

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

# S. 846

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 19), 1993

Mr. KENNEDY (for himself and Mr. PELL) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the “Goals 2000: Educate  
2 America Act”.

3 PURPOSE; DEFINITION

4 SEC. 2. (a) PURPOSE.—It is the purpose of this Act  
5 to provide a framework for meeting the National Edu-  
6 cation Goals established by title I of this Act by—

7 (1) promoting coherent, nationwide, systemic  
8 education reform;

9 (2) improving the quality of learning and teach-  
10 ing in the classroom;

11 (3) defining appropriate and coherent Federal,  
12 State, and local roles and responsibilities for edu-  
13 cation reform;

14 (4) establishing valid, reliable, and fair mecha-  
15 nisms for—

16 (A) building a broad national consensus on  
17 American education reform;

18 (B) assisting in the development and cer-  
19 tification of high-quality, internationally com-  
20 petitive content and student performance stand-  
21 ards;

22 (C) assisting in the development and cer-  
23 tification of opportunity-to-learn standards; and

24 (D) assisting in the development and cer-  
25 tification of high-quality assessment measures

1           that reflect the internationally competitive con-  
2           tent and student performance standards;

3           (5) supporting new initiatives at the Federal,  
4           State, local, and school levels to provide equal edu-  
5           cational opportunity for all students to meet high  
6           standards;

7           (6) providing a framework for the reauthoriza-  
8           tion of all Federal education programs by—

9                   (A) creating a vision of excellence and eq-  
10                  uity that will guide all Federal education and  
11                  related programs;

12                  (B) providing for the establishment of  
13                  high-quality, internationally competitive content  
14                  and student performance standards that all stu-  
15                  dents, including disadvantaged students, stu-  
16                  dents with diverse racial, ethnic, and cultural  
17                  backgrounds, students with disabilities, stu-  
18                  dents with limited English proficiency, and aca-  
19                  demically talented students, will be expected to  
20                  achieve;

21                  (C) providing for the establishment of high  
22                  quality, internationally competitive opportunity-  
23                  to-learn standards that all States, local edu-  
24                  cational agencies, and schools should achieve;

1 (D) encouraging and enabling all State  
2 educational agencies and local educational agen-  
3 cies to develop comprehensive improvement  
4 plans that will provide a coherent framework  
5 for the implementation of reauthorized Federal  
6 education and related programs in an inte-  
7 grated fashion that effectively educates all chil-  
8 dren; and

9 (E) providing resources to help individual  
10 schools, including those serving students with  
11 high needs, develop and implement comprehen-  
12 sive improvement plans; and

13 (7) stimulating the development and adoption  
14 of a voluntary national system of skill standards and  
15 certification to serve as a cornerstone of the national  
16 strategy to enhance workforce skills.

17 (b) DEFINITION.—As used in this Act, the term “all  
18 students” means students from the broad range of back-  
19 grounds and circumstances, including disadvantaged stu-  
20 dents, students with diverse racial, ethnic, and cultural  
21 backgrounds, students with disabilities, students with lim-  
22 ited English proficiency, and academically talented stu-  
23 dents.

1 **TITLE I—NATIONAL EDUCATION**  
2 **GOALS**

3 PURPOSE

4 SEC. 101. It is the purpose of this title to establish  
5 National Education Goals.

6 NATIONAL EDUCATION GOALS

7 SEC. 102. The Congress declares the National Edu-  
8 cation Goals are that—

9 (1)(A) SCHOOL READINESS.—By the year  
10 2000, all children in America will start school ready  
11 to learn.

12 (B) The objectives for this Goal are that—

13 (i) all disadvantaged and disabled  
14 children will have access to high-quality  
15 and developmentally appropriate preschool  
16 programs that help prepare children for  
17 school;

18 (ii) every parent in America will be a  
19 child's first teacher and devote time each  
20 day to helping his or her preschool child  
21 learn, and parents will have access to the  
22 training and support they need; and

23 (iii) children will receive the nutrition  
24 and health care needed to arrive at school  
25 with healthy minds and bodies, and the

1           number of low-birthweight babies will be  
2           significantly reduced through enhanced  
3           prenatal health systems.

4           (2)(A) SCHOOL COMPLETION.—By the year  
5           2000, the high school graduation rate will increase  
6           to at least 90 percent.

7           (B) The objectives for this Goal are that—

8                   (i) the Nation must dramatically re-  
9                   duce its dropout rate, and 75 percent of  
10                  those students who do drop out will suc-  
11                  cessfully complete a high school degree or  
12                  its equivalent; and

13                   (ii) the gap in high school graduation  
14                   rates between American students from mi-  
15                   nority backgrounds and their non-minority  
16                   counterparts will be eliminated.

17           (3)(A) STUDENT ACHIEVEMENT AND CITIZEN-  
18           SHIP.—By the year 2000, American students will  
19           leave grades 4, 8, and 12 having demonstrated com-  
20           petency over challenging subject matter including  
21           English, mathematics, science, foreign languages,  
22           arts, history, and geography, and every school in  
23           America will ensure that all students learn to use  
24           their minds well, so they may be prepared for re-

1 responsible citizenship, further learning, and produc-  
2 tive employment in our modern economy.

3 (B) The objectives for this Goal are that—

4 (i) the academic performance of ele-  
5 mentary and secondary students will in-  
6 crease significantly in every quartile, and  
7 the distribution of minority students in  
8 each level will more closely reflect the stu-  
9 dent population as a whole;

10 (ii) the percentage of students who  
11 demonstrate the ability to reason, solve  
12 problems, apply knowledge, and write and  
13 communicate effectively will increase sub-  
14 stantially;

15 (iii) all students will be involved in ac-  
16 tivities that promote and demonstrate good  
17 citizenship, community service, and per-  
18 sonal responsibility;

19 (iv) the percentage of students who  
20 are competent in more than one language  
21 will substantially increase; and

22 (v) all students will be knowledgeable  
23 about the diverse cultural heritage of this  
24 nation and about the world community.

1           (4)(A) MATHEMATICS AND SCIENCE.—By the  
2 year 2000, United States students will be first in the  
3 world in mathematics and science achievement.

4           (B) The objectives for this Goal are that—

5           (i) math and science education will be  
6 strengthened throughout the system, espe-  
7 cially in the early grades;

8           (ii) the number of teachers with a  
9 substantive background in mathematics  
10 and science will increase by 50 percent;  
11 and

12           (iii) the number of United States un-  
13 dergraduate and graduate students, espe-  
14 cially women and minorities, who complete  
15 degrees in mathematics, science, and engi-  
16 neering will increase significantly.

17           (5)(A) ADULT LITERACY AND LIFELONG  
18 LEARNING.—By the year 2000, every adult Amer-  
19 ican will be literate and will possess the knowledge  
20 and skills necessary to compete in a global economy  
21 and exercise the rights and responsibilities of citizen-  
22 ship.

23           (B) The objectives for this Goal are that—

1 (i) every major American business will be  
2 involved in strengthening the connection be-  
3 tween education and work;

4 (ii) all workers will have the opportunity to  
5 acquire the knowledge and skills, from basic to  
6 highly technical, needed to adapt to emerging  
7 new technologies, work methods, and markets  
8 through public and private educational, voca-  
9 tional, technical, workplace, or other programs;

10 (iii) the number of quality programs, in-  
11 cluding those at libraries, that are designed to  
12 serve more effectively the needs of the growing  
13 number of part-time and mid-career students  
14 will increase substantially;

15 (iv) the proportion of those qualified stu-  
16 dents, especially minorities, who enter college,  
17 who complete at least two years, and who com-  
18 plete their degree programs will increase sub-  
19 stantially; and

20 (v) the proportion of college graduates who  
21 demonstrate an advanced ability to think criti-  
22 cally, communicate effectively, and solve prob-  
23 lems will increase substantially.

24 (6)(A) SAFE, DISCIPLINED, AND DRUG-FREE  
25 SCHOOLS.—By the year 2000, every school in Amer-



1 (1) building a national consensus for education  
2 improvement;

3 (2) reporting on progress toward achieving the  
4 National Education Goals; and

5 (3) reviewing and approving the voluntary na-  
6 tional content and student performance standards  
7 and opportunity-to-learn standards certified by the  
8 National Education Standards and Improvement  
9 Council, as well as the criteria for their certification,  
10 and the criteria for the certification of State assess-  
11 ments by the National Education Standards and Im-  
12 provement Council.

13 NATIONAL EDUCATION GOALS PANEL

14 SEC. 202. (a) ESTABLISHMENT.—There is estab-  
15 lished in the Executive Branch a National Education  
16 Goals Panel (hereafter referred to as the “Goals Panel”).

17 (b) COMPOSITION.—The Goals Panel shall be com-  
18 posed of 18 members (hereafter referred to in this part  
19 as “members”), including—

20 (1) two members appointed by the President;

21 (2) eight members who are Governors, three of  
22 whom shall be from the same political party as the  
23 President and five of whom shall be of the opposite  
24 political party of the President, appointed by the  
25 Chairperson and Vice Chairperson of the National  
26 Governors’ Association, with each appointing rep-

1 representatives of his or her respective political party,  
2 in consultation with each other;

3 (3) four Members of Congress appointed as fol-  
4 lows—

5 (A) one member appointed by the majority  
6 leader of the Senate from among the Members  
7 of the Senate;

8 (B) one member appointed by the minority  
9 leader of the Senate from among the Members  
10 of the Senate;

11 (C) one member appointed by the majority  
12 leader of the House of Representatives from  
13 among the Members of the House of Represent-  
14 atives; and

15 (D) one member appointed by the minority  
16 leader of the House of Representatives from  
17 among the Members of the House of Represent-  
18 atives; and

19 (4) four members of State legislatures ap-  
20 pointed by the President of the National Conference  
21 of State Legislatures, of whom not more than two  
22 may be of the same political party as the President  
23 of the United States.

1 (c) SPECIAL APPOINTMENT RULES.—(1) The mem-  
2 bers appointed pursuant to subsection (b)(2) shall be ap-  
3 pointed as follows:

4 (A) If the Chairperson of the National Gov-  
5 ernors' Association is from the same political party  
6 as the President, the Chairperson shall appoint three  
7 individuals and the Vice Chairperson shall appoint  
8 five 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 five individuals and the Vice Chairperson shall  
13 appoint three individuals.

14 (2) If the National Governors' Association has ap-  
15 pointed a panel that meets the requirements of subsections  
16 (b) and (c), except for the requirements of subsection  
17 (b)(4), prior to the date of enactment of this title, then  
18 the members serving on such panel shall be deemed to be  
19 in compliance with subsections (b) and (c) and shall not  
20 be required to be reappointed pursuant to subsections (b)  
21 and (c).

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

24 (1) Members appointed under subsection (b)(1)  
25 shall serve at the pleasure of the President.

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

6           (3) Members appointed under subsections (b)  
7 (3) and (4) shall serve a term of two years.

8           (e) DATE OF APPOINTMENT.—The initial members  
9 shall be appointed not later than 60 days after the date  
10 of enactment of this Act.

11          (f) INITIATION.—The Goals Panel may begin to carry  
12 out its duties under this part when ten members of the  
13 Goals Panel have been appointed.

14          (g) VACANCIES.—A vacancy on the Goals Panel shall  
15 not affect the powers of the Goals Panel, but shall be filled  
16 in the same manner as the original appointment.

17          (h) TRAVEL.—Each member may be allowed travel  
18 expenses, including per diem in lieu of subsistence, as au-  
19 thorized by section 5703 of title 5, United States Code,  
20 for each day the member is engaged in the performance  
21 of duties away from the home or regular place of business  
22 of the member.

23          (i) CHAIR.—The members of the Goals Panel shall  
24 select a Chair from among the Governors who are mem-

1 bers. The Chair shall serve a 1-year term and shall alter-  
2 nate between political parties.

3 DUTIES

4 SEC. 203. (a) DUTIES.—The Goals Panel shall—

5 (1) report on the progress the Nation and the  
6 States are making toward achieving the National  
7 Education Goals established under title I of this Act,  
8 including issuing an annual national report card;

9 (2) submit to the President nominations for ap-  
10 pointment to the National Education Standards and  
11 Improvement Council, in accordance with sections  
12 212 (b) and (c);

13 (3) review and approve (or explain why ap-  
14 proval is withheld) the—

15 (A) criteria developed by the National  
16 Education Standards and Improvement Council  
17 for the certification of content and student per-  
18 formance standards, assessments, and oppor-  
19 tunity-to-learn standards; and

20 (B) voluntary national content and student  
21 performance standards and opportunity-to-learn  
22 standards certified by the National Education  
23 Standards and Improvement Council;

24 (4) report on promising or effective actions  
25 being taken at the national, State, and local levels,

1 in the public and private sectors, to achieve the Na-  
2 tional Education Goals; and

3 (5) help build a nationwide, bipartisan consen-  
4 sus for the reforms necessary to achieve the Na-  
5 tional Education Goals.

6 (b) NATIONAL REPORT CARD.—(1) The Goals Panel  
7 shall annually prepare and submit to the President, the  
8 Secretary, the appropriate committees of Congress, and  
9 the Governor of each State a national report card that  
10 shall—

11 (A) report on the progress of the United States  
12 toward achieving the National Education Goals; and

13 (B) identify actions that should be taken by  
14 Federal, State, and local governments to enhance  
15 progress toward achieving the National Education  
16 Goals.

17 (2) National report cards shall be presented in a  
18 form, and include data, that is understandable to parents  
19 and the general public.

20 POWERS OF THE GOALS PANEL

21 SEC. 204. (a) HEARINGS.—(1) The Goals Panel  
22 shall, for the purpose of carrying out this part, conduct  
23 such hearings, sit and act at such times and places, take  
24 such testimony, and receive such evidence, as the Goals  
25 Panel considers appropriate.

1       (2) In carrying out this part, the Goals Panel shall  
2 conduct hearings to receive reports, views, and analyses  
3 of a broad spectrum of experts and the public on the es-  
4 tablishment of voluntary national content and student per-  
5 formance standards, assessments, and opportunity-to-  
6 learn standards.

7       (b) INFORMATION.—The Goals Panel may secure di-  
8 rectly from any department or agency of the United States  
9 information necessary to enable the Goals Panel to carry  
10 out this part. Upon request of the Chairperson of the  
11 Goals Panel, the head of a department or agency shall  
12 furnish such information to the Goals Panel to the extent  
13 permitted by law.

14       (c) POSTAL SERVICES.—The Goals Panel may use  
15 the United States mail in the same manner and under the  
16 same conditions as other departments and agencies of the  
17 United States.

18       (d) GIFTS; USE OF FACILITIES.—The Goals Panel  
19 may—

20               (1) accept, administer, and utilize gifts or dona-  
21 tions of services, money, or property, whether real or  
22 personal, tangible or intangible; and

23               (2) with their consent, use the research, equip-  
24 ment, services, and facilities of any agency or instru-



1 DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

2 SEC. 206. (a) DIRECTOR.—The Chairperson of the  
3 Goals Panel shall, without regard to the provisions of title  
4 5, United States Code, relating to the appointment and  
5 compensation of officers or employees of the United  
6 States, appoint a Director to be paid at a rate not to ex-  
7 ceed the rate of basic pay payable for level V of the Execu-  
8 tive Schedule.

9 (b) APPOINTMENT AND PAY OF EMPLOYEES.—

10 (1)(A) The Director may appoint not more than four addi-  
11 tional employees to serve as staff to the Goals Panel with-  
12 out regard to the provisions of title 5, United States Code,  
13 governing appointments in the competitive service.

14 (B) The employees appointed under paragraph (1)(A)  
15 may be paid without regard to the provisions of chapter  
16 51 and subchapter III of chapter 53 of that title relating  
17 to classification and General Schedule pay rates, but shall  
18 not be paid a rate that exceeds the maximum rate of basic  
19 pay payable for GS-15 of the General Schedule.

20 (2) The Director may appoint additional employees  
21 to serve as staff to the Goals Panel consistent with title  
22 5, United States Code.

23 (c) EXPERTS AND CONSULTANTS.—The Goals Panel  
24 may procure temporary and intermittent services of ex-

1 perts and consultants under section 3019(b) of title 5,  
2 United States Code.

3 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-  
4 quest of the Goals Panel, the head of any department or  
5 agency of the United States may detail any of the person-  
6 nel of that agency to the Goals Panel to assist the Goals  
7 Panel in its duties under this part.

8 **PART B—NATIONAL EDUCATION STANDARDS**  
9 **AND IMPROVEMENT COUNCIL**

10 PURPOSE; DEFINITION

11 SEC. 211. (a) PURPOSE.—It is the purpose of this  
12 part to establish a mechanism to—

13 (1) certify voluntary national content and stu-  
14 dent performance standards that define what Amer-  
15 ican students should know and be able to do;

16 (2) certify content and student performance  
17 standards submitted by States on a voluntary basis,  
18 if such standards are comparable in rigor and qual-  
19 ity to the voluntary national content and student  
20 performance standards certified by the Council;

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

1 student performance standards certified by the Na-  
2 tional Education Standards and Improvement Coun-  
3 cil;

4 (4) certify opportunity-to-learn standards sub-  
5 mitted by States on a voluntary basis, if they are  
6 consistent with the voluntary national opportunity-  
7 to-learn standards; and

8 (5) certify systems of assessment submitted by  
9 States on a voluntary basis, if they are aligned with  
10 State content standards certified by the Council and  
11 if they are valid, reliable, and fair when used for  
12 their intended purposes.

13 (b) DEFINITION.—As used in this Act, the term “op-  
14 portunity-to-learn standards” includes ways of measuring  
15 the extent to which such standards are being met.

16 NATIONAL EDUCATION STANDARDS AND IMPROVEMENT  
17 COUNCIL

18 SEC. 212. (a) ESTABLISHMENT.—There is estab-  
19 lished in the Executive Branch a National Education  
20 Standards and Improvement Council (hereafter in this  
21 part referred to as the “Council”).

22 (b) COMPOSITION.—The Council shall be composed  
23 of twenty members (hereafter in this part referred to as  
24 “members”) appointed by the President from nominations  
25 submitted by the Goals Panel.

1 (c) QUALIFICATIONS.—(1) The members of the  
2 Council shall include—

3 (A) five professional educators, including ele-  
4 mentary and secondary classroom teachers, pre-  
5 school educators and other school-based profes-  
6 sionals, local district or State administrators, and  
7 other educators;

8 (B) five representatives of business and indus-  
9 try and postsecondary educational institutions, in-  
10 cluding at least one representative of business and  
11 industry who is also a member of the National Skill  
12 Standards Board established pursuant to title IV of  
13 this Act; and

14 (C) five representatives of the public, including  
15 representatives of advocacy and civil rights groups,  
16 parents, civic leaders, and local and State education  
17 policymakers (including State or local school  
18 boards); and

19 (D) five education experts, including experts in  
20 measurement and assessment, curriculum, school fi-  
21 nance and equity, and school reform.

22 (2) The Goals Panel shall submit to the President  
23 at least 15 nominations for each of the four categories  
24 of appointment described in paragraph (1).

1       (3) To the extent feasible, the membership of the  
2 Council shall be geographically representative of the Unit-  
3 ed States and reflect the racial and ethnic diversity of the  
4 United States.

5       (d) TERMS.—(1) Members shall be appointed for  
6 three-year terms, with no member serving more than 2  
7 consecutive terms.

8       (2) The President shall establish initial terms for in-  
9 dividuals of 1, 2, or 3 years in order to establish a rotation  
10 in which one third of the members are selected each year.

11       (e) DATE OF APPOINTMENT.—The initial members  
12 shall be appointed not later than 120 days after the date  
13 of enactment of this Act.

14       (f) INITIATION.—The Council shall begin to carry out  
15 the duties of the Council under this part when all 20 mem-  
16 bers have been appointed.

17       (g) RETENTION.—In order to retain an appointment  
18 to the Council, a member must attend at least two-thirds  
19 of the scheduled meetings of the Council in any given year.

20       (h) VACANCY.—A vacancy on the Council shall not  
21 affect the powers of the Council, but shall be filled in the  
22 same manner as the original appointment.

23       (i) COMPENSATION.—Members of the Council who  
24 are not regular full-time employees of the United States  
25 may, while attending meetings or hearings of the Council,

1 be provided compensation at a rate fixed by the Secretary,  
 2 but not exceeding the maximum rate of basic pay payable  
 3 for GS-15 of the General Schedule.

4 (j) TRAVEL.—Each member of the Council may be  
 5 allowed travel expenses, including per diem in lieu of sub-  
 6 sistence, as authorized by section 5703 of title 5, United  
 7 States Code, for each day the member is engaged in the  
 8 performance of duties away from the home or regular  
 9 place of business of the member.

10 (k) OFFICERS.—The members of the Council shall se-  
 11 lect officers from among its members. The officers of the  
 12 Council shall serve for 1-year terms.

13 DUTIES

14 SEC. 213. (a) VOLUNTARY NATIONAL CONTENT  
 15 STANDARDS.—(1) The Council shall—

16 (A) identify areas in which voluntary national  
 17 content standards need to be developed;

18 (B) certify voluntary national content and stu-  
 19 dent performance standards that define what Amer-  
 20 ican students should know and be able to do; and

21 (C) forward such voluntary national content  
 22 and student performance standards to the Goals  
 23 Panel for approval.

24 (2)(A) The Council shall—

1 (i) identify and develop criteria to be used for  
2 certifying the voluntary national content and student  
3 performance standards; and

4 (ii) before applying such criteria, forward them  
5 to the Goals Panel for approval.

6 (B) The criteria developed by the Council shall ad-  
7 dress—

8 (i) the extent to which the proposed standards  
9 are internationally competitive and comparable to  
10 the best in the world;

11 (ii) the extent to which the proposed content  
12 and student performance standards reflect the best  
13 available knowledge about how all students learn and  
14 about how the content area can be most effectively  
15 taught;

16 (iii) the extent to which the proposed content  
17 and student performance standards have been devel-  
18 oped through an open and public process that pro-  
19 vides for input and involvement of all relevant par-  
20 ties, including teachers and other professional edu-  
21 cators, employers and postsecondary education insti-  
22 tutions, curriculum and subject matter specialists,  
23 and the public; and

24 (iv) other factors that the Council deems appro-  
25 priate.

1 (C) In developing the criteria, the Council shall work  
2 with entities that are developing, or have already devel-  
3 oped, content standards, and any other entities that the  
4 Council deems appropriate, to identify appropriate certifi-  
5 cation criteria.

6 (b) VOLUNTARY STATE CONTENT STANDARDS.—The  
7 Council may certify content and student performance  
8 standards presented on a voluntary basis by States, if such  
9 standards are comparable in rigor and quality to the vol-  
10 untary national content and student performance stand-  
11 ards certified by the Council.

12 (c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN  
13 STANDARDS.—(1) The Council shall certify exemplary,  
14 voluntary national opportunity-to-learn standards that will  
15 establish a basis for providing all students a fair oppor-  
16 tunity to achieve the knowledge and skills set out in the  
17 voluntary national content standards certified by the  
18 Council.

19 (2) The voluntary national opportunity-to-learn  
20 standards shall be sufficiently general to be used by any  
21 State without unduly restricting State and local preroga-  
22 tives regarding instructional methods to be employed.

23 (3) The voluntary national opportunity-to-learn  
24 standards certified by the Council shall address—

1 (A) the quality and availability of curricula, in-  
2 structional materials, and technologies;

3 (B) the capability of teachers to provide high-  
4 quality instruction in each content area;

5 (C) the extent to which teachers and adminis-  
6 trators have ready and continuing access to profes-  
7 sional development, including the best knowledge  
8 about teaching, learning, and school improvement;

9 (D) the extent to which curriculum, instruc-  
10 tional practices, and assessments are aligned to con-  
11 tent standards; and

12 (E) other factors that the Council deems appro-  
13 priate to ensure that every student receives a fair  
14 opportunity to achieve the knowledge and skills de-  
15 scribed in the voluntary content and student per-  
16 formance standards certified by the Council.

17 (4) In carrying out this subsection, the Council  
18 shall—

19 (A) identify what countries with rigorous con-  
20 tent standards do to—

21 (i) provide their children with opportunities  
22 to learn;

23 (ii) prepare their teachers; and

24 (iv) provide continuing professional devel-  
25 opment opportunities for their teachers; and

1 (B) develop criteria to be used for certifying the  
2 voluntary national opportunity-to-learn standards  
3 and, before applying such criteria, forward them to  
4 the Goals Panel for approval.

5 (5) The Council shall assist in the development of the  
6 voluntary national opportunity-to-learn standards by—

7 (A) making recommendations to the Secretary  
8 regarding priorities and selection criteria for the  
9 award made under section 218; and

10 (B) coordinating with the consortium receiving  
11 an award under section 218 to ensure that the op-  
12 portunity-to-learn standards the consortium develops  
13 are of high quality and are consistent with the cri-  
14 teria developed by the Council for the certification of  
15 such standards.

16 (6) The Council shall forward the voluntary national  
17 opportunity-to-learn standards it certifies to the Goals  
18 Panel for approval.

19 (d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN  
20 STANDARDS.—The Council may certify opportunity-to-  
21 learn standards presented on a voluntary basis by a State,  
22 if they are consistent with the voluntary national oppor-  
23 tunity-to-learn standards.

24 (e) ASSESSMENTS.—(1)(A) The Council shall certify  
25 a system of assessments that is presented on a voluntary

1 basis by a State if such system is aligned with the State's  
2 content standards certified by the Council.

3 (B) Systems of assessments shall be certified by the  
4 Council for the purpose of—

5 (i) exemplifying for students, parents, and  
6 teachers the kinds and levels of achievement that  
7 should be expected, including the identification of  
8 student performance standards;

9 (ii) improving classroom instruction and im-  
10 proving the learning outcomes for all students;

11 (iii) informing students, parents, and teachers  
12 about student progress toward the standards;

13 (iv) measuring and motivating individual stu-  
14 dents, schools, districts, States, and the Nation to  
15 improve educational performance; and

16 (v) assisting education policymakers in making  
17 decisions about education programs.

18 (C) The Council shall certify a system of assessments  
19 only if it will not be used to make decisions regarding  
20 graduation, grade promotion, or retention of students for  
21 a period of five years from the date of enactment of this  
22 Act.

23 (2)(A) The Council shall develop and, no sooner than  
24 three years or later than four years after the enactment  
25 of this Act, begin utilizing criteria for the certification of

1 assessment systems for the purposes indicated in para-  
2 graph (1)(B). Before using such criteria, the Council shall  
3 forward the criteria to the Goals Panel for approval.

4 (B) The certification criteria developed by the Coun-  
5 cil shall address the extent to which the assessment sys-  
6 tem—

7 (i) is aligned with State content standards cer-  
8 tified by the Council;

9 (ii) is to be used for a purpose for which it is  
10 valid, reliable, fair, and free of discrimination; and

11 (iii) includes all students, especially students  
12 with disabilities or with limited English proficiency.

13 (C) In determining appropriate certification criteria,  
14 the Council shall—

15 (i) consider standards and criteria being devel-  
16 oped by other national organizations and recent re-  
17 search on assessment;

18 (ii) recommend needed research;

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

21 (iv) provide a public forum for discussing, de-  
22 bating, and building consensus for the criteria to be  
23 used for the certification of assessment systems.

24 (D) Prior to determining the certification criteria, the  
25 Council shall take public comment on its proposed criteria.

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

3 (1) work with Federal and non-Federal agencies  
4 and organizations that are conducting research,  
5 studies, or demonstration projects to determine  
6 internationally competitive education standards and  
7 assessments, and may establish subject matter and  
8 other panels to advise it on particular content, stu-  
9 dent performance, and opportunity-to-learn stand-  
10 ards and on assessments;

11 (2) shall establish cooperative arrangements  
12 with the National Skill Standards Board to promote  
13 the coordination of the development of content and  
14 student performance standards under this title with  
15 the development of skill standards under title IV of  
16 this Act.

17 (3) recommend studies to the Secretary that  
18 are necessary to carry out the Council's responsibil-  
19 ities;

20 (4) inform the public about what constitutes  
21 high quality, internationally competitive, content,  
22 student performance, and opportunity-to-learn  
23 standards, and assessment systems;

24 (5) on a regular basis, review and update cri-  
25 teria for certifying content, student performance,

1 and opportunity-to-learn standards, and assessment  
2 systems; and

3 (6) periodically recertify, as appropriate, the  
4 voluntary national content and student performance  
5 standards, and the voluntary national opportunity-  
6 to-learn standards that it certifies under this  
7 section.

8 ANNUAL REPORTS

9 SEC. 214. Not later than one year after the date the  
10 Council concludes its first meeting, and in each succeeding  
11 year, the Council shall prepare and submit a report to the  
12 President, the Secretary, the appropriate committees of  
13 Congress, the Governor of each State, and the Goals Panel  
14 regarding its work.

15 POWERS OF THE COUNCIL

16 SEC. 215. (a) HEARINGS.—(1) The Council shall, for  
17 the purpose of carrying out its responsibilities, conduct  
18 such hearings, sit and act at such times and places, take  
19 such testimony, and receive such evidence, as the Council  
20 considers appropriate.

21 (2) In carrying out this part, the Council shall con-  
22 duct public hearings in different geographic areas of the  
23 United States, both urban and rural, to receive the re-  
24 ports, views, and analyses of a broad spectrum of experts  
25 and the public on the establishment of national content,

1 student performance, and opportunity-to-learn standards,  
2 and assessment systems.

3 (b) INFORMATION.—The Council may secure directly  
4 from any department or agency of the United States infor-  
5 mation necessary to enable the Council to carry out this  
6 part. Upon request of the Chairperson of the Council, the  
7 head of a department or agency shall furnish such infor-  
8 mation to the Council to the extent permitted by law.

9 (c) POSTAL SERVICES.—The Council may use the  
10 United States mail in the same manner and under the  
11 same conditions as other departments and agencies of the  
12 United States.

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

14 (1) accept, administer, and utilize gifts or dona-  
15 tions of services, money, or property, whether real or  
16 personal, tangible or intangible; and

17 (2) with their consent, use the research, equip-  
18 ment, services, and facilities of any agency or instru-  
19 mentality of the United States, or of any State or  
20 political subdivision thereof.

21 (e) ADMINISTRATIVE ARRANGEMENTS AND SUP-  
22 PORT.—(1) The Secretary shall provide to the Council, on  
23 a reimbursable basis, such administrative support services  
24 as the Council may request.

1       (2) The Secretary shall, to the extent appropriate,  
2 and on a reimbursable basis, make contracts and other  
3 arrangements that are requested by the Council to help  
4 it compile and analyze data or carry out other functions  
5 necessary to the performance of its responsibilities.

6                                   ADMINISTRATIVE PROVISIONS

7       SEC. 216. (a) MEETINGS.—The Council shall meet  
8 on a regular basis, as necessary at the call of the Chair-  
9 person of the Council or a majority of its members.

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

12       (c) VOTING.—The Council shall take all action of the  
13 Council by a majority vote of the total membership of the  
14 Council, ensuring the right of the minority to issue written  
15 views. No individual may vote or exercise any of the pow-  
16 ers of a member by proxy.

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

22                                   DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

23       SEC. 217. (a) DIRECTOR.—The Chairperson of the  
24 Council shall, without regard to the provisions of title 5,  
25 United States Code, relating to the appointment and com-  
26 pensation of officers or employees of the United States,

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

4 (b) APPOINTMENT AND PAY OF EMPLOYEES.—

5 (1)(A) The Director may appoint not more than four addi-  
6 tional employees to serve as staff to the Council without  
7 regard to the provisions of title 5, United States Code,  
8 governing appointments in the competitive service.

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

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

18 (c) EXPERTS AND CONSULTANTS.—The Council may  
19 procure temporary and intermittent services under section  
20 3019(b) of title 5, United States Code.

21 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-  
22 quest of the Council, the head of any department or agen-  
23 cy of the United States may detail any of the personnel  
24 of that department or agency to the Council to assist the  
25 Council in its duties under this part.

1 OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT

2 SEC. 218. (a) OPPORTUNITY-TO-LEARN DEVELOP-  
3 MENT GRANT.—(1) The Secretary is authorized to make  
4 a grant, on a competitive basis, to a consortium of individ-  
5 uals and organizations to develop voluntary national op-  
6 portunity-to-learn standards.

7 (2) To the extent possible, such consortium shall in-  
8 clude the participation of—

9 (A) Governors (other than Governors serving on  
10 the Goals Panel);

11 (B) chief State school officers;

12 (C) teachers (especially teachers involved in the  
13 development of content standards);

14 (D) principals;

15 (E) superintendents;

16 (F) State and local school board members;

17 (G) curriculum and school reform experts;

18 (H) parents;

19 (I) State legislators;

20 (J) representatives of businesses;

21 (K) representatives of higher education;

22 (L) representatives of regional accrediting asso-  
23 ciations; and

24 (M) advocacy groups.

1 (b) APPLICATIONS.—(1) Any consortium that desires  
2 to receive a grant under this subsection shall submit an  
3 application to the Secretary at such time, in such manner,  
4 and containing such information and assurances as the  
5 Secretary may require.

6 (2) In establishing priorities and selection criteria for  
7 such grant, the Secretary shall give serious consideration  
8 to the recommendations made by the Council pursuant to  
9 section 213(c)(5)(A).

10 ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS

11 SEC. 219. (a) GENERAL.—The Secretary is author-  
12 ized to make grants to States and local educational agen-  
13 cies to help defray the cost of developing, field testing,  
14 and evaluating systems of assessments, to be used for  
15 some or all of the purposes indicated in section  
16 213(e)(1)(B), that are aligned to state content standards  
17 certified by the Council.

18 (b) APPLICATIONS.—A State or local educational  
19 agency that desires to receive a grant under this section  
20 shall submit an application to the Secretary at such time,  
21 in such manner, and containing such information and as-  
22 surances as the Secretary may require.

23 (c) REQUIREMENTS.—(1) A recipient of a grant  
24 under this section shall—

25 (A) examine the validity, reliability, and fair-  
26 ness of an assessment, or system of assessments, for

1 the particular purposes for which such assessment  
2 was developed; and

3 (B) devote special attention to how an assess-  
4 ment, or system of assessments, treats all students,  
5 especially with regard to the race, gender, ethnicity,  
6 and language proficiency of such students.

7 (2) An assessment, or system of assessments, devel-  
8 oped and evaluated with funds under this section may not  
9 be used for decisions about individual students relating to  
10 program placement, promotion, or retention, graduation,  
11 or employment for a period of five years from the date  
12 of enactment of this Act.

### 13 **PART C—AUTHORIZATION OF APPROPRIATIONS**

#### 14 AUTHORIZATION OF APPROPRIATIONS

15 SEC. 221. (a) NATIONAL EDUCATION GOALS  
16 PANEL.—There are authorized to be appropriated  
17 \$3,000,000 for fiscal year 1994 and such sums as may  
18 be necessary for each of the four succeeding fiscal years  
19 to carry out part A of this title.

20 (b) NATIONAL EDUCATION STANDARDS AND IM-  
21 PROVEMENT COUNCIL.—There are authorized to be ap-  
22 propriated \$3,000,000 for fiscal year 1994 and such sums  
23 as may be necessary for each of the four succeeding fiscal  
24 years to carry out part B of this title.

1 (c) OPPORTUNITY-TO-LEARN DEVELOPMENT  
2 GRANT.—There are authorized to be appropriated  
3 \$1,000,000 for fiscal year 1994 and such sums as may  
4 be necessary for fiscal year 1995 to carry out the Oppor-  
5 tunity-to-Learn Development Grant program established  
6 under section 218 of this title.

7 (d) ASSESSMENT DEVELOPMENT AND EVALUATION  
8 GRANTS.—There are authorized to be appropriated  
9 \$5,000,000 for fiscal year 1994 and such sums as may  
10 be necessary for each of the four succeeding fiscal years  
11 to carry out the Assessment Development and Evaluation  
12 Grants program established under section 218 of this title.

13 **TITLE III—STATE AND LOCAL**  
14 **EDUCATION SYSTEMIC IM-**  
15 **PROVEMENT**

16 CONGRESSIONAL FINDINGS

17 SEC. 301. The Congress finds that—

18 (1) all students can learn to high standards and  
19 must realize their potential if the United States is  
20 to prosper;

21 (2) the reforms in education of the last 15  
22 years have achieved some good results, but these ef-  
23 forts often have been limited to a few schools or to  
24 a single part of the educational system;

1           (3) leadership must come both from teachers,  
2           related services personnel, principals, and parents in  
3           individual schools and from policymakers at the  
4           local, State, tribal, and national levels, in order for  
5           lasting improvements in student performance to  
6           occur;

7           (4) simultaneous top-down and bottom-up edu-  
8           cation reform is necessary to spur creative and inno-  
9           vative approaches by individual schools to help all  
10          students achieve internationally competitive stand-  
11          ards;

12          (5) strategies must be developed by commu-  
13          nities and States to support the revitalization of all  
14          local public schools by fundamentally changing the  
15          entire system of public education through com-  
16          prehensive, coherent, and coordinated improvement;

17          (6) parents, teachers and other local educators,  
18          and business, community, and tribal leaders must be  
19          involved in developing system-wide improvement  
20          strategies that reflect the needs of their individual  
21          communities;

22          (7) State and local education improvement ef-  
23          forts must incorporate strategies for providing stu-  
24          dents and families with coordinated access to appro-  
25          priate social services, health care, nutrition, and

1 child care to remove preventable barriers to learning  
2 and enhance school readiness for all students;

3 (8) States and local educational agencies, work-  
4 ing together, must immediately set about developing  
5 and implementing such system-wide improvement  
6 strategies if the Nation is to educate all children to  
7 meet their full potential and achieve the National  
8 Education Goals listed in title I of this Act;

9 (9) State and local systemic improvement strat-  
10 egies must provide all students with effective mecha-  
11 nisms and appropriate paths to the workforce as well  
12 as to higher education;

13 (10) business should be encouraged to enter  
14 into partnerships with schools, provide information  
15 and guidance to schools on the needs of area busi-  
16 ness for properly educated graduates in general and  
17 on the need for particular workplace skills that the  
18 schools may provide, provide necessary material and  
19 support, and continue the lifelong learning process  
20 throughout the employment years of an individual;

21 (11) the appropriate and innovative use of tech-  
22 nology can be very effective in helping to bring all  
23 students the opportunity to learn and meet high  
24 standards; and



1           (1) shall reserve a total of one percent to pro-  
2       vide assistance, in amounts determined by the Sec-  
3       retary—

4                   (A) to the outlying areas; and

5                   (B) to the Secretary of the Interior to ben-  
6       efit Indian students in schools operated or  
7       funded by the Bureau of Indian Affairs; and

8           (2) may reserve a total of up to six percent  
9       for—

10                   (A) national leadership activities under  
11       section 312; and

12                   (B) the costs of peer review of State Im-  
13       provement plans and applications under this  
14       title.

15       (b) STATE ALLOTMENTS.—The Secretary shall allot  
16       the remaining amount appropriated under section 303 for  
17       each fiscal year to the States as follows:

18           (1) 50 percent of such remaining amount shall  
19       be allocated in accordance with the relative amounts  
20       such State received under chapter 1 of title I of the  
21       Elementary and Secondary Education Act of 1965  
22       for the preceding fiscal year.

23           (2) 50 percent of such remaining amount shall  
24       be allocated in accordance with the relative amounts  
25       each such State received under part A of chapter 2

1 of title I of the Elementary and Secondary Edu-  
2 cation Act of 1965 for the preceding fiscal year.

3 (c) REALLOTMENTS.—If the Secretary determines  
4 that any amount of a State’s allotment for any fiscal year  
5 under subsection (b) will not be needed for such fiscal year  
6 by the State, the Secretary shall reallocate such amount to  
7 other States that need additional funds, in such manner  
8 as the Secretary determines is appropriate.

9 STATE APPLICATIONS

10 SEC. 305. (a) GENERAL.—(1) If a State desires to  
11 receive a grant under this title, the State educational  
12 agency shall submit an application to the Secretary at  
13 such time and in such manner as the Secretary may deter-  
14 mine.

15 (2) In addition to the information described in sub-  
16 sections (b) and (c), each such application shall include—

17 (A) an assurance that the State educational  
18 agency will cooperate with the Secretary in carrying  
19 out the Secretary’s responsibilities under section  
20 312, and will comply with reasonable requests of the  
21 Secretary for data related to the State’s progress in  
22 developing and implementing its State improvement  
23 plan under this title;

24 (B) an assurance that State law provides ade-  
25 quate authority to carry out each component of the  
26 State’s improvement plan developed, or to be devel-

1       oped under section 306, or that such authority will  
2       be sought; and

3               (C) such other assurances and information as  
4       the Secretary may require.

5       (b) FIRST YEAR.—A State’s application for the first  
6       year of assistance under this title shall—

7               (1) describe the process by which the State will  
8       develop a school improvement plan that meets the  
9       requirements of section 306; and

10              (2) describe how the State educational agency  
11       will use funds received under this title for such year,  
12       including how the State educational agency will  
13       make subgrants to local educational agencies and for  
14       teacher training.

15       (c) SUBSEQUENT YEARS.—A State’s second applica-  
16       tion under this title shall—

17              (1) cover the second through fifth years of its  
18       participation;

19              (2) include a copy of the State’s improvement  
20       plan that meets the requirements of section 306 or,  
21       if the State plan is not complete, a statement of the  
22       steps it will take to complete the plan and a schedule  
23       for doing so; and

24              (3) include an explanation of how the State will  
25       use funds received under this title, including how it

1 will make subgrants to local educational agencies  
2 and for teacher training under section 308(b)(1).

3 STATE IMPROVEMENT PLANS

4 SEC. 306. (a) BASIC SCOPE OF PLAN.—Any State  
5 educational agency that wishes to receive a grant under  
6 this title after its first year of participation shall develop  
7 and implement a plan for the fundamental restructuring  
8 and improvement of elementary and secondary education  
9 in the State. This plan must address—

10 (1) in accordance with subsection (c), the estab-  
11 lishment or adoption of challenging content and stu-  
12 dent performance standards for all students and the  
13 use of curricula, instructional practices, assessments,  
14 technology, and professional preparation and devel-  
15 opment approaches appropriate to help all students  
16 reach those standards;

17 (2) in accordance with subsection (d), the es-  
18 tablishment or adoption of opportunity-to-learn  
19 standards that will define the conditions of teaching  
20 and learning that provide all students the oppor-  
21 tunity to meet the challenging content and student  
22 performance standards;

23 (3) in accordance with subsection (e), needed  
24 changes in the governance and management of the  
25 education system in order to effectively focus schools

1 on, and assist them in, preparing all students to  
2 meet the challenging State standards;

3 (4) in accordance with subsection (f), com-  
4 prehensive strategies to involve communities, includ-  
5 ing parents, businesses, libraries, museums, employ-  
6 ment and training agencies, health and human serv-  
7 ice agencies, and other public and private agencies  
8 that provide social services, health care, child care,  
9 and nutrition to students, in helping all students  
10 meet the challenging State standards;

11 (5) in accordance with subsection (g), strategies  
12 for ensuring that all local educational agencies and  
13 schools within the State are involved in developing  
14 and implementing needed improvements within a  
15 specified period of time; and

16 (6) in accordance with subsection (h), strategies  
17 for ensuring that comprehensive, systemic reform is  
18 promoted from the bottom up in communities, local  
19 educational agencies, and schools.

20 (b) PLAN DEVELOPMENT.—(1) A State improvement  
21 plan under this title must be developed by a broad-based  
22 panel in cooperation with the State educational agency  
23 and the Governor. The panel shall include—

24 (A) the Governor and the chief State school of-  
25 ficer, or their designees;

1 (B) the chairman of the State board of edu-  
2 cation and the chairmen of the appropriate authoriz-  
3 ing committees of the State legislature, or their des-  
4 ignees;

5 (C) teachers, principals, and administrators  
6 who have successfully improved student perform-  
7 ance;

8 (D) representatives of teachers' organizations,  
9 parents, business and labor leaders, community-  
10 based organizations, local boards of education, State  
11 and local officials responsible for health, social serv-  
12 ices, and other related services, and others, as ap-  
13 propriate; and

14 (E) representatives from rural and urban local  
15 educational agencies in the State.

16 (2) The Governor and the chief State school officer  
17 shall each appoint half the members of the State panel  
18 and shall jointly select the Chairperson of the panel.

19 (3) The membership of the panel shall be geographi-  
20 cally representative of the State and reflect the racial and  
21 ethnic diversity of the population of the State.

22 (4) The panel shall consult the Governor, the chief  
23 State school officer, the State board of education, and rel-  
24 evant committees of the State legislature in developing the  
25 plan.

1           (5) The panel shall be responsible for conducting a  
2 statewide, grass-roots outreach process, including conduct-  
3 ing public hearings, to involve educators, parents, local of-  
4 ficials, community and business leaders, citizens, chil-  
5 dren’s advocates, and others with a stake in the success  
6 of students and their education system, and who are rep-  
7 resentative of the diversity of the State and its student  
8 population, in the development of the State plan and in  
9 a continuing dialogue regarding the need for and nature  
10 of challenging standards for students and local and State  
11 responsibilities for helping all students achieve them.

12           (6) The panel shall develop a continuing process for  
13 interacting with local educational agencies and individual  
14 schools engaged in systemic reform, especially including  
15 those local educational agencies and schools receiving  
16 subgrants under section 309 of this Act, to ensure that  
17 the development and implementation of the State plan re-  
18 flects their needs and experiences.

19           (7) The panel shall develop a State plan, provide op-  
20 portunity for public comment, and submit the State plan  
21 to the State educational agency for approval.

22           (8) The state educational agency shall submit the  
23 State’s plan, together with an explanation of any changes  
24 made by such agency to the plan developed by the panel,  
25 to the Secretary for approval.

1       (9) If any portion of the State’s plan addresses mat-  
2 ters that, under State or other applicable law, are not  
3 under the authority of the State educational agency, the  
4 State educational agency shall obtain the approval of, or  
5 changes to, such portion, with an explanation therefor,  
6 from the Governor or other official responsible for that  
7 portion before submitting the plan to the Secretary.

8       (10) After approval of the State plan by the Sec-  
9 retary, the panel, in close consultation with teachers, prin-  
10 cipals, administrators, and parents in local educational  
11 agencies and schools receiving funds under this title, shall  
12 monitor the implementation and effectiveness of the State  
13 plan to determine if revisions are appropriate, and shall  
14 periodically report its findings to the public.

15       (c) TEACHING, LEARNING, STANDARDS, AND AS-  
16 SESSMENTS.—Each State plan shall establish strategies  
17 for improving teaching and learning, including—

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

21           (2) a process for providing assistance and sup-  
22 port to local educational agencies and schools to give  
23 them the capacity and responsibility to provide all of  
24 their students the opportunity to meet challenging  
25 State content and student performance standards;

1           (3) a process for developing, adopting, or rec-  
2           ommending instructional materials and technology to  
3           support and assist local educational agencies and  
4           schools to provide all of their students the oppor-  
5           tunity to meet the challenging State content and  
6           student performance standards;

7           (4) a process for developing and implementing  
8           a valid and non-discriminatory assessment system or  
9           set of locally-based assessment systems that is capa-  
10          ble of providing coherent information about student  
11          attainments relative to the State content standards.  
12          The process shall also provide for monitoring the im-  
13          plementation of such system or systems and the im-  
14          pact on improved instruction for all students;

15          (5) a process for improving the State's system  
16          of teacher and school administrator preparation, li-  
17          censure, and continuing professional development so  
18          that all teachers, related services personnel, and ad-  
19          ministrators develop the subject matter and peda-  
20          gogical expertise needed to prepare all students to  
21          meet the challenging standards under paragraph (1);

22          (6) a process for providing appropriate and ef-  
23          fective professional development, including the use of  
24          technology, necessary for teachers, school adminis-

1       trators, and others to help all students meet the  
2       challenging standards under paragraph (1); and

3               (7) a process to ensure widespread participation  
4       of classroom teachers in developing the portions of  
5       the plan described in this subsection.

6       (d) OPPORTUNITY-TO-LEARN STANDARDS.—Each  
7       State plan shall establish a strategy and timetable for—

8               (1) adopting or establishing opportunity-to-  
9       learn standards;

10              (2) ensuring that every school in the State  
11       achieves the State’s opportunity-to-learn standards;

12              (3) ensuring that the State’s opportunity-to-  
13       learn standards address the needs of all students;  
14       and

15              (4) periodically reporting to the public on the  
16       extent of the State’s improvement in achieving such  
17       standards and providing all students with a fair op-  
18       portunity to achieve the knowledge and skill levels  
19       that meet the State’s content and student perform-  
20       ance standards.

21       (e) GOVERNANCE AND MANAGEMENT.—Each State  
22       plan shall establish strategies for improved governance  
23       and management of its education system, such as—

24              (1) aligning responsibility, authority, and ac-  
25       countability throughout the education system, so

1 that decisions regarding content and student per-  
2 formance standards are coordinated and decisions  
3 regarding the means for achieving them are made  
4 closest to the learners;

5 (2) creating an integrated and coherent ap-  
6 proach to attracting, recruiting, preparing and li-  
7 censing, appraising, rewarding, retaining, and sup-  
8 porting the continued professional development of  
9 teachers, administrators, and other educators, in-  
10 cluding bilingual educators, so that there is a highly  
11 talented workforce of professional educators capable  
12 of preparing all students to reach challenging stand-  
13 ards, with special attention to the recruitment, train-  
14 ing, and retention of qualified minorities into the  
15 education profession within the State to ensure that  
16 it reflects the racial and ethnic diversity of the stu-  
17 dent population;

18 (3) providing incentives for high performance,  
19 such as—

20 (A) working with employers and institu-  
21 tions of higher education to devise strategies to  
22 reward student achievement;

23 (B) incentives for classroom teachers and  
24 other professional educators to participate in  
25 professional development activities; and

1 (C) school-based incentives for schools and  
2 local educational agencies to improve student  
3 performance;

4 (4) increasing the proportion of State and local  
5 funds allocated to direct instructional purposes; and

6 (5) increasing flexibility for local districts and  
7 schools by, for example—

8 (A) waving State regulations and other re-  
9 quirements that impede educational improve-  
10 ment;

11 (B) focusing accountability on educational  
12 outcomes rather than monitoring compliance  
13 with input requirements; and

14 (C) fostering conditions that allow teach-  
15 ers, principals, and parents in the school com-  
16 munity to be creative in helping their students  
17 meet challenging standards.

18 (f) PARENTAL AND COMMUNITY SUPPORT AND IN-  
19 VOLVEMENT.—Each State plan shall describe strategies  
20 for how the State will develop support for, and help imple-  
21 ment its plan, such as—

22 (1) educating the public about the need for  
23 higher standards and systemic improvement;

24 (2) involving parents and communities in the  
25 State's standard-setting and improvement process;

1           (3) reporting, on an ongoing basis, to parents,  
2 educators, and the public on the State’s progress in  
3 implementing the plan and improving student per-  
4 formance;

5           (4) focusing public and private community re-  
6 sources and public school resources on prevention  
7 and early intervention to address the needs of all  
8 students by—

9                   (A) identifying and removing unnecessary  
10 regulations and obstacles to coordination;

11                   (B) improving communication and infor-  
12 mation exchange; and

13                   (C) providing appropriate training to agen-  
14 cy personnel; and

15           (5) increasing the access of all students to so-  
16 cial services, health care, nutrition, and child care  
17 services, and locating such services in schools, co-  
18 operating service agencies, community-based centers,  
19 or other convenient sites designed to provide “one-  
20 stop shopping” for parents and students.

21           (g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—  
22 To help provide all students throughout the State the op-  
23 portunity to meet challenging State standards, each State  
24 plan shall describe strategies such as—

1           (1) ensuring that the improvement efforts ex-  
2           pand from the initial local educational agencies,  
3           schools, and educators involved to all local edu-  
4           cational agencies, schools, and educators in the  
5           State education system through such approaches as  
6           teacher and administrator professional development;  
7           technical assistance; whole school projects; intensive  
8           summer training; and networking of teachers and  
9           other educators, consortia of schools, and local edu-  
10          cational agencies undertaking similar improvements;

11          (2) developing partnerships among preschools,  
12          elementary and secondary schools, institutions of  
13          higher education, health and social service providers,  
14          and employers to improve teaching and learning at  
15          all levels of the education system and to foster col-  
16          laboration and continuous improvement;

17          (3) strategies to provide for the close coordina-  
18          tion of standards development and improvement ef-  
19          forts among institutions of higher education and sec-  
20          ondary, middle, and elementary schools;

21          (4) conducting outreach programs aimed at  
22          parents whose language is a language other than  
23          English, and other special populations, including  
24          Native Americans, to involve all segments of the  
25          community in the development of the State plan;

1           (5) developing partnerships with tribes and  
2 BIA-funded schools, where appropriate, to improve  
3 consistency and compatibility in curriculum among  
4 public and BIA-funded schools at all grade levels;

5           (6) allocating all available local, State, and Fed-  
6 eral resources to achieve system-wide improvement;

7           (7) providing for the development of objective  
8 criteria and measures against which the success of  
9 local plans will be evaluated;

10          (8) providing for the availability of curricular  
11 materials, learning technologies, and professional de-  
12 velopment in a manner ensuring equal access by all  
13 local educational agencies in the State;

14          (9) taking steps to ensure that all local edu-  
15 cational agencies, schools, and educators in the  
16 State benefit from successful programs and practices  
17 supported by funds made available to local edu-  
18 cational agencies and schools under this title; and

19          (10) providing remedial assistance to students,  
20 teachers, schools, and local educational agencies that  
21 are identified through the assessment system devel-  
22 oped under subsection (c)(4) as needing such assist-  
23 ance.

24          (h) PROMOTING BOTTOM-UP REFORM.—Each State  
25 plan shall include strategies for ensuring that comprehen-

1 sive, systemic reform is promoted from the bottom up in  
2 communities, local educational agencies, and schools, as  
3 well as guided by coordination and facilitation from State  
4 leaders, including strategies such as—

5 (1) ensuring that the State plan is responsive to  
6 the needs and experiences of local educational agen-  
7 cies, schools, teachers, and community leaders;

8 (2) establishing mechanisms for continuous  
9 input from local schools, communities, colleges, and  
10 school districts into, and feedback on, the implemen-  
11 tation of the State plan;

12 (3) providing discretionary resources that en-  
13 able teachers and schools to purchase needed profes-  
14 sional development and other forms of assistance  
15 consistent with their improvement plan from high-  
16 quality providers of their choice;

17 (4) establishing collaborative networks of teach-  
18 ers centered on content standards and assessments  
19 for the purpose of improving teaching and learning;

20 (5) providing flexibility to individual schools  
21 and local educational agencies to enable them to  
22 adapt and integrate State content standards into  
23 courses of study appropriate for individual schools  
24 and communities;

1           (6) facilitating the provision of waivers from  
2           State rules and regulations that local educational  
3           agencies or schools believe would promote innovation  
4           and enhance school performance; and

5           (7) facilitating communication among educators  
6           within and between districts for the purpose of shar-  
7           ing innovative and effective practices, including  
8           through the use of telecommunications, site visits,  
9           and other means.

10          (i) BENCHMARKS AND TIMELINES.—Each State plan  
11          shall include specific benchmarks of improved student per-  
12          formance and of progress in implementing the improve-  
13          ment plan, and timelines against which the progress of  
14          the State in carrying out its plan, including the elements  
15          described in subsections (c) through (h), can be measured.

16          (j) PEER REVIEW AND SECRETARIAL APPROVAL.—  
17          (1) The Secretary shall review each State improvement  
18          plan prepared under this section, and each application  
19          submitted under section 305, with the assistance and ad-  
20          vice of State and local education policymakers, educators,  
21          classroom teachers, experts on educational innovation and  
22          improvement, and other appropriate individuals. The peer  
23          review process shall be representative of the geographic,  
24          racial, and cultural diversity of the United States. The re-

1 view process shall include at least one site visit to each  
2 State.

3 (2) The Secretary shall approve a State's plan when  
4 the Secretary determines, after considering the peer re-  
5 viewers' comments, that it—

6 (A) reflects a widespread commitment within  
7 the State; and

8 (B) holds reasonable promise of helping all stu-  
9 dents.

10 (3) The Secretary shall not decline to approve a  
11 State's plan, or any State application submitted under sec-  
12 tion 305, before offering the State—

13 (A) an opportunity to revise its plan or applica-  
14 tion; and

15 (B) a hearing.

16 (k) AMENDMENTS TO PLAN.—(1) Each State shall  
17 periodically review its plan and revise it, as appropriate,  
18 in accordance with the process described in subsection (b).

19 (2) The Secretary shall review major amend-  
20 ments to a State's plan through the same process,  
21 described in subsection (j), used to review the origi-  
22 nal plan.

23 (l) PRE-EXISTING STATE PLANS AND PANELS.—(1)  
24 If a State has developed a comprehensive and systemic  
25 improvement plan to help all students meet challenging

1 standards, or any component of such a plan, that other-  
2 wise meets the requirements of this section, the Secretary  
3 may approve such plan or component notwithstanding that  
4 it was not developed in accordance with subsection (b),  
5 if the Secretary determines that such approval would fur-  
6 ther the purposes of the State systemic education improve-  
7 ment.

8 (2) If, before the enactment of this Act, a State has  
9 made substantial progress in developing a plan that other-  
10 wise meets, or is likely to meet, the requirements of this  
11 section, but was developed by a panel that does not meet  
12 the requirements of subsection (b) (1)–(3), the Secretary  
13 may, at the request of the Governor and the State edu-  
14 cational agency, treat that panel as meeting those require-  
15 ments for all purposes of this title if the Secretary deter-  
16 mines that there has been substantial public involvement  
17 in the development of the plan.

18 SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS

19 SEC. 307. (a) FIRST YEAR.—The Secretary shall ap-  
20 prove the State educational agency's initial year applica-  
21 tion under section 305(b) if the Secretary determines  
22 that—

- 23 (1) it meets the requirements of this title; and  
24 (2) there is a substantial likelihood that the  
25 State will be able to develop and implement an edu-

1 cation improvement plan that complies with section  
2 306.

3 (b) SECOND THROUGH FIFTH YEARS.—The Sec-  
4 retary shall approve the State educational agency's re-  
5 newal application under section 305(c)(1) for years two  
6 through five only if—

7 (1)(A) the Secretary has approved the State's  
8 improvement plan under section 306(j); or

9 (B) the Secretary determines that the State has  
10 made substantial progress in developing its plan;  
11 and

12 (2) the application meets the other require-  
13 ments of this title.

14 (c) PAYMENTS.—For any fiscal year for which a  
15 State has an approved application under this title, the Sec-  
16 retary shall make a grant to the State educational agency  
17 in the amount determined under section 304(b).

18 STATE USE OF FUNDS

19 SEC. 308. (a) FIRST YEAR.—In the first year for  
20 which a State educational agency receives a grant under  
21 this title, the State—

22 (1) shall use at least 50 percent of such funds  
23 to make subgrants, in accordance with section  
24 309(a), to local educational agencies for the develop-  
25 ment or implementation of local improvement plans  
26 and to make subgrants, in accordance with section

1 309(b), to improve educator preservice programs  
2 and for professional development activities consistent  
3 with the State plan, if the amount allocated to  
4 States under section 304(b) for such year is at least  
5 \$100,000,000. The State may use such funds for  
6 such subgrants if such amount is less than  
7 \$100,000,000; and

8 (2) shall use the remainder of such funds to de-  
9 velop, revise, expand, or implement an education im-  
10 provement plan described in section 306.

11 (b) SUCCEEDING YEARS.—A State that receives as-  
12 sistance under this title for any year after the first year  
13 of participation shall—

14 (1) use at least 85 percent of such assistance  
15 in each succeeding year to make subgrants—

16 (A) to local educational agencies, in ac-  
17 cordance with section 309(a), for the implemen-  
18 tation of the State improvement plan and of  
19 local improvement plans; and

20 (B) in accordance with section 309(b), to  
21 improve educator preservice programs and for  
22 professional development activities that are con-  
23 sistent with the State improvement plan; and

1           (2) shall use the remainder of such assistance  
2 for State activities designed to implement its im-  
3 provement plan, such as—

4           (A) supporting the development or adop-  
5 tion of State content and student performance  
6 standards, State opportunity-to-learn standards,  
7 and assessment tools linked to the standards,  
8 including through consortia of States and in  
9 conjunction with the National Education Stand-  
10 ards and Improvement Council established  
11 under part B of title II of this Act;

12           (B) supporting the implementation of high-  
13 performance management and organizational  
14 strategies, such as site-based management,  
15 shared decision-making, or quality management  
16 principles, to promote effective implementation  
17 of such plan;

18           (C) supporting the development and imple-  
19 mentation, at the local educational agency and  
20 school building level, of improved human re-  
21 source development systems for recruiting, se-  
22 lecting, mentoring, supporting, evaluating and  
23 rewarding educators;

24           (D) providing special attention of the  
25 needs of minority and female students, includ-

1 ing instructional programs and activities that  
2 encourage such students in elementary and sec-  
3 ondary schools to aspire to enter and complete  
4 higher education;

5 (E) supporting the development, at the  
6 State or local level, of performance-based ac-  
7 countability and incentive systems for schools;

8 (F) outreach to parents, tribal officials,  
9 classroom teachers and other educators, and the  
10 public related to education improvement;

11 (G) providing technical assistance and  
12 other services to increase the capacity of local  
13 educational agencies and schools to develop and  
14 implement local systemic improvement plans,  
15 implement new assessments, and develop curric-  
16 ula consistent with the State's content and stu-  
17 dent performance standards;

18 (H) promoting public magnet schools, pub-  
19 lic "charter schools", and other mechanisms for  
20 increasing choice among public schools; and

21 (I) collecting and analyzing data.

22 (c) LIMIT ON ADMINISTRATIVE COSTS.—In each  
23 year, a State may use not more than four percent of its  
24 annual allotment under this title, or \$100,000, whichever

1 is greater, for administrative expenses, not including the  
2 activities of the panel established under section 306(b)(1).

3 SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL  
4 DEVELOPMENT

5 SEC. 309. (a) SUBGRANTS TO LOCAL EDUCATIONAL  
6 AGENCIES.—(1)(A) Each State educational agency shall  
7 make subgrants to local educational agencies under sec-  
8 tion 308(a)(1) and (b)(1)(A) through a competitive proc-  
9 ess.

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

13 (2) Each local educational agency wishing to receive  
14 a subgrant under this subsection shall submit an applica-  
15 tion to the State educational agency that—

16 (A) is developed by a broad-based panel, ap-  
17 pointed by the local educational agency, that is rep-  
18 resentative of the racial, language, ethnic, and socio-  
19 economic diversity of the students and community  
20 and includes teachers, parents, school administra-  
21 tors, business representatives, and others, as appro-  
22 priate, and is approved by the local educational  
23 agency, with any modifications the local educational  
24 agency deems appropriate;

25 (B) includes, not later than the beginning of  
26 the second year for which assistance is sought, a

1 comprehensive local plan for district-wide education  
2 improvement, directed at enabling all students to  
3 meet the State’s challenging content and student  
4 performance standards, including specific goals and  
5 benchmarks, that is consistent with the State’s im-  
6 provement plan (either approved or under develop-  
7 ment) and includes a strategy for—

8 (i) ensuring that all students have a fair  
9 opportunity to learn;

10 (ii) improving teaching and learning;

11 (iii) improving governance and manage-  
12 ment;

13 (iv) generating and maintaining parental  
14 and community involvement; and

15 (v) expanding improvements throughout  
16 the local educational agency;

17 (C) describes how the local educational agency  
18 will encourage and assist schools to develop com-  
19 prehensive school improvement plans that focus on  
20 helping all students reach challenging content and  
21 student performance standards and that address  
22 each element of the local educational agency’s im-  
23 provement plan identified in subparagraph (B);

24 (D) describes how the local educational agency  
25 will implement specific programs aimed at ensuring

1 improvements in school readiness and the ability of  
2 students to learn effectively at all grade levels by  
3 identifying the most pressing needs facing students  
4 and their families with regard to social services,  
5 health care, nutrition, and child care, and entering  
6 into partnerships with public and private agencies to  
7 increase the access of students and families to co-  
8 ordinated services in a school setting or at a nearby  
9 site;

10 (E) describes how the subgrant funds would be  
11 used by the local educational agency, and the proce-  
12 dures to be used to make funds available to schools  
13 in accordance with paragraph (4)(A);

14 (F) identifies, with an explanation, any State or  
15 Federal requirements that the local educational  
16 agency believes impede educational improvement and  
17 that it requests be waived in accordance with section  
18 310, which requests shall promptly be transmitted to  
19 the Secretary by the State educational agency; and

20 (G) contains such other information as the  
21 State educational agency may reasonably require.

22 (3) The panel appointed under paragraph (2)(A)  
23 shall, after approval of the local educational agency's ap-  
24 plication by the State educational agency, monitor the im-  
25 plementation and effectiveness of the local improvement

1 plan in close consultation with teachers, principals, admin-  
2 istrators, and parents from schools receiving funds under  
3 this title, to determine if revisions to the local plan should  
4 be recommended to the local educational agency. The  
5 panel shall make public its findings.

6 (4)(A) A local educational agency that receives a  
7 subgrant under this subsection shall—

8 (i) in the first year, use no more than 25 per-  
9 cent of those funds to develop a local improvement  
10 plan or for any local district activities approved by  
11 the State educational agency that are reasonably re-  
12 lated to carrying out the State or local improvement  
13 plans, and not less than 75 percent of such funds to  
14 support individual school improvement initiatives di-  
15 rectly related to providing all students in the school  
16 the opportunity to meet challenging State content  
17 and student performance standards; and

18 (ii) in subsequent years, use those funds for any  
19 activities approved by the State educational agency  
20 that are reasonably related to carrying out the State  
21 or local improvement plans, except that at least 85  
22 percent of such funds shall be made available to in-  
23 dividual schools to develop and implement com-  
24 prehensive school improvement plans designed to

1 help all students meet challenging State content  
2 standards.

3 (B) At least 50 percent of the funds made available  
4 by a local educational agency to individual schools under  
5 this section in any fiscal year shall be made available to  
6 schools with a special need for assistance, as indicated by  
7 a high number or percentage of students from low-income  
8 families, low student achievement, or other similar criteria  
9 developed by the local educational agency.

10 (b) SUBGRANTS FOR PRESERVICE TEACHER EDU-  
11 CATION AND PROFESSIONAL DEVELOPMENT ACTIVI-  
12 TIES.—(1)(A) Each State educational agency shall make  
13 subgrants to consortia of local educational agencies, insti-  
14 tutions of higher education, private nonprofit organiza-  
15 tions, or combinations thereof, under section 308(a)(1)  
16 and (b)(1) through a competitive, peer-reviewed process  
17 to—

18 (i) improve preservice teacher education pro-  
19 grams consistent with the State plan; and

20 (ii) support continuing, sustained professional  
21 development activities for educators consistent with  
22 the State plan.

23 (B)(i) In order to apply for a subgrant described in  
24 subparagraph (A)(i), a consortium must include at least

1 one local educational agency and at least one institution  
2 of higher education.

3 (ii) In order to apply for a subgrant described in sub-  
4 paragraph (A)(ii), a consortium must include at least one  
5 local educational agency.

6 (2) A consortium that wishes to receive a subgrant  
7 under this subsection shall submit an application to the  
8 State educational agency that—

9 (A) describes how the applicant will use the  
10 subgrant to improve teacher preservice and school  
11 administrator education programs or to implement  
12 educator professional development activities consist-  
13 ent with the State plan;

14 (B) identifies the criteria to be used by the ap-  
15 plicant to judge improvements in preservice edu-  
16 cation or the effects of professional development ac-  
17 tivities consistent with the State plan; and

18 (C) contains any other information that the  
19 State educational agency determines is appropriate.

20 (3) A recipient of a subgrant under this subsection  
21 shall use the subgrant funds for activities supporting—

22 (A) the improvement of preservice teacher edu-  
23 cation and school administrator programs so that  
24 such programs equip educators with the subject

1 matter and pedagogical expertise necessary for pre-  
2 paring all students to meet challenging standards; or

3 (B) the development and implementation of new  
4 and improved forms of continuing and sustained  
5 professional development opportunities for teachers,  
6 principals, and other educators at the school or dis-  
7 trict level that equip educators with such expertise,  
8 and with other knowledge and skills necessary for  
9 leading and participating in continuous education  
10 improvement.

11 (c) SPECIAL AWARD RULE.—(1) Each State edu-  
12 cational agency shall award at least 50 percent of  
13 subgrant funds under subsection (a) in each fiscal year  
14 to local educational agencies that have a greater percent-  
15 age or number of disadvantaged children than the state-  
16 wide average percentage or number for all local edu-  
17 cational agencies in the State.

18 (2) The State educational agency may waive the re-  
19 quirement of paragraph (1) if it does not receive a suffi-  
20 cient number of applications to comply with such require-  
21 ment.

22 WAIVERS OF STATUTORY AND REGULATORY

23 REQUIREMENTS

24 SEC. 310. (a) GENERAL.—(1) Except as provided in  
25 subsection (c), the Secretary may waive any requirement  
26 of any statute listed in subsection (b) or of the regulations

1 issued under such statute for a State educational agency,  
2 local educational agency, or school that requests such a  
3 waiver—

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

9 (B) if the State educational agency has waived,  
10 or agrees to waive, similar requirements of State  
11 law; and

12 (C) if, in the case of a Statewide waiver, the  
13 State educational agency—

14 (i) provides all local educational agencies  
15 in the State with notice and an opportunity to  
16 comment on the State educational agency's pro-  
17 posal to seek a waiver; and

18 (ii) submits the local educational agencies'  
19 comments to the Secretary.

20 (2) The Secretary shall act promptly on any such re-  
21 quest.

22 (3) Each such waiver shall be for a period not to ex-  
23 ceed three years. The Secretary may extend such period  
24 if the Secretary determines that the waiver has been effec-

1 tive in enabling the State or affected local educational  
2 agencies to carry out their reform plans.

3 (b) INCLUDED PROGRAMS.—The statutes subject to  
4 the waiver authority of this section are as follows:

5 (1) Chapter 1 of title I of the Elementary and  
6 Secondary Education Act of 1965, including the  
7 Even Start Act.

8 (2) Part A of chapter 2 of title I of the Elemen-  
9 tary and Secondary Education Act of 1965.

10 (3) The Dwight D. Eisenhower Mathematics  
11 and Science Education Act (title II, part A of the  
12 Elementary and Secondary Education Act of 1965).

13 (4) The Emergency Immigrant Education Act  
14 of 1984 (title IV, part D of the Elementary and Sec-  
15 ondary Education Act of 1965).

16 (5) The Drug-Free Schools and Communities  
17 Act of 1986 (title V of the Elementary and Second-  
18 ary Education Act of 1965).

19 (6) The Carl D. Perkins Vocational and Applied  
20 Technology Education Act.

21 (c) WAIVERS NOT AUTHORIZED.—The Secretary  
22 may not waive any statutory or regulatory requirement of  
23 the programs listed in subsection (b) relating to—

24 (1) maintenance of effort;

25 (2) comparability of services;



1 (b) SECRETARY'S REPORTS TO CONGRESS.—By  
2 April 30, 1996, and every two years thereafter, the Sec-  
3 retary shall submit a report to the Committee on Edu-  
4 cation and Labor of the House of Representatives and the  
5 Committee on Labor and Human Resources of the Senate  
6 describing the activities and outcomes of grants under—

7 (1) section 219 of this Act, including—

8 (A) a description of the purpose, uses, and  
9 technical merit of assessments evaluated with  
10 funds under such section; and

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

15 (2) this title, including a description of the ef-  
16 fect of waivers granted under section 310.

17 NATIONAL LEADERSHIP

18 SEC. 312. (a) ACTIVITIES AUTHORIZED.—From  
19 funds reserved each year under section 304(a)(2)(A), the  
20 Secretary may, directly or through grants or contracts—

21 (1) provide technical assistance to States and  
22 local educational agencies developing or implement-  
23 ing school improvement plans, in a manner that en-  
24 sures that each such State has access to such assist-  
25 ance;



1 under section 304(a)(1)(B) shall be made available to the  
2 Secretary of the Interior pursuant to an agreement be-  
3 tween the Secretary and the Secretary of the Interior con-  
4 taining such terms and assurances, consistent with this  
5 title, as the Secretary determines will best achieve the pur-  
6 pose of this title.

7 (c) SECRETARY OF DEFENSE.—The Secretary shall  
8 consult with the Secretary of Defense to ensure that, to  
9 the extent practicable, the purposes of this title are applied  
10 to the Department of Defense schools.

## 11 **TITLE IV—NATIONAL SKILL** 12 **STANDARDS BOARD**

### 13 PURPOSE

14 SEC. 401. It is the purpose of this title to stimulate  
15 the development and adoption of a voluntary national sys-  
16 tem of standards and certification to serve as a corner-  
17 stone of the national strategy to enhance workforce skills,  
18 and that can be used—

19 (1) by the Nation, to ensure the development of  
20 a high skills, high quality, high performance  
21 workforce, including the most skilled front-line  
22 workforce in the world, and that will result in in-  
23 creased productivity, economic growth and American  
24 economic competitiveness;

1           (2) by industries, as a vehicle for informing  
2 training providers and prospective employees of  
3 skills necessary for employment;

4           (3) by employers, to assist in evaluating the  
5 skill levels of prospective employees and to assist in  
6 the training of current employees;

7           (4) by labor organizations, to enhance the em-  
8 ployment security of workers by providing portable  
9 credentials and skills;

10          (5) by workers, to obtain certifications of their  
11 skills to protect against dislocation, to pursue career  
12 advancement, and to enhance their ability to reenter  
13 the workforce;

14          (6) by students and entry level workers, to de-  
15 termine the skill levels and competencies needed to  
16 be obtained in order to compete effectively for high  
17 wage jobs;

18          (7) by training providers and educators, to de-  
19 termine appropriate training services to offer;

20          (8) by Government, to protect the integrity of  
21 public expenditures by ensuring that publicly-funded,  
22 employment-related training meets industry stand-  
23 ards where they exist; and

24          (9) to facilitate linkages between other compo-  
25 nents of the workforce investment strategy, includ-

1 ing school-to-work transition and job training pro-  
2 grams.

3 ESTABLISHMENT OF NATIONAL BOARD

4 SEC. 402. (a) IN GENERAL.—There is established a  
5 National Skill Standards Board (hereafter referred to in  
6 this title as the “National Board”).

7 (b) COMPOSITION.—

8 (1) IN GENERAL.—The National Board shall be  
9 composed of 28 members, appointed in accordance  
10 with paragraph (2), of whom—

11 (A) one member shall be the Secretary of  
12 Labor;

13 (B) one member shall be the Secretary of  
14 Education;

15 (C) one member shall be the Secretary of  
16 Commerce;

17 (D) one member shall be the Chairperson  
18 of the National Education Standards and Im-  
19 provement Council established pursuant to title  
20 II of this Act;

21 (E) eight member shall be representatives  
22 of business and industry selected from among  
23 individuals recommended by business organiza-  
24 tions and trade associations;

25 (F) eight members shall be representatives  
26 of organized labor selected from among individ-

1           ual recommended by recognized national labor  
2           federations; and

3           (G) eight members shall be representatives  
4           of educational institutions, technical associa-  
5           tions, community-based organizations and State  
6           governments who have expertise in the area of  
7           education and training and who have expertise  
8           that reflects a broad cross-section of occupa-  
9           tions and industries.

10          (2) APPOINTMENT.—The membership of the  
11          National Board shall be appointed as follows:

12           (A) Twelve members (4 from each class of  
13           members described in subparagraphs (E), (F),  
14           and (G) and paragraph (1)) shall be appointed  
15           by the President.

16           (B) Six members (2 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,  
20           upon the recommendations of the Majority and  
21           Minority Leaders of the House, respectively.

22           (C) Six members (2 from each class of  
23           members described in subparagraphs (E), (F),  
24           and (G) and paragraph (1)) shall be appointed  
25           by the President pro tempore of the Senate,

1           upon the recommendations of the Majority and  
2           Minority Leaders of the Senate, respectively.

3           (3) TERM.—Each member of the National  
4           Board appointed under subparagraphs (E), (F), and  
5           (G) of paragraph (1) shall be appointed for a term  
6           of 4 years, except that of the initial members of the  
7           Board appointed under such paragraph, twelve  
8           members shall be appointed for a term of 3 years  
9           (four from each class of members described in sub-  
10          paragraphs (E), (F), and (G) of paragraph (1), of  
11          whom two from each class shall be appointed in ac-  
12          cordance with paragraph (2)(A), 1 from each class  
13          shall be appointed in accordance with paragraph  
14          (2)(B), and one from each class shall be appointed  
15          in accordance with paragraph (2)(C)), and twelve  
16          members shall be appointed for a term of 4 years  
17          (four from each class of members described in sub-  
18          paragraphs (E), (F), and (G) of paragraph (1), of  
19          whom two from each class shall be appointed in ac-  
20          cordance with paragraph (2)(A), one from each class  
21          shall be appointed in accordance with paragraph  
22          (2)(B), and one from each class shall be appointed  
23          in accordance with paragraph (2)(C)).

24          (c) CHAIRPERSON AND VICE CHAIRPERSONS.—

1           (1) CHAIRPERSON.—The Chairperson of the  
2 National Board shall be elected biennially from  
3 among the members of the National Board by a ma-  
4 jority vote of such members.

5           (2) VICE CHAIRPERSONS.—The National Board  
6 shall annually elect three Vice Chairpersons (each  
7 representing a different one of the classes of mem-  
8 bers described in subparagraphs (E), (F), and (G)  
9 of paragraph (1)) from among its members ap-  
10 pointed under paragraph (2), each of whom shall  
11 serve for a term of 1 year.

12           (d) COMPENSATION AND EXPENSES.—

13           (1) COMPENSATION.—Members of the National  
14 Board who are not regular full-time employees of the  
15 United States Government shall serve without com-  
16 pensation.

17           (2) EXPENSES.—While away from their homes  
18 or regular places of business on the business of the  
19 National Board, members of such Board shall re-  
20 ceive payment for necessary travel expenses in ac-  
21 cordance with subchapter I of chapter 57, title 5,  
22 United States Code.

23           (e) EXECUTIVE DIRECTOR AND STAFF.—The Chair-  
24 person of the National Board shall appoint an Executive  
25 Director, who shall be compensated at a rate determined

1 by the National Board that shall not exceed the rate of  
2 pay for level V of the Executive Schedule under section  
3 5316 of title 5, United States Code, and who may appoint  
4 such staff as is necessary in accordance with title 5, Unit-  
5 ed States Code.

6 (f) GIFTS.—The National Board is authorized, in  
7 carrying out this title, to accept, purchase, or lease, and  
8 employ or dispose of in furtherance of the purposes of this  
9 title, any money or property, real, personal, or mixed, tan-  
10 gible or intangible, received by gift, devise, bequest, or oth-  
11 erwise, and to accept voluntary and uncompensated serv-  
12 ices notwithstanding the provisions of section 1342 of title  
13 31, United States Code.

14 (g) AGENCY SUPPORT.—

15 (1) USE OF FACILITIES.—The National Board  
16 may use the research, equipment, services and facili-  
17 ties of any agency or instrumentality of the United  
18 States with the consent of such agency or instru-  
19 mentality.

20 (2) STAFF OF FEDERAL AGENCIES.—Upon the  
21 request of the National Board, the head of any de-  
22 partment or agency of the United States may detail  
23 to the National Board, on a reimbursable basis, any  
24 of the personnel of such department or agency to as-  
25 sist the National Board in carrying out this title.

## 1                   FUNCTIONS OF THE NATIONAL BOARD

## 2           SEC. 403. (a) IDENTIFICATION OF OCCUPATIONS.—

3 The National Board shall identify broad clusters of major  
4 occupations that involve one or more than one industry  
5 in the United States.

6           (b) DEVELOPMENT OF SKILL STANDARDS.—With re-  
7 spect to each broadly based occupational cluster identified  
8 pursuant to subsection (a), the National Board shall en-  
9 courage, promote, and assist in the voluntary development  
10 and adoption by the groups described in subsection (c)  
11 of—

12                   (1) skill standards, which at a minimum—

13                           (A) take into account, to the extent prac-  
14 ticable, standards used in other countries and  
15 international standards;

16                           (B) take into account content and perform-  
17 ance standards certified pursuant to title II of  
18 this Act;

19                           (C) take into account the requirements of  
20 high performance work organizations;

21                           (D) are in a form that allows for regular  
22 updating to take into account advances in tech-  
23 nology or other developments within the occupa-  
24 tional cluster;

1 (E) are formulated in such a manner that  
2 the attainment of such standards is likely to  
3 meet the requirements for transferable credit  
4 and enable a student, trainee, or employee to  
5 continue education and training, with a special  
6 emphasis on transferability among firms and  
7 labor markets; and

8 (F) are not discriminatory with respect to  
9 race, gender, age, ethnicity, disability or na-  
10 tional origin;

11 (2) a system of assessment and certification of  
12 the attainment of skill standards developed pursuant  
13 to paragraph (1), which at a minimum shall—

14 (A) take into account, to the extent prac-  
15 ticable, methods of assessment and certification  
16 used in other countries;

17 (B) utilize a variety of evaluation tech-  
18 niques, such as oral and written evaluations,  
19 portfolio assessments and, where appropriate,  
20 performance tests;

21 (C) include methods for validating the fair-  
22 ness and effectiveness of the assessment and  
23 certification system; and

24 (D) utilize certification techniques that are  
25 designed to avoid disparate impacts (which, for

1 the purposes of this subparagraph, means sub-  
2 stantially different rates of certification)  
3 against individuals based on race, gender, age,  
4 ethnicity, disability or national origin;

5 (3) a system to evaluate the implementation of  
6 the skill standards, and assessment and certification  
7 systems developed pursuant to this subsection;

8 (4) a system to promote the use of and dissemi-  
9 nate information relating to skill standards, and as-  
10 sessment and certification systems developed pursu-  
11 ant to this subsection; and

12 (5) a system to periodically revise and update  
13 the skill standards, and assessment and certification  
14 systems developed pursuant to this subsection, which  
15 will take into account changes in standards in other  
16 countries.

17 (c) PARTICIPATION OF REPRESENTATIVES.—(1) In  
18 order to carry out subsection (b), the National Board shall  
19 invite and obtain the full and balanced participation of—

20 (A) representatives of business and industry  
21 who have expertise in the area of workforce skill re-  
22 quirements, including representatives of large and  
23 small employers, recommended by national business  
24 organizations and trade associations representing  
25 employers in the occupation or industry for which a

1 standard is being developed, and representatives of  
2 trade associations that have received demonstration  
3 grants from the Department of Labor or the De-  
4 partment of Education to establish skill standards  
5 prior to the enactment of this title;

6 (B) employee representatives who have exper-  
7 tise in the area of workforce skill requirements and  
8 who shall be—

9 (i) individuals recommended by recognized  
10 national labor organizations representing em-  
11 ployees in the occupation or industry for which  
12 a standard is being developed; and

13 (ii) such other individuals who are  
14 nonmanagerial employees with significant expe-  
15 rience and tenure in such occupation or indus-  
16 try as are appropriate given the nature and  
17 structure of employment in the occupation or  
18 industry; and

19 (C) representatives of educational institutions,  
20 including representatives of high schools, technical  
21 and trade schools, junior and community colleges,  
22 and four-year postsecondary institutions, and rep-  
23 resentatives of technical associations, community-  
24 based organizations, State governments, State agen-  
25 cies with jurisdiction over education, employment

1 and training, and other policy development organiza-  
2 tions with expertise in the area of workforce skill re-  
3 quirements.

4 (2) The National Board may supplement the in-  
5 vitations and participation provided for in paragraph  
6 (1) by inviting and soliciting the participation of  
7 such other individuals as the National Board deems  
8 to be independent, qualified experts in their fields.

9 (d) ENDORSEMENT OF STANDARDS.—The National  
10 Board shall endorse those skill standards, assessment and  
11 certification systems and systems for evaluating, dissemi-  
12 nating and updating such standards and assessment and  
13 certification systems described in subsection (b), that the  
14 National Board determines, after public review and com-  
15 ment, meet the requirements of this section and are appro-  
16 priate for the industry or occupation.

17 (e) LIMITATIONS.—The National Board shall not  
18 carry out the requirements of subsections (b), (c) or (d)  
19 with respect to any occupation or trade within the con-  
20 struction industry for which recognized apprenticeship  
21 standards have been jointly developed by labor and man-  
22 agement representatives and are being actively used for  
23 training workers in such occupation or trade unless labor  
24 and management representatives of such occupation or  
25 trade and representatives of certified apprenticeship pro-

1 grams within such occupation or trade jointly request the  
2 assistance of the National Board.

3 (f) COORDINATION.—The National Board shall es-  
4 tablish cooperative arrangements with the National Edu-  
5 cation Standards and Improvement Council to promote  
6 the coordination of the development of skill standards  
7 under this title with the development of content and per-  
8 formance standards under title II of this Act.

9 (g) ADDITIONAL DUTIES.—In order to support the  
10 activities described in subsection (b), the National Board  
11 shall—

12 (1) conduct workforce research relating to skill  
13 standards and make such research available to the  
14 public, including the representatives described in  
15 subsection (c);

16 (2) identify and maintain a catalog of skill  
17 standards used by other countries and by States and  
18 leading firms and industries in the United States;

19 (3) serve as a clearinghouse to facilitate the  
20 sharing of information on the development of skill  
21 standards and other relevant information among  
22 representatives of occupations and industries identi-  
23 fied pursuant to subsection (a);

24 (4) develop a common nomenclature relating to  
25 skill standards;



## REPORTS

1  
2 SEC. 405. The National Board shall submit to the  
3 President and the Congress in each fiscal year a report  
4 on the activities conducted under this title, including the  
5 extent to which skill standards have been adopted by em-  
6 ployers, training providers, and other entities and the ef-  
7 fectiveness of such standards in accomplishing the pur-  
8 poses described in section 401.

## AUTHORIZATION OF APPROPRIATIONS

9  
10 SEC. 406. (a) IN GENERAL.—There are authorized  
11 to be appropriated \$15,000,000 for fiscal year 1994 and  
12 such sums as may be necessary for each of fiscal years  
13 1995 through 1999 to carry out this title.

14 (b) AVAILABILITY.—Amounts appropriated pursuant  
15 to subsection (a) shall remain available until expended.

**TITLE V—MISCELLANEOUS**

## DEFINITIONS

16  
17  
18 SEC. 501. As used in this Act—

19 (1) the term “content standards” means broad  
20 descriptions of the knowledge and skills students  
21 should acquire in a particular subject area;

22 (2) the term “Governor” means the chief execu-  
23 tive of the State;

24 (3) the terms “local educational agency” and  
25 “State educational agency” have the meaning given

1 those terms in section 1471 of the Elementary and  
2 Secondary Education Act of 1965;

3 (4) the term “outlying areas” means Guam,  
4 American Samoa, the Virgin Islands, the Common-  
5 wealth of the Northern Mariana Islands, and Palau  
6 (until the effective date of the Compact of Free As-  
7 sociation with the Government of Palau);

8 (5) the term “performance standards” means  
9 concrete examples and explicit definitions of what  
10 students have to know and be able to do to dem-  
11 onstrate that they are proficient in the skills and  
12 knowledge framed by content standards;

13 (6) the term “school” means a school that is  
14 under the authority of the State educational agency  
15 and a local educational agency or, for the purpose of  
16 carrying out section 313(b), a school that is oper-  
17 ated or funded by the Bureau of Indian Affairs;

18 (7) the term “Secretary”, except where used in  
19 title IV, means the Secretary of Education; and

20 (8) the term “State” means each of the 50  
21 States, the District of Columbia, and the Common-  
22 wealth of Puerto Rico.

23 LIMITATION

24 SEC. 502. No funds provided under titles II or III  
25 of this Act shall be used to undertake assessments that  
26 will be used to make decisions regarding the graduation,

- 1 grade promotion, or retention of students for five years
- 2 from the date of enactment of this Act.

○

S 846 IS—2

S 846 IS—3

S 846 IS—4

S 846 IS—5

S 846 IS—6