

104TH CONGRESS
1ST SESSION

S. 829

To provide waivers for the establishment of educational opportunity schools.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 15), 1995

Mrs. HUTCHISON introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide waivers for the establishment of educational opportunity schools.

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

3 **SECTION 1. EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM.**
4

5 (a) IN GENERAL.—Title I of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 6301 et
7 seq.) is amended—

8 (1) by redesignating part F as part G;

9 (2) by redesignating sections 1601 through
10 1604 as sections 1701 through 1704, respectively;
11 and

1 (3) by inserting after part E the following new
2 part:

3 **“PART F—EDUCATIONAL OPPORTUNITY**

4 **DEMONSTRATION PROGRAM**

5 **“SEC. 1701. SHORT TITLE; FINDINGS; AND PURPOSES.**

6 “(a) SHORT TITLE.—This part may be cited as the
7 ‘Educational Opportunity Demonstration Act’.

8 “(b) FINDINGS.—The Congress finds that—

9 “(1) while low-income students have made sig-
10 nificant gains with respect to educational achieve-
11 ment and attainment, considerable gaps still persist
12 for these students in comparison to those from more
13 affluent socioeconomic backgrounds;

14 “(2) our Nation has a compelling interest in as-
15 suring that all children receive a high quality edu-
16 cation;

17 “(3) new methods and experiments to revitalize
18 educational achievement and opportunities of low-in-
19 come individuals must be a part of any comprehen-
20 sive solution to the problems in our Nation’s edu-
21 cational system;

22 “(4) preliminary research shows that same gen-
23 der classes and schools may produce promising aca-
24 demic and behavioral improvements in both sexes for
25 low-income, educationally disadvantaged students;

1 “(5) extensive data on same gender classes and
2 schools are needed to determine whether same gen-
3 der classes and schools are closely tailored to achiev-
4 ing the compelling government interest in assuring
5 that all children are educated to the best of their
6 ability;

7 “(6) in recent years efforts to experiment with
8 same gender classes and schools have been inhibited
9 by lawsuits and threats of lawsuits by private groups
10 as well as governmental entities; and

11 “(7) there is a compelling government interest
12 in granting the Secretary authority to insulate a lim-
13 ited number of local educational agencies and
14 schools which are experimenting with same gender
15 classes for a limited period of time from certain law
16 suits under title IX of the Education Amendments
17 of 1972, section 204 of the Education Amendments
18 of 1974, section 1979 of the Revised Statutes (42
19 U.S.C. 1983), or any other law prohibiting discrimi-
20 nation on the basis of sex, in order to collect data
21 on the effectiveness of such classes in educating chil-
22 dren from low-income, educationally disadvantaged
23 backgrounds.

24 “(c) PURPOSES.—It is the purpose of this part—

1 “(1) to give the Secretary discretion to allow
2 experimentation with same gender classes for low-in-
3 come, educationally disadvantaged students;

4 “(2) to determine whether same gender classes
5 make a difference in the educational achievement
6 and opportunities of low-income, educationally dis-
7 advantaged individuals; and

8 “(3) to involve parents in the educational op-
9 tions and choices of their children.

10 **“SEC. 1702. DEFINITIONS.**

11 “As used in this part—

12 “(1) the term ‘educational opportunity school’
13 means a public elementary, middle, or secondary
14 school established by a local educational agency re-
15 ceiving a waiver under this part, or a consortium of
16 such schools, that—

17 “(A) establishes a plan for voluntary, same
18 gender classes at one or more than one school
19 in the community;

20 “(B) provides same gender classes for both
21 boys and girls, as well as a coeducational option
22 for any parent that chooses that option;

23 “(C) gives parents the option of choosing
24 to send their child to a same gender class or to
25 a coeducational class;

1 “(D) admits students on the basis of a lot-
2 tery, if more students apply for admission to
3 the same gender classes than can be accommo-
4 dated;

5 “(E) has a program in which a member of
6 the community is asked to volunteer such mem-
7 ber’s time in classes of children of the same
8 gender as the member; and

9 “(F) operates in pursuit of improving
10 achievement among all children based on a spe-
11 cific set of educational objectives determined by
12 the local educational agency applying for a
13 waiver under this part, in conjunction with the
14 educational opportunity advisory board estab-
15 lished under section 1703(b) and agreed to by
16 the Secretary; and

17 “(2) the term ‘educational opportunity advisory
18 board’ means an advisory board established in ac-
19 cordance with section 1703(b).

20 **“SEC. 1703. WAIVER AUTHORITY.**

21 “(a) AUTHORITY.—

22 “(1) IN GENERAL.—The Secretary shall waive
23 any statutory or regulatory requirement of title IX
24 of the Education Amendments of 1972, section 204
25 of the Education Amendments of 1974, section 1979

1 of the Revised Statutes (42 U.S.C. 1983), and any
2 other law prohibiting discrimination on the basis of
3 sex, for each local educational agency (but not more
4 than 10) that has an application approved under
5 section 1704 and otherwise meets the requirements
6 of this part, and for any educational opportunity
7 school established by such agency, but only to the
8 extent the Secretary determines necessary to ensure
9 the development and operation of same gender class-
10 es in accordance with this part.

11 “(2) DURATION.—The Secretary shall issue a
12 waiver under subsection (a) for a period not to ex-
13 ceed 5 years.

14 “(b) EDUCATIONAL OPPORTUNITY ADVISORY
15 BOARD.—Each local educational agency receiving a waiver
16 under this part shall establish an educational opportunity
17 advisory board. Such advisory board shall be composed of
18 school administrators, parents, teachers, local government
19 officials and volunteers involved with an educational op-
20 portunity school. Such advisory board shall assist the local
21 educational agency in developing the application under
22 section 1704 and serve as an advisory board in the func-
23 tioning of the educational opportunity school.

1 **“SEC. 1704. APPLICATIONS.**

2 “(a) APPLICATIONS REQUIRED.—Each local edu-
3 cational agency desiring a waiver under this part shall
4 submit, within 180 days of the date of enactment of the
5 Educational Opportunity Demonstration Act, an applica-
6 tion to the Secretary at such time, in such manner and
7 accompanied by such information as the Secretary may
8 reasonably require.

9 “(b) SCOPE OF APPLICATION.—Each application de-
10 scribed in subsection (a) may request a waiver for a single
11 educational opportunity school or for a consortium of such
12 schools.

13 “(c) APPLICATION CONTENTS.—Each application de-
14 scribed in subsection (a) shall include—

15 “(1) a description of the educational program
16 to be implemented by the proposed educational op-
17 portunity school, including—

18 “(A) the grade levels or ages of children to
19 be served; and

20 “(B) the curriculum and instructional
21 practices to be used;

22 “(2) a description of the objectives of the local
23 educational agency and a description of how such
24 agency intends to monitor and study the progress of
25 children participating in the educational opportunity
26 school;

1 “(3) a description of how the local educational
2 agency intends to include in the educational oppor-
3 tunity school administrators, teaching personnel, and
4 role models from the private sector;

5 “(4) a description of how school administrators,
6 parents, teachers, local government, and volunteers
7 will be involved in the design and implementation of
8 the educational opportunity school;

9 “(5) a justification for the waiver or inapplica-
10 bility of any Federal statutory or regulatory require-
11 ments that the local educational agency believes are
12 necessary for the successful operation of the edu-
13 cational opportunity school and a description of any
14 State or local statutory or regulatory requirements,
15 that will be waived for, or will not apply to, the edu-
16 cational opportunity school, if necessary;

17 “(6) a description of how students in attend-
18 ance at the educational opportunity school, or in the
19 community, will be—

20 “(A) informed about such school; and

21 “(B) informed about the fact that admis-
22 sion to same gender classes is completely vol-
23 untary;

24 “(7) an assurance that the local educational
25 agency will annually provide the Secretary such in-

1 formation as the Secretary may require to determine
2 if the educational opportunity school is making satis-
3 factory progress toward achieving the objectives de-
4 scribed in paragraph (2);

5 “(8) an assurance that the local educational
6 agency will cooperate with the Secretary in evaluat-
7 ing the waivers issued under this part;

8 “(9) assurances that resources shall be used
9 equally for same gender classes for boys and for
10 girls;

11 “(10) assurances that the activities assisted
12 under this part will not have an adverse affect, on
13 either sex, that is caused by—

14 “(A) the distribution of teachers between
15 same gender classes for boys and for girls;

16 “(B) the quality of facilities for boys and
17 for girls;

18 “(C) the nature of the curriculum for boys
19 and for girls;

20 “(D) program activities for boys and for
21 girls; and

22 “(E) instruction for boys and for girls;

23 “(11) an assurance that the local educational
24 agency will comply with the research and evaluation

1 protocols developed by the Secretary under section
2 1706(a); and

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

5 **“SEC. 1705. SELECTION OF GRANTEEES.**

6 “The Secretary shall issue waivers under this part
7 on the basis of the quality of the applications submitted
8 under section 1704, taking into consideration such factors
9 as—

10 “(1) the quality of the proposed curriculum and
11 instructional practices;

12 “(2) the organizational structure and manage-
13 ment of the school;

14 “(3) the quality of the plan for assessing the
15 progress made by children in same gender classes
16 over the period of the waiver;

17 “(4) the extent of community support for the
18 application;

19 “(5) the likelihood that the educational oppor-
20 tunity school will meet the objectives of such school
21 and improve educational results for students; and

22 “(6) the assurances submitted pursuant to sec-
23 tion 1704(c)(10).

1 **“SEC. 1706. STUDY AND REPORT.**

2 “(a) STUDY.—The Secretary shall conduct a study
3 of the waivers issued under this part, including establish-
4 ing appropriate research and evaluation protocols, to com-
5 pare the educational and behavioral achievement of those
6 students choosing same gender classes established under
7 this part and those students choosing the coeducational
8 option.

9 “(b) REPORT.—The Secretary shall submit, within 1
10 year after the date of enactment of the Educational Op-
11 portunity Demonstration Act, a report to the appropriate
12 committees of the Congress regarding the findings of the
13 study conducted under subsection (a).

14 **“SEC. 1707. CONSTRUCTION.**

15 “Nothing in this part shall be construed to affect the
16 availability under title IX of the Education Amendments
17 of 1972 of remedies to overcome the effects of past dis-
18 crimination on the basis of sex.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) COMMITTEE OF PRACTITIONERS.—Section
21 1111(c)(5) of such Act (20 U.S.C. 6311(c)(5)) is
22 amended by striking “section 1603(b)” and inserting
23 “section 1703(b)”.

24 (2) STATE ASSISTANCE FOR SCHOOL SUPPORT
25 AND IMPROVEMENT.—Section 1117(a)(2) of such

1 Act (20 U.S.C. 6318(a)(2)) is amended by striking
2 “section 1603(c)” and inserting “section 1703(c)”.

3 (3) STATE APPLICATIONS.—Section 1304(c)(2)
4 of such Act (20 U.S.C. 6394(c)(2)) is amended by
5 striking “part F” and inserting “part G”.

6 (4) USE OF FUNDS.—Section 1415(a)(2)(C) of
7 such Act (20 U.S.C. 6435(a)(2)(C)) is amended by
8 striking “part F” and inserting “part G”.

9 (5) STATE DATA.—The matter preceding sub-
10 paragraph (A) of section 14204(a)(2) of such Act
11 (20 U.S.C. 8824(a)(2)) is amended by striking “sec-
12 tion 1603” and inserting “section 1703”.

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