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2D SESSION

S. 2044

To assist urban and rural local education agencies to raise the academic achievement of all of their students.

IN THE SENATE OF THE UNITED STATES

MAY 7, 1998

Mr. KENNEDY (for himself, Mrs. MURRAY, Mr. LEVIN, Mr. INOUE, Mr. DODD, Mr. KERRY, Mr. DASCHLE, Mr. BINGAMAN, Mr. GLENN, Ms. MOSELEY-BRAUN, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To assist urban and rural local education agencies to raise the academic achievement of all of their students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Education Opportunity
4 Zones Act of 1998”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds as follows:

7 (1) Students in schools that have high con-
8 centrations of poor children begin school academi-
9 cally behind their peers in other schools and are

1 often unable to close the gap as they progress
2 through school. In later years, these students are
3 less likely than other students to attend a college or
4 university and more likely to experience unemploy-
5 ment.

6 (2) Many children who attend these high-pov-
7 erty schools lack access to the challenging curricula,
8 well-prepared teachers, and high expectations that
9 make better achievement possible. More specifically,
10 they are often educated in over-crowded classrooms
11 and by teachers who are assigned to teach in subject
12 areas outside their areas of certification.

13 (3) Data from the National Assessment of Edu-
14 cational Progress consistently show large gaps be-
15 tween the achievement of students in high-poverty
16 schools and those in other schools. High-poverty
17 schools will face special challenges in preparing their
18 students to reach high standards of performance on
19 national and State assessments, such as voluntary
20 national tests and the assessments States are devel-
21 oping under the Goals 2000 and ESEA, Title I pro-
22 grams.

23 (4) Recent reports have found that students in
24 urban districts are more likely to attend high-pov-
25 erty schools; more frequently taught by teachers pos-

1 sessing only an emergency or temporary license; and
2 less likely to score above the basic level on achieve-
3 ment tests than are nonurban students.

4 (5) High-poverty rural schools, because of their
5 isolation, small size, and low levels of resources, also
6 face particular challenges. For example, teachers in
7 rural districts are nearly twice as likely as other
8 teachers to provide instruction in three or more sub-
9 jects.

10 (6) Notwithstanding these general trends, some
11 high-poverty school districts have shown that they
12 can increase student achievement, if they adopt chal-
13 lenging standards for all children, focus on improv-
14 ing curriculum and instruction, expand educational
15 choice among public schools for parents and stu-
16 dents, adopt other components of systemic edu-
17 cational reform, and hold schools, staff, and stu-
18 dents accountable for results.

19 (7) Districts that have already established the
20 policies needed to attain widespread student achieve-
21 ment gains, and have attained those gains in some
22 of their schools, can serve as models for other dis-
23 tricts desiring to improve the academic achievements
24 of their students. The Federal Government can spur
25 more districts in this direction by providing targeted

1 resources for urban and rural districts willing to
2 carry out solid plans for improving the educational
3 achievements of all their children.

4 **SEC. 3. PURPOSE.**

5 The purpose of this Act is to assist urban and rural
6 educational agencies that—

7 (1) have high concentrations of children from
8 low-income families;

9 (2) have a record of achieving high educational
10 outcomes, in at least some of their schools;

11 (3) are implementing standards-based systemic
12 reform strategies; and

13 (4) are keeping their schools safe and drug-free,
14 to pursue further reforms and raise the academic
15 achievement of all their students.

16 **SEC. 4. DEFINITIONS.**

17 As used in this Act, the following terms have the fol-
18 lowing meanings:

19 (1) The term “central city” has the meaning
20 given that term by the Office of Management and
21 Budget.

22 (2) The term “high-poverty local educational
23 agency” means a local educational agency in which
24 the percentage of children, ages 5 through 17, from
25 families with incomes below the poverty level is 20

1 percent or greater or the number of such children
2 exceeds 10,000.

3 (3) The term “local educational agency”—

4 (A) has the meaning given that term in
5 section 14101(18) (A) and (B) of the Elemen-
6 tary and Secondary Education Act of 1965; and

7 (B) includes elementary and secondary
8 schools operated or supported by the Bureau of
9 Indian Affairs.

10 (4) The term “metropolitan statistical area”
11 has the meaning given that term by the Office of
12 Management and Budget.

13 (5) The term “rural locality” means a locality
14 that is not within a metropolitan statistical area and
15 has a population of less than 25,000.

16 (6) The term “urban locality” means a locality
17 that is—

18 (A) a central city of a metropolitan statis-
19 tical area; or

20 (B) any other locality within a metropoli-
21 tan statistical area, if that area has a popu-
22 lation of at least 400,000 or a population den-
23 sity of at least 6,000 persons per square mile.

1 **SEC. 5. ELIGIBILITY.**

2 (a) **ELIGIBLE LEAS.**—(1) A local educational agency
3 is eligible to receive a grant under this Act if it is—

4 (A) a high-poverty local educational agency; and

5 (B) located in, or serves, either an urban local-
6 ity or a rural locality.

7 (2) Two or more local educational agencies described
8 in paragraph (1) may apply for, and receive a grant under
9 this Act as a consortium.

10 (b) **DETERMINATION OF ELIGIBILITY.**—The Sec-
11 retary shall determine which local educational agencies
12 meet the eligibility requirements of subsection (a) on the
13 basis of the most recent data that are satisfactory to the
14 Secretary.

15 **SEC. 6. APPLICATIONS.**

16 (a) **APPLICATIONS REQUIRED.**—In order to receive a
17 grant under this Act, an eligible local educational agency
18 shall submit an application to the Secretary at such time,
19 in such form, and containing such information as the Sec-
20 retary may require.

21 (b) **CONTENTS.**—Each application shall include evi-
22 dence that the local educational agency meets each of the
23 following conditions:

24 (1) It has begun to raise student achievement,
25 as measured by State assessments under title III of
26 the Goals 2000: Educate America Act, title I of the

1 Elementary and Secondary Education Act of 1965,
2 or comparably rigorous State or local assessments;
3 or it has shown significant progress on other meas-
4 ures of educational performance, including school at-
5 tendance, high school completion, and school safety.
6 Student achievement evidence shall include data
7 disaggregated to show the achievement of students
8 separately by race and by gender, as well as for stu-
9 dents with disabilities, students with limited English
10 proficiency, and students who are economically dis-
11 advantaged (compared to students who are not eco-
12 nomically disadvantaged), throughout the district or,
13 at a minimum, in schools that have implemented a
14 comprehensive school improvement strategy.

15 (2) It expects all students to achieve to chal-
16 lenging State or local content standards, it has
17 adopted or is developing or adopting assessments
18 aligned with those standards, and it has imple-
19 mented or is implementing comprehensive reform
20 policies designed to assist all children to achieve to
21 the standards.

22 (3) It has entered into a partnership that in-
23 cludes the active involvement of representatives of
24 local organizations and agencies and other members
25 of the community, including parents, and is designed

1 to guide the implementation of the local educational
2 agency's comprehensive reform strategy.

3 (4) It has put (or is putting) into place effective
4 educational reform policies, including policies that—

5 (A) hold schools accountable for helping all
6 students, including students with limited
7 English proficiency and students with disabil-
8 ities, reach high academic standards. The appli-
9 cation shall describe how the agency will reward
10 schools that succeed and intervene in schools
11 that fail to make progress;

12 (B) require all students, including students
13 with disabilities and students with limited
14 English proficiency, to meet academic standards
15 before being promoted to the next grade level at
16 key transition points in their careers or grad-
17 uating from high school. The application shall
18 describe the local educational agency's strategy
19 for providing students with a rich curriculum
20 tied to high standards, and with well-prepared
21 teachers and class sizes conducive to high stu-
22 dent achievement;

23 (C) identify, during the early stages of
24 their academic careers, students who have dif-
25 ficulty in achieving to high standards, and pro-

1 vide them with more effective educational inter-
2 ventions or additional learning opportunities
3 such as after-school programs, so that the stu-
4 dents are able to meet the standards at key
5 transition points in their academic careers;

6 (D) hold teachers, principals, and super-
7 intendents accountable for quality, including a
8 description of the local educational agency's
9 strategies for ensuring quality through, among
10 other things—

11 (i) development of clearly articulated
12 standards for teachers and school adminis-
13 trators, and development, in cooperation
14 with teacher organizations, of procedures
15 for identifying, working with, and, if nec-
16 essary, quickly but fairly removing teach-
17 ers and administrators who fail to perform
18 at adequate levels, consistent with State
19 law and locally negotiated agreements;

20 (ii) implementation of a comprehen-
21 sive professional development plan for
22 teachers and instructional leaders, such as
23 a plan developed under title II of the Ele-
24 mentary and Secondary Education Act of
25 1965; and

1 (iii) encouraging excellent teaching,
2 such as by providing incentives for teach-
3 ers to obtain certification by the National
4 Board for Professional Teaching Stand-
5 ards; and

6 (E) provide students and parents with ex-
7 panded choice within public education.

8 (5) It is working effectively to keep its schools
9 safe, disciplined, and drug-free.

10 (c) DESCRIPTION OF PROPOSED PROGRAM.—The ap-
11 plication shall also include a description of how the local
12 educational agency will use the grant made available under
13 this Act, including descriptions of—

14 (1) how the district will use all available re-
15 sources (Federal, State, local, and private) to carry
16 out its reform strategy;

17 (2) the specific measures that the applicant
18 proposes to use to provide evidence of future
19 progress in improving student achievement, includ-
20 ing the subject areas and grade levels in which it
21 will measure that progress, and an assurance that
22 the applicant will collect such student data in a
23 manner that demonstrates the achievement of stu-
24 dents separately by race and by gender, as well as
25 for students with disabilities, students with limited

1 English proficiency, and students who are economi-
2 cally disadvantaged (compared to students who are
3 not economically disadvantaged); and

4 (3) how the applicant will continue the activities
5 carried out under the grant after the grant has ex-
6 pired.

7 **SEC. 7. SELECTION OF APPLICATIONS.**

8 (a) CRITERIA.—The Secretary shall, using a peer-re-
9 view process, select applicants to receive funding based
10 on—

11 (1) evidence that—

12 (A) the applicant has made progress in im-
13 proving student achievement or the other meas-
14 ures of educational performance described in
15 section 6(b)(1), in at least some of its schools
16 that enroll concentrations of children from low-
17 income families;

18 (B) the applicant has put (or is putting)
19 into place effective reform policies as described
20 in section 6(b)(4); and

21 (C) the applicant is working effectively to
22 keep its schools safe, disciplined, and drug-free;
23 and

1 (2) the quality of the applicant’s plan for carry-
2 ing out activities under the grant, as set forth in the
3 application.

4 (b) **EQUITABLE DISTRIBUTION.**—In approving appli-
5 cations, the Secretary shall seek to ensure that there is
6 an equitable distribution of grants among geographic re-
7 gions of the country, to varying sizes of urban local edu-
8 cational agencies, and to rural local educational agencies,
9 including rural local educational agencies serving con-
10 centrations of Indian children.

11 **SEC. 8. PRESIDENTIAL DESIGNATION; TECHNICAL ASSIST-**
12 **ANCE.**

13 (a) **DESIGNATION AS EDUCATION OPPORTUNITY**
14 **ZONE.**—The President shall designate each local edu-
15 cational agency selected by the Secretary to receive a
16 grant under this Act as an “Educational Opportunity
17 Zone”.

18 (b) **TECHNICAL ASSISTANCE.**—The President may
19 instruct Federal agencies to provide grant recipients with
20 such technical and other assistance as those agencies can
21 make available to enable the grantees to carry out their
22 activities under the program.

1 **SEC. 9. AMOUNT AND DURATION OF GRANTS; CONTINU-**
2 **ATION AWARDS.**

3 (a) GRANT AMOUNTS.—In determining the amount
4 of a grant, the Secretary shall consider such factors as—

5 (1) the scope of the activities proposed in the
6 application;

7 (2) the number of students in the local edu-
8 cational agency who are from low-income families;

9 (3) the number of low-performing schools in the
10 local educational agency; and

11 (4) the number of children in the local edu-
12 cational agency who are not reaching State or local
13 standards.

14 (b) DURATION OF GRANTS.—(1) Each grant shall be
15 for three years, but may be continued for up to two addi-
16 tional years if the Secretary determines that the grantee
17 is achieving agreed-upon measures of progress by the third
18 year of the grant.

19 (2) The Secretary may increase the amount of a
20 grant in the second year, in order to permit full implemen-
21 tation of grant activities, except that—

22 (A) the amount of a second-year award shall be
23 no more than 140 percent of the award for the first
24 year;

25 (B) the amount of a third-year award shall be
26 no more than 80 percent of the second-year award;

1 (C) the amount of a fourth-year award shall be
2 no more than 70 percent of the second-year award;
3 and

4 (D) the amount of a fifth-year award shall be
5 no more than 50 percent of the second-year award.

6 (c) EXPECTED ACHIEVEMENT LEVELS AND CON-
7 TINUATION AWARDS.—(1) Before receiving its award,
8 each grantee shall develop and adopt, with the approval
9 of the Secretary, specific, ambitious levels of achievement
10 that exceed typical achievement levels for comparable local
11 educational agencies and that the local educational agency
12 commits to attaining during the period of the grant.

13 (2) the agreed-upon levels shall—

14 (A) reflect progress in the areas of—

15 (i) student academic achievement;

16 (ii) dropout rates;

17 (iii) attendance; and

18 (iv) such other areas as may be proposed
19 by the local educational agency or the Sec-
20 retary; and

21 (B) provide for the disaggregation of data sepa-
22 rately by race and by gender, as well as for students
23 with disabilities, students with limited English pro-
24 ficiency, and students who are economically dis-

1 advantaged students (compared to students who are
2 not economically disadvantaged).

3 **SEC. 10. USES OF FUNDS.**

4 (a) IN GENERAL.—Each grantee shall use its award
5 only for activities that support the comprehensive reform
6 efforts described in its application or that are otherwise
7 consistent with the purpose of this Act.

8 (b) AUTHORIZED ACTIVITIES.—Activities that may
9 be carried out with funds under this Act include—

10 (1) implementing school-performance-informa-
11 tion systems to measure the performance of schools
12 in educating their students to high standards, main-
13 taining a safe school environment, and achieving the
14 anticipated school-attendance and graduation rates;

15 (2) implementing district accountability systems
16 that reward schools that raise student achievement
17 and provide assistance to, and ultimately result in
18 intervention in, schools that fail to do so, including
19 such intervention strategies as technical assistance
20 on school management and leadership, intensive pro-
21 fessional development for school staff, institution of
22 new instructional programs that are based on reli-
23 able research, and the reconstitution of the school;

24 (3) providing students with expanded choice
25 and increased curriculum options within public edu-

1 cation, through such means as open-enrollment poli-
2 cies, schools within schools, magnet schools, charter
3 schools, distance-learning programs, and opportuni-
4 ties for secondary school students to take post-
5 secondary courses;

6 (4) implementing financial incentives for
7 schools to make progress against the goals and
8 benchmarks the district has established for the pro-
9 gram;

10 (5) providing additional learning opportunities,
11 such as after-school, weekend, and summer pro-
12 grams, to students who are failing, or are at risk of
13 failing, to achieve to high standards;

14 (6) providing ongoing professional development
15 opportunities to teachers, principals, and other
16 school staff that are tailored to the needs of individ-
17 ual schools, and aligned with the State or local aca-
18 demic standards and with the objectives of the pro-
19 gram carried out under the grant;

20 (7) implementing programs, designed in co-
21 operation with teacher organizations, to provide rec-
22 ognition and rewards to teachers who demonstrate
23 outstanding capability at educating students to high
24 standards, including monetary rewards for teachers

1 who earn certification from the National Board for
2 Professional Teaching Standards;

3 (8) implementing procedures, developed in co-
4 operation with teacher organizations, for identifying
5 ineffective teachers and administrators, providing
6 them with assistance to improve their skills and, if
7 there is inadequate improvement, quickly but fairly
8 removing them from the classroom or school, con-
9 sistent with State law and locally negotiated agree-
10 ments;

11 (9) establishing programs to improve the re-
12 cruitment and retention of well-prepared teachers,
13 including the use of incentives to encourage well-pre-
14 pared individuals to teach in areas of the district
15 with high needs;

16 (10) designing and implementing procedures for
17 selecting and retaining principals who have the abil-
18 ity to provide the school leadership needed to raise
19 student achievement;

20 (11) strengthening the management of the local
21 educational agency so that all components of man-
22 agement are focused on improving student achieve-
23 ment;

1 (12) carrying out activities to build stronger
2 partnerships between schools and parents, busi-
3 nesses, and communities; and

4 (13) assessing activities carried out under the
5 grant, including the extent to which the grant is
6 achieving its objectives.

7 **SEC. 11. FLEXIBILITY.**

8 (a) **ELIGIBILITY FOR SCHOOLWIDE PROGRAMS**
9 **UNDER ESEA, TITLE I.**—Each school operated by a local
10 educational agency receiving funding under this authority
11 that is selected by the agency to receive funds under sec-
12 tion 1113(c) of the Elementary and Secondary Education
13 Act of 1965 shall be considered as meeting the criteria
14 for eligibility to implement a schoolwide program as de-
15 scribed in section 1114 of the Act.

16 (b) **CARRYING OUT SCHOOLWIDE PROGRAMS.**—All
17 schools in the local educational agency that qualify for eli-
18 gibility for a schoolwide program based solely on the agen-
19 cy’s receiving funding under this Act and that wish to
20 carry out a schoolwide program shall—

21 (1) develop a plan that satisfies the require-
22 ments of section 1114(b)(2) of the Elementary and
23 Secondary Education Act of 1965; and

1 (2) develop a program that includes the compo-
2 nents of a schoolwide program described in section
3 1114(b)(1) of that Act.

4 **SEC. 12. PARTICIPATION OF PRIVATE SCHOOL STUDENTS**
5 **AND TEACHERS.**

6 (a) REQUIREMENTS.—(1)(A) If a local educational
7 agency uses funds under this Act to provide for training
8 of teachers or administrators, it shall provide for the par-
9 ticipation of teachers or administrators from private non-
10 profit elementary or secondary schools, in proportion to
11 the number of children enrolled in those schools who reside
12 in attendance areas served by the local educational agen-
13 cy's program under this Act.

14 (B) A local educational agency may choose to comply
15 with subparagraph (A) by providing services to teachers
16 or administrators from private schools at the same time
17 and location it provides those services to teachers and ad-
18 ministrators from public schools.

19 (C) The local educational agency shall carry out sub-
20 paragraph (A) after timely and meaningful consultation
21 with appropriate private school officials.

22 (2) If the local educational agency uses funds under
23 this Act to develop curricular materials, it shall make in-
24 formation about those materials available to private
25 schools.

1 (b) WAIVER.—If, by reason of any provision of law,
2 a local educational agency is prohibited from providing the
3 training for private school teachers or administrators re-
4 quired by subsection (a)(1)(A), or if the Secretary deter-
5 mines that the agency is unable to do so, the Secretary
6 shall waive the requirement of that subsection and shall
7 use a portion of the agency’s grant to arrange for the pro-
8 vision of the training.

9 **SEC. 13. EVALUATION.**

10 The Secretary shall carry out an evaluation of the
11 program supported under this Act, which shall address
12 such issues as the extent to which—

13 (1) student achievement in local educational
14 agencies receiving support increases;

15 (2) local educational agencies receiving support
16 expand the choices for students and parents within
17 public education; and

18 (3) local educational agencies receiving support
19 develop and implement systems to hold schools,
20 teachers, and principals accountable for student
21 achievement.

22 **SEC. 14. NATIONAL ACTIVITIES.**

23 The Secretary may reserve up to five percent of the
24 amount appropriated under section 15 for any fiscal year
25 for—

- 1 (1) peer review activities;
- 2 (2) evaluation of the program under section 13
- 3 and measurement of its effectiveness in accordance
- 4 with the Government Performance and Results Act
- 5 of 1993;
- 6 (3) dissemination of research findings, evalua-
- 7 tion data, and the experiences of districts imple-
- 8 menting comprehensive school reform; and
- 9 (4) technical assistance to grantees.

10 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

11 For the purpose of carrying out this Act, there are

12 authorized to be appropriated \$200 million for fiscal year

13 1999, and such sums as may be necessary for each of the

14 four succeeding fiscal years.

○