

Union Calendar No. 480

110TH CONGRESS
2D SESSION

H. R. 3036

[Report No. 110-754]

To amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2007

Mr. SARBANES introduced the following bill; which was referred to the Committee on Education and Labor

JULY 10, 2008

Additional sponsors: Mr. SAXTON, Mr. PAYNE, Mr. LOBIONDO, Ms. CLARKE, Mr. HARE, Mr. WU, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. PERLMUTTER, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. GRIJALVA, Ms. WOOLSEY, Mr. KIND, Mr. VAN HOLLEN, Mr. SIRES, Mr. FARR, Mr. HONDA, Mr. BRALEY of Iowa, Mr. FILNER, Mr. CLAY, Mr. ALLEN, Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. ROTHMAN, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, Mr. MCNERNEY, Ms. ESHOO, Ms. HIRONO, Mr. BERMAN, Mr. STARK, Mr. SESTAK, Mr. WYNN, Ms. ZOE LOFGREN of California, Ms. BORDALLO, Mr. REYES, Mr. HINCHEY, Ms. DEGETTE, Mr. ETHERIDGE, Ms. LEE, Mr. DELAHUNT, Mr. OLVER, Mrs. CAPPS, Mr. RUPPERSBERGER, Mr. ALTMIRE, Mr. MARSHALL, Mr. BLUMENAUER, Mr. HODES, Ms. MATSUI, Mr. HINOJOSA, Mr. YARMUTH, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, Mr. BISHOP of New York, Mr. TIERNEY, Mr. ANDREWS, Mr. HOLT, Mr. KILDEE, Mr. LOEBSACK, Mr. BRADY of Pennsylvania, Mr. CARNAHAN, Mr. CONYERS, and Mr. MEEKS of New York

JULY 10, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 12, 2007]

A BILL

To amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “No Child Left Inside*
5 *Act of 2008”.*

6 **SEC. 2. NATIONAL ENVIRONMENTAL EDUCATION ACT**

7 **AMENDMENTS.**

8 *(a) DEFINITIONS.—Section 3 of the National Environ-*
9 *mental Education Act (20 U.S.C. 5502) is amended—*

10 *(1) in paragraph (12), by striking “and” at the*
11 *end;*

12 *(2) in paragraph (13), by striking the period at*
13 *the end and inserting a semicolon; and*

14 *(3) by adding at the end the following:*

15 *“(14) ‘principles of scientific research’ means*
16 *principles of research that—*

17 *“(A) apply rigorous, systematic, and objec-*
18 *tive methodology to obtain reliable and valid*

1 *knowledge relevant to education activities and*
2 *programs;*

3 “(B) *present findings and make claims that*
4 *are appropriate to, and supported by, the meth-*
5 *ods that have been employed; and*

6 “(C) *include, appropriate to the research*
7 *being conducted—*

8 “(i) *use of systematic, empirical meth-*
9 *ods that draw on observation or experiment;*

10 “(ii) *use of data analyses that are ade-*
11 *quate to support the general findings;*

12 “(iii) *reliance on measurements or ob-*
13 *servational methods that provide reliable*
14 *and generalizable findings;*

15 “(iv) *strong claims of causal relation-*
16 *ships, only with research designs that elimi-*
17 *nate plausible competing explanations for*
18 *observed results, such as, but not limited to,*
19 *random-assignment experiments;*

20 “(v) *presentation of studies and meth-*
21 *ods in sufficient detail and clarity to allow*
22 *for replication or, at a minimum, to offer*
23 *the opportunity to build systematically on*
24 *the findings of the research;*

1 “(vi) acceptance by a peer-reviewed
2 journal or critique by a panel of inde-
3 pendent experts through a comparably rig-
4 orous, objective, and scientific review; and

5 “(vii) consistency of findings across
6 multiple studies or sites to support the gen-
7 erality of results and conclusions;

8 “(15) ‘scientifically valid research’ includes ap-
9 plied research, basic research, and field-initiated re-
10 search in which the rationale, design, and interpreta-
11 tion are soundly developed in accordance with prin-
12 ciples of scientific research;

13 “(16) ‘State’ has the meaning given such term in
14 section 9101 of the Elementary and Secondary Edu-
15 cation Act of 1965; and

16 “(17) ‘State educational agency’ has the mean-
17 ing given such term in section 9101 of the Elemen-
18 tary and Secondary Education Act of 1965.”.

19 (b) ENVIRONMENTAL EDUCATION AND TRAINING PRO-
20 GRAM.—Section 5 of the National Environmental Edu-
21 cation Act (20 U.S.C. 5504) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

1 (i) by inserting “creating opportunities
2 for enhanced and ongoing professional de-
3 velopment and” before “classroom”; and

4 (ii) by inserting “(including inte-
5 grating scientifically valid research teach-
6 ing methods and technology-based teaching
7 methods into the curriculum)” after “prac-
8 tices”;

9 (B) in paragraph (3)—

10 (i) by striking “curriculum, including”
11 and inserting “curriculum (including”;

12 (ii) by striking “groups;” and insert-
13 ing “groups) which—”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(A) are aligned with challenging State and
17 local academic content standards to the extent
18 such standards exist; and

19 “(B) advance the teaching of interdiscipli-
20 nary courses that integrate the study of natural,
21 social, and economic systems and that include
22 strong field components;”;

23 (C) in paragraph (7), by striking “and fo-
24 rums;” and inserting “forums, and bringing
25 teachers into contact with working professionals

1 *in environmental fields to expand such teachers’*
2 *subject matter knowledge of, and research in, en-*
3 *vironmental issues;”;*

4 (D) *in paragraph (8), by striking “; and”*
5 *and inserting “, including environmental edu-*
6 *cation distance learning programs for teachers*
7 *using curricula that are innovative, content-*
8 *based, and based on scientifically valid research*
9 *that is current as of the date of the program in-*
10 *volved;”;*

11 (E) *by redesignating paragraph (9) as*
12 *paragraph (13);*

13 (F) *by redesignating paragraphs (4)*
14 *through (8) as paragraphs (5) through (9), re-*
15 *spectively;*

16 (G) *by inserting after paragraph (3) the fol-*
17 *lowing:*

18 “(4) *encouraging individuals traditionally*
19 *under-represented in environmental careers to pursue*
20 *postsecondary degrees in majors leading to such ca-*
21 *reers;”;* and

22 (H) *by inserting after paragraph (9) (as so*
23 *redesignated) the following:*

24 “(10) *establishment of programs to prepare*
25 *teachers at a school to provide environmental edu-*

1 *cation professional development to other teachers at*
2 *the school and programs to promote outdoor environ-*
3 *mental education activities as part of the regular*
4 *school curriculum and schedule in order to further the*
5 *knowledge and development of teachers and students;*

6 *“(11) summer workshops or institutes, including*
7 *follow-up training, for elementary and secondary*
8 *school environmental education teachers;*

9 *“(12) encouraging mid-career environmental*
10 *professionals to pursue careers in environmental edu-*
11 *cation; and”;* and

12 *(2) in subsection (c)(1), by inserting “, in con-*
13 *sultation with the Secretary,” after “Administrator”.*

14 *(c) AUTHORIZATION.—Section 11(a) of the National*
15 *Environmental Education Act (20 U.S.C. 5510(a)) is*
16 *amended by striking “Act” and all that follows through the*
17 *period at the end and inserting “Act, except for section 11,*
18 *\$14,000,000 for fiscal year 2009.”.*

19 *(d) NATIONAL CAPACITY ENVIRONMENTAL EDUCATION*
20 *GRANT PROGRAM; ACCOUNTABILITY.—The National Envi-*
21 *ronmental Education Act (20 U.S.C. 5501 et seq.) is*
22 *amended—*

23 *(1) by redesignating section 11 as section 13;*
24 *and*

25 *(2) by inserting after section 10 the following:*

1 **“SEC. 11. NATIONAL CAPACITY ENVIRONMENTAL EDU-**
2 **CATION GRANT PROGRAM.**

3 “(a) *GRANTS AUTHORIZED.*—

4 “(1) *IN GENERAL.*—*The Secretary is authorized*
5 *to award grants, on a competitive basis, to nonprofit*
6 *organizations, State educational agencies, local edu-*
7 *cational agencies, or institutions of higher education*
8 *that have demonstrated expertise and experience in*
9 *the development of the institutional, financial, intel-*
10 *lectual, or policy resources needed to help the field of*
11 *environmental education become more effective and*
12 *widely practiced. Notwithstanding any other provi-*
13 *sion of this section, a State educational agency, a*
14 *local educational agency, an institution of higher edu-*
15 *cation, or a not-for-profit organization may use funds*
16 *provided under this section to coordinate with any*
17 *program or unit operated by a Federal Natural Re-*
18 *source Management Agency to carry out environ-*
19 *mental education programs based on the full range of*
20 *the resources and mission of the Agency.*

21 “(2) *DURATION.*—*The Secretary shall award*
22 *each grant under this section for a period of not less*
23 *than 1 year and not more than 3 years.*

24 “(b) *USE OF FUNDS.*—*Grant funds made available*
25 *under this section shall be used for 1 or more of the fol-*
26 *lowing:*

1 “(1) *Developing and implementing challenging*
2 *State academic content standards, student academic*
3 *achievement standards, and State curriculum frame-*
4 *works in environmental education, including the need*
5 *to balance conservation of the environment with the*
6 *development of the Nation’s energy resources.*

7 “(2) *Replicating or disseminating information*
8 *about proven and tested model environmental edu-*
9 *cation programs that—*

10 “(A) *use the environment as an integrating*
11 *theme or content throughout the curriculum;*

12 “(B) *provide integrated, interdisciplinary*
13 *instruction about natural, social, and economic*
14 *systems along with field experience that provides*
15 *students with opportunities to directly experience*
16 *nature in ways designed to improve overall aca-*
17 *ademic performance, self-esteem, personal respon-*
18 *sibility, community involvement, personal health*
19 *(including addressing child obesity issues), or*
20 *their understanding of nature;*

21 “(C) *provide integrated instruction on*
22 *waste reduction, reuse, recycling, and composting*
23 *programs and, when possible, promote such ac-*
24 *tivities within the school; or*

1 “(D) address issues of environmental jus-
2 tice, including policies and methods for elimi-
3 nating disparate enforcement of environmental
4 laws and regulations with respect to minority
5 and low-income communities, with particular
6 attention to the development of environmental
7 justice curriculum at the middle and high school
8 level.

9 “(3) Developing and implementing new policy
10 approaches to advancing environmental education at
11 the State and national level.

12 “(4) Conducting studies of national significance
13 that—

14 “(A) evaluate the effectiveness of teaching
15 environmental education as a separate subject,
16 and as an integrating concept or theme;

17 “(B) evaluate the effectiveness of using envi-
18 ronmental education in helping students improve
19 their assessment scores in mathematics, reading
20 or language arts, science, and the other core aca-
21 demic subjects; or

22 “(C) evaluate ways to coordinate activities
23 under this Act with existing Federal science
24 teacher in-service training or professional devel-
25 opment programs.

1 “(5) *Executing projects that advance widespread*
2 *State and local educational agency adoption and use*
3 *of environmental education content standards, includ-*
4 *ing adoption and use of such standards in textbook*
5 *selection criteria.*

6 “(6) *Developing a State environmental literacy*
7 *plan that includes the following:*

8 “(A) *A description of how the State edu-*
9 *cational agency will measure the environmental*
10 *literacy of students, including—*

11 “(i) *relevant State academic content*
12 *standards and content areas regarding envi-*
13 *ronmental education, and courses or sub-*
14 *jects where environmental education in-*
15 *struction will take place; and*

16 “(ii) *a description of the relationship*
17 *of the plan to the secondary school gradua-*
18 *tion requirements of the State.*

19 “(B) *A description of programs for profes-*
20 *sional development for teachers to improve the*
21 *teachers’—*

22 “(i) *environmental content knowledge;*

23 “(ii) *skill in teaching about environ-*
24 *mental issues; and*

25 “(iii) *field-based pedagogical skills.*

1 “(C) *A description of how the State edu-*
2 *cational agency will implement the plan, includ-*
3 *ing securing funding and other necessary sup-*
4 *port.*

5 “(7) *Developing evidence-based approaches to*
6 *build capacity to increase the number of elementary*
7 *and secondary environmental educators.*

8 “(c) *APPLICATIONS.—Each nonprofit organization,*
9 *State educational agency, local educational agency, or in-*
10 *stitution of higher education desiring a grant under this*
11 *section shall submit to the Secretary an application that*
12 *contains a plan to initiate, expand, or improve environ-*
13 *mental education programs in order to make progress to-*
14 *ward meeting State standards for environmental learning*
15 *(to the extent such standards exist) and environmental lit-*
16 *eracy and contains an evaluation and accountability plan*
17 *for activities assisted under this section that includes rig-*
18 *orous objectives that measure the impact of activities funded*
19 *under this section.*

20 “(d) *REQUIREMENTS.—*

21 “(1) *ANNUAL REPORT.—In order to continue re-*
22 *ceiving grant funds under this section after the first*
23 *year of a multi-year grant under this section, the*
24 *grantee shall submit to the Secretary an annual re-*
25 *port that—*

1 “(A) describes the activities assisted under
2 this section that were conducted during the pre-
3 ceding year;

4 “(B) describes the results of the grantee’s
5 evaluation and accountability plan; and

6 “(C) demonstrates that the grantee has un-
7 dertaken activities to accomplish at least one of
8 the following:

9 “(i) Responsibly preparing children to
10 understand and address major challenges
11 facing the United States, such as increasing
12 the supply of clean energy, climate change,
13 environmental health risks, and environ-
14 mental disaster and emergency prepared-
15 ness.

16 “(ii) Supporting systemic education
17 reform by strengthening environmental edu-
18 cation as an integral part of the elementary
19 school and secondary school curriculum.

20 “(iii) Helping ensure that all students
21 meet challenging State academic content
22 and student academic achievement stand-
23 ards in environmental learning.

24 “(iv) Supporting efforts to enable stu-
25 dents to engage in environmental education.

1 “(v) *Leveraging and expanding private*
2 *and public support for environmental edu-*
3 *cation partnerships at national, State, and*
4 *local levels.*

5 “(vi) *Awarding grants to initiate, ex-*
6 *pand, or improve environmental education*
7 *programs for elementary and secondary stu-*
8 *dents.*

9 “(vii) *Restoring and increasing field*
10 *experiences as part of the regular school*
11 *curriculum and schedule in order to im-*
12 *prove students’ overall academic perform-*
13 *ance, self-esteem, personal responsibility,*
14 *community involvement, personal health*
15 *(including addressing child obesity issues),*
16 *and understanding of nature.*

17 “(2) *ADMINISTRATIVE EXPENSES.—Not more*
18 *than 5 percent of the grant funds made available to*
19 *a nonprofit organization, State educational agency,*
20 *local educational agency, or institution of higher edu-*
21 *cation under this section for any fiscal year may be*
22 *used for administrative expenses.*

23 “(3) *STATE ENVIRONMENTAL LITERACY PLANS.—*

1 “(A) *IN GENERAL.*—A State educational
2 agency receiving a grant under this section
3 shall—

4 “(i) have a State environmental lit-
5 eracy plan that is consistent with the re-
6 quirements of subsection (b)(6) and that is
7 peer reviewed within the State by a panel
8 composed of experts in environmental edu-
9 cation and representatives from other re-
10 lated State agencies; or

11 “(ii) develop a State environmental lit-
12 eracy plan described in subsection (b)(6)
13 with funds made available under this sec-
14 tion prior to using the grant funds for any
15 other purpose.

16 “(B) *PEER REVIEW.*—If an environmental
17 literacy plan described in subparagraph (A)(i)
18 has not been peer reviewed within the State, the
19 State educational agency, notwithstanding sub-
20 section (b), shall use funds made available under
21 this section to complete such review, as described
22 in such subparagraph, prior to using the grant
23 funds for any other purpose.

24 “(C) *OTHER GRANTEEES.*—An applicant for
25 a grant under this section that is not a State

1 *educational agency and applies for funding to be*
2 *used for the purpose described in subsection*
3 *(b)(6) shall demonstrate in the application that*
4 *the applicant has consulted with the State edu-*
5 *cational agency about such use of funds.*

6 “(e) *ADMINISTRATIVE PROVISIONS.—*

7 “(1) *FEDERAL SHARE.—The Federal share under*
8 *this section shall not exceed—*

9 “(A) *90 percent of the total cost of a pro-*
10 *gram assisted under this section for the first year*
11 *for which the program receives assistance under*
12 *this section;*

13 “(B) *75 percent of such cost for the second;*
14 *and*

15 “(C) *50 percent of such cost for each subse-*
16 *quent such year.*

17 “(2) *REPORT TO CONGRESS.—Not later than one*
18 *year after enactment of this bill, the Secretary shall*
19 *submit to the Committee on Education and Labor of*
20 *the House of Representatives and the Committee on*
21 *Health, Education, Labor, and Pensions of the Senate*
22 *a report that—*

23 “(A) *describes the programs assisted under*
24 *this section;*

1 “(B) documents the success of such pro-
2 grams in improving national and State environ-
3 mental education capacity; and

4 “(C) makes such recommendations as the
5 Secretary determines appropriate for the con-
6 tinuation and improvement of the programs as-
7 sisted under this section.

8 “(3) AVAILABILITY OF FUNDS.—Amounts made
9 available to the Secretary to carry out this section
10 shall remain available until expended.

11 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made
12 available under this section shall be used to supplement,
13 and not supplant, any other Federal, State, or local funds
14 available for environmental education activities.

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary for fiscal year 2009.

18 **“SEC. 12. ACCOUNTABILITY.**

19 “(a) QUALITY INDICATORS.—The Administrator, the
20 Secretary, and the Foundation each shall establish indica-
21 tors of program quality for the programs and activities
22 funded under this Act (other than fellowship awards funded
23 under section 7) that such official or entity administers.

24 “(b) MINIMUM INDICATORS.—Such indicators of pro-
25 gram quality, at a minimum, shall—

1 “(1) enhance understanding of the natural and
2 *built environment;*

3 “(2) foster a better appreciation of the inter-
4 *disciplinary nature of environmental issues and con-*
5 *ditions;*

6 “(3) increase achievement in related areas of na-
7 *tional interest, such as mathematics and science;*

8 “(4) increase understanding of the benefits of ex-
9 *posure to the natural environment;*

10 “(5) improve understanding of how human and
11 *natural systems interact together;*

12 “(6) broaden awareness of environmental issues;
13 *and*

14 “(7) include such other indicators as the Admin-
15 *istrator, Secretary, or Foundation may develop.*

16 “(c) *REPORT.—Each recipient receiving funds under*
17 *this Act, other than fellowship recipients under section 7,*
18 *shall report annually to the Administrator, the Secretary,*
19 *or the Foundation regarding progress made in meeting the*
20 *minimum indicators of program quality established under*
21 *subsection (b). The Administrator, the Secretary, and the*
22 *Foundation shall disseminate such information widely to*
23 *the public through electronic and other means.”.*

24 (e) *RESTRICTIONS ON FEDERAL GOVERNMENT AND*
25 *USE OF FEDERAL FUNDS.—The National Environmental*

1 *Education Act (20 U.S.C. 5501 et seq.), as amended by sub-*
2 *section (d), is further amended by adding at the end the*
3 *following:*

4 **“SEC. 14. RESTRICTIONS ON FEDERAL GOVERNMENT AND**
5 **USE OF FEDERAL FUNDS.**

6 “(a) *GENERAL PROHIBITION.—Nothing in this Act*
7 *shall be construed to authorize an officer or employee of the*
8 *Federal Government to mandate, direct, or control a State,*
9 *local educational agency, or school’s curriculum, program*
10 *of instruction, specific instructional content, academic*
11 *achievement standards, assessments, or allocation of State*
12 *or local resources, or mandate a State or any subdivision*
13 *thereof to spend any funds or incur any costs not paid for*
14 *under this Act.*

15 “(b) *PROHIBITION ON ENDORSEMENT OF CUR-*
16 *RICULUM.—No funds provided to the Administrator or Sec-*
17 *retary under this Act may be used by the Agency or Depart-*
18 *ment of Education to endorse, approve, or sanction any*
19 *curriculum designed to be used in an elementary school or*
20 *secondary school.*

21 “(c) *PROHIBITION ON REQUIRING FEDERAL APPROVAL*
22 *OR CERTIFICATION OF STANDARDS.—No State shall be re-*
23 *quired to have academic content or student academic*
24 *achievement standards approved or certified by the Federal*
25 *Government, in order to receive assistance under this Act.*

1 “(d) *RESTRICTIONS ON PARTISAN POLITICAL INFLU-*
2 *ENCE.—*

3 “(1) *IN GENERAL.—In carrying out the activities*
4 *described in this Act, the Administrator and Sec-*
5 *retary shall ensure that such activities—*

6 “(A) *conform to high standards of quality,*
7 *integrity, and accuracy;*

8 “(B) *are objective, neutral, and nonideolog-*
9 *ical and are free of partisan political influence;*
10 *and*

11 “(C) *do not advocate a particular political*
12 *viewpoint.*

13 “(2) *ACTIONS TO IMPLEMENT AND ENFORCE.—*
14 *The Administrator and Secretary shall take such ac-*
15 *tions as are necessary to ensure that the provisions of*
16 *this section are vigorously implemented and en-*
17 *forced.”.*

18 “(f) *CONFORMING AMENDMENT.—The table of contents*
19 *in section 1(b) of the National Environmental Education*
20 *Act (20 U.S.C. 5501 note) is amended by striking the item*
21 *relating to section 11 and inserting the following:*

“Sec. 11. *National capacity environmental education grant program.*

“Sec. 12. *Accountability.*

“Sec. 13. *Authorization.*

“Sec. 14. *Restrictions on Federal Government and use of Federal funds.”.*

Amend the title so as to read: “A bill to reauthorize and enhance the National Environmental Education Act, and for other purposes.”.

Union Calendar No. 480

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