

109TH CONGRESS
2^D SESSION

S. 4061

To create, adopt, and implement rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2006

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To create, adopt, and implement rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Standards to Provide
5 Educational Access for Kids Act” or the “SPEAK Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Throughout the years, educators and policy-
4 makers have consistently embraced standards as the
5 mechanism to ensure that every student, no matter
6 what school the student attends, masters the skills
7 and develops the knowledge needed to participate in
8 a global economy.

9 (2) Recent international comparisons make
10 clear that students in the United States have signifi-
11 cant shortcomings in mathematics and science, yet a
12 high level of scientific and mathematics literacy is
13 essential to societal innovations and advancements.

14 (3) With more than 50 different sets of aca-
15 demic content standards, 50 State academic assess-
16 ments, and 50 definitions of proficiency under sec-
17 tion 1111(b) of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6311(b)), there is
19 great variability in the measures, standards, and
20 benchmarks for academic achievement in mathe-
21 matics and science.

22 (4) Variation in State standards and the ac-
23 companying measures of proficiency make it difficult
24 for parents and teachers to meaningfully gauge how
25 well their children are learning mathematics and

1 science in comparison to their peers internationally
2 or here at home.

3 (5) The disparity in the rigor of standards
4 across States results in test results that tell the pub-
5 lic little about how schools are performing and pro-
6 gressing, as States with low standards or low pro-
7 ficiency scores may appear to be doing much better
8 than States with more rigorous standards or higher
9 requirements for proficiency.

10 (6) As a result, the United States highly mobile
11 student-aged population moves through the Nation's
12 schools gaining widely varying levels of knowledge,
13 skills, and preparedness.

14 (7) In order for the United States to compete
15 in a global economy, the country needs to strengthen
16 its educational expectations for all children.

17 (8) To compete, the people of the United States
18 must compare themselves against international
19 benchmarks.

20 (9) Grounded in a real world analysis and inter-
21 national comparisons of what students need to suc-
22 ceed in work and college, rigorous and voluntary
23 core American education content standards will keep
24 the United States economically competitive and en-
25 sure that the children of the United States are given

1 the same opportunity to learn to a high standard no
2 matter where they reside.

3 (10) Rigorous and voluntary core American
4 education content standards in mathematics and
5 science will enable students to succeed in academic
6 settings across States while ensuring an American
7 edge in the global marketplace.

8 **SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESS-**
9 **MENT OF EDUCATIONAL PROGRESS.**

10 (a) NATIONAL ASSESSMENT OF EDUCATIONAL
11 PROGRESS AUTHORIZATION ACT.—Section 303 of the Na-
12 tional Assessment of Educational Progress Authorization
13 Act (20 U.S.C. 9622) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (2)—

16 (i) in subparagraph (B), by striking
17 “reading and mathematics” and inserting
18 “reading, mathematics, and science”;

19 (ii) in subparagraph (C), by striking
20 “reading and mathematics” and inserting
21 “reading, mathematics, and science”;

22 (iii) in subparagraph (D), by striking
23 “science,”;

1 (iv) in subparagraph (E), by striking
2 “reading and mathematics” and inserting
3 “reading, mathematics, and science”;

4 (B) in paragraph (3)—

5 (i) in subparagraph (A), by striking
6 “reading and mathematics” each place the
7 term occurs and inserting “reading, mathe-
8 matics, and science”; and

9 (ii) in subparagraph (C)(ii), by strik-
10 ing “reading and mathematics” and insert-
11 ing “reading, mathematics, and science”;
12 and

13 (C) in paragraph (4)(B), by striking “, re-
14 quire, or influence” and inserting “or require”;
15 and

16 (2) in subsection (d)(3), by striking “reading
17 and mathematics” each place the term occurs and
18 inserting “reading, mathematics, and science”.

19 (b) ELEMENTARY AND SECONDARY EDUCATION ACT
20 OF 1965.—Subpart 1 of part A of title I of the Elemen-
21 tary and Secondary Education Act of 1965 (20 U.S.C.
22 6311 et seq.) is amended—

23 (1) in section 1111(c)(2) (20 U.S.C.
24 6311(c)(2))—

1 (A) by inserting “(and, for science, begin-
2 ning with the 2007–2008 school year)” after
3 “2002–2003”; and

4 (B) by striking “reading and mathe-
5 matics” and inserting “reading, mathematics,
6 and science”; and

7 (2) in section 1112(b)(1)(F) (20 U.S.C.
8 6312(b)(1)(F)), by striking “reading and mathe-
9 matics” and inserting “reading, mathematics, and
10 science”.

11 **SEC. 4. DEFINITIONS.**

12 Section 304 of the National Assessment of Edu-
13 cational Progress Authorization Act (20 U.S.C. 9623) is
14 amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “In this title:” and inserting “Except as
17 otherwise provided, in this title:”;

18 (2) by redesignating paragraph (2) as para-
19 graph (3); and

20 (3) by inserting after paragraph (1) the fol-
21 lowing:

22 “(3) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of Education.”.

1 **SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT**
 2 **STANDARDS; AMERICAN STANDARDS INCEN-**
 3 **TIVE FUND.**

4 The National Assessment of Educational Progress
 5 Authorization Act (20 U.S.C. 9621 et seq.) is amended—

6 (1) by redesignating sections 304 (as amended
 7 by section 4) and 305 as sections 306 and 307, re-
 8 spectively; and

9 (2) by inserting after section 303 the following:

10 **“SEC. 304. CREATION AND ADOPTION OF VOLUNTARY**
 11 **AMERICAN EDUCATION CONTENT STAND-**
 12 **ARDS.**

13 “(a) IN GENERAL.—Not later than 3 years after the
 14 date of enactment of the Standards to Provide Edu-
 15 cational Access for Kids Act and from amounts appro-
 16 priated under section 307(a)(3) for a fiscal year, the As-
 17 sessment Board shall create and adopt voluntary Amer-
 18 ican education content standards in mathematics and
 19 science covering kindergarten through grade 12.

20 “(b) DUTIES.—The Assessment Board shall imple-
 21 ment subsection (a) by carrying out the following duties:

22 “(1) Create and adopt voluntary American edu-
 23 cation content standards for mathematics and
 24 science covering kindergarten through grade 12 that
 25 reflect a common core of what students in the

1 United States should know and be able to do to
2 compete in a global economy.

3 “(2) Anchor the voluntary American education
4 content standards based on the mathematics and
5 science frameworks and the achievement levels under
6 section 303(e) of the National Assessment of Edu-
7 cational Progress for grades 4, 8, and 12.

8 “(3) Ensure that the voluntary American edu-
9 cation content standards are internationally competi-
10 tive and comparable to the best standards in the
11 world.

12 “(4) Review State standards in mathematics
13 and science as of the date of enactment of the
14 Standards to Provide Educational Access for Kids
15 Act and consult and work with entities that are de-
16 veloping, or have already developed, such State
17 standards.

18 “(5) Review the reports, views, and analyses of
19 a broad spectrum of experts and the public as such
20 reports, views, and analyses relate to mathematics
21 and science education, including reviews of blue rib-
22 bon reports, exemplary practices in the field, and re-
23 cent reports by government agencies and profes-
24 sional organizations.

1 “(6) Ensure that the voluntary American edu-
2 cation content standards reflect the best thinking
3 about the knowledge, skills, and competencies need-
4 ed for a high degree of scientific and mathematical
5 understanding.

6 “(7) Ensure that varying developmental levels
7 of students are taken into account in the develop-
8 ment of the voluntary American education content
9 standards.

10 “(8) Ensure that the voluntary American edu-
11 cation content standards reflect what students will
12 be required to know and be able to do after sec-
13 ondary school graduation to be academically quali-
14 fied to enter an institution of higher education or
15 training for the civilian or military workforce.

16 “(9) Widely disseminate the voluntary Amer-
17 ican education content standards for public review
18 and comment before final adoption.

19 “(10) Provide for continuing review of the vol-
20 untary American education content standards not
21 less often than once every 10 years, which review—

22 “(A) shall solicit input from outside orga-
23 nizations and entities, including—

24 “(i) 1 or more professional mathe-
25 matics or science organizations;

1 “(ii) the State educational agencies
2 that have received American Standards In-
3 centive Fund grants under section 305
4 during the period covered by the review;
5 and

6 “(iii) other organizations and entities,
7 as determined appropriate by Assessment
8 Board; and

9 “(B) shall address issues including—

10 “(i) whether the voluntary American
11 education content standards continue to
12 reflect international standards of excellence
13 and the latest developments in the fields of
14 mathematics and science; and

15 “(ii) whether the voluntary American
16 education content standards continue to
17 reflect what students are required to know
18 and be able to do in science and mathe-
19 matics after graduation from secondary
20 school to be academically qualified to enter
21 an institution of higher education or train-
22 ing for the civilian or military workforce,
23 as of the date of the review.

1 **“SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.**

2 “(a) ESTABLISHMENT OF FUND.—From amounts
3 appropriated under section 307(a)(4) for a fiscal year, the
4 Secretary shall establish and fund the American Stand-
5 ards Incentive fund to carry out the grant program under
6 subsection (b).

7 “(b) INCENTIVE GRANT PROGRAM AUTHORIZED.—

8 “(1) IN GENERAL.—Not later than 12 months
9 after the Assessment Board adopts the voluntary
10 American education content standards under section
11 304, the Secretary shall use amounts available from
12 the American Standards Incentive fund to award, on
13 a competitive basis, grants to State educational
14 agencies to enable each State educational agency to
15 adopt the voluntary American education content
16 standards in mathematics and science as the core of
17 the State’s academic content standards in mathe-
18 matics and science by carrying out the activities de-
19 scribed in subsection (e).

20 “(2) DURATION AND AMOUNT.—A grant under
21 this subsection shall be awarded—

22 “(A) for a period of not more than 4 years;
23 and

24 “(B) in an amount that is not more than
25 \$4,000,000 over the period of the grant.

1 “(c) CORE STANDARDS.—A State educational agency
2 receiving a grant under subsection (b) shall adopt and use
3 the voluntary American education content standards in
4 mathematics and science as the core of the State academic
5 content standards in mathematics and science. The State
6 educational agency may add additional standards to the
7 voluntary American education content standards as part
8 of the State academic content standards in mathematics
9 and science.

10 “(d) STATE APPLICATION.—A State educational
11 agency desiring to receive a grant under subsection (b)
12 shall submit an application to the Secretary at such time,
13 in such manner, and containing such information as the
14 Secretary may require. The application shall include—

15 “(1) timelines for carrying out each of the ac-
16 tivities described in subsection (e)(1); and

17 “(2) a description of the activities that the
18 State educational agency will undertake to imple-
19 ment the voluntary American education content
20 standards in mathematics and science adopted under
21 section 304, and the achievement levels in mathe-
22 matics and science developed under section 303(e)
23 for the national and State assessments of the Na-
24 tional Assessment of Educational Progress, at both
25 the State educational agency and local educational

1 agency levels, including any additional activities de-
2 scribed in subsection (e)(2).

3 “(e) USE OF FUNDS.—

4 “(1) MANDATORY ACTIVITIES.—A State edu-
5 cational agency receiving a grant under subsection
6 (b) shall use grant funds to carry out all of the fol-
7 lowing:

8 “(A) Adopt the voluntary American edu-
9 cation content standards in mathematics and
10 science as the core of the State’s academic con-
11 tent standards in mathematics and science not
12 later than 2 years after the receipt of a grant
13 under this section.

14 “(B) Align the teacher certification or li-
15 censure, pre-service, and professional develop-
16 ment requirements of the State to the voluntary
17 American education content standards in math-
18 ematics and science not later than 3 years after
19 the receipt of the grant.

20 “(C) Align the State academic assessments
21 in mathematics and science (or develop new
22 such State academic assessments that are
23 aligned) with the voluntary American education
24 content standards in mathematics and science

1 not later than 4 years after the receipt of the
2 grant.

3 “(D) Align the State levels of achievement
4 in mathematics and science with the student
5 achievement levels in mathematics and science
6 developed under section 303(e) for the national
7 and State assessments of the National Assess-
8 ment of Educational Progress.

9 “(2) PERMISSIVE ACTIVITIES.—A State edu-
10 cational agency receiving a grant under subsection
11 (b) may use the grant funds to carry out, at the
12 local educational agency or State educational agency
13 level, any of the following activities:

14 “(A) Train teachers and administrators on
15 how to incorporate the voluntary American edu-
16 cation content standards in mathematics and
17 science into classroom instruction.

18 “(B) Develop curricula and instructional
19 materials in mathematics or science that are
20 aligned with the voluntary American education
21 content standards in mathematics and science.

22 “(C) Develop performance standards in
23 mathematics or science to accompany the vol-
24 untary American education content standards
25 in mathematics and science.

1 “(D) Conduct other activities needed for
2 the implementation of the voluntary American
3 education content standards in mathematics
4 and science.

5 “(3) PRIORITY.—In awarding grants under this
6 section the Secretary shall give priority to a State
7 educational agency that will use the grant funds to
8 carry out all of the activities described in subpara-
9 graphs (A), (B), and (C) of paragraph (2).

10 “(f) AWARD BASIS.—In determining the amount of
11 a grant under subsection (b), the Secretary shall take into
12 consideration—

13 “(1) the extent to which a State’s academic
14 content standards, State academic assessments, lev-
15 els of achievement in mathematics and science, and
16 teacher certification or licensure, pre-service, and
17 professional development requirements, must be re-
18 vised to align such State standards, assessments,
19 levels, and teacher requirements with the voluntary
20 American education content standards adopted
21 under section 304 and the achievement levels in
22 mathematics and science developed under section
23 303(e); and

24 “(2) the planned activities described in the ap-
25 plication submitted under subsection (d).

1 “(g) ANNUAL STATE EDUCATIONAL AGENCY RE-
2 PORTS.—A State educational agency receiving a grant
3 under subsection (b) shall submit an annual report to the
4 Secretary demonstrating the State educational agency’s
5 progress in meeting the timelines described in the applica-
6 tion under subsection (d)(1).

7 “(h) GRANTS FOR DOD AND BIA SCHOOLS.—

8 “(1) DEPARTMENT OF DEFENSE SCHOOLS.—
9 From amounts available from the American Stand-
10 ards Incentive fund, the Secretary, upon application
11 by the Secretary of Defense, may award grants
12 under subsection (b) to the Secretary of Defense on
13 behalf of elementary schools and secondary schools
14 operated by the Department of Defense to enable
15 the elementary schools and secondary schools to
16 carry out the activities described in subsection (e).

17 “(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—
18 From amounts available from the American Stand-
19 ards Incentive fund, the Secretary, in consultation
20 with the Secretary of Interior, may award grants
21 under subsection (b) to the Bureau of Indian Affairs
22 on behalf of elementary schools and secondary
23 schools operated or funded by the Department of the
24 Interior to enable the elementary schools and sec-

1 ondary schools to carry out the activities described
2 in subsection (e).

3 “(i) STUDY.—Not later than 2 years after the com-
4 pletion of the first 4-year grant cycle for grants under this
5 section, the Commissioner for Education Statistics shall
6 carry out a study comparing the gap between the reported
7 proficiency on State academic assessments and assess-
8 ments under section 303 for State educational agencies
9 receiving grants under subsection (b), before and after the
10 State adopts the voluntary American education content
11 standards in mathematics and science as the core of the
12 State education content standards in mathematics and
13 science.

14 “(j) DATA GRANT.—

15 “(1) PROGRAM AUTHORIZED.—From amounts
16 appropriated under section 305(a)(4), the Secretary
17 shall award, to each State educational agency that
18 meets the requirements of paragraph (3), a grant to
19 be used to enhance State data systems as such sys-
20 tems relate to the requirements under part A of title
21 I of the Elementary and Secondary Education Act
22 of 1965.

23 “(2) AMOUNT OF GRANT.—A grant awarded to
24 a State educational agency under this subsection
25 shall be in an amount equal to 5 percent of the

1 amount allocated to the State under section 1122 of
2 the Elementary and Secondary Education Act of
3 1965 (20 U.S.C. 6332). If the amounts available
4 from the American Standards Incentive fund are in-
5 sufficient to pay the full amounts of grants under
6 paragraph (1) to all State educational agencies, the
7 Secretary shall ratably reduce the amount of all
8 grants under this subsection.

9 “(3) REQUIREMENTS.—In order to receive a
10 grant under this subsection, a State educational
11 agency shall—

12 “(A) have received a grant under sub-
13 section (b); and

14 “(B) successfully demonstrate to the Sec-
15 retary that the State has aligned—

16 “(i) the State’s academic content
17 standards and State academic assessments
18 in mathematics and science, and the
19 State’s teacher certification or licensure,
20 pre-service, and professional development
21 requirements, with the voluntary American
22 education content standards in mathe-
23 matics and science; and

24 “(ii) the State levels of achievement in
25 mathematics and science for grades 4, 8,

1 and 12, with the achievement levels in
2 mathematics and science developed under
3 section 303(e) for such grades.

4 “(4) NATURE OF GRANT.—A grant under this
5 subsection to a State educational agency shall be in
6 addition to any grant awarded to the State edu-
7 cational agency under subsection (b).

8 “(5) LIMIT ON NUMBER OF GRANTS.—In no
9 case shall a State educational agency receive more
10 than 1 grant under this subsection.

11 “(k) REPORTS TO CONGRESS.—Not later than 2
12 years after the date of enactment of the Standards to Pro-
13 vide Educational Access for Kids Act, and every 2 years
14 thereafter, the Secretary shall report to Congress regard-
15 ing the status of all grants awarded under this section.

16 “(l) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to establish a preferred national
18 curriculum or preferred teaching methodology for elemen-
19 tary school or secondary school instruction.

20 “(m) TIMELINE EXTENSION.—The Secretary may
21 extend the 12-year requirement under section
22 1111(b)(2)(F) of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not more
24 than 4 years for a State served by a State educational
25 agency that receives a grant under subsection (b).

1 “(n) DEFINITIONS.—In this section:

2 “(1) IN GENERAL.—The terms ‘elementary
3 school’, ‘local educational agency’, ‘professional de-
4 velopment’, ‘secondary school’, ‘State’, and ‘State
5 educational agency’ have the meanings given the
6 terms in section 9101 of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 7801).

8 “(2) ACADEMIC CONTENT STANDARDS.—The
9 term ‘academic content standards’ means the chal-
10 lenging academic content standards described in sec-
11 tion 1111(b)(1) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 6311(b)(1)).

13 “(3) LEVELS OF ACHIEVEMENT.—The term
14 ‘levels of achievement’ means the State levels of
15 achievement under subclauses (II) and (III) of sec-
16 tion 1111(b)(1)(D)(ii) of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C.
18 6311(b)(1)(D)(ii)(II), (III)).

19 “(4) STATE ACADEMIC ASSESSMENTS.—The
20 term ‘State academic assessments’ means the aca-
21 demic assessments for a State described in section
22 1111(b)(3) of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 6311(b)(3)).”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 307(a) of the National Assessment of Edu-
3 cational Progress Authorization Act (as redesignated by
4 section 5(1)) (20 U.S.C. 9624(a)) is amended to read as
5 follows:

6 “(a) IN GENERAL.—There are authorized to be ap-
7 propriated—

8 “(1) to carry out section 302, \$6,000,000 for
9 fiscal year 2007 and such sums as may be necessary
10 for each succeeding fiscal year;

11 “(2) to carry out section 303, \$200,000,000 for
12 fiscal year 2007 and such sums as may be necessary
13 for each succeeding fiscal year;

14 “(3) to carry out section 304, \$3,000,000 for
15 fiscal year 2007 and such sums as may be necessary
16 for each succeeding fiscal year; and

17 “(4) to carry out section 305, \$400,000,000 for
18 fiscal year 2007 and such sums as may be necessary
19 for each succeeding fiscal year.”.

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