

111TH CONGRESS
1ST SESSION

H. R. 1758

To provide for the establishment of a commission to stimulate and engage in an informed, national, and public dialogue about how to ensure that each student in the United States receives an equitable education that enables the student to achieve his or her maximum academic potential.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2009

Mr. HONDA (for himself, Ms. HIRONO, Mr. GRIJALVA, Mr. FATTAH, Mr. CLEAVER, and Mr. SPACE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for the establishment of a commission to stimulate and engage in an informed, national, and public dialogue about how to ensure that each student in the United States receives an equitable education that enables the student to achieve his or her maximum academic potential.

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 “The Educational Op-
5 portunity and Equity Commission Act of 2009”.

1 **SEC. 2. FINDINGS; SENSE OF THE CONGRESS.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) There are vast disparities in the educations
4 provided by schools throughout the United States.

5 (2) The educational disparities are reinforced
6 by funding disparities, such as the following:

7 (A) The school district in the United
8 States with the greatest spending per student
9 spends 9.12 times more per student annually
10 than the United States school district with the
11 least spending per student.

12 (B) The school district in California with
13 the greatest spending per student spends 4.24
14 times more per student annually than the Cali-
15 fornia school district with the least spending
16 per student.

17 (3) The schools of the United States do not
18 meet the educational needs of all students, despite
19 the wealth of the Nation.

20 (b) SENSE OF THE CONGRESS.—It is the sense of
21 the Congress that the people of the United States should
22 engage in an informed, national, and public dialogue on
23 how to ensure that each student in the United States re-
24 ceives an equitable education that enables the student to
25 achieve his or her maximum educational potential.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 There shall be established a commission to be known
3 as the “Educational Opportunity and Equity Commis-
4 sion” (in this Act referred to as the “Commission”).

5 **SEC. 4. DUTIES OF COMMISSION.**

6 The Commission shall study ways to enable each stu-
7 dent attending a school in the United States to achieve
8 his or her maximum academic potential, with particular
9 emphasis on the following:

10 (1) Ensuring that a school receives adequate re-
11 sources to meet the educational needs of each stu-
12 dent in the school.

13 (2) The methods available, or that need to be
14 developed, to determine the educational needs of a
15 student.

16 (3) Identifying and devising innovative strate-
17 gies for State and local educational agencies to—

18 (A) enable each student to achieve his or
19 her maximum academic potential; and

20 (B) participate in reforming the methods
21 by which schools are funded, to achieve edu-
22 cational equity.

23 **SEC. 5. MEMBERSHIP OF COMMISSION.**

24 (a) NUMBER AND APPOINTMENT.—The Commission
25 shall be composed of 15 members, as follows:

1 (1) The Secretary of Education (in this Act re-
2 ferred to as the “Secretary”).

3 (2) Fourteen individuals appointed by the Sec-
4 retary, in collaboration with the President of the Na-
5 tional Academy of Sciences, in accordance with sub-
6 section (b).

7 (b) CRITERIA FOR SELECTION.—

8 (1) ELIGIBILITY.—Within 90 days after funds
9 are first appropriated to carry out this Act, the Sec-
10 retary shall make the appointments provided for in
11 subsection (a)(2) from among individuals—

12 (A) who submit an application as the Sec-
13 retary shall require; and

14 (B) who are any of the following:

15 (i) A student.

16 (ii) A parent or guardian of a student.

17 (iii) An individual familiar with spe-
18 cial education.

19 (iv) An officer of a State educational
20 agency.

21 (v) A teacher.

22 (vi) A principal or school adminis-
23 trator.

24 (vii) A school board member

25 (viii) A businessperson.

1 (ix) A college or university professor
2 of education.

3 (x) An expert in—

4 (I) educational equity;

5 (II) civil rights law;

6 (III) constitutional law;

7 (IV) educational policy;

8 (V) school finance;

9 (VI) economics;

10 (VII) taxation;

11 (VIII) land use or zoning law; or

12 (IX) any other field the Commis-
13 sion considers relevant.

14 (xi) An individual with relevant expe-
15 rience or knowledge.

16 (2) DIVERSITY.—In making the appointments,
17 the Secretary shall ensure that the Commission rep-
18 resents the geographical, economic, and cultural di-
19 versity of the United States.

20 (3) PROHIBITED APPOINTMENTS.—The Sec-
21 retary may not appoint to the Commission an indi-
22 vidual who is registered as a lobbyist under section
23 4 of the Lobbying Disclosure Act of 1995 or any
24 State law.

1 (c) TERMS OF APPOINTED COMMISSION MEMBERS.—

2 A Commission member appointed under subsection (a)(2)
3 shall be appointed for the life of the Commission.

4 (d) VACANCIES.—

5 (1) HOW FILLED.—A vacancy in the Commis-
6 sion shall be filled in the manner in which the origi-
7 nal appointment was made.

8 (2) LENGTH OF SERVICE.—A Commission
9 member appointed to fill a vacancy in the Commis-
10 sion occurring before the end of the term for which
11 the predecessor of the member was appointed shall
12 be appointed only for the remainder of the term.

13 (e) COMPENSATION.—

14 (1) BASIC PAY.—For each day, including travel
15 time, a Commission member is engaged in the per-
16 formance of Commission duties, the member shall be
17 entitled to the daily equivalent of the annual rate of
18 basic pay for level IV of the Executive Schedule,
19 subject to section 11(b)(1).

20 (2) PROHIBITION OF COMPENSATION OF FED-
21 ERAL EMPLOYEES.—The Secretary, an officer or
22 employee of the Federal Government, or a Member
23 of Congress may not receive additional pay, allow-
24 ances, or benefits by reason of service on the Com-
25 mission.

1 (f) TRAVEL EXPENSES.—A Commission member may
2 receive travel expenses, including per diem in lieu of sub-
3 sistence, in accordance with applicable provisions under
4 subchapter I of chapter 57 of title 5, United States Code.

5 (g) CHAIRPERSON.—Within 15 days after all initial
6 appointments to the Commission have been made, the Sec-
7 retary shall designate 1 Commission member as the chair-
8 person (in this Act referred to as the “chairperson”) of
9 the Commission.

10 (h) TAKING ACTION.—The Commission may take ac-
11 tion at a meeting only by a majority vote of the Commis-
12 sion members present at the meeting.

13 (i) RULES OF PROCEDURE.—Within 15 days after
14 the designation of the chairperson, the Commission shall
15 adopt rules of procedure.

16 **SEC. 6. COMMISSION OPERATIONS.**

17 (a) EXECUTIVE DIRECTOR; STAFF.—

18 (1) APPOINTMENT OF EXECUTIVE DIRECTOR.—
19 The chairperson shall appoint an Executive Director
20 of the Commission.

21 (2) HIRING OF STAFF.—The Commission may
22 hire additional personnel as the Commission con-
23 siders appropriate.

1 (b) COMPENSATION OF EXECUTIVE DIRECTOR AND
2 STAFF.—Subject to section 11(b)(1), the Commission
3 shall pay—

4 (1) the Executive Director at the annual rate of
5 basic pay for level III of the Executive Schedule; and

6 (2) an individual hired under subsection (a)(2)
7 at a rate that may not exceed the daily equivalent
8 of the annual rate of basic pay for grade GS–14 of
9 the General Schedule.

10 (c) EXPERTS AND CONSULTANTS.—Subject to rules
11 prescribed by the Commission, the Executive Director may
12 procure temporary and intermittent services in the same
13 manner as an agency under section 3109(b) of title 5,
14 United States Code.

15 (d) STAFF OF FEDERAL AGENCIES.—On request of
16 the Commission, to assist the Commission in carrying out
17 the duties of the Commission—

18 (1) the Secretary may detail to the Commission
19 not more than 10 personnel of the Department of
20 Education;

21 (2) the head of any other Federal department
22 or agency may detail personnel, services, or facilities
23 of the department or agency to the Commission,
24 subject to paragraph (3); and

1 (3) a total of not more than 10 personnel may
2 be detailed to the Commission under paragraph (2).

3 **SEC. 7. POWERS OF COMMISSION.**

4 (a) **HEARINGS AND SESSIONS.**—To carry out the du-
5 ties of the Commission—

6 (1) the Commission shall conduct public hear-
7 ings, including hearings in which testimony is re-
8 ceived from experts such as described in section
9 5(b)(1)(B)(x); and

10 (2) the Commission may, as the Commission
11 considers appropriate, sit and act, take testimony,
12 and receive evidence.

13 (b) **POWERS OF COMMISSION MEMBERS AND**
14 **AGENTS.**—The Commission may authorize any Commis-
15 sion member or agent of the Commission to take any ac-
16 tion which the Commission is authorized to take by this
17 Act.

18 (c) **OBTAINING OFFICIAL DATA.**—The Commission
19 may secure, directly from any department or agency of
20 the United States, information necessary to enable the
21 Commission to carry out this Act. On request of the chair-
22 person, the head of the department or agency shall furnish
23 the information to the Commission, subject to any applica-
24 ble limitations of Federal law.

1 (d) ADMINISTRATIVE SUPPORT SERVICES.—On re-
2 quest of the chairperson, the Administrator of General
3 Services shall provide to the Commission, on a reimburs-
4 able basis, human resources management, budget, leasing,
5 accounting, payroll services, and other services necessary
6 for the Commission to carry out the duties of the Commis-
7 sion.

8 (e) CONTRACT AUTHORITY.—

9 (1) IN GENERAL.—Subject to paragraph (2) of
10 this subsection and section 11(b)(2), the Commis-
11 sion may enter into contracts with and compensate
12 a government or private agency or person for the
13 conduct of activities necessary for the Commission to
14 carry out the duties of the Commission.

15 (2) DURATION.—The Commission may not
16 enter into a contract if the terms of the contract ex-
17 tend beyond the date the Commission terminates.

18 (f) AUTHORITY TO ACCEPT VOLUNTARY SERV-
19 ICES.—

20 (1) IN GENERAL.—Notwithstanding section
21 1342 of title 31, United States Code, the Commis-
22 sion may accept the service of a volunteer.

23 (2) REIMBURSEMENT OF VOLUNTEER.—In ac-
24 cordance with applicable provisions under subchapter
25 I of chapter 57 of title 5, United States Code, the

1 Commission may reimburse a volunteer for expenses
2 for office supplies and local travel, and for travel ex-
3 penses, including per diem in lieu of subsistence, in-
4 curred in performing services for the Commission.

5 (3) VOLUNTEER DEEMED A FEDERAL EM-
6 PLOYEE.—While performing services for the Com-
7 mission, a volunteer is deemed an employee of the
8 Federal Government for the purposes of the fol-
9 lowing:

10 (A) Chapter 81 of title 5, United States
11 Code, relating to compensation for work-related
12 injuries.

13 (B) Chapter 11 of title 18, United States
14 Code, relating to conflicts of interest.

15 (C) Chapter 171 of title 28, United States
16 Code, relating to tort claims.

17 (g) MAILS.—The Commission may use the United
18 States mails in the same manner and under the same con-
19 ditions as other departments and agencies of the United
20 States.

21 **SEC. 8. PUBLIC ENGAGEMENT AND COMMUNITY OUT-**
22 **REACH PROGRAMS.**

23 (a) IN GENERAL.—Within 180 days after the ap-
24 pointment of the chairperson, the Commission shall com-
25 mence outreach programs with communities throughout

1 the United States, to engage the communities in a public
2 dialogue on how to ensure that the schools in the commu-
3 nities enable each student in the United States to achieve
4 his or her maximum academic potential.

5 (b) METHODS.—The outreach programs shall, to the
6 maximum extent possible, include the following:

7 (1) Meetings.

8 (2) Surveys.

9 (3) Telephone polls.

10 (4) Conference calls.

11 (5) Internet messaging and forums.

12 (6) Electronic mail.

13 (c) REQUIREMENTS.—

14 (1) SELECTION OF COMMUNITIES.—In selecting
15 communities in which to conduct an outreach pro-
16 gram, the Commission shall ensure that the outreach
17 programs represent, to the maximum extent pos-
18 sible, the geographic diversity of the United States
19 and the economic and cultural diversity of the popu-
20 lations of the communities.

21 (2) PUBLIC EVENTS.—Any event the Commis-
22 sion conducts as part of an outreach program shall
23 be open to the public.

24 (3) CONDUCT OF OUTREACH PROGRAMS.—In
25 conducting an outreach program:

1 (A) CHAIR.—The chairperson shall des-
2 ignate 1 Commission member to serve as the
3 chair of an event that is part of the program.

4 (B) ISSUES.—The chair shall endeavour to
5 have the attendees address the following issues:

6 (i) The benefits to the United States
7 of investing in enabling each student to
8 achieve his or her maximum academic po-
9 tential.

10 (ii) How to ensure that each student
11 achieves his or her maximum academic po-
12 tential.

13 (iii) How to establish educational eq-
14 uity for all students.

15 (iv) How to determine the educational
16 needs of a student.

17 (v) How to evaluate the effectiveness
18 of a school in meeting the educational
19 needs of a student at the school.

20 (vi) The methods by which schools
21 should be funded.

22 (C) PARTICIPATION.—The Commission
23 shall encourage broad participation in the pro-
24 gram by any reasonable means the Commission
25 considers appropriate.

1 **SEC. 9. REPORTS AND OTHER PUBLICATIONS OF COMMIS-**
2 **SION.**

3 (a) QUARTERLY REPORTS.—

4 (1) IN GENERAL.—Every 90 days after the des-
5 ignation of the chairperson, the Commission shall
6 prepare a report detailing the expenditures and ac-
7 tivities of the Commission.

8 (2) SUBMISSION.—The Commission shall sub-
9 mit each such report to each entity referred to in
10 subsection (b)(4)(A) and make the report widely
11 available.

12 (b) FINAL REPORT.—

13 (1) CONTENT.—The final report of the Com-
14 mission shall include the following:

15 (A) DISCHARGE DUTIES OF COMMIS-
16 SION.—The findings and conclusions of the
17 Commission on the matters described in section
18 4.

19 (B) BASIS OF CONCLUSIONS.—The basis of
20 the findings and conclusions, including the re-
21 sults of hearings conducted under section 7(a)
22 and the outreach programs conducted under
23 section 8.

24 (C) OTHER TOPICS TO BE ADDRESSED.—
25 A summary of the following:

1 (i) The role the Federal, State, and
2 local governments should have in estab-
3 lishing sufficient funding to ensure that
4 each student receives an equitable edu-
5 cation that enables the student to achieve
6 his or her maximum academic potential.

7 (ii) The unmet educational needs of
8 students, and the benefits of providing the
9 necessary support to enable schools meet
10 their needs.

11 (iii) Recommendations on how to as-
12 sess the educational needs of a student, the
13 types of assessments available, and how to
14 develop additional assessments to enable
15 educators to better understand the edu-
16 cational needs of a student.

17 (iv) Information concerning the cost
18 of education in different settings, with con-
19 sideration of variations in geography,
20 needs of student populations, and con-
21 centrations of student populations.

22 (v) The methods by which schools are
23 and should be funded.

24 (2) PUBLICATION OF DRAFT REPORT.—Within
25 480 days after the designation of the chairperson,

1 the Commission shall publish a draft of the final re-
2 port.

3 (3) PUBLIC COMMENT PERIOD.—During the
4 45-day period beginning with the date the draft re-
5 port is published, the Commission shall solicit and
6 receive comments from the public on the draft re-
7 port.

8 (4) ISSUANCE OF FINAL REPORT.—

9 (A) IN GENERAL.—Within 165 days after
10 publishing the draft report, and after taking
11 into account any comments received under
12 paragraph (3), the Commission shall submit the
13 final report to—

14 (i) the Committees on Finance, on
15 Health, Education, Labor, and Pensions,
16 and on Appropriations of the Senate;

17 (ii) the Committees on Ways and
18 Means, on Education and Labor, and on
19 Appropriations of the House of Represent-
20 atives;

21 (iii) the President of the National
22 Academy of Sciences; and

23 (iv) the President of the United
24 States.

1 (B) APPROVALS REQUIRED; INCLUSION OF
2 MINORITY VIEWS.—

3 (i) APPROVALS REQUIRED.—The
4 Commission may not issue the final report
5 without the approval of at least 10 Com-
6 mission members.

7 (ii) INCLUSION OF MINORITY
8 VIEWS.—The Commission may include a
9 minority view in the final report.

10 (5) CONGRESSIONAL HEARINGS.—It is the
11 sense of the Congress that the Committees specified
12 in paragraph (4)(A) should hold hearings on the in-
13 formation in the final report.

14 (c) FORMAT OF PUBLICATIONS; TIMING; ACCESSI-
15 BILITY.—

16 (1) FORMAT OF PUBLICATIONS.—The Commis-
17 sion shall cause to have published all reports pre-
18 pared under this section, minutes of all Commission
19 meetings, and transcripts of all Commission hear-
20 ings, in a format that is understandable to the pub-
21 lic.

22 (2) TIMING.—The Commission shall cause to
23 have published the information described in para-
24 graph (1)—

1 (A) on the Internet website of the Depart-
2 ment of Education, within 15 days after prepa-
3 ration of the information; and

4 (B) in print, within 60 days after prepara-
5 tion of the information.

6 (3) ACCESSIBILITY.—The Secretary shall main-
7 tain, on the Internet website of the Department of
8 Education, the information published under para-
9 graph (1), in a matter that is accessible to the pub-
10 lic.

11 **SEC. 10. TERMINATION OF COMMISSION.**

12 The Commission shall terminate 45 days after
13 issuing the final report under section 9(b)(4).

14 **SEC. 11. LIMITATIONS ON AUTHORIZATION OF APPROPRIA-**
15 **TIONS.**

16 (a) LIMITATIONS ON AUTHORIZATION OF APPRO-
17 PRIATIONS.—There are authorized to be appropriated to
18 carry out this Act, other than section 9(b), not more than
19 \$10,000,000, to remain available until expended.

20 (b) LIMITATIONS ON USE OF FUNDS.—To the extent
21 or in the amounts provided in advance in appropriation
22 Acts, the Commission may do the following:

23 (1) Pay compensation under sections 5(e)(1)
24 and 6(b).

1 (2) Enter into contracts with and compensate a
2 government or private agency or person for the con-
3 duct of activities, under section 7(e).

4 **SEC. 12. FEDERAL ADVISORY COMMITTEE ACT NOT TO**
5 **APPLY.**

6 The Federal Advisory Committee Act (5 U.S.C. App.)
7 shall not apply to the Commission.

8 **SEC. 13. DEFINITIONS.**

9 In this Act:

10 (1) **EDUCATION.**—The term “education” means
11 learning occurring in public schools in the United
12 States from pre-kindergarten through the 12th
13 grade, including homeschooling.

14 (2) **EDUCATIONAL EQUITY.**—The term “edu-
15 cational equity” means the educational policies, and
16 practices necessary to—

17 (A) meet the educational requirements of
18 each student, regardless of his or her socio-
19 economic status, national origin, gender, or the
20 location of his or her school;

21 (B) foster the maximum development of
22 the potential of each student; and

23 (C) ensure that each student has the
24 knowledge and skills needed to participate effec-
25 tively in community life as a worker, citizen,

1 parent, or leader, and as a role model for future
2 generations.

3 (3) EDUCATIONAL NEEDS.—The term “edu-
4 cational needs” means the academic and develop-
5 mental requirements for a student to achieve his or
6 her maximum academic potential, determined after
7 taking into account the unique abilities and cir-
8 cumstances of the student.

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