

Calendar No. 106

103D CONGRESS
1ST SESSION

S. 1150

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.

JUNE 23 (legislative day, JUNE 22), 1993

Read twice and placed on the calendar

Calendar No. 106

103^D CONGRESS
1ST SESSION

S. 1150

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.

IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JUNE 22), 1993

Mr. KENNEDY, from the Committee on Labor and Human Resources, reported the following original bill; which was read twice and placed on the calendar

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,*

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

4 (a) SHORT TITLE.—Titles I through IV of this Act
5 may be cited as the “Goals 2000: Educate America Act”.

6 (b) TABLE OF CONTENTS.—The table of contents is
7 as follows:

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

TITLE I—NATIONAL EDUCATION GOALS

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

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

PART A—NATIONAL EDUCATION GOALS PANEL

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

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

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

PART C—AUTHORIZATION OF APPROPRIATIONS

- Sec. 221. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC
IMPROVEMENT

- Sec. 301. Findings.
- Sec. 302. Purpose.
- Sec. 303. Authorization of appropriations.

- Sec. 304. Allotment of funds.
- Sec. 305. State applications.
- Sec. 306. State improvement plans.
- Sec. 307. Secretary's review of applications; payments.
- Sec. 308. State use of funds.
- Sec. 309. Subgrants for local reform and professional development.
- Sec. 310. Availability of information and training.
- Sec. 311. Waivers of statutory and regulatory requirements.
- Sec. 312. Progress reports.
- Sec. 313. National leadership.
- Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.

TITLE IV—SCHOOLS

- Sec. 401. Public schools.

TITLE V—NATIONAL SKILL STANDARDS BOARD

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

1 **SEC. 2. PURPOSE.**

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

5 (1) promoting coherent, nationwide, systemic
 6 education reform;

7 (2) improving the quality of teaching and learn-
 8 ing in the classroom;

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

12 (4) establishing valid, reliable, and fair mecha-
 13 nisms for—

1 (A) building a broad national consensus on
2 United States education reform;

3 (B) assisting in the development and cer-
4 tification of high-quality, internationally com-
5 petitive content and student performance stand-
6 ards;

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

9 (D) assisting in the development and cer-
10 tification of high-quality assessment measures
11 that reflect the internationally competitive con-
12 tent and student performance standards;

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

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

19 (A) creating a vision of excellence and eq-
20 uity that will guide all Federal education and
21 related programs;

22 (B) providing for the establishment of
23 high-quality, internationally competitive content
24 and student performance standards that all stu-
25 dents, including disadvantaged students, stu-

1 dents with diverse racial, ethnic, and cultural
2 backgrounds, students with disabilities, stu-
3 dents with limited-English proficiency, and aca-
4 demically talented students, will be expected to
5 achieve;

6 (C) providing for the establishment of high
7 quality, internationally competitive opportunity-
8 to-learn standards that all States, local edu-
9 cational agencies, and schools should achieve;

10 (D) encouraging and enabling all State
11 educational agencies and local educational agen-
12 cies to develop comprehensive improvement
13 plans that will provide a coherent framework
14 for the implementation of reauthorized Federal
15 education and related programs in an inte-
16 grated fashion that effectively educates all chil-
17 dren; and

18 (E) providing resources to help individual
19 schools, including schools serving students with
20 high needs, develop and implement comprehen-
21 sive improvement plans.

22 **SEC. 3. DEFINITIONS.**

23 As used in this Act—

24 (1) the term “all students” means students
25 from a broad range of backgrounds and cir-

1 cumstances, including disadvantaged students, stu-
2 dents with diverse racial, ethnic, and cultural back-
3 grounds, students with disabilities, students with
4 limited-English proficiency, students who have
5 dropped out of school, and academically talented
6 students;

7 (2) the term “assessment” means the overall
8 process and form of instrument used to measure stu-
9 dent attainment of content standards, except that
10 such term need not include the discrete items that
11 comprise each assessment;

12 (3) the term “content standards” means broad
13 descriptions of the knowledge and skills students
14 should acquire in a particular subject area;

15 (4) the term “Governor” means the chief execu-
16 tive of the State;

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

22 (6) the term “opportunity-to-learn standards”
23 means the conditions of teaching and learning nec-
24 essary for all students to have a fair opportunity to

1 learn, including ways of measuring the extent to
2 which such standards are being met;

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

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

14 (9) the term “related services” includes the
15 types of services described in section 602(17) of the
16 Individuals with Disabilities Education Act;

17 (10) the term “school” means a public school
18 that is under the authority of the State educational
19 agency or a local educational agency or, for the pur-
20 pose of carrying out section 314(b), a school that is
21 operated or funded by the Bureau of Indian Affairs;

22 (11) the term “Secretary”, unless otherwise
23 specified, means the Secretary of Education;

1 (12) the term “State” means each of the 50
 2 States, the District of Columbia, and the Common-
 3 wealth of Puerto Rico; and

4 (13) the term “State educational agency” has
 5 the same meaning given such term in section
 6 1471(23) of the Elementary and Secondary Edu-
 7 cation Act of 1965.

8 **TITLE I—NATIONAL EDUCATION** 9 **GOALS**

10 **SEC. 101. PURPOSE.**

11 It is the purpose of this title to establish National
 12 Education Goals.

13 **SEC. 102. NATIONAL EDUCATION GOALS.**

14 The Congress declares the National Education Goals
 15 are as follows:

16 (1) SCHOOL READINESS.—

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

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

21 (i) all disadvantaged and disabled
 22 children will have access to high-quality
 23 and developmentally appropriate preschool
 24 programs that help prepare children for
 25 school;

1 (ii) every parent in the United States
2 will be a child's first teacher and devote
3 time each day to helping such parent's pre-
4 school child learn, and parents will have
5 access to the training and support parents
6 need; and

7 (iii) children will receive the nutrition
8 and health care needed to arrive at school
9 with healthy minds and bodies, and the
10 number of low-birthweight babies will be
11 significantly reduced through enhanced
12 prenatal health systems.

13 (2) SCHOOL COMPLETION.—

14 (A) GOAL.—By the year 2000, the high
15 school graduation rate will increase to at least
16 90 percent.

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

19 (i) the Nation must dramatically re-
20 duce its high school dropout rate, and 75
21 percent of high school students who do
22 drop out of school will successfully com-
23 plete a high school degree or its equivalent;
24 and

1 (ii) the gap in high school graduation
2 rates between United States students from
3 minority backgrounds and their
4 nonminority counterparts will be elimi-
5 nated.

6 (3) STUDENT ACHIEVEMENT AND CITIZEN-
7 SHIP.—

8 (A) GOAL.—By the year 2000, United
9 States students will leave grades 4, 8, and 12
10 having demonstrated competency over challeng-
11 ing subject matter including English, mathe-
12 matics, science, foreign languages, civics and
13 government, arts, history, and geography, and
14 every school in the United States will ensure
15 that all students learn to use their minds well,
16 so students may be prepared for responsible
17 citizenship, further learning, and productive
18 employment in our Nation's modern economy.

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

21 (i) the academic performance of ele-
22 mentary and secondary students will in-
23 crease significantly in every quartile, and
24 the distribution of minority students in

1 each quartile will more closely reflect the
2 student population as a whole;

3 (ii) the percentage of students who
4 demonstrate the ability to reason, solve
5 problems, apply knowledge, and write and
6 communicate effectively will increase sub-
7 stantially;

8 (iii) all students will be involved in ac-
9 tivities that promote and demonstrate good
10 citizenship, community service, and per-
11 sonal responsibility;

12 (iv) the percentage of students who
13 are competent in more than one language
14 will substantially increase; and

15 (v) all students will be knowledgeable
16 about the diverse cultural heritage of our
17 Nation and about the world community.

18 (4) MATHEMATICS AND SCIENCE.—

19 (A) GOAL.—By the year 2000, United
20 States students will be first in the world in
21 mathematics and science achievement.

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

24 (i) mathematics and science education
25 will be strengthened throughout the edu-

1 cational system, especially in the early
2 grades;

3 (ii) the number of teachers with a
4 substantive background in mathematics
5 and science will increase by 50 percent
6 from the number of such teachers in 1992;
7 and

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

13 (5) ADULT LITERACY AND LIFELONG LEARN-
14 ING.—

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

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

22 (i) every major United States business
23 will be involved in strengthening the con-
24 nection between education and work;

1 (ii) all workers will have the oppor-
2 tunity to acquire the knowledge and skills,
3 from basic to highly technical, needed to
4 adapt to emerging new technologies, work
5 methods, and markets through public and
6 private educational, vocational, technical,
7 workplace, or other programs;

8 (iii) the number of quality programs,
9 including programs at libraries, that are
10 designed to serve more effectively the
11 needs of the growing number of part-time
12 and mid-career students, will increase sub-
13 stantially;

14 (iv) the proportion of qualified stu-
15 dents, especially minorities, who enter col-
16 lege, who complete at least 2 years of col-
17 lege, and who complete their degree pro-
18 grams, will increase substantially; and

19 (v) the proportion of college graduates
20 who demonstrate an advanced ability to
21 think critically, communicate effectively,
22 and solve problems will increase substan-
23 tially.

24 (6) SAFE, DISCIPLINED, AND DRUG-FREE
25 SCHOOLS.—

1 (A) GOAL.—By the year 2000, every
2 school in the United States will be free of drugs
3 and violence and will offer a disciplined environ-
4 ment conducive to learning.

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

7 (i) every school will implement a firm
8 and fair policy on use, possession, and dis-
9 tribution of drugs and alcohol;

10 (ii) parents, businesses, governmental
11 and community organizations will work to-
12 gether to ensure that schools are a safe
13 haven for all children;

14 (iii) every school district will develop a
15 comprehensive kindergarten through
16 twelfth grade drug and alcohol prevention
17 education program;

18 (iv) drug and alcohol curriculum
19 should be taught as an integral part of
20 health education; and

21 (v) community-based teams should be
22 organized to provide students and teachers
23 with needed support.

1 **TITLE II—NATIONAL EDUCATION**
2 **REFORM LEADERSHIP, STAN-**
3 **DARDS, AND ASSESSMENTS**

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

5 **SEC. 201. PURPOSE.**

6 It is the purpose of this part to establish a bipartisan
7 mechanism for—

8 (1) building a national consensus for education
9 improvement;

10 (2) reporting on progress toward achieving the
11 National Education Goals;

12 (3) periodically reviewing the goals and objec-
13 tives described in title I and recommending adjust-
14 ments to such goals and objectives, as needed, in
15 order to guarantee education reform that continues
16 to provide guidance for quality, world class edu-
17 cation for all students; and

18 (4) reviewing and approving the voluntary na-
19 tional content standards, voluntary national student
20 performance standards and voluntary national op-
21 portunity-to-learn standards certified by the Na-
22 tional Education Standards and Improvement Coun-
23 cil, as well as the criteria for the certification of
24 such standards, and the criteria for the certification

1 of State assessments or systems of assessments cer-
2 tified by such Council.

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

4 (a) ESTABLISHMENT.—There is established in the ex-
5 ecutive branch a National Education Goals Panel (here-
6 after in this title referred to as the “Goals Panel”).

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

10 (1) two members appointed by the President;

11 (2) eight members who are Governors, 3 of
12 whom shall be from the same political party as the
13 President and 5 of whom shall be of the opposite po-
14 litical party of the President, appointed by the
15 Chairperson and Vice Chairperson of the National
16 Governors’ Association, with the Chairperson and
17 Vice Chairperson each appointing representatives of
18 such Chairperson’s or Vice Chairperson’s respective
19 political party, in consultation with each other;

20 (3) four Members of the Congress, of whom—

21 (A) one member shall be appointed by the
22 Majority Leader of the Senate from among the
23 Members of the Senate;

1 (B) one member shall be appointed by the
2 Minority Leader of the Senate from among the
3 Members of the Senate;

4 (C) one member shall be appointed by the
5 Majority Leader of the House of Representa-
6 tives from among the Members of the House of
7 Representatives; and

8 (D) one member shall be appointed by the
9 Minority Leader of the House of Representa-
10 tives from among the Members of the House of
11 Representatives; and

12 (4) four members of State legislatures ap-
13 pointed by the President of the National Conference
14 of State Legislatures, of whom not more than 2 may
15 be of the same political party as the President of the
16 United States.

17 (c) SPECIAL APPOINTMENT RULES.—

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

21 (A) If the Chairperson of the National
22 Governors' Association is from the same politi-
23 cal party as the President, the Chairperson
24 shall appoint 3 individuals and the Vice Chair-

1 person of such association shall appoint 5 indi-
2 viduals.

3 (B) If the Chairperson of the National
4 Governors' Association is from the opposite po-
5 litical party as the President, the Chairperson
6 shall appoint 5 individuals and the Vice Chair-
7 person of such association shall appoint 3 indi-
8 viduals.

9 (2) SPECIAL RULE.—If the National Governors'
10 Association has appointed a panel that meets the re-
11 quirements of subsections (b) and (c), except for the
12 requirements of paragraph (4) of subsection (b),
13 prior to the date of enactment of this Act, then the
14 members serving on such panel shall be deemed to
15 be in compliance with the provisions of such sub-
16 sections and shall not be required to be reappointed
17 pursuant to such subsections.

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

20 (1) PRESIDENTIAL APPOINTEES.—Members ap-
21 pointed under subsection (b)(1) shall serve at the
22 pleasure of the President.

23 (2) GOVERNORS.—Members appointed under
24 paragraph (2) of subsection (b) shall serve a 2-year
25 term, except that the initial appointments under

1 such paragraph shall be made to ensure staggered
2 terms with one-half of such members' terms conclud-
3 ing every 2 years.

4 (3) CONGRESSIONAL APPOINTEES AND STATE
5 LEGISLATORS.—Members appointed under para-
6 graphs (3) and (4) of subsection (b) shall serve for
7 2-year terms.

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 10 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 for the Goals Panel away from the home or regu-
22 lar place of business of the member.

23 (i) CHAIRPERSON.—

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

4 (2) TERM AND POLITICAL AFFILIATION.—The
5 Chairperson of the Goals Panel shall serve a 1-year
6 term and shall alternate between political parties.

7 **SEC. 203. DUTIES.**

8 (a) IN GENERAL.—The Goals Panel shall—

9 (1) report on the progress the Nation and the
10 States are making toward achieving the National
11 Education Goals described in title I, including issu-
12 ing an annual national report card;

13 (2) submit to the President nominations for ap-
14 pointment to the National Education Standards and
15 Improvement Council in accordance with subsections
16 (b) and (c) of section 212;

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

19 (A) criteria developed by the National
20 Education Standards and Improvement Council
21 for the certification of content and student per-
22 formance standards, assessments or systems of
23 assessments, and opportunity-to-learn stand-
24 ards; and

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

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

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

12 (b) NATIONAL REPORT CARD.—

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

18 (A) report on the progress of the United
19 States toward achieving the National Education
20 Goals; and

21 (B) identify actions that should be taken
22 by Federal, State, and local governments to en-
23 hance progress toward achieving the National
24 Education Goals.

1 (2) FORM; DATA.—National report cards shall
2 be presented in a form, and include data, that is un-
3 derstandable to parents and the general public.

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

5 (a) HEARINGS.—

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

11 (2) REPRESENTATION.—In carrying out this
12 part, the Goals Panel shall conduct hearings to re-
13 ceive reports, views, and analyses of a broad spec-
14 trum of experts and the public on the establishment
15 of voluntary national content, voluntary national stu-
16 dent performance standards, voluntary national op-
17 portunity-to-learn standards, and State assessments
18 or systems of assessments described in section
19 213(e).

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

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

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

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

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

12 (2) with their consent, use the research, equip-
13 ment, services, and facilities of any department,
14 agency or instrumentality of the Federal Govern-
15 ment, or of any State or political subdivision thereof.

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

18 (1) IN GENERAL.—The Secretary shall provide
19 to the Goals Panel, on a reimbursable basis, such
20 administrative support services as the Goals Panel
21 may request.

22 (2) CONTRACTS AND OTHER ARRANGEMENTS.—
23 The Secretary shall, to the extent appropriate, and
24 on a reimbursable basis, make contracts and other
25 arrangements that are requested by the Goals Panel

1 to help the Goals Panel compile and analyze data or
2 carry out other functions necessary to the perform-
3 ance of the Goals Panel's responsibilities.

4 **SEC. 205. ADMINISTRATIVE PROVISIONS.**

5 (a) MEETINGS.—The Goals Panel shall meet on a
6 regular basis, as necessary, at the call of the Chairperson
7 of the Goals Panel or a majority of the members of the
8 Goals Panel.

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

11 (c) VOTING.—No individual may vote, or exercise any
12 of the powers of a member, by proxy.

13 (d) PUBLIC ACCESS.—The Goals Panel shall ensure
14 public access to the proceedings of the Goals Panel (other
15 than proceedings, or portions of proceedings, relating to
16 internal personnel and management matters) and shall
17 make available to the public, at reasonable cost, tran-
18 scripts of such proceedings.

19 **SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
20 **ANTS.**

21 (a) DIRECTOR.—The Chairperson of the Goals Panel,
22 without regard to the provisions of title 5, United States
23 Code, relating to the appointment and compensation of of-
24 ficers or employees of the United States, shall appoint a

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

3 (b) APPOINTMENT AND PAY OF EMPLOYEES.—

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

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

16 (2) ADDITIONAL EMPLOYEES.—The Director
17 may appoint additional employees to serve as staff
18 to the Goals Panel in accordance with title 5, United
19 States Code.

20 (c) EXPERTS AND CONSULTANTS.—The Goals Panel
21 may procure temporary and intermittent services of ex-
22 perts and consultants under section 3109(b) of title 5,
23 United States Code.

24 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
25 quest of the Goals Panel, the head of any department or

1 agency of the United States may detail any of the person-
2 nel of such department to the Goals Panel to assist the
3 Goals Panel in carrying out its responsibilities under this
4 part.

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

7 **SEC. 211. PURPOSE.**

8 It is the purpose of this part to establish a mecha-
9 nism to—

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

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

1 standards and the voluntary national student per-
2 formance standards certified by the National Edu-
3 cation Standards and Improvement Council;

4 (4) certify opportunity-to-learn standards sub-
5 mitted by States on a voluntary basis that—

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

9 (B) address the elements described in sec-
10 tion 213(c)(3); and

11 (5) certify assessments or systems of assess-
12 ments submitted by States on a voluntary basis, if
13 such assessments or systems—

14 (A) are aligned with and support State
15 content standards certified by such Council;
16 and

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

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

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

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

5 (c) QUALIFICATIONS.—

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

8 (A) five professional educators appointed
9 from among elementary and secondary class-
10 room teachers, preschool educators, related
11 services personnel, and other school-based pro-
12 fessionals, State or local educational agency ad-
13 ministrators, or other educators;

14 (B) four representatives of business and
15 industry or postsecondary educational institu-
16 tions, including at least 1 representative of
17 business and industry who is also a member of
18 the National Skill Standards Board established
19 pursuant to title V;

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

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

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

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

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

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

20 (d) TERMS.—

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

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

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

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

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

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

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

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

21 (j) TRAVEL.—Each member of the Council may be
22 allowed travel expenses, including per diem in lieu of sub-
23 sistence, as authorized by section 5703 of title 5, United
24 States Code, for each day the member is engaged in the

1 performance of duties for the Council away from the home
2 or regular place of business of the member.

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

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

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

12 (2) unless such member, staff, expert, or con-
13 sultant agrees that such member, staff, expert, or
14 consultant, respectively, will not obtain such an in-
15 terest for a period of 2 years from the date of termi-
16 nation of such member's service on the Council.

17 **SEC. 213. DUTIES.**

18 (a) VOLUNTARY NATIONAL CONTENT STANDARDS.—

19 (1) IN GENERAL.—The Council, upon rec-
20 ommendation from a working group on voluntary
21 national content standards, shall—

22 (A) identify areas in which voluntary na-
23 tional content standards need to be developed;

24 (B) certify voluntary national content
25 standards and voluntary national student per-

1 formance standards that define what all stu-
2 dents should know and be able to do; and

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

7 (2) CRITERIA.—(A) The Council, upon rec-
8 ommendation from a working group on voluntary
9 national content standards, shall—

10 (i) identify and develop criteria to be used
11 for certifying the voluntary national content
12 standards and voluntary national student per-
13 formance standards; and

14 (ii) before applying such criteria, forward
15 such criteria to the Goals Panel for approval.

16 (B) The criteria developed by the Council shall
17 address—

18 (i) the extent to which the proposed stand-
19 ards are internationally competitive and com-
20 parable to the best standards in the world;

21 (ii) the extent to which the proposed vol-
22 untary national content standards and vol-
23 untary national student performance standards
24 reflect the best available knowledge about how

1 all students learn and about how a content area
2 can be most effectively taught;

3 (iii) the extent to which the proposed vol-
4 untary national content standards and vol-
5 untary national student performance standards
6 have been developed through an open and pub-
7 lic process that provides for input and involve-
8 ment of all relevant parties, including teachers,
9 related services personnel, and other profes-
10 sional educators, employers and postsecondary
11 education institutions, curriculum and subject
12 matter specialists, parents, secondary school
13 students, and the public; and

14 (iv) other factors that the Council deems
15 appropriate.

16 (C) In developing the criteria, the Council shall
17 work with entities that are developing, or have al-
18 ready developed, content standards, and any other
19 entities that the Council deems appropriate, to iden-
20 tify appropriate certification criteria.

21 (b) VOLUNTARY STATE CONTENT STANDARDS.—The
22 Council may certify content and student performance
23 standards presented on a voluntary basis by States, if such
24 standards are comparable in rigor and quality to the vol-

1 voluntary national content standards and voluntary national
2 student performance standards certified by the Council.

3 (c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN
4 STANDARDS.—

5 (1) IN GENERAL.—The Council, upon rec-
6 ommendation from a working group on voluntary
7 national opportunity-to-learn standards, shall certify
8 exemplary, voluntary national opportunity-to-learn
9 standards that will establish a basis for providing all
10 students a fair opportunity to achieve the knowledge
11 and skills described in the voluntary national content
12 standards certified by the Council.

13 (2) REQUIREMENT.—The voluntary national
14 opportunity-to-learn standards shall be sufficiently
15 general to be used by any State without unduly re-
16 stricting State and local prerogatives regarding in-
17 structional methods to be employed.

18 (3) ELEMENTS ADDRESSED.—The voluntary
19 national opportunity-to-learn standards certified by
20 the Council shall address—

21 (A) the quality and availability of curric-
22 ula, instructional materials, and technologies;

23 (B) the capability of teachers to provide
24 high-quality instruction to meet diverse learning
25 needs in each content area;

1 (C) the extent to which teachers and ad-
2 ministrators have ready and continuing access
3 to professional development, including the best
4 knowledge about teaching, learning, and school
5 improvement;

6 (D) the extent to which curriculum, in-
7 structional practices, and assessments are
8 aligned to content standards; and

9 (E) other factors that the Council deems
10 appropriate to ensure that all students receive
11 a fair opportunity to achieve the knowledge and
12 skills described in the voluntary national con-
13 tent standards and the voluntary national stu-
14 dent performance standards certified by the
15 Council.

16 (4) ADDITIONAL DUTIES.—In carrying out this
17 subsection, the Council shall—

18 (A) identify what other countries with rig-
19 orous content standards do to—

20 (i) provide their children with oppor-
21 tunities to learn;

22 (ii) prepare their teachers; and

23 (iii) provide continuing professional
24 development opportunities for their teach-
25 ers; and

1 (B) develop criteria to be used for certify-
2 ing the voluntary national opportunity-to-learn
3 standards and, before applying such criteria,
4 forward such criteria to the Goals Panel for ap-
5 proval.

6 (5) RECOMMENDATIONS AND COORDINATION.—
7 The Council shall assist in the development of the
8 voluntary national opportunity-to-learn standards
9 by—

10 (A) making recommendations to the Sec-
11 retary regarding priorities and selection criteria
12 for each grant awarded under section 218; and

13 (B) coordinating with each consortium re-
14 ceiving a grant under section 218 to ensure
15 that the opportunity-to-learn standards the con-
16 sortium develops for all students are of high
17 quality and are consistent with the criteria de-
18 veloped by the Council for the certification of
19 such standards.

20 (6) APPROVAL.—The Council shall forward the
21 voluntary national opportunity-to-learn standards
22 that the Council certifies to the Goals Panel for ap-
23 proval.

24 (d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN
25 STANDARDS.—The Council may certify voluntary oppor-

1 tunity-to-learn standards presented on a voluntary basis
2 by a State that—

3 (1) describe the conditions of teaching and
4 learning necessary for all students to have a fair op-
5 portunity to learn; and

6 (2) address the elements described in section
7 213(c)(3).

8 (e) ASSESSMENTS.—

9 (1) IN GENERAL.—(A) The Council shall cer-
10 tify, for a period not to exceed 5 years, an assess-
11 ment of a single subject area or a system of assess-
12 ments involving several subject areas presented on a
13 voluntary basis by a State if such assessment or sys-
14 tem of assessment—

15 (i) is aligned with such State’s voluntary
16 State content standards, if such State has vol-
17 untary State content standards that have been
18 certified by the Council;

19 (ii) involves multiple measures of student
20 performance; and

21 (iii) provides for—

22 (I) the participation of all students
23 with diverse learning needs in such assess-
24 ment or system; and

1 (II) the adaptations and accommoda-
2 tions necessary to permit such participa-
3 tion.

4 (B) Assessments or systems of assessments
5 shall be certified for the purpose of—

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

10 (ii) improving classroom instruction and
11 improving the learning outcomes for all stu-
12 dents;

13 (iii) informing students, parents, and
14 teachers about student progress toward such
15 standards;

16 (iv) measuring and motivating individual
17 students, schools, districts, States, and the Na-
18 tion to improve educational performance; and

19 (v) assisting education policymakers in
20 making decisions about education programs.

21 (2) IMPLEMENTATION.—(A)(i) The Council
22 shall develop, and not sooner than 3 years nor later
23 than 4 years after the date of enactment of this Act,
24 begin utilizing, criteria for the certification of such
25 an assessment or a system of assessments in accord-

1 ance with this subsection, including an assessment
2 or system that is used to make decisions regarding
3 graduation, grade promotion, or retention of stu-
4 dents.

5 (ii) Before utilizing the criteria described in
6 clause (i), the Council shall forward such criteria to
7 the Goals Panel for approval.

8 (B) The certification criteria described in this
9 paragraph shall address the extent to which an as-
10 sessment or a system of assessments—

11 (i)(I) is aligned with a State’s voluntary
12 State content standards, if such State has vol-
13 untary State content standards that have been
14 certified by the Council; and

15 (II) will support effective curriculum and
16 instruction;

17 (ii) is to be used for a purpose for which
18 such assessment or system is valid, reliable,
19 fair, and free of discrimination; and

20 (iii) includes all students, especially stu-
21 dents with disabilities or with limited-English
22 proficiency.

23 (C) In determining appropriate certification cri-
24 teria under this paragraph, the Council shall—

1 (i) consider standards and criteria being
2 developed by other national organizations and
3 recent research on assessment;

4 (ii) recommend needed research;

5 (iii) encourage the development and field
6 testing of assessments or systems of assess-
7 ments; and

8 (iv) provide a public forum for discussing,
9 debating, and building consensus for the cri-
10 teria to be used for the certification of assess-
11 ments or systems of assessments.

12 (D) Prior to determining the certification cri-
13 teria described in this paragraph, the Council shall
14 take public comment on its proposed certification
15 criteria.

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

18 (1) work with Federal and non-Federal depart-
19 ments, agencies, or organizations that are conduct-
20 ing research, studies, or demonstration projects to
21 determine internationally competitive education
22 standards and assessments, and may establish sub-
23 ject matter and other panels to advise the Council
24 on particular content, student performance, and op-

1 opportunity-to-learn standards and on assessments or
2 systems of assessments;

3 (2) establish cooperative arrangements with the
4 National Skill Standards Board to promote the co-
5 ordination of the development of content and stu-
6 dent performance standards under this title with the
7 development of skill standards described in title V;

8 (3) recommend studies to the Secretary that
9 are necessary to carry out the Council's responsibil-
10 ities;

11 (4) inform the public about what constitutes
12 high quality, internationally competitive, content,
13 student performance, and opportunity-to-learn
14 standards, and assessments or systems of assess-
15 ments;

16 (5) on a regular basis, review and update cri-
17 teria for certifying content, student performance,
18 and opportunity-to-learn standards, and assessments
19 or systems of assessments; and

20 (6) periodically recertify, as appropriate, the
21 voluntary national content standards, the voluntary
22 national student performance standards, and the vol-
23 untary national opportunity-to-learn standards.

1 **SEC. 214. ANNUAL REPORTS.**

2 Not later than 1 year after the date the Council con-
3 cludes its first meeting, and each year thereafter, the
4 Council shall prepare and submit a report regarding its
5 work to the President, the Secretary, the appropriate com-
6 mittees of the Congress, the Governor of each State, and
7 the Goals Panel.

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

9 (a) HEARINGS.—

10 (1) IN GENERAL.—The Council shall, for the
11 purpose of carrying out its responsibilities, conduct
12 such hearings, sit and act at such times and places,
13 take such testimony, and receive such evidence, as
14 the Council considers appropriate.

15 (2) LOCATION.—In carrying out this part, the
16 Council shall conduct public hearings in different ge-
17 ographic areas of the United States, both urban and
18 rural, to receive the reports, views, and analyses of
19 a broad spectrum of experts and the public on the
20 establishment of voluntary national content stand-
21 ards, voluntary national student performance stand-
22 ards, voluntary national opportunity-to-learn stand-
23 ards, and assessments or systems of assessments de-
24 scribed in section 213(e).

25 (b) INFORMATION.—The Council may secure directly
26 from any department or agency of the Federal Govern-

1 ment information necessary to enable the Council to carry
2 out this part. Upon request of the Chairperson of the
3 Council, the head of such department or agency shall fur-
4 nish such information to the Council to the extent per-
5 mitted by law.

6 (c) POSTAL SERVICES.—The Council may use the
7 United States mail in the same manner and under the
8 same conditions as other departments and agencies of the
9 Federal Government.

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

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

14 (2) with their consent, use the research, equip-
15 ment, services, and facilities of any department,
16 agency, or instrumentality of the United States, or
17 of any State or political subdivision thereof.

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

20 (1) IN GENERAL.—The Secretary shall provide
21 to the Council, on a reimbursable basis, such admin-
22 istrative support services as the Council may re-
23 quest.

24 (2) CONTRACTS AND OTHER ARRANGEMENTS.—

25 The Secretary, to the extent appropriate and on a

1 reimbursable basis, shall enter into contracts and
2 other arrangements that are requested by the Coun-
3 cil to help the Council compile and analyze data or
4 carry out other functions necessary to the perform-
5 ance of the Council's responsibilities.

6 **SEC. 216. ADMINISTRATIVE PROVISIONS.**

7 (a) MEETINGS.—The Council shall meet on a regular
8 basis, as necessary, at the call of the Chairperson of the
9 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 shall make available to the pub-
21 lic, at reasonable cost, transcripts of such proceedings.

22 **SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
23 **ANTS.**

24 (a) DIRECTOR.—The Chairperson of the Council,
25 without regard to the provisions of title 5, United States

1 Code, relating to the appointment and compensation of of-
2 ficers or employees of the United States, shall appoint a
3 Director to be paid at a rate not to exceed the rate of
4 basic pay payable for level V of the Executive Schedule.

5 (b) APPOINTMENT AND PAY OF EMPLOYEES.—

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

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

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

22 (c) EXPERTS AND CONSULTANTS.—The Council may
23 procure temporary and intermittent services under section
24 3109(b) of title 5, United States Code.

1 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-
2 quest of the Council, the head of any department or agen-
3 cy of the Federal Government may detail any of the per-
4 sonnel of such department or agency to the Council to as-
5 sist the Council in carrying out its duties under this part.

6 **SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.**

7 (a) OPPORTUNITY-TO-LEARN DEVELOPMENT
8 GRANT.—

9 (1) IN GENERAL.—The Secretary is authorized
10 to award a grant or grants, on a competitive basis,
11 to a consortium or consortia of individuals and orga-
12 nizations to enable such consortium or consortia to
13 develop voluntary national opportunity-to-learn
14 standards.

15 (2) COMPOSITION OF CONSORTIUM.—To the ex-
16 tent possible, each consortium described in para-
17 graph (1) shall include the participation of—

18 (A) Governors (other than Governors serv-
19 ing on the Goals Panel);

20 (B) chief State school officers;

21 (C) teachers, especially teachers involved in
22 the development of content standards, and re-
23 lated services personnel;

24 (D) principals;

25 (E) superintendents;

- 1 (F) State and local school board members;
2 (G) curriculum and school reform experts;
3 (H) parents;
4 (I) State legislators;
5 (J) representatives of businesses;
6 (K) representatives of higher education;
7 (L) representatives of regional accrediting
8 associations;
9 (M) advocacy groups; and
10 (N) secondary school students.

11 (b) APPLICATIONS.—Each consortium that desires to
12 receive a grant under this subsection shall submit an ap-
13 plication to the Secretary at such time, in such manner,
14 and containing such information and assurances as the
15 Secretary may require.

16 (c) AWARD CONSIDERATION.—In establishing prior-
17 ities and selection criteria for awarding a grant or grants
18 under this section, the Secretary shall give serious consid-
19 eration to the recommendations made by the Council pur-
20 suant to section 213(c)(5)(A).

21 **PART C—AUTHORIZATION OF APPROPRIATIONS**

22 **SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) NATIONAL EDUCATION GOALS PANEL.—There
24 are authorized to be appropriated \$3,000,000 for fiscal

1 year 1994, and such sums as may be necessary for each
2 of the 4 succeeding fiscal years, to carry out part A.

3 (b) NATIONAL EDUCATION STANDARDS AND IM-
4 PROVEMENT COUNCIL.—There are authorized to be ap-
5 propriated \$3,000,000 for fiscal year 1994, and such sums
6 as may be necessary for each of the 4 succeeding fiscal
7 years, to carry out part B.

8 (c) OPPORTUNITY-TO-LEARN DEVELOPMENT
9 GRANTS.—There are authorized to be appropriated
10 \$1,000,000 for fiscal year 1994, and such sums as may
11 be necessary for fiscal year 1995, to carry out section 218.

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

15 **SEC. 301. FINDINGS.**

16 The Congress finds that—

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

20 (2) the reforms in education from 1977 through
21 1992 have achieved some good results, but such re-
22 form efforts often have been limited to a few schools
23 or to a single part of the educational system;

24 (3) leadership must come from teachers, related
25 services personnel, principals, and parents in individ-

1 ual schools, and from policymakers at the local,
2 State, tribal, and national levels, in order for lasting
3 improvements in student performance to occur;

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

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

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

19 (7) all students are entitled to teaching prac-
20 tices that are in accordance with accepted standards
21 of professional practice and that hold the greatest
22 promise of improving student performance;

23 (8) all students are entitled to participate in a
24 broad and challenging curriculum and to have access

1 to resources sufficient to address other education
2 needs;

3 (9) State and local education improvement ef-
4 forts must incorporate strategies for providing stu-
5 dents and families with coordinated access to appro-
6 priate social services, health care, nutrition, early
7 childhood education, and child care to remove pre-
8 ventable barriers to learning and enhance school
9 readiness for all students;

10 (10) States and local educational agencies,
11 working together, must immediately set about devel-
12 oping and implementing such system-wide improve-
13 ment strategies if our Nation is to educate all chil-
14 dren to meet their full potential and achieve the Na-
15 tional Education Goals described in title I;

16 (11) State and local systemic improvement
17 strategies must provide all students with effective
18 mechanisms and appropriate paths to the work force
19 as well as to higher education;

20 (12) businesses should be encouraged—

21 (A) to enter into partnerships with schools;

22 (B) to provide information and guidance to
23 schools based on the needs of area businesses
24 for properly educated graduates in general and

1 on the need for particular workplace skills that
2 the schools may provide;

3 (C) to provide necessary education and
4 training materials and support; and

5 (D) to continue the lifelong learning proc-
6 ess throughout the employment years of an in-
7 dividual;

8 (13) the appropriate and innovative use of tech-
9 nology can be very effective in helping to provide all
10 students with the opportunity to learn and meet
11 high standards; and

12 (14) Federal funds should be targeted to sup-
13 port State and local initiatives, and to leverage State
14 and local resources for designing and implementing
15 system-wide education improvement plans.

16 **SEC. 302. PURPOSE.**

17 It is the purpose of this title to—

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

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

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

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

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

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

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

13 (a) RESERVATIONS OF FUNDS.—From funds appro-
14 priated pursuant to the authority of section 303, the Sec-
15 retary—

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

19 (A) to the outlying areas; and

20 (B) to the Secretary of the Interior to ben-
21 efit Indian students in schools operated or
22 funded by the Bureau of Indian Affairs; and

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

1 (A) national leadership activities under
2 subsections (a) and (b) of section 313; and

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

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

10 (1) 50 percent of such amount shall be allo-
11 cated in accordance with the relative amounts each
12 State would have received under chapter 1 of title I
13 of the Elementary and Secondary Education Act of
14 1965 for the preceding fiscal year if funds under
15 such chapter in such preceding fiscal year were not
16 reserved for the outlying areas.

17 (2) 50 percent of such amount shall be allo-
18 cated in accordance with the relative amounts each
19 State would have received under part A of chapter
20 2 of title I of the Elementary and Secondary Edu-
21 cation Act of 1965 for the preceding fiscal year if
22 funds under such chapter in such preceding fiscal
23 year were not reserved for the outlying areas.

24 (c) REALLOTMENTS.—If the Secretary determines
25 that any amount of a State educational agency's allotment

1 for any fiscal year under subsection (b) will not be needed
2 for such fiscal year by the State, the Secretary shall reallocate
3 such amount to other State educational agencies that need
4 additional funds, in such manner as the Secretary determines
5 is appropriate.

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

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

24 **SEC. 305. STATE APPLICATIONS.**

25 (a) APPLICATION.—

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

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

9 (A) an assurance that the State edu-
10 cational agency will cooperate with the Sec-
11 retary in carrying out the Secretary’s respon-
12 sibilities under section 313, and will comply
13 with reasonable requests of the Secretary for
14 data related to the State’s progress in develop-
15 ing and implementing its State improvement
16 plan under this title;

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

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

1 (b) FIRST YEAR.—A State educational agency’s ap-
2 plication for the first year of assistance under this title
3 shall—

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

8 (2) describe how the State educational agency
9 will use funds received under this title for such year,
10 including how such agency will make subgrants to
11 local educational agencies in accordance with section
12 309(a), and how such agency will use funds received
13 under this title for education preservice programs
14 and professional development activities in accordance
15 with section 309(b).

16 (c) SUBSEQUENT YEARS.—A State educational agen-
17 cy’s application for the second year of assistance under
18 this title shall—

19 (1) cover the second through fifth years of the
20 State’s participation;

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

1 (3) include an explanation of how the State
2 educational agency will use funds received under this
3 title, including how such agency will make subgrants
4 to local educational agencies in accordance with sec-
5 tion 309(a), and how such agency will use such
6 funds received under this title for education
7 preservice programs and professional development
8 activities in accordance with section 309(b).

9 **SEC. 306. STATE IMPROVEMENT PLANS.**

10 (a) BASIC SCOPE OF PLAN.—Any State educational
11 agency that desires to receive an allotment under this title
12 after its first year of participation shall develop and imple-
13 ment a State improvement plan for the fundamental re-
14 structuring and improvement of elementary and secondary
15 education in the State. Such plan shall address—

16 (1) in accordance with subsection (c), the estab-
17 lishment or adoption of challenging content and stu-
18 dent performance standards for all students and the
19 use of curricula, instructional practices, assessments
20 or systems of assessments described in section
21 213(e), technology, and professional preparation and
22 development approaches appropriate to help all stu-
23 dents reach such standards;

24 (2) in accordance with subsection (d), the es-
25 tablishment or adoption of opportunity-to-learn

1 standards that will define the conditions of teaching
2 and learning that provide all students the oppor-
3 tunity to meet the challenging content and student
4 performance standards;

5 (3) in accordance with subsection (e), needed
6 changes in the governance and management of the
7 education system in order to effectively focus schools
8 on, and assist schools in, preparing all students to
9 meet the challenging State standards;

10 (4) in accordance with subsection (f), com-
11 prehensive strategies to involve communities, includ-
12 ing parents, businesses, institutions of higher edu-
13 cation, libraries, museums, employment and training
14 agencies, health and human service agencies, and
15 other public and private nonprofit agencies that pro-
16 vide nonsectarian social services, health care, child
17 care, early childhood education, and nutrition to stu-
18 dents, in helping all students meet the challenging
19 State standards;

20 (5) in accordance with subsection (g), strategies
21 for ensuring that all local educational agencies and
22 schools within the State are involved in developing
23 and implementing needed improvements within a
24 specified period of time; and

1 (6) in accordance with subsection (h), strategies
2 for ensuring that comprehensive, systemic reform is
3 promoted from the bottom up in communities, local
4 educational agencies, and schools.

5 (b) PLAN DEVELOPMENT.—

6 (1) IN GENERAL.—A State improvement plan
7 under this title shall be developed by a broad-based
8 State panel in cooperation with the State edu-
9 cational agency and the Governor. The panel shall
10 include—

11 (A) the Governor and the chief State
12 school officer, or their designees;

13 (B) the chairperson of the State board of
14 education and the chairpersons of the appro-
15 priate authorizing committees of the State leg-
16 isature, or their designees;

17 (C) school teachers, related services per-
18 sonnel, principals, and administrators who have
19 successfully improved student performance; and

20 (D) representatives of teachers' organiza-
21 tions, organizations serving young children, par-
22 ents, secondary school students, business and
23 labor leaders, community-based organizations of
24 demonstrated effectiveness, local boards of edu-

1 cation, State and local officials, and others, as
2 appropriate.

3 (2) APPOINTMENT.—The Governor and the
4 chief State school officer shall each appoint half the
5 members of the panel and shall jointly select the
6 Chairperson of the panel.

7 (3) REPRESENTATION.—The membership of the
8 panel shall be geographically representative of the
9 State and reflect the diversity of the population of
10 the State with regard to race, ethnicity, gender and
11 disability characteristics.

12 (4) CONSULTATION.—The panel shall consult
13 the Governor, the chief State school officer, the
14 State board of education, and relevant committees of
15 the State legislature in developing the State im-
16 provement plan.

17 (5) OUTREACH.—The panel shall be responsible
18 for conducting a statewide, grassroots outreach proc-
19 ess, including conducting public hearings, to involve
20 educators, related services personnel, parents, local
21 officials, individuals representing private nonprofit
22 elementary and secondary schools, community and
23 business leaders, citizens, children’s advocates, and
24 others with a stake in the success of students and
25 their education system, and who are representative

1 of the diversity of the State and the State's student
2 population, including students of limited-English
3 proficiency, Native American students, and students
4 with disabilities, in the development of the State im-
5 provement plan and in a continuing dialogue regard-
6 ing the need for and nature of challenging standards
7 for students and local and State responsibilities for
8 helping all students achieve such standards in order
9 to assure that the development and implementation
10 of the State improvement plan reflects local needs
11 and experiences and does not result in a significant
12 increase in paperwork for teachers.

13 (6) PROCEDURE AND APPROVAL.—The panel
14 shall develop a State improvement plan, provide op-
15 portunity for public comment, and submit such plan
16 to the State educational agency for approval.

17 (7) SUBMISSION.—The State educational agen-
18 cy shall submit the original State improvement plan
19 developed by the panel and the State improvement
20 plan modified by such agency, together with an ex-
21 planation of any changes made by such agency to
22 the plan developed by the panel, to the Secretary for
23 approval.

24 (8) MATTERS NOT UNDER THE JURISDICTION
25 OF THE STATE EDUCATIONAL AGENCY.—If any por-

1 tion of a State improvement plan addresses matters
2 that, under State or other applicable law, are not
3 under the authority of the State educational agency,
4 the State educational agency shall obtain the ap-
5 proval of, or changes to, such portion, with an expla-
6 nation thereof, from the Governor or other official
7 responsible for that portion before submitting such
8 plan to the Secretary.

9 (9) MONITORING; REVISIONS; REPORTING.—
10 After approval of the State improvement plan by the
11 Secretary, the panel shall be informed of progress on
12 such plan by the State educational agency, and such
13 agency, in close consultation with teachers, prin-
14 cipals, administrators, advocates and parents in local
15 educational agencies and schools receiving funds
16 under this title, shall monitor the implementation
17 and operation of such plan. The panel shall review
18 such plan, and based on the progress described in
19 the preceding sentence, determine if revisions to
20 such plan are appropriate and necessary. The panel
21 shall periodically report such determination to the
22 public.

23 (c) TEACHING, LEARNING, STANDARDS, AND AS-
24 SESSMENTS.—Each State improvement plan shall estab-
25 lish strategies for meeting the National Education Goals

1 described in title I by improving teaching and learning,
2 and such strategies shall involve broad-based and ongoing
3 classroom teacher input, including—

4 (1) a process for developing or adopting chal-
5 lenging content and student performance standards
6 for all students;

7 (2) a process for providing assistance and sup-
8 port to local educational agencies and schools to
9 strengthen the capacity and responsibility of such
10 agencies and schools to provide all of their students
11 the opportunity to meet challenging State content
12 and student performance standards;

13 (3) a process for developing or recommending
14 instructional materials and technology to support
15 and assist local educational agencies and schools to
16 provide all of their students the opportunity to meet
17 the challenging State content and student perform-
18 ance standards;

19 (4) a process for developing and implementing
20 a valid, fair, nondiscriminatory, and reliable assess-
21 ment or system of assessments described in section
22 213(e) or a set of locally based systems of assess-
23 ment—

24 (A) which assessment, system or set
25 shall—

- 1 (i) be consistent with relevant, nation-
2 ally recognized professional and technical
3 standards for such assessment, system or
4 set;
- 5 (ii) be capable of providing coherent
6 information about student attainments rel-
7 ative to the State content standards; and
- 8 (iii) support effective curriculum and
9 instruction; and
- 10 (B) which process shall provide for mon-
11 itoring the implementation of such assessment,
12 system or set and the impact of such assess-
13 ment, system or set on improved instruction for
14 all students; and
- 15 (5) a process for improving the State's system
16 of teacher and school administrator preparation and
17 licensure, and of continuing professional develop-
18 ment programs, including the use of technology at
19 both the State and local levels, so that all teachers,
20 related services personnel, and administrators de-
21 velop the subject matter and pedagogical expertise
22 needed to prepare all students to meet the challeng-
23 ing standards described in paragraph (1).

1 (d) OPPORTUNITY-TO-LEARN STANDARDS.—Each
2 State improvement plan shall establish a strategy and
3 timetable for—

4 (1) adopting or establishing opportunity-to-
5 learn standards that address the needs of all stu-
6 dents;

7 (2) achieving the State’s opportunity-to-learn
8 standards in every school in the State; and

9 (3) periodically reporting to the public on the
10 extent of the State’s improvement in achieving such
11 standards.

12 (e) GOVERNANCE AND MANAGEMENT.—Each State
13 plan shall establish strategies for improved governance
14 and management of the education system of the State.

15 (f) PARENTAL AND COMMUNITY SUPPORT AND IN-
16 VOLVEMENT.—Each State improvement plan shall de-
17 scribe strategies for how the State will develop support
18 for, and help implement, such plan.

19 (g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—
20 In order to help provide all students throughout the State
21 the opportunity to meet challenging State standards, each
22 State improvement plan shall describe the various strate-
23 gies to be employed.

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

1 that comprehensive, systemic reform is promoted from the
2 bottom up in communities, local educational agencies, and
3 schools, and is guided by coordination and facilitation
4 from State leaders.

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

12 (j) PEER REVIEW AND SECRETARIAL APPROVAL.—

13 (1) IN GENERAL.—The Secretary shall review,
14 within a reasonable period of time, each State im-
15 provement plan prepared under this section, and
16 each application submitted under section 305,
17 through a peer review process involving the assist-
18 ance and advice of State and local education policy-
19 makers, educators, classroom teachers, related serv-
20 ices personnel, experts on educational innovation and
21 improvement, parents, advocates, and other appro-
22 priate individuals. Such peer review process shall be
23 representative of the diversity of the United States
24 with regard to geography, race, ethnicity, gender

1 and disability characteristics. Such peer review proc-
2 ess shall include at least 1 site visit to each State.

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

5 (A) such plan is submitted to the Secretary
6 not later than 2 years after the date the State
7 educational agency receives its first allotment
8 under section 304(b); and

9 (B) the Secretary determines, after consid-
10 ering the peer reviewers' comments, that such
11 plan—

12 (i) reflects a widespread commitment
13 within the State; and

14 (ii) holds reasonable promise of help-
15 ing all students.

16 (3) DISAPPROVAL.—The Secretary shall not
17 disapprove a State's plan, or any State application
18 submitted under section 305, before offering the
19 State—

20 (A) an opportunity to revise such plan or
21 application; and

22 (B) a hearing.

23 (k) AMENDMENTS TO PLAN.—

24 (1) IN GENERAL.—Each State educational
25 agency shall periodically review its State improve-

1 ment plan and revise such plan, as appropriate, in
2 accordance with the process described in subsection
3 (b).

4 (2) REVIEW.—The Secretary shall review major
5 amendments to a State improvement plan through
6 the same process, described in subsection (j), used to
7 review the original State improvement plan.

8 (l) PREEXISTING STATE PLANS AND PANELS.—

9 (1) IN GENERAL.—If a State has developed a
10 comprehensive and systemic State improvement plan
11 to help all students meet challenging standards, or
12 any component of such plan, that meets the intent
13 and purposes of section 302, the Secretary may ap-
14 prove such plan or component notwithstanding that
15 such plan was not developed in accordance with sub-
16 section (b), if—

17 (A) the Secretary determines that such ap-
18 proval would further the purposes of State sys-
19 temic education improvement; and

20 (B) such plan ensures broad-based input
21 from various education, political, community,
22 and other appropriate representatives.

23 (2) SPECIAL RULE.—(A) If, before the date of
24 enactment of this Act, a State has made substantial
25 progress in developing a plan that meets the intent

1 and purposes of section 302, but was developed by
2 a panel that does not meet the requirements of para-
3 graphs (1) through (3) of subsection (b), the Sec-
4 retary may, at the request of the Governor and the
5 State educational agency, treat such panel as meet-
6 ing such requirements for all purposes of this title
7 if the Secretary determines that there has been sub-
8 stantial public and educator involvement in the de-
9 velopment of such plan.

10 (B) If a State has not developed a State im-
11 provement plan but has an existing panel which such
12 State would like to use for the purpose of developing
13 such plan, then the Secretary may, at the request of
14 the Governor and the State educational agency, treat
15 such panel as meeting the requirements of para-
16 graphs (1) through (3) of subsection (b) for all pur-
17 poses of this title if—

18 (i) the Secretary determines that such ex-
19 isting panel is serving a similar such purpose;
20 and

21 (ii) the composition of such existing panel
22 would ensure broad-based input from various
23 education, political, community, and other ap-
24 propriate representatives.

1 **SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAY-**
2 **MENTS.**

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

6 (1) such application meets the requirements of
7 this title; and

8 (2) there is a substantial likelihood that the
9 State will be able to develop and implement an edu-
10 cation improvement plan that complies with section
11 306.

12 (b) **SECOND THROUGH FIFTH YEARS.**—The Sec-
13 retary shall approve the State educational agency's re-
14 newal application under section 305(c)(1) in the second
15 through fifth years of participation only if—

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

18 (B) the Secretary determines that the State has
19 made substantial progress in developing its State
20 improvement plan and will implement such plan not
21 later than the end of the second year of participa-
22 tion; and

23 (2) the application meets the other require-
24 ments of this title.

25 (c) **PAYMENTS.**—For any fiscal year for which a
26 State has an approved application under this title, the Sec-

1 retary shall provide an allotment to the State educational
2 agency in the amount determined under section 304(b).

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

4 (a) FIRST YEAR.—In the first year for which a State
5 educational agency receives an allotment under this title,
6 such agency—

7 (1) if the amount appropriated pursuant to the
8 authority of section 303 for such year is equal to or
9 greater than \$200,000,000, shall use at least 75
10 percent of such allotted funds to award subgrants—

11 (A) to local educational agencies for the
12 development or implementation of local im-
13 provement plans in accordance with section
14 309(a); and

15 (B) to improve educator and related serv-
16 ices personnel preservice programs and for pro-
17 fessional development activities consistent with
18 the State improvement plan and in accordance
19 with section 309(b);

20 (2) if the amount appropriated pursuant to the
21 authority of section 303 for such year is equal to or
22 greater than \$100,000,000, but less than
23 \$200,000,000, shall use at least 50 percent of such
24 allotted funds to award subgrants described in sub-
25 paragraphs (A) and (B) of paragraph (1);

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

6 (4) shall use any such allotted funds not used
7 in accordance with paragraphs (1), (2), and (3) to
8 develop, revise, expand, or implement a State im-
9 provement plan described in section 306.

10 (b) SUCCEEDING YEARS.—Each State educational
11 agency that receives an allotment under this title for any
12 year after the first year of participation shall—

13 (1) use at least 85 percent of such allotment
14 funds in each such year to make subgrants—

15 (A) for the implementation of the State
16 improvement plan and of local improvement
17 plans in accordance with section 309(a); and

18 (B) to improve educator and related serv-
19 ices personnel preservice programs and for pro-
20 fessional development activities that are consist-
21 ent with the State improvement plan in accord-
22 ance with section 309(b); and

23 (2) shall use the remainder of such allotted
24 funds for State activities designed to implement the
25 State improvement plan, such as—

1 (A) supporting the development or adop-
2 tion of State content and student performance
3 standards, State opportunity-to-learn standards,
4 and assessment tools linked to the standards,
5 including activities assisted—

6 (i) through consortia of States; or
7 (ii) with the assistance of the National
8 Education Standards and Improvement
9 Council established under part B of title
10 II;

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

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

23 (D) providing special attention to the
24 needs of minority, disabled, and female stu-
25 dents, including instructional programs and ac-

1 activities that encourage such students in elemen-
2 tary and secondary schools to aspire to enter
3 and complete postsecondary education or train-
4 ing;

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, or-
9 ganizations serving young children, classroom
10 teachers, related services personnel, and other
11 educators, and the public, related to education
12 improvement;

13 (G) providing technical assistance and
14 other services to increase the capacity of local
15 educational agencies and schools to develop and
16 implement systemic local improvement plans,
17 implement new assessments or systems of as-
18 sessments described in the State improvement
19 plan developed in accordance with section 306,
20 and develop curricula consistent with the
21 State's content and student performance
22 standards;

23 (H) promoting mechanisms for increasing
24 public school choice, including information and
25 referral programs which provide parents infor-

1 mation on available choices and other initiatives
 2 to promote the establishment of innovative new
 3 public schools, including magnet schools and
 4 charter schools; and

5 (I) collecting and analyzing data.

6 (c) LIMIT ON ADMINISTRATIVE COSTS.—A State
 7 educational agency that receives an allotment under this
 8 title in any fiscal year shall use not more than 4 percent
 9 of such allotment in such year, or \$100,000, whichever
 10 is greater, for administrative expenses, which administra-
 11 tive expenses shall not include the expenses related to the
 12 activities of the panel established under section 306(b)(1).

13 (d) SPECIAL RULE.—Any new public school estab-
 14 lished under this title—

15 (1) shall be nonsectarian;

16 (2) shall not be affiliated with a nonpublic sec-
 17 tarian school or religious institution; and

18 (3) shall operate under the authority of a State
 19 educational agency or local educational agency.

20 **SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFES-**
 21 **SIONAL DEVELOPMENT.**

22 (a) SUBGRANTS TO LOCAL EDUCATIONAL
 23 AGENCIES.—

24 (1) IN GENERAL.—(A) Each State educational
 25 agency, through a competitive process, shall make

1 subgrants to local educational agencies to carry out
2 the authorized activities described in paragraph (4).

3 (B) Each subgrant described in subparagraph
4 (A) shall be for a project of sufficient duration and
5 of sufficient size, scope, and quality to carry out the
6 purpose of this title effectively.

7 (2) APPLICATION REQUIRED.—Each local edu-
8 cational agency desiring to receive a subgrant under
9 this subsection shall submit an application to the
10 State educational agency that—

11 (A) is developed by a broad-based panel,
12 appointed by the local educational agency, that
13 is representative of the diversity of the students
14 and community to be served with regard to
15 race, language, ethnicity, gender, disability and
16 socioeconomic characteristics, and includes
17 teachers, related services personnel, parents,
18 school administrators, business representatives,
19 early childhood educators, and others, as appro-
20 priate, and is approved by the local educational
21 agency, including any modifications the local
22 educational agency deems appropriate;

23 (B) includes, in the application submitted
24 for the second year of participation, a com-
25 prehensive local improvement plan for school

1 district-wide education improvement, directed at
2 enabling all students to meet the State's chal-
3 lenging content and student performance stand-
4 ards, including specific goals and benchmarks,
5 and includes a strategy for—

6 (i) ensuring that all students have a
7 fair opportunity to learn;

8 (ii) improving teaching and learning;

9 (iii) improving governance and man-
10 agement;

11 (iv) generating and maintaining pa-
12 rental and community involvement; and

13 (v) expanding improvements through-
14 out the local educational agency;

15 (C) describes how the local educational
16 agency will encourage and assist schools to de-
17 velop and implement comprehensive school im-
18 provement plans that focus on helping all stu-
19 dents reach challenging content and student
20 performance standards and that address each
21 element of the local educational agency's local
22 improvement plan described in subparagraph
23 (B);

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

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

11 (E) describes how the subgrant funds will
12 be used by the local educational agency, and the
13 procedures to be used to make funds available
14 to schools in accordance with paragraph (4)(A);

15 (F) identifies, with an explanation, any
16 State or Federal requirements that the local
17 educational agency believes impede educational
18 improvement and that such agency requests be
19 waived in accordance with section 311, which
20 requests shall promptly be transmitted to the
21 Secretary by the State educational agency; and

22 (G) contains such other information as the
23 State educational agency may reasonably re-
24 quire.

1 (3) MONITORING.—The panel described in
2 paragraph (2)(A), after approval of the local edu-
3 cational agency’s application by the State edu-
4 cational agency, shall be informed of progress on
5 such plan by the local educational agency, and the
6 local educational agency shall monitor the implemen-
7 tation and effectiveness of the local improvement
8 plan in close consultation with teachers, related serv-
9 ices personnel, principals, administrators, and par-
10 ents from schools receiving funds under this title as
11 well as assure that implementation of the local im-
12 provement plan does not result in a significant in-
13 crease in paperwork for teachers. The panel shall re-
14 view such plan and based on the progress described
15 in the preceding sentence, determine if revisions to
16 the local improvement plan should be recommended
17 to the local educational agency. The panel shall peri-
18 odically report such determination to the public.

19 (4) AUTHORIZED ACTIVITIES.—A local edu-
20 cational agency that receives a subgrant under this
21 subsection—

22 (A) in the first year such agency receives
23 the subgrant shall use—

24 (i) not more than 25 percent of the
25 subgrant funds to develop a local improve-

1 ment plan or for any local educational
2 agency activities approved by the State
3 educational agency that are reasonably re-
4 lated to carrying out the State or local im-
5 provement plans; and

6 (ii) not less than 75 percent of the
7 subgrant funds to support individual school
8 improvement initiatives related to provid-
9 ing all students in the school the oppor-
10 tunity to meet challenging State content
11 and student performance standards; and

12 (B) in subsequent years, use the subgrant
13 funds for any activities approved by the State
14 educational agency that are reasonably related
15 to carrying out the State or local improvement
16 plans, except that at least 85 percent of such
17 funds shall be made available to individual
18 schools to develop and implement comprehen-
19 sive school improvement plans designed to help
20 all students meet challenging State content
21 standards.

22 (b) SUBGRANTS FOR PRESERVICE TEACHER EDU-
23 CATION AND PROFESSIONAL DEVELOPMENT
24 ACTIVITIES.—

1 (1) IN GENERAL.—(A) Each State educational
2 agency, through a competitive, peer review process,
3 shall make subgrants to a local educational agency
4 or consortia of local educational agencies, institu-
5 tions of higher education, private nonprofit organiza-
6 tions, or combinations thereof, in order to—

7 (i) improve preservice teacher and related
8 services personnel education programs in ac-
9 cordance with the State improvement plan; and

10 (ii) support continuing, sustained profes-
11 sional development activities for educators in
12 accordance with the State improvement plan.

13 (B) Each State educational agency awarding
14 subgrants under subparagraph (A) shall give priority
15 to awarding such subgrants to a local educational
16 agency or consortium serving a greater number or
17 percentage of disadvantaged students than the state-
18 wide average such number or percentage.

19 (C) In order to be eligible to receive a subgrant
20 described in subparagraph (A), a consortium shall
21 include at least 1 local educational agency.

22 (2) APPLICATION.—A local educational agency
23 or consortium that desires to receive a subgrant
24 under this subsection shall submit an application to
25 the State educational agency that—

1 (A) describes how the local educational
2 agency or consortium will use the subgrant to
3 improve teacher preservice and school adminis-
4 trator education programs or to implement edu-
5 cator and related services personnel professional
6 development activities in accordance with the
7 State improvement plan;

8 (B) identifies the criteria to be used by the
9 local educational agency or consortium to judge
10 improvements in preservice education or the ef-
11 fects of professional development activities in
12 accordance with the State improvement plan;
13 and

14 (C) contains any other information that
15 the State educational agency determines is ap-
16 propriate.

17 (3) AUTHORIZED ACTIVITIES.—A recipient of a
18 subgrant under this subsection shall use the
19 subgrant funds for activities supporting—

20 (A) the improvement of preservice teacher
21 education and school administrator programs so
22 that such programs equip educators with the
23 subject matter and pedagogical expertise nec-
24 essary for preparing all students to meet chal-
25 lenging standards; or

1 (B) the development and implementation
2 of new and improved forms of continuing and
3 sustained professional development opportuni-
4 ties for teachers, related services personnel,
5 principals, and other educators at the school or
6 school district level that equip such individuals
7 with such expertise, and with other knowledge
8 and skills necessary for leading and participat-
9 ing in continuous education improvement.

10 (c) SPECIAL AWARD RULES.—

11 (1) IN GENERAL.—(A) Each State educational
12 agency shall award at least 65 percent of subgrant
13 funds under subsection (a) in each fiscal year to
14 local educational agencies that have a greater per-
15 centage or number of disadvantaged children than
16 the statewide average percentage or number for all
17 local educational agencies in the State.

18 (B) At least 50 percent of the subgrant funds
19 made available by a local educational agency to indi-
20 vidual schools under subsection (a) in any fiscal year
21 shall be made available to schools with a special
22 need for assistance, as indicated by a high number
23 or percentage of students from low-income families,
24 low student achievement, or other similar criteria de-
25 veloped by the local educational agency.

1 (2) WAIVER.—The State educational agency
2 may waive the requirement of paragraph (1)(A) if
3 such agency does not receive a sufficient number of
4 applications from local educational agencies in the
5 State to enable the State educational agency to com-
6 ply with such requirement.

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

8 Proportionate to the number of children in a State
9 or in a local educational agency who are enrolled in private
10 elementary or secondary schools—

11 (1) a State educational agency or local edu-
12 cational agency which uses funds under this title to
13 develop goals, content standards, curricular mate-
14 rials, and assessments or systems of assessments
15 shall, upon request, make information related to
16 such goals, standards, materials, and assessments or
17 systems available to private schools; and

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

1 **SEC. 311. WAIVERS OF STATUTORY AND REGULATORY RE-**
2 **QUIREMENTS.**

3 (a) WAIVER AUTHORITY.—

4 (1) IN GENERAL.—Except as provided in sub-
5 section (c), the Secretary may waive any statutory
6 or regulatory requirement applicable to any program
7 or Act described in subsection (b) for a State edu-
8 cational agency, local educational agency, or school,
9 upon application of a State educational agency re-
10 questing such a waiver if—

11 (A) and only to the extent that, the Sec-
12 retary determines that such requirement im-
13 pedes the ability of the State, or of a local edu-
14 cational agency or school in the State, to carry
15 out the State or local improvement plan;

16 (B) the State educational agency has
17 waived, or agrees to waive, similar requirements
18 of State law;

19 (C) in the case of a statewide waiver, the
20 State educational agency—

21 (i) provides all local educational agen-
22 cies in the State with notice and an oppor-
23 tunity to comment on the State edu-
24 cational agency's proposal to seek a waiver;
25 and

1 (ii) submits the local educational
2 agencies' comments to the Secretary; and

3 (D) in the case of a local educational agen-
4 cy waiver, the local educational agency provides
5 parents, community groups, and advocacy or
6 civil rights groups with the opportunity to com-
7 ment on the proposed waiver.

8 (2) TIMELINESS.—The Secretary shall act
9 promptly on any request for a waiver under this sec-
10 tion.

11 (3) DURATION.—

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

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

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

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

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

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

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

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

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

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

17 (1) relating to—

18 (A) maintenance of effort;

19 (B) comparability of services;

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

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

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

1 (2) unless the underlying purposes of each pro-
2 gram or Act for which a waiver is granted continue
3 to be met to the satisfaction of the Secretary.

4 (d) TERMINATION OF WAIVERS.—The Secretary
5 shall periodically review the performance of any State,
6 local educational agency, or school for which the Secretary
7 has granted a waiver and shall terminate the waiver if the
8 Secretary determines that the performance of the State,
9 the local educational agency, or the school in the area af-
10 fected by the waiver has been inadequate to justify a con-
11 tinuation of the waiver.

12 **SEC. 312. PROGRESS REPORTS.**

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

16 (1) on the State's progress in meeting the
17 State's goals and plans;

18 (2) on the State's proposed activities for the
19 succeeding year; and

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

23 (b) SECRETARY'S REPORTS TO CONGRESS.—By
24 April 30, 1996, and every 2 years thereafter, the Secretary
25 shall submit a report to the Committee on Education and

1 Labor of the House of Representatives and the Committee
2 on Labor and Human Resources of the Senate describing
3 the activities and outcomes of—

4 (1) grants under paragraph (2) of section
5 313(b), including—

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

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

14 (2) allotments under this title, including a de-
15 scription of the effect of waivers granted under sec-
16 tion 311.

17 **SEC. 313. NATIONAL LEADERSHIP.**

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

22 (1) provide technical assistance to States and
23 local educational agencies developing or implement-
24 ing school improvement plans, in a manner that en-

1 sures that each such State has access to such assist-
2 ance; or

3 (2) support model projects to integrate multiple
4 voluntary national content standards, if—

5 (A) such standards are certified by the Na-
6 tional Education Standards and Improvement
7 Council and approved by the National Goals
8 Panel for different subject areas, in order to
9 provide balanced and coherent instructional
10 programs for all students; and

11 (B) such projects are appropriate for a
12 wide range of diverse circumstances, localities
13 (including both urban and rural communities),
14 and populations.

15 (b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUA-
16 TION.—From funds reserved in each fiscal year under sec-
17 tion 304(a)(2)(A), the Secretary, directly or through
18 grants or contracts shall reserve not more than 50 percent
19 of such funds—

20 (1) to provide urban and rural local educational
21 agencies, schools, or consortia thereof, with assist-
22 ance for innovative or experimental programs in sys-
23 temic education reform that are not being under-
24 taken through grants provided under section 309(a),
25 giving special consideration or priority to local edu-

1 cational agencies, schools, or consortia thereof that
2 serve large numbers or concentrations of economi-
3 cally disadvantaged students, including students of
4 limited-English proficiency; or

5 (2) to provide a State or local educational agen-
6 cy, nonprofit organization or consortium thereof with
7 assistance to help defray the cost of developing, field
8 testing and evaluating an assessment or system of
9 assessments with a priority on grants for limited-
10 English proficiency students or students with dis-
11 abilities, if—

12 (A) such assessment or system—

13 (i) is to be used for some or all of the
14 purposes described in section 213(e)(1)(B);
15 and

16 (ii) is aligned to State content stand-
17 ards certified by the National Education
18 Standards and Improvement Council; and

19 (B) such agency, organization or consor-
20 tium—

21 (i) examines the validity, reliability,
22 and fairness of such assessment or system,
23 for the particular purposes for which such
24 assessment or system was developed; and

1 (ii) devotes special attention to how
2 such assessment or system treats all stu-
3 dents, especially with regard to the race,
4 gender, ethnicity, disability and language
5 proficiency of such students.

6 (c) DATA AND DISSEMINATION.—The Secretary
7 shall—

8 (1) gather data on, conduct research on, and
9 evaluate systemic education improvement, including
10 the programs authorized by this title; and

11 (2) disseminate research findings and other in-
12 formation on outstanding examples of systemic edu-
13 cation improvement in States and local communities
14 through existing dissemination systems within the
15 Department of Education, including through publi-
16 cations, electronic and telecommunications mediums,
17 conferences, and other means.

18 **SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO**

19 **THE SECRETARY OF THE INTERIOR.**

20 (a) OUTLYING AREAS.—

21 (1) IN GENERAL.—Funds reserved for the out-
22 lying areas in each fiscal year under section
23 304(a)(1)(A) shall be made available to, and ex-
24 pended by, such areas, under such conditions and in

1 such manner as the Secretary determines will best
2 meet the purposes of this title.

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

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

8 (b) SECRETARY OF THE INTERIOR.—The funds re-
9 served by the Secretary for the Secretary of the Interior
10 under section 304(a)(1)(B) shall be made available to the
11 Secretary of the Interior pursuant to an agreement be-
12 tween the Secretary and the Secretary of the Interior con-
13 taining such terms and assurances, consistent with this
14 title, as the Secretary determines will best achieve the pur-
15 pose of this title.

16 (c) SECRETARY OF DEFENSE.—The Secretary shall
17 consult with the Secretary of Defense to ensure that, to
18 the extent practicable, the purposes of this title are applied
19 to the Department of Defense schools.

20 **SEC. 315. CLARIFICATION REGARDING STATE STANDARDS**
21 **AND ASSESSMENTS.**

22 Notwithstanding any other provision of this title,
23 standards, assessments, and systems of assessments de-
24 scribed in a State improvement plan submitted in accord-

1 ance with section 306 shall not be required to be certified
2 by the Council.

3 **TITLE IV—SCHOOLS**

4 **SEC. 401. PUBLIC SCHOOLS.**

5 Except as provided in section 310, nothing in this Act
6 shall be construed to authorize the use of funds under title
7 III of this Act to directly or indirectly benefit any school
8 other than a public school.

9 **TITLE V—NATIONAL SKILL** 10 **STANDARDS BOARD**

11 **SEC. 501. SHORT TITLE.**

12 This title may be cited as the “National Skill Stand-
13 ards Act of 1993”.

14 **SEC. 502. PURPOSE.**

15 It is the purpose of this title to establish a National
16 Board to serve as a catalyst in stimulating the develop-
17 ment and adoption of a voluntary national system of skill
18 standards and of assessment and certification—

19 (1) that will serve as a cornerstone of the na-
20 tional strategy to enhance work force skills;

21 (2) that will result in increased productivity,
22 economic growth, and American economic competi-
23 tiveness; and

24 (3) that can be used, consistent with civil rights
25 laws—

1 (A) by the Nation, to ensure the develop-
2 ment of a high skills, high quality, high per-
3 formance work force, including the most skilled
4 front-line work force in the world;

5 (B) by industries, as a vehicle for inform-
6 ing training providers and prospective employ-
7 ees of skills necessary for employment;

8 (C) by employers, to assist in evaluating
9 the skill levels of prospective employees and to
10 assist in the training of current employees;

11 (D) by labor organizations, to enhance the
12 employment security of workers by providing
13 portable credentials and skills;

14 (E) by workers, to—

15 (i) obtain certifications of their skills
16 to protect against dislocation;

17 (ii) pursue career advancement; and

18 (iii) enhance their ability to reenter
19 the work force;

20 (F) by students and entry level workers, to
21 determine the skill levels and competencies
22 needed to be obtained in order to compete effec-
23 tively for high wage jobs;

1 (G) by training providers and educators, to
2 determine appropriate training services to be of-
3 fered by the providers and educators;

4 (H) by Government, to evaluate whether
5 publicly funded training assists participants to
6 meet skill standards where such standards exist
7 and thereby protect the integrity of public ex-
8 penditures; and

9 (I) to facilitate linkages between other
10 components of the work force investment strat-
11 egy, including school-to-work transition and job
12 training programs.

13 **SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.**

14 (a) IN GENERAL.—There is established a National
15 Skill Standards Board (hereafter referred to in this title
16 as the “National Board”).

17 (b) COMPOSITION.—

18 (1) IN GENERAL.—The National Board shall be
19 composed of 28 members (appointed in accordance
20 with paragraph (3)), of whom—

21 (A) one member shall be the Secretary of
22 Labor;

23 (B) one member shall be the Secretary of
24 Education;

1 (C) one member shall be the Secretary of
2 Commerce;

3 (D) one member shall be the Chairperson
4 of the National Education Standards and Im-
5 provement Council established pursuant to sec-
6 tion 212(a);

7 (E) eight members shall be representatives
8 of business (including representatives of small
9 employers and representatives of large employ-
10 ers) selected from among individuals rec-
11 ommended by recognized national business or-
12 ganizations or trade associations;

13 (F) eight members shall be representatives
14 of organized labor selected from among individ-
15 uals recommended by recognized national labor
16 federations; and

17 (G) eight members shall be representatives
18 of—

19 (i) educational institutions;

20 (ii) community-based organizations;

21 (iii) State and local governments; or

22 (iv) nongovernmental organizations
23 with a demonstrated history of successfully
24 protecting the rights of racial, ethnic, or

1 religious minorities, women, persons with
2 disabilities, or older persons,
3 with at least 1 member from each group de-
4 scribed in clauses (i) through (iv).

5 (2) SPECIAL REQUIREMENTS.—The members
6 described in subparagraph (G) of paragraph (1)
7 shall have expertise in the area of education and
8 training. The members described in subparagraphs
9 (E), (F), and (G) of paragraph (1) shall, in the ag-
10 gregate, represent a broad cross-section of occupa-
11 tions and industries.

12 (3) APPOINTMENT.—The membership of the
13 National Board shall be appointed as follows:

14 (A) Twelve members (four from each class
15 of members described in subparagraphs (E),
16 (F), and (G) of paragraph (1)) shall be ap-
17 pointed by the President.

18 (B) Six members (two from each class of
19 members described in subparagraphs (E), (F),
20 and (G) of paragraph (1)) shall be appointed by
21 the Speaker of the House of Representatives.
22 Of the members so appointed, three members
23 (one from each class of members described in
24 subparagraphs (E), (F), and (G) of paragraph
25 (1)) shall be selected from recommendations

1 made by the Majority Leader of the House of
2 Representatives and three members (one from
3 each class of members described in subpara-
4 graphs (E), (F), and (G) of paragraph (1))
5 shall be selected from recommendations made
6 by the Minority Leader of the House of Rep-
7 resentatives.

8 (C) Six members (two from each class of
9 members described in subparagraphs (E), (F),
10 and (G) of paragraph (1)) shall be appointed by
11 the President pro tempore of the Senate. Of the
12 members so appointed, three members (one
13 from each class of members described in sub-
14 paragraphs (E), (F), and (G) of paragraph (1))
15 shall be selected from recommendations made
16 by the Majority Leader of the Senate and three
17 members (one from each class of members de-
18 scribed in subparagraphs (E), (F), and (G) of
19 paragraph (1)) shall be selected from rec-
20 ommendations made by the Minority Leader of
21 the Senate.

22 (4) TERM.—Each member of the National
23 Board appointed under subparagraph (E), (F), or
24 (G) of paragraph (1) shall be appointed for a term

1 of 4 years, except that of the initial members of the
2 Board appointed under such paragraph—

3 (A) twelve members shall be appointed for
4 a term of 3 years (four from each class of mem-
5 bers described in subparagraphs (E), (F), and
6 (G) of paragraph (1)), of whom—

7 (i) two from each such class shall be
8 appointed in accordance with paragraph
9 (3)(A);

10 (ii) one from each such class shall be
11 appointed in accordance with paragraph
12 (3)(B); and

13 (iii) one from each such class shall be
14 appointed in accordance with paragraph
15 (3)(C); and

16 (B) twelve members shall be appointed for
17 a term of 4 years (four from each class of mem-
18 bers described in subparagraphs (E), (F), and
19 (G) of paragraph (1)), of whom—

20 (i) two from each such class shall be
21 appointed in accordance with paragraph
22 (3)(A);

23 (ii) one from each such class shall be
24 appointed in accordance with paragraph
25 (3)(B); and

1 (iii) one from each such class shall be
2 appointed in accordance with paragraph
3 (3)(C).

4 (5) VACANCIES.—Any vacancy in the National
5 Board shall not affect its powers, but shall be filled
6 in the same manner as the original appointment.

7 (c) CHAIRPERSON AND VICE CHAIRPERSONS.—

8 (1) CHAIRPERSON.—The National Board shall,
9 by majority vote, elect a Chairperson once every 2
10 years from among the members of the National
11 Board.

12 (2) VICE CHAIRPERSONS.—The National Board
13 shall, by majority vote, annually elect 3 Vice Chair-
14 persons (each representing a different class of the
15 classes of members described in subparagraphs (E),
16 (F), and (G) of subsection (b)(1) and each of whom
17 shall serve for a term of 1 year) from among its
18 members appointed under subsection (b)(3).

19 (d) COMPENSATION AND EXPENSES.—

20 (1) COMPENSATION.—Members of the National
21 Board who are not full-time employees or officers of
22 the Federal Government shall serve without com-
23 pensation.

24 (2) EXPENSES.—The members of the National
25 Board shall be allowed travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for
2 employees of agencies under subchapter I of chapter
3 57, title 5, United States Code, while away from
4 their homes or regular places of business in the per-
5 formance of services for the National Board.

6 (e) EXECUTIVE DIRECTOR AND STAFF.—

7 (1) EXECUTIVE DIRECTOR.—The Chairperson
8 of the National Board shall appoint an Executive
9 Director who shall be compensated at a rate deter-
10 mined by the National Board not to exceed the rate
11 of pay for level V of the Executive Schedule under
12 section 5316 of title 5, United States Code.

13 (2) STAFF.—The Executive Director may ap-
14 point and compensate such additional staff as may
15 be necessary to enable the Board to perform its du-
16 ties. The Executive Director may fix the compensa-
17 tion of the staff without regard to the provisions of
18 chapter 51 and subchapter III of chapter 53 of title
19 5, United States Code, relating to classification of
20 positions and General Schedule pay rates, except
21 that the rate of pay for the staff may not exceed the
22 rate payable for level V of the Executive Schedule
23 under section 5316 of such title.

24 (f) GIFTS.—The National Board is authorized, in
25 carrying out this title, to accept and employ or dispose

1 of in furtherance of the purposes of this title, any money
2 or property, real, personal, or mixed, tangible or intangi-
3 ble, received by gift, devise, bequest, or otherwise, and to
4 accept voluntary and uncompensated services notwith-
5 standing the provisions of section 1342 of title 31, United
6 States Code.

7 (g) AGENCY SUPPORT.—

8 (1) USE OF FACILITIES.—The National Board
9 may use the research, equipment, services and facili-
10 ties of any agency or instrumentality of the United
11 States with the consent of such agency or instru-
12 mentality.

13 (2) STAFF OF FEDERAL AGENCIES.—Upon the
14 request of the National Board, the head of any Fed-
15 eral agency of the United States may detail to the
16 National Board, on a reimbursable basis, any of the
17 personnel of such Federal agency to assist the Na-
18 tional Board in carrying out this title. Such detail
19 shall be without interruption or loss of civil service
20 status or privilege.

21 (h) PROCUREMENT OF TEMPORARY AND INTERMIT-
22 TENT SERVICES.—The Chairperson of the National Board
23 may procure temporary and intermittent services of ex-
24 perts and consultants under section 3109(b) of title 5,
25 United States Code.

1 (i) TERMINATION OF THE COMMISSION.—Section
2 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C.
3 App.) shall not apply with respect to the termination of
4 the National Board.

5 **SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.**

6 (a) IDENTIFICATION OF OCCUPATIONS.—The Na-
7 tional Board, after extensive public consultation, shall
8 identify broad clusters of major occupations that involve
9 one or more than one industry in the United States.

10 (b) ENDORSEMENT OF SKILL STANDARDS SYS-
11 TEMS.—

12 (1) IN GENERAL.—The National Board, after
13 public review and comment, shall endorse skill
14 standards systems relating to the occupational clus-
15 ters identified pursuant to subsection (a) that—

16 (A) meet the requirements of paragraph

17 (2);

18 (B) are submitted by entities that meet the
19 requirements of subsection (c); and

20 (C) meet additional objective criteria that
21 are published by the National Board.

22 (2) COMPONENTS OF SYSTEM.—The skill stand-
23 ards systems endorsed pursuant to paragraph (1)
24 shall have one or more of the following components:

- 1 (A) Voluntary skill standards, which at a
2 minimum—
- 3 (i) take into account, to the extent
4 practicable, standards used in other coun-
5 tries and international standards;
- 6 (ii) take into account content and per-
7 formance standards certified pursuant to
8 section 213;
- 9 (iii) take into account the require-
10 ments of high performance work organiza-
11 tions;
- 12 (iv) are in a form that allows for reg-
13 ular updating to take into account ad-
14 vances in technology or other developments
15 within the occupational cluster;
- 16 (v) are formulated in such a manner
17 that the attainment of such standards is
18 likely to meet the requirements for trans-
19 ferable credit and enable a student, train-
20 ee, or employee to continue education and
21 training, with a special emphasis on trans-
22 ferability among firms and labor markets;
23 and

1 (vi) are not discriminatory with re-
2 spect to race, color, religion, sex, national
3 origin, ethnicity, age, or disability.

4 (B) A voluntary system of assessment and
5 certification of the attainment of skill standards
6 developed pursuant to subparagraph (A), which
7 at a minimum—

8 (i) takes into account, to the extent
9 practicable, methods of assessment and
10 certification used in other countries;

11 (ii) utilizes a variety of evaluation
12 techniques, including, where appropriate,
13 oral and written evaluations, portfolio as-
14 sessments, and performance tests; and

15 (iii) includes methods for establishing
16 the validity and reliability of the assess-
17 ment and certification system for the in-
18 tended purposes of the system.

19 (C) A system to disseminate information
20 relating to the skill standards, and the assess-
21 ment and certification systems, developed pur-
22 suant to this paragraph (including dissemina-
23 tion of information relating to civil rights laws
24 relevant to the use of such standards and sys-
25 tems) to, and to promote use of such standards

1 and systems by, entities such as institutions of
2 higher education offering professional and tech-
3 nical education, labor organizations, trade and
4 technical associations, and employers providing
5 formalized training, and other organizations
6 likely to benefit from such standards and sys-
7 tems.

8 (D) A system to evaluate the implementa-
9 tion and effectiveness of the skill standards, the
10 assessment and certification systems, and the
11 information dissemination systems, developed
12 pursuant to this paragraph.

13 (E) A system to periodically revise and up-
14 date the skill standards, and the assessment
15 and certification systems, developed pursuant to
16 this paragraph, which will take into account
17 changes in standards in other countries.

18 (c) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS
19 TO DEVELOP STANDARDS.—

20 (1) IN GENERAL.—For each of the occupational
21 clusters identified pursuant to subsection (a), the
22 National Board shall encourage and facilitate the es-
23 tablishment of voluntary partnerships to develop a
24 skill standards system in accordance with subsection

25 (b).

1 (2) REPRESENTATIVES.—Such voluntary part-
2 nerships shall include the full and balanced partici-
3 pation of—

4 (A)(i) representatives of business (includ-
5 ing representatives of large employers and rep-
6 resentatives of small employers) who have ex-
7 pertise in the area of work force skill require-
8 ments, and who are recommended by national
9 business organizations or trade associations
10 representing employers in the occupation or in-
11 dustry for which a standard is being developed;
12 and

13 (ii) representatives of trade associations
14 that have received grants from the Department
15 of Labor or the Department of Education to es-
16 tablish skill standards prior to the date of en-
17 actment of this title;

18 (B) employee representatives who—

19 (i) have expertise in the area of work
20 force skill requirements; and

21 (ii) shall be—

22 (I) individuals recommended by
23 recognized national labor organiza-
24 tions representing employees in the

1 occupation or industry for which a
2 standard is being developed; and

3 (II) such individuals who are
4 nonmanagerial employees with signifi-
5 cant experience and tenure in such oc-
6 cupation or industry as are appro-
7 priate given the nature and structure
8 of employment in the occupation or
9 industry; and

10 (C) representatives of—

11 (i) educational institutions;

12 (ii) technical associations;

13 (iii) community-based organizations;

14 (iv) State and local agencies with ad-
15 ministrative control or direction over edu-
16 cation or over employment and training;

17 (v) other policy development organiza-
18 tions with expertise in the area of work
19 force skill requirements; or

20 (vi) nongovernmental organizations
21 with a demonstrated history of successfully
22 protecting the rights of racial, ethnic, or
23 religious minorities, women, persons with
24 disabilities, or older persons.

1 (3) EXPERTS.—The partnerships described in
2 paragraph (2) may also include other individuals
3 who are independent, qualified experts in their
4 fields.

5 (d) LIMITATIONS.—

6 (1) RELATIONSHIP WITH APPRENTICESHIP
7 STANDARDS IN CONSTRUCTION INDUSTRY.—The Na-
8 tional Board may not carry out the requirements of
9 subsection (b) or (c) with respect to any occupation
10 or trade within the construction industry for which
11 recognized apprenticeship standards have been joint-
12 ly developed by labor and management representa-
13 tives and are being actively used for training work-
14 ers in such occupation or trade, unless labor and
15 management representatives of such occupation or
16 trade and representatives of certified apprenticeship
17 programs within such occupation or trade jointly re-
18 quest the assistance of the National Board.

19 (2) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

20 (A) IN GENERAL.—Nothing in this title
21 shall be construed to modify or affect any Fed-
22 eral or State law prohibiting discrimination on
23 the basis of race, color, religion, sex, national
24 origin, ethnicity, age, or disability.

1 (B) EVIDENCE.—The endorsement by the
2 Board of a skill standard, or assessment and
3 certification system, under subsection (b) may
4 not be used in any action or proceeding to es-
5 tablish that the skill standard or assessment
6 and certification system conforms to the re-
7 quirements of civil rights laws.

8 (e) COORDINATION.—The National Board shall es-
9 tablish cooperative arrangements with the National Edu-
10 cation Standards and Improvement Council to promote
11 the coordination of the development of skill standards
12 under this section with the development of content and
13 performance standards in accordance with section 213.

14 (f) ADDITIONAL DUTIES.—In order to support the
15 activities described in subsections (b) and (c), the National
16 Board shall—

17 (1) conduct work force research relating to skill
18 standards and make the results of such research
19 available to the public, including the partnerships
20 described in subsection (c);

21 (2) identify and maintain a catalog of skill
22 standards used by other countries and by States and
23 leading firms and industries in the United States;

24 (3) serve as a clearinghouse to facilitate the
25 sharing of information on the development of skill

1 standards and other relevant information among
2 representatives of occupations and industries identi-
3 fied pursuant to subsection (a), and among edu-
4 cation and training providers;

5 (4) develop a common nomenclature relating to
6 skill standards;

7 (5) encourage the development and adoption of
8 curricula and training materials, for attaining the
9 skill standards developed pursuant to subsection (b),
10 that provide for structured work experiences and re-
11 lated study programs leading to progressive levels of
12 professional and technical certification;

13 (6) provide appropriate technical assistance to
14 individuals, and entities, involved in the development
15 of standards and systems described in subsection
16 (b); and

17 (7) develop long-term strategic plans relating to
18 the development and utilization of skill standards.

19 (g) FINANCIAL ASSISTANCE.—

20 (1) IN GENERAL.—From funds appropriated
21 pursuant to section 507, the Secretary of Labor may
22 award grants (including grants to voluntary partner-
23 ships in accordance with paragraph (2)), and enter
24 into contracts and cooperative arrangements, that

1 are requested by the National Board for the pur-
2 poses of carrying out this title.

3 (2) GRANT PROGRAMS FOR VOLUNTARY PART-
4 NERSHIPS.—

5 (A) ELIGIBILITY AND APPLICATION.—Vol-
6 untary partnerships that meet the requirements
7 of subsection (c) shall be eligible to apply for a
8 grant under this subsection. Each such vol-
9 untary partnership desiring a grant shall sub-
10 mit an application to the National Board at
11 such time, in such manner, and accompanied by
12 such information as the National Board may
13 reasonably require.

14 (B) APPROVAL CRITERIA.—Prior to each
15 of the fiscal years 1994 through 1998, the Na-
16 tional Board shall publish objective criteria for
17 the approval of grant applications submitted
18 pursuant to subparagraph (A).

19 (3) LIMITATION ON USE OF FUNDS.—

20 (A) IN GENERAL.—Not more than 20 per-
21 cent of the funds appropriated under section
22 507(a) for each fiscal year shall be used by the
23 National Board for the costs of administration.

24 (B) DEFINITION.—For purposes of this
25 paragraph, the term “costs of administration”

1 means costs relating to staff, supplies, equip-
2 ment, space, and travel and per diem, costs of
3 conducting meetings and conferences, and other
4 related costs.

5 **SEC. 505. DEADLINES.**

6 Not later than December 31, 1996, the National
7 Board shall—

8 (1) identify occupational clusters pursuant to
9 section 504(a) representing a substantial portion of
10 the work force; and

11 (2) promote the development of an initial set of
12 skill standards in accordance with section 504(b) for
13 such clusters.

14 **SEC. 506. REPORTS.**

15 The National Board shall prepare and submit to the
16 President and the Congress in each of the fiscal years
17 1994 through 1998, a report on the activities conducted
18 under this title. Such report shall include information on
19 the extent to which skill standards have been adopted by
20 employers, training providers, and other entities, and on
21 the effectiveness of such standards in accomplishing the
22 purposes described in section 502.

23 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be appro-
25 priated to carry out this title \$15,000,000 for fiscal year

1 1994 and such sums as may be necessary for each of fiscal
 2 years 1995 through 1998.

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

5 **SEC. 508. DEFINITIONS.**

6 As used in this title:

7 (1) COMMUNITY-BASED ORGANIZATIONS.—The
 8 term “community-based organizations” has the
 9 meaning given the term in section 4(5) of the Job
 10 Training Partnership Act (29 U.S.C. 1503(5)).

11 (2) EDUCATIONAL INSTITUTION.—The term
 12 “educational institution” means a high school, a vo-
 13 cational school, and an institution of higher edu-
 14 cation.

15 (3) INSTITUTION OF HIGHER EDUCATION.—The
 16 term “institution of higher education” has the
 17 meaning given the term in section 1201(a) of the
 18 Higher Education Act of 1965 (20 U.S.C. 1141(a)).

19 (4) SKILL STANDARD.—The term “skill stand-
 20 ard” means the level of knowledge and competence
 21 required to successfully perform work-related func-
 22 tions within an occupational cluster.

S 1150 PCS—2

S 1150 PCS—3

S 1150 PCS—4

S 1150 PCS—5

S 1150 PCS—6

S 1150 PCS—7

S 1150 PCS—8