

105TH CONGRESS
2D SESSION

H. R. 4590

To allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1998

Mr. CASTLE (for himself and Mr. ROEMER) introduced the following bill;
which was referred to the Committee on Education and the Workforce

A BILL

To allow all States to participate in activities under the
Education Flexibility Partnership Demonstration Act.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Education Flexibility
5 Amendments of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) States differ substantially in demographics,
9 in school governance, and in school finance and
10 funding. The administrative and funding mecha-

1 nisms that help schools in 1 State improve may not
2 prove successful in other States.

3 (2) Although the Elementary and Secondary
4 Education Act of 1965 and other Federal education
5 statutes afford flexibility to State and local edu-
6 cational agencies in implementing Federal programs,
7 certain requirements of Federal education statutes
8 or regulations may impede local efforts to reform
9 and improve education.

10 (3) By granting waivers of certain statutory
11 and regulatory requirements, the Federal Govern-
12 ment can remove impediments for local educational
13 agencies in implementing educational reforms and
14 raising the achievement levels of all children.

15 (4) State educational agencies are closer to
16 local school systems, implement statewide edu-
17 cational reforms with both Federal and State funds,
18 and are responsible for maintaining accountability
19 for local activities consistent with State standards
20 and assessment systems. Therefore, State edu-
21 cational agencies are often in the best position to
22 align waivers of Federal and State requirements
23 with State and local initiatives.

24 (5) The Education Flexibility Partnership Dem-
25 onstration Act allows State educational agencies the

1 flexibility to waive certain Federal requirements,
2 along with related State requirements, but allows
3 only 12 States to qualify for such waivers.

4 (6) Expansion of the waiver authority under
5 such Act will allow for the waiver of statutory and
6 regulatory requirements that impede implementation
7 of State and local educational improvement plans, or
8 that unnecessarily burden program administration,
9 while maintaining the intent and purposes of af-
10 fected programs, and maintaining such fundamental
11 requirements as those relating to civil rights, edu-
12 cational equity, and accountability.

13 (7) To achieve the State goals for the education
14 of children in the State, the focus must be on results
15 in raising the achievement of all students, not proc-
16 ess.

17 **SEC. 3. EXPANSION OF THE EDUCATION FLEXIBILITY PART-**
18 **nership Demonstration Act.**

19 (a) IN GENERAL.—Section 311(e) of the Goals 2000:
20 Educate America Act (20 U.S.C. 5891(e)) is amended—

21 (1) in paragraph (2)—

22 (A) by amending subparagraph (A) to read
23 as follows:

24 “(A) IN GENERAL.—The Secretary may
25 carry out an education flexibility demonstration

1 program under which the Secretary authorizes
2 a State educational agency that serves an eligi-
3 ble State to waive statutory or regulatory re-
4 quirements applicable to 1 or more programs or
5 Acts described in subsection (b) or 1 or more
6 programs described in subpart 2 of part A of
7 title III of the Elementary and Secondary Edu-
8 cation Act of 1965 (except section 3136 of such
9 Act), other than requirements described in sub-
10 section (c) of this Act and section 14401(e) of
11 the Elementary and Secondary Education Act
12 of 1965, for the State educational agency or
13 any local educational agency or school within
14 the State.”;

15 (B) by striking subparagraph (B); and

16 (C) by redesignating subparagraph (C) as
17 subparagraph (B); and

18 (2) in paragraph (3), by amending subpara-
19 graph (A) to read as follows:

20 “(A)(i) has—

21 “(I) developed a State improvement
22 plan under section 306;

23 “(II) developed and implemented the
24 challenging State content standards, chal-
25 lenging State student performance stand-

1 ards, and aligned assessments described in
2 section 1111(b) of the Elementary and
3 Secondary Education Act of 1965, includ-
4 ing the requirements of that section relat-
5 ing to disaggregation of data, and for
6 which local educational agencies in the
7 State are producing the individual school
8 performance profiles required by section
9 1116(a) of such Act; or

10 “(III) made substantial progress, as
11 determined by the Secretary, toward devel-
12 oping and implementing the standards and
13 assessments, and toward having local edu-
14 cational agencies in the State produce the
15 profiles, described in subclause (I); and

16 “(ii) holds local educational agencies and
17 schools accountable for meeting the educational
18 goals described in the local applications submit-
19 ted under paragraph (5), and for taking correc-
20 tive actions, consistent with section 1116 of the
21 Elementary and Secondary Education Act of
22 1965, for the local educational agencies that do
23 not meet the goals; and”.

24 (b) AUTHORITY TO ISSUE WAIVERS.—Section 311(e)
25 of the Goals 2000: Educate America Act (20 U.S.C.

1 5891(e)) is amended further by adding at the end the fol-
2 lowing:

3 “(8) AUTHORITY TO ISSUE WAIVERS.—Notwith-
4 standing any other provision of law, the Secretary is
5 authorized to carry out the education flexibility dem-
6 onstration program under this subsection for each of
7 the fiscal years 1999 through 2003.”.

8 (c) ACCOUNTABILITY.—Section 311(f) of the Goals
9 2000: Educate America Act (20 U.S.C. 5891(f)) is amend-
10 ed by adding at the end the following: “In the case of
11 deciding whether to extend a State educational agency’s
12 authority to issue waivers under subsection (e), the Sec-
13 retary also shall review the progress of the State edu-
14 cational agency to determine if such agency—

15 “(1) has established procedures for increasing
16 the percentage of elementary school and secondary
17 school teachers in the State who have demonstrated,
18 by traditional or alternative routes, the subject mat-
19 ter knowledge and pedagogical skill necessary to pro-
20 vide effective instruction in the content area or areas
21 in which the teachers provide instruction; and

22 “(2) has decreased the percentage of elemen-
23 tary school and secondary school teachers teaching
24 in high poverty elementary schools and secondary

1 schools who do not demonstrate such knowledge and
2 skills.”.

3 (d) TRANSITION RULES.—

4 (1) CONSTRUCTION.—Nothing in this Act or
5 the amendments made by this Act shall be construed
6 to affect the authority of a State educational agency
7 that has been granted waiver authority under the
8 following provisions of law:

9 (A) Section 311(e) of the Goals 2000:
10 Educate America Act as such section was in ef-
11 fect on the day before the date of enactment of
12 this Act.

13 (B) The proviso referring to such section
14 311(e) under the heading “**EDUCATION RE-**
15 **FORM**” in the Department of Education Ap-
16 propriations Act, 1996 (Public Law 104–134;
17 110 Stat. 1321–229).

18 (2) ELIGIBILITY.—A State educational agency
19 that has been granted waiver authority under a pro-
20 vision of law described in subparagraph (A) or (B)
21 of paragraph (1) prior to the date of enactment of
22 this Act shall be eligible to apply for waiver author-
23 ity under section 311(e) of the Goals 2000: Educate

1 America Act as such section is in effect on the date
2 of enactment of this Act.

○