The tech-
13 nical assistance provided by the Administrator under this
14 section shall include information to assist persons in com-
15 pliance with the requirements of this title.

16 (c) *ASSISTANCE BY THE SECRETARY.*—The technical
17 assistance provided by the Secretary under this section shall
18 include information for employees on smoking cessation
19 programs and on smoking and health issues.

20 **SEC. 1206. FEDERALLY FUNDED PROGRAMS.**

21 (a) *IN GENERAL.*—Notwithstanding any other provi-
22 sion of law, each person who provides children’s services
23 shall establish and make a good-faith effort to enforce a non-
24 smoking policy that meets or exceeds the requirements of
25 subsection (b).

1 **(b) NONSMOKING POLICY.**—

2 **(1) GENERAL REQUIREMENTS.**—A nonsmoking
3 policy meets the requirements of this subsection if the
4 policy—

5 **(A)** is consistent with the guidelines issued
6 under section 1204(a);

7 **(B)** prohibits smoking in each portion of an
8 indoor facility used in connection with the pro-
9 vision of services directly to children; and

10 **(C)** where appropriate, requires that signs
11 stating that smoking is not permitted be posted
12 in each indoor facility to communicate the pol-
13 icy.

14 **(2) PERMISSIBLE FEATURES.**—A nonsmoking
15 policy that meets the requirements of this subsection
16 may allow smoking in those portions of the facility—

17 **(A)** in which services are not normally pro-
18 vided directly to children; and

19 **(B)** that are ventilated separately from
20 those portions of the facility in which services
21 are normally provided directly to children.

22 **(c) WAIVER.**—

23 **(1) IN GENERAL.**—A person described in sub-
24 section (a) may publicly petition the head of the Fed-
25 eral agency from which the person receives Federal

1 *funds (including financial assistance) for a waiver*
2 *from any or all of the requirements of subsection (b).*

3 (2) *CONDITIONS FOR GRANTING A WAIVER.—Ex-*
4 *cept as provided in paragraph (3), the head of the*
5 *Federal agency may grant a waiver only—*

6 (A) *after consulting with the Administrator,*
7 *and receiving the concurrence of the Adminis-*
8 *trator;*

9 (B) *after giving an opportunity for public*
10 *hearing (at the main office of the Federal agency*
11 *or at any regional office of the agency) and com-*
12 *ment; and*

13 (C) *if the person requesting the waiver pro-*
14 *vides assurances that are satisfactory to the head*
15 *of the Federal agency (with the concurrence of*
16 *the Administrator) that—*

17 (i) *unusual extenuating circumstances*
18 *prevent the person from establishing or en-*
19 *forcing the nonsmoking policy (or a require-*
20 *ment under the policy) referred to in sub-*
21 *section (b) (including a case in which the*
22 *person shares space in an indoor facility*
23 *with another entity and cannot obtain an*
24 *agreement with the other entity to abide by*
25 *the nonsmoking policy requirement) and the*

1 *person will establish and make a good-faith*
2 *effort to enforce an alternative nonsmoking*
3 *policy (or alternative requirement under the*
4 *policy) that will protect children from expo-*
5 *sure to environmental tobacco smoke to the*
6 *maximum extent possible; or*

7 *(ii) the person requesting the waiver*
8 *will establish and make a good-faith effort*
9 *to enforce an alternative nonsmoking policy*
10 *(or alternative requirement under the pol-*
11 *icy) that will protect children from exposure*
12 *to environmental tobacco smoke to the same*
13 *degree as the policy (or requirement) under*
14 *subsection (b).*

15 *(3) SPECIAL WAIVER.—*

16 *(A) IN GENERAL.—On receipt of an appli-*
17 *cation, the head of the Federal agency may grant*
18 *a special waiver to a person described in sub-*
19 *section (a) who employs individuals who are*
20 *members of a labor organization and provide*
21 *children’s services pursuant to a collective bar-*
22 *gaining agreement that—*

23 *(i) took effect before the date of enact-*
24 *ment of this Act; and*

1 (ii) includes provisions relating to
2 smoking privileges that are in violation of
3 the requirements of this section.

4 (B) *TERMINATION OF WAIVER.*—A special
5 waiver granted under this paragraph shall ter-
6 minate on the earlier of—

7 (i) the first expiration date (after the
8 date of enactment of this Act) of the collec-
9 tive bargaining agreement containing the
10 provisions relating to smoking privileges; or

11 (ii) the date that is 1 year after the
12 date specified in subsection (f).

13 (d) *CIVIL PENALTIES.*—

14 (1) *IN GENERAL.*—Any person subject to the re-
15 quirements of this section who fails to comply with
16 the requirements shall be liable to the United States
17 for a civil penalty in an amount not to exceed \$1,000
18 for each violation, but in no case shall the amount be
19 in excess of the amount of Federal funds received by
20 the person for the fiscal year in which the violation
21 occurred for the provision of children's services. Each
22 day a violation continues shall constitute a separate
23 violation.

24 (2) *ASSESSMENT.*—A civil penalty for a viola-
25 tion of this section shall be assessed by the head of the

1 *Federal agency that provided Federal funds (includ-*
2 *ing financial assistance) to the person (or if the head*
3 *of the Federal agency does not have the authority to*
4 *issue an order, the appropriate official) by an order*
5 *made on the record after opportunity for a hearing in*
6 *accordance with section 554 of title 5, United States*
7 *Code. Before issuing the order, the head of the Federal*
8 *agency (or the appropriate official) shall—*

9 *(A) give written notice to the person to be*
10 *assessed a civil penalty under the order of the*
11 *proposal to issue the order; and*

12 *(B) provide the person an opportunity to*
13 *request, not later than 15 days after the date of*
14 *receipt of the notice, a hearing on the order.*

15 *(3) AMOUNT OF CIVIL PENALTY.—In determining*
16 *the amount of a civil penalty under this subsection,*
17 *the head of the Federal agency (or the appropriate of-*
18 *ficial) shall take into account—*

19 *(A) the nature, circumstances, extent, and*
20 *gravity of the violation;*

21 *(B) with respect to the violator, the ability*
22 *to pay, the effect of the penalty on the ability to*
23 *continue operation, any prior history of the*
24 *same kind of violation, the degree of culpability,*

1 *and a demonstration of willingness to comply*
2 *with the requirements of this title; and*

3 *(C) such other matters as justice may re-*
4 *quire.*

5 (4) *MODIFICATION.*—*The head of the Federal*
6 *agency (or the appropriate official) may compromise,*
7 *modify, or remit, with or without conditions, any*
8 *civil penalty that may be imposed under this sub-*
9 *section. The amount of the penalty as finally deter-*
10 *mined or agreed upon in compromise may be de-*
11 *ducted from any sums that the United States owes to*
12 *the person against whom the penalty is assessed.*

13 (5) *PETITION FOR REVIEW.*—*A person who has*
14 *requested a hearing concerning the assessment of a*
15 *penalty pursuant to paragraph (2) and is aggrieved*
16 *by an order assessing a civil penalty may file a peti-*
17 *tion for judicial review of the order with the United*
18 *States Court of Appeals for the District of Columbia*
19 *Circuit or for any other circuit in which the person*
20 *resides or transacts business. The petition may only*
21 *be filed during the 30-day period beginning on the*
22 *date of issuance of the order making the assessment.*

23 (6) *FAILURE TO PAY.*—*If a person fails to pay*
24 *an assessment of a civil penalty—*

1 (A) after the order making the assessment
2 has become a final order and without filing a pe-
3 tition for judicial review in accordance with
4 paragraph (5); or

5 (B) after a court has entered a final judg-
6 ment in favor of the head of the Federal agency
7 (or appropriate official),

8 the Attorney General shall recover the amount as-
9 sessed (plus interest at then currently prevailing rates
10 from the last day of the 30-day period referred to in
11 paragraph (5) or the date of the final judgment, as
12 the case may be) in an action brought in an appro-
13 priate district court of the United States. In the ac-
14 tion, the validity, amount, and appropriateness of the
15 penalty shall not be subject to review.

16 (e) EXEMPTION.—This section shall not apply to a
17 person who provides children’s services who—

18 (1) has attained the age of 18;

19 (2) provides children’s services—

20 (A) in a private residence; and

21 (B) only to children who are, by affinity or
22 consanguinity, or by court decree, a grandchild,
23 niece, or nephew of the provider; and

1 (3) is registered and complies with any State re-
2 quirements that govern the children's services pro-
3 vided.

4 (f) *EFFECTIVE DATE.*—This section shall take effect on
5 the first day of the first fiscal year beginning after the date
6 of enactment of this Act.

7 **SEC. 1207. REPORT BY THE ADMINISTRATOR.**

8 Not later than 2 years after the date of enactment of
9 this Act, the Administrator shall submit a report to Con-
10 gress that includes—

11 (1) information concerning the degree of compli-
12 ance with this title; and

13 (2) an assessment of the legal status of smoking
14 in public places.

15 **SEC. 1208. PREEMPTION.**

16 Nothing in this title is intended to preempt any provi-
17 sion of law of a State or political subdivision of a State
18 that is more restrictive than a provision of this title.

Attest:

Secretary.

HR 1804 EAS—2
HR 1804 EAS—3
HR 1804 EAS—4
HR 1804 EAS—5
HR 1804 EAS—6
HR 1804 EAS—7
HR 1804 EAS—8
HR 1804 EAS—9
HR 1804 EAS—10
HR 1804 EAS—11
HR 1804 EAS—12
HR 1804 EAS—13
HR 1804 EAS—14
HR 1804 EAS—15
HR 1804 EAS—16
HR 1804 EAS—17
HR 1804 EAS—18
HR 1804 EAS—19
HR 1804 EAS—20
HR 1804 EAS—21
HR 1804 EAS—22
HR 1804 EAS—23
HR 1804 EAS—24
HR 1804 EAS—25
HR 1804 EAS—26

HR 1804 EAS—27

HR 1804 EAS—28

HR 1804 EAS—29

HR 1804 EAS—30

HR 1804 EAS—31